

M54 to M6 Link Road
TR010054

8.9 Applicant Responses to
Relevant Representations

Planning Act 2008

Rule 8 (1) (c)(i)

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 8

November 2020

Infrastructure Planning

Planning Act 2008

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

**M54 to M6 Link Road
Development Consent Order 202[]**

8.9 Responses to Relevant Representations

Regulation Number	Rule 8 (1) (c)(i)
Planning Inspectorate Scheme Reference	TR010054
Application Document Reference	TR010054/APP/8.9
Author	M54 to M6 Link Road Project Team and Highways England

Version	Date	Status of Version
1	November 2020	Issue to ExA for Deadline 1

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1 Introduction and Table of Acronyms

- 1.1.1 The Development Consent Order (DCO) application for the M54 to M6 link road project was submitted on 30 January 2020 and accepted for Examination on 28 February 2020.
- 1.1.2 The purpose of this document is to set out the Applicant's comments on the Relevant Representations (RRs) received from Interested Parties in Spring 2020. These RRs were published on the Planning Inspectorate website on 11 June 2020.
- 1.1.3 A total of 43 responses were received during the RR period. An additional response was accepted at the discretion of the Examining Authority (ExA) from the Ministry of Defence on 12 June 2020 [AS-001] and is also included here as RR-044. Two updated Relevant Representations were also received from Natural England [AS-002] and Nurton Developments (Hilton) Limited [AS-003], which are referenced here (alongside RR-037 and RR-038). Any representations made after this date will still be considered by the Applicant but would be dealt with through Statements of Common Ground (SoCGs) or Written Questions rather than in this document.
- 1.1.4 All application documents have a reference number [TR010054/APP/x.y], where the last two numbers are the application document number. All documents are presented in numerical order in the Guide to the Application [TR010054/APP/1.5]. The number stays the same when a document is updated, with the 'version' being updated as shown in the Guide. This referencing style is used where a document is referenced without the need to reference a particular version. Where a response is referring to a particular version of a document, the document reference zz/x.y] is used, where 'z' is the reference given to the document in the Examination Library [\[link\]](#) and 'x.y' is the document number in the Guide to the Application.
- 1.1.5 These RRs and the Applicant's responses can be found in **Table 2-1**. For ease of reference, a table of acronyms used in this document is provided in Table 1-1.

Table 1-1: Acronyms used in this document

Acronym	Definition
AADT	Annual Average Daily Traffic
ALC	Agricultural Land Classification
APIS	Air Pollution Information System
ARN	Affected Road Network
BMV	Best and Most Versatile
BNL	Basic Noise Level
CEMP	Construction Environmental Management Plan
CIRIA	Construction Industry Research and Information Association
CRTN	Calculation of Road Traffic Noise
CTMP	Construction Traffic Management Plan
DCLG	Department for Communities and Local Government
DCO	Development Consent Order
Defra	Department for Environment, Food and Rural Affairs
DMRB	Design Manual for Roads and Bridges

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eDNA	Environmental DNA
EIA	Environmental Impact Assessment
EPSL	European Protected Species Licence
ES	Environmental Statement
EUNIS	European Nature Information System
ExA	Examining Authority
GCN	Great Crested Newts
HDV	Heavy Duty Vehicle
HEGS	Hedgerow Evaluation and Grading System
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
HSI	Habitat Suitability Index
LCA	Landscape Character Area
LCT	Landscape Character Type
LEMP	Landscape and Ecology Management Plan
LLFA	Lead Local Flood Authority
LNR	Local Nature Reserve
LONI	Letter of No Impediment
LWS	Local Wildlife Site
MRTM	Midlands Regional Traffic Model
NIA	Nature Improvement Area
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPSNN	National Policy Statement for National Networks
NSIP	Nationally Significant Infrastructure Project
OEMP	Outline Environmental Management Plan
OS	Ordnance Survey
OTMP	Outline Traffic Management Plan
PCU	Passenger Car Unit
PRA	Preferred Route Announcement
PRoW	Public Rights of Way
PSCA	Population Size Class Assessment
REAC	Register of Environmental Actions and Commitments
ROF	Royal Ordnance Factory
RR	Relevant Representation
SAC	Special Area of Conservation
SBI	Site of Biological Importance
SCC	Staffordshire County Council
SHLAA	Strategic Housing Land Availability Assessment
SoCG	Statement of Common Ground
SoS	Secretary of State
SSC	South Staffordshire District Council
SSSI	Site of Special Scientific Interest
STW	Severn Trent Water Limited
SWT	Staffordshire Wildlife Trust

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TAG	Transport Appraisal Guidance
TRO	Traffic Regulation Order
WMI	West Midlands Interchange
WPD	Western Power Distribution
ZTV	Zone of Theoretical Visualisation

2 Applicant's Comments on Relevant Representations

Table 2-1 Applicant's Comments on Relevant Representations

Reference Number	Comment from Relevant Representation	Response to Relevant Representation
RR-001 Arrow County Supplies		
RR-001a	The M54 /M6 link is absolutely vital for the free movement of goods and services to and from the people and businesses of Shropshire and mid Wales and rest of the country. My company is in distribution, employing over 60 people in Shrewsbury and this link is critical to our expansion plans. We therefore 100% support the construction of this link road and the sooner it is started the better for all. Nothing should be allowed to get in the way of this important infrastructure improvement which should be completed as fast as possible before there are more accidents, delays, hold ups and frustrations for every motorist/driver that uses this important route.	Highways England welcomes this representation of support for the proposed Scheme from Arrow County Supplies and agrees with the identified benefits resulting from the Scheme.
RR-002 Severn Trent Water Limited (STW)		
RR-002a	This registration is submitted on behalf of Severn Trent Water Limited ("STW"), a water and sewerage undertaker appointed under the Water Act 1989, with statutory duties to carry out water supply and sewerage functions throughout its appointed area, including the area where the works are proposed to be carried out under the development consent order, if confirmed. STW operates assets which are located in close proximity to the proposed works. A number of STW's	Highways England notes the representation made by STW. Highways England notes that discussions with STW are on-going as part of the C4 Utilities design, and can confirm that the issues raised within the representation will be discussed as part of this process. Highways England will provide a further update on the progress of these discussions during the course of the examination and has drafted an SoCG with STW [TR010054/APP/8.8LIU(O)].

	<p>assets, which consist principally of two categories, namely (1) public water mains and (2) public sewers, may require diversion or are otherwise affected by the proposed works. Such assets are owned and operated by STW pursuant to statutory powers. It is essential that these assets remain in continuous operation in order to ensure the provision of water supplies to, and the effectual removal of sewage from, household and non-household customers. Whilst Schedule 9 Part 1 of the draft DCO contains provisions for the protection of electricity, gas, water and sewerage undertakers, STW wishes to ensure that it will remain able to deliver its essential public services at all times during the implementation of the works. Any works required to be carried out on STW's assets must be planned and implemented to avoid risk of supply interruption or contamination, damage to the integrity of the water or sewerage networks, or environmental damage. Further, it is essential to STW that in the event of any alteration to or relocation of its assets, such work is carried out pursuant to STW's statutory powers, so as to ensure that both existing and new water supply and sewerage assets unquestionably form part of STW's statutory undertaking. STW may therefore seek additions to the provisions contained in Schedule 9 Part 1, or alternatively to seek to conclude an agreement with Highways England, incorporating appropriate provisions to enable STW to ensure that delivery of its statutory functions and essential public services are not put at risk. Pending conclusion of such additional provisions or agreement, STW wishes to register its interest, in order to afford the opportunity to submit further representations to the Inquiry, if necessary, so</p>	
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	as to safeguard the ongoing delivery of these essential public services.	
RR-003 Steven Lacey		
RR-003a	The new road would significantly reduce the time of my daily commute	Highways England notes Mr Lacey's representation, which supports the proposed Scheme.
RR-004 Historic England		
RR-004a	We note that the DCO was submitted on 30th January 2020 and accepted for examination by the Secretary of State on 28th February 2020.	Highways England notes the representation and can confirm the statement to be accurate.
RR-004b	We note the documentation submitted in support of the DCO, especially the Vol 6, 6.1 ES, Chapter 6, Cultural Heritage, 6.8 Mitigation and Enhancement Measures.	Highways England notes the representation and can confirm the statement to be accurate.
RR-004c	We have liaised with the Highways agency to minimise the impacts upon the historic environment through the process of design development and considering aspects of good design (as set out in Chapter 3 Assessment of Alternatives), and by embedding mitigation into the overall design approach to the scheme.	Highways England notes the representation and can confirm the statement to be accurate.
RR-004d	In our second non-statutory response consultation response to Highways England of 10 th October 2017, we advised that Option B West would have a detrimental impact on Hilton Park and that we favoured option C East. On the balance of consultation responses overall however, Option B West was chosen as the preferred route.	Highways England notes the representation and can confirm the statement to be accurate.

<p>RR-004e</p>	<p>Following meetings with consultants in August 2019 regarding the Western options, we set out on 13th August 2019, on the basis of information then available, that Option 2 would result in a lesser degree of harm overall compared to Option 4.</p> <p>At that time the final Cultural Heritage ES Chapter was not available and we confirmed that additional analysis was required in order for us to come to a view on an overall assessment of the level of harm (in NPPF terms), judged by the AECOM consultants at that time to be 'less than substantial' upon Hilton Park for both Options 2 and 4 West (6.9.41).</p>	<p>Highways England notes the representation and can confirm the statement to be accurate.</p>
<p>RR-004f</p>	<p>Whilst the overall impact upon Hilton Park may be 'less than substantial', our view is that because of the direct physical impact upon parts of the western boundary of the historic Park, and especially upon the lower belt, the shrubbery, the lower pool and surrounding woodland, the impact would in these cases be locally 'substantial'. We agree (6.9.12) that subject to appropriate mitigation being agreed, the impact upon Hilton Hall (listed Grade I), including the conservatory and the gate-piers may be 'less than substantial'.</p>	<p>Within the DCO there is no scope for reporting impacts on individual elements of a heritage asset and the National Policy Statement for National Networks (NPSNN) and National Planning Policy Framework (NPPF) do not include any mechanism to assess impacts on part of an asset. The magnitude of impact takes into account impacts on particular elements of an asset but reports the overall change / impact on the asset as a whole and this is what is described in the Environmental Statement (ES). The impact on Hilton Park has taken into account impacts on individual elements of the asset such as Lower Pool and the Shrubbery as well as lesser impacts on other aspects of the parkland. This was discussed in a meeting with Historic England on 30 June 2020. It was agreed that the impact of the Scheme would result in less than substantial harm to Hilton Park and that the purpose of the RR was to draw attention to the considerable impact on certain key elements of the parkland e.g. Lower Pool. Historic England recognise that using the phrase 'locally substantial' could cause confusion from a planning perspective and therefore agree whilst recognising that impacts are not evenly spread, to withdraw this phrasing. This has been agreed in the SoCG with Historic England submitted alongside this document.</p>

<p>RR-004g</p>	<p>Engagement between Historic England and Highways England will continue as set out in Vol 5, 5.1, Consultation Report and this will provide a mechanism to develop overall detailed mitigation strategies. This will include a planting and detailed landscape design proposals (as set out in 7.8.6 and 7.8.8) and this should be informed by an expert and informed understanding of the development and significance of the historic landscape. The mitigation strategy should also consider aspects of lighting as set out in (6.9.47) and noise (6.9.46).</p>	<p>Planting and lighting strategies will be further developed at the detailed design stage. Historic England will be consulted on the detailed design of mitigation for built heritage assets. Archaeological mitigation will be developed as part of the Archaeological Mitigation Strategy developed as part of the Construction Environmental Management Plan (CEMP) that must be developed to discharge Requirement 4 of the draft DCO [TR010054/APP/3.1]. The Archaeological Mitigation Strategy will be developed in consultation with Staffordshire County Council's (SCC) archaeological advisor.</p> <p>Landscape proposals in relation to the historic landscape will continue to be developed at the detailed design stage by the Applicant's landscape and historic environment specialists, in collaboration with Historic England. A Landscape and Ecology Management Plan (LEMP) will be developed during the detailed design stage and will form part of the CEMP, as set out in Requirement 4 of the draft DCO [TR010054/APP/3.1] and specified in the Outline Environmental Management Plan (OEMP) [TR010054/APP/6.11]. The LEMP will be produced by appropriate specialists in consultation with Historic England and other statutory bodies and be based on the mitigation measures set out in the Environmental Masterplan (Figure 2.1 to 2.7) [TR010054/APP/6.2] and the OEMP [TR010054/APP/6.11]. The mitigation proposals and the LEMP will be reviewed and informed by our heritage experts who understand the development and significance of the historic landscape. Lighting is proposed around the two junctions with the majority of the mainline of the Scheme (1.7 km) being unlit to reduce adverse impacts on the setting of listed buildings and the associated historic parkland, residents and nocturnal species (such as bats). No lighting is proposed west of Hilton Hall. Further development of the lighting design will be undertaken during detailed design based on the lighting strategy outlined in Chapter 2: The Scheme [APP-041/6.1]. Noise mitigation will be further refined during detailed design. Current noise mitigation measures are presented in Chapter 11: Noise and Vibration [TR010054/APP/6.1], the OEMP [TR010054/APP/6.11] and illustrated on the Environmental Masterplans (Figure 2.1 to 2.7) [TR010054/APP/6.2 to APP-063/6.2]. Requirement 3 of the draft DCO [TR010054/APP/3.1] requires the development to be carried out in line</p>
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		with the preliminary scheme design and that any departure from the preliminary design should not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the ES.
RR-004h	The mitigation strategy should also consider opportunities for enhancement that may offset impacts, especially direct impacts, of the scheme. We would especially ask Highways England to investigate opportunities for the repair of Portobello Tower, an important ornamental feature (6.9.21) within the Park that is in a dilapidated state.	<p>The potential for enhancement measures has been considered throughout the development of the Scheme. However, Portobello Tower is an asset located outside the Order limits and works to the feature are not considered necessary or appropriate as part of the Scheme.</p> <p>In response to this request, however, an application has been submitted for Highways England's Environment Designated fund to undertake a condition survey and produce a heritage appraisal considering up to four options for the asset, ranging from the prevention of further degradation to the full restoration of the asset. This work would also look at additional sources of funding that could be used in collaboration to support any works to the heritage asset. Should funding be allocated to this feasibility study this will be taken forward outside of the DCO application process. This has been discussed with Historic England in a meeting on 30 June 2020. Historic England have confirmed they are content with this approach. This is set out in the SoCG with Historic England [TR010054/APP/8.8P(C)].</p> <p>For avoidance of doubt, the proposals associated with Portobello Tower and other Designated Funds applications are not part of the DCO application and are not material to decision making on this application.</p>
RR-004i	In terms of archaeological mitigation we support the development of an archaeological mitigation strategy (AMS) and archaeological management plan (AMP) led by the County Archaeologist, as set out in 6.8.3, 6.8.4 and 6.8.5. We note that field evaluation is to take place following submission of the DCO, and that the results will inform detailed design details to be agreed before	Highways England notes this statement and has no comments to make.

	construction commences. That discussion should also include the other aspects mentioned in this submission.	
RR-005 Four Ashes Limited		
RR-005a	I am a director of Four Ashes Limited, who are the promoters of the West Midlands Interchange (WMI) development consent order (TR0005) located close to the proposed M54 M6 link road. The M54 M6 link road will have an impact on our project and we would like to reserve the right to comment on the proposals, in particular the highways details.	Highways England notes the position of Four Ashes Limited and has no comment to make at this stage but reserves the right to respond to any future comment on the proposals from this representor. A meeting was held between Four Ashes Limited and Highways England on 11/09/20 and a SOCG has been drafted [TR010054/APP/8.8O(B)].
RR-006 SCC		
RR-006a	As a Host Authority we wish to confirm that we will be participating in the Examination. We will be making submissions in relation to: - traffic impacts; - the long term future of the A460; - procedures for approving details under the Requirements; - responsibility for maintenance of newly constructed highway; - Ecology, heritage and rights of way; - Flood risk and drainage.	Highways England notes the holding response issued by SCC and the topics on which they intend to make further submissions during the examination. Highways England has no further comments to make at this stage. Highways England has prepared a SoCG with SCC submitted alongside this document [TR010054/APP/8.8LA(A)].
RR-007 The Canal and River Trust		
RR-007a	The Canal & River Trust have previously confirmed to the promoter that the proposal is unlikely to have an adverse impact on any of our assets, unless the proposal or limits of development significantly alters. As the proposal and limits of development do not appear to have altered our earlier response is still applicable.	Highways England agrees with the content of the Canal & River Trust's RR and has no further comment to make.
RR-008 Western Power Distribution (West Midlands) PLC (WPD)		

RR-008a	<p>1. Western Power Distribution (West Midlands) PLC (WPD) is the distribution network operator (DNO) for the electricity distribution network for the area in which the proposed development is situated. WPD is regulated as a licensed operator pursuant to Section 6 Electricity Act 1989. Under Section 9 Electricity Act 1989, WPD is under a duty to develop and maintain an efficient, co-ordinated and economical system of electricity distribution.</p> <p>2. WPD's assets consist of high voltage electricity cables which are situated in the Order land.</p> <p>3. Article 20 of the draft Development Consent Order (DCO) (Document Reference 3.1) provides power to the undertaker to compulsorily acquire the rights of WPD over any of the Order land and to extinguish or remove or reposition WPD's assets within the Order land.</p>	<p>Highways England notes the position of WPD and has no comments to make in respect of points 1-3 of their representation.</p>
RR-008b	<p>4. Schedule 1 of the draft DCO sets out the authorised development. This includes the diversion of WPD's high voltage electricity cables (including an overhead cable) as referenced at works numbers 67 and 70 in the draft DCO. In addition to these works there are a significant number of plots over which WPD have an interest. The Book of Reference (Document Reference 4.3) records the plot numbers within which WPD's apparatus is situated. WPD are reviewing these plots to establish the extent to which their apparatus are affected.</p> <p>5. Paragraph 7.4.1 of the Statement of Reasons (Document Reference 4.1) sets out the test that the undertaker must meet in order for the Secretary of State to be satisfied that the DCO may authorise the interference with WPD's equipment.</p> <p>6. Protective provisions for the benefit of WPD have</p>	<p>Highways England notes that WPD are still reviewing the Book of Reference [TR010054/APP/4.3] and the extent to which their apparatus might be affected and that discussions in relation to protective provisions are ongoing. Highways England will provide an update on these discussions during the course of the examination and has drafted a SoCG with WPD [TR010054/APP/8.8LIU(Q)].</p>

	<p>been included in Part 1 of Schedule 9 of the draft DCO. The applicant has approached WPD to discuss the terms of the diversions and WPD has engaged with the applicant to discuss an engineering solution to the diversions. The applicant has engaged with WPD on the terms of the draft DCO and the protective provisions.</p>	
<p>RR-008c</p>	<p>7. As currently drafted WPD considers that the protective provisions are not in a form that is acceptable to WPD. Whilst WPD consider that it is likely that agreement on the applicability of the provisions can be reached, at this stage the test for the protection of serious detriment to WPD's assets as set out in the Statement of Reasons has not been satisfied. WPD cannot therefore agree at this stage that it will not suffer serious detriment to the carrying on of the undertaking as result of the compulsory acquisition of land rights or rights over land.</p> <p>8. In particular WPD considers that the timing of the requirement to undertake the diversions and the obligations on WPD as set out in the protective provisions to complete diversions is uncertain. It is also uncertain whether the diversions can be completed by WPD without the need to acquire third party interests in land outside the Order land. The protective provisions place obligations on WPD to undertake works that places developer risk on to WPD. Without resolution therefore WPD objects to the form of protective provisions and the powers sought by the applicant to compulsory acquire its assets or interests in land over which they are placed.</p> <p>9. WPD however intends to work with the applicant to resolve the issues of concern following which it should</p>	<p>Highways England can confirm that they are continuing to engage with WPD in relation to the extent and detail of protective provisions required. Highways England is working with WPD's legal advisors to prepare bespoke provisions to address their concerns. It is anticipated that discussions will continue during the examination period and we will provide progress updates accordingly with a view to reaching agreement at the earliest opportunity.</p>

	be in a position to confirm its agreement to the proposed development.	
RR-009 Public Health England		
RR-009a	<p>Thank you for your consultation regarding the above development. Public Health England (PHE) welcomes the opportunity to comment on your proposals at this stage of the project and can confirm that: With respect to Registration of Interest documentation, we are reassured that earlier comments raised by us on 2nd July 2020 relating to air quality and hydrogeology have been sufficiently addressed. We have no further comments to make with respect to health and wellbeing.</p> <p>In addition, we acknowledge that whilst the Environmental Statement (ES) has identified some residual public health impacts with respect to noise, a detailed explanation is provided as to why further mitigation was not deemed feasible. We welcome the detailed discussions on how the Scheme design has aimed to minimise noise exposure, how it achieves the three aims in the Noise Policy Statement for England (Chapter 11 para. 11.9.62 - 11.9.83), and the focus on noise mitigation at source (para. 11.8.1). We note that the Applicant has chosen not to present a quantification of the health effects attributable to noise in the Population and Human Health chapter. We are satisfied that the wider determinants of health have been adequately assessed, using a suitable methodology. On the basis of the documentation as reviewed, notwithstanding our comments, we can confirm that we have chosen NOT to register an interest with the Planning Inspectorate on this occasion. Please do not</p>	<p>Highways England notes the position of Public Health England and is pleased to note that they are satisfied that their earlier concerns have been adequately addressed and that no further queries are raised.</p> <p>Highways England welcomes the conclusions of Public Health England in respect of the adequacy of the content and methodology of the Population and Human Health chapter of the ES [TR010054/APP/6.1]. Accordingly, Highways England has no further comments to make.</p>

	hesitate to contact us if you have any questions or concerns.	
RR-010 Cadent Gas Limited		
RR-010a	<p>Representation on behalf of Cadent Gas Limited (Cadent) to the M54 to M6 Link Road Development Consent Order (DCO) Cadent is a licensed gas transporter under the Gas Act 1986, with a statutory responsibility to operate and maintain the gas distribution networks in North London, Central and North West England.</p> <p>Cadent's primary duties are to operate, maintain and develop its networks in an economic, efficient and coordinated way. Cadent wishes to make a relevant representation to the M54 to M6 Link Road DCO in order to protect its position in light of infrastructure which is within or in close proximity to the proposed DCO boundary. Cadent's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits should be maintained at all times and access to inspect such apparatus must not be restricted. The documentation and plans submitted for the above proposed scheme have been reviewed in relation to impacts on Cadent's existing apparatus located within this area, and Cadent has identified that it will require adequate protective provisions to be included within the DCO to ensure that its apparatus and land interests are adequately protected and to include compliance with relevant safety standards.</p>	Highways England notes the position of Cadent Gas Limited and can confirm that discussions in relation to protective provisions will continue during the examination. Highways England can also confirm that it has drafted a SoCG with Cadent Gas Limited [TR010054/APP/8.8LIU(N)] and will seek to reach agreement on this during the course of the examination.
RR-010b	Cadent has a medium pressure and a high pressure (major accident hazard) gas pipeline and associated	Highways England notes the position of Cadent Gas Ltd in respect of their particular apparatus and can confirm that discussions are ongoing with Cadent

	<p>below or above ground apparatus located within the order limits which is affected by the proposed link road. Highways England requires a section of Cadent's high pressure gas pipeline to be diverted, but these diversions have not yet reached detailed design stage and so the positioning, land and rights required for the gas diversion included within the DCO may not be sufficient for Cadent. Cadent will not decommission its existing apparatus and/or commission new apparatus until it has sufficient land and rights in land (to its satisfaction) to do so, whether pursuant to the DCO or otherwise. This is a fundamental matter of health and safety. Cadent's high pressure gas pipeline is affected in two sections by the proposed road scheme. The first section is covered by sheet 3 of the works plans and the pipeline would predominantly be within work no. 75 (hedgerow and species rich grassland). Hedgerow planting over or in close proximity to the high pressure pipeline would need to be carefully designed and agreed with Cadent to ensure it didn't restrict access to maintain the pipeline. The second section is shown by sheet 4 of the works plans and the proposed diversion of the high pressure pipeline is indicated by work no. 68. A section of the proposed diversion runs through work no. 79 (woodland planting). It would not be acceptable to plant trees over the diverted high pressure pipeline as it would remove access and the roots could damage the pipeline. It is important that sufficient rights are granted to allow Cadent to maintain its gas distribution network in accordance with its statutory obligations. As a responsible statutory undertaker, Cadent's primary concern is to meet its statutory obligations and ensure</p>	<p>as part of the C4 utilities design and the issues raised will be discussed as part of this process. Highways England commits to providing an update on these discussions during the course of the examination.</p> <p>Version 2 of the Environmental Masterplan [AS-086 to 092/6.2] submitted to the ExA on 9 October has been updated to address the concerns raised in relation to woodland and hedgerow planting over and in close proximity to the gas main diversion route. No dense tree planting is proposed within 10m of the utilities diversion in line with Cadent's guidance note on Tree planting restrictions near gas pipes.</p>
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	that any development does not impact in any adverse way upon those statutory obligations.	
RR-010c	Adequate protective provisions for the protection of Cadent's statutory undertaking have not yet been agreed between the parties. Cadent wishes to reserve the right to make further representations as part of the examination process but in the meantime will continue to engage with the promoter with a view to reaching a satisfactory agreement.	Highways England can confirm that they are continuing to engage with Cadent in relation to the extent and detail of protective provisions required. Highways England is working with Cadent legal advisors to prepare bespoke provisions to address their concerns. It is anticipated that discussions will continue during the examination period and we will provide further updates during the examination with a view to reaching agreement at the earliest opportunity.
RR-011 Hilton Parish Council		
RR-011a	The applicants preferred route of the new road is in the Parish of Hilton, our objections are as follows: Very close to existing domestic dwellings Noise, air & light pollution Vibration from the volume of traffic.	<p>All of these factors have been assessed in the ES. A number of alignment options for the mainline of the Scheme adjacent to Dark Lane were considered during the preliminary design stage, this is set out in Chapter 3: Assessment Alternatives of the ES [APP-042/6.1] and Appendix 3.2: Dark Lane Alignment [APP-159/6.3].</p> <p>As part of this process the alignment of the Scheme at Dark Lane has been moved further away from the residential properties on Dark Lane by 25 m, this option presented the best overall balance between benefits and adverse environmental effects. No significant adverse air quality effects are anticipated at properties on Dark Lane or Park Road due to the operation of the Scheme as detailed within Chapter 5: Air Quality [APP-044/6.1]. The noise mitigation measures on the Scheme reduce the adverse traffic noise effect of the new link road on Dark Lane and Park Road such that no properties would experience significant adverse traffic noise effects during operation of the Scheme as detailed within Chapter 11: Noise & Vibration [TR010054/APP/6.1]. The Scheme considerably reduces the volume of traffic on the A460 Cannock Road, which is one of the primary objectives of the Scheme, similarly the closure of Dark Lane to through traffic reduces the volume of traffic on Dark Lane. This results in a significant beneficial traffic noise effect at the front façade of properties facing onto the A460 and Dark Lane. Operational vibration is not</p>

		<p>required to be assessed as part of the ES in line with the Design Manual for Roads and Bridges (DMRB), as a maintained road surface will be free of irregularities as part of project design and under general maintenance, therefore the Scheme will not have the potential to result in significant adverse vibration effects during operation.</p> <p>The assessment reported in Chapter 7: Landscape and Visual of the ES [APP-046/6.1] considers the impact of lighting as part of the visual assessment. Night-time views were taken from all of the representative viewpoints within Hilton (VP 14 and 20) as part of the baseline surveys, refer to Figures 7.18 and 7.25 of the ES [APP-101/6.2 and APP-108/6.2] to understand the current night-time views in these locations. Lighting is proposed around the two junctions with the majority of the mainline of the Scheme (1.7 km) being unlit to reduce adverse impacts on residents, nocturnal species (such as bats) and impacts on the setting of listed buildings and the associated historic parkland. Highways England can confirm that no lighting is proposed at Hilton.</p> <p>The proposed design changes submitted to the ExA on 9 October 2020 (accepted by the ExA on 29 October 2020) would not alter the conclusions outlined above.</p>
RR-011b	<p>Change of street scene - the properties will have a total change of view Loss of amenity - the properties now view the historic woodland park of Hilton Hall with it's trees, birds & nature Loss of natural flora & fauna.</p>	<p>The impact on representative viewpoints within Hilton (Viewpoints 14 and 20) have been assessed and are reported in Chapter 7: Landscape and Visual of the ES [APP-046/6.1]. Views from the junction with Dark Lane and Park Road looking north-east towards the Scheme (VP14) would include temporary and short-term construction activity during the construction phases. However, by Year 1 of operation, views towards the Scheme would be mainly screened by the proposed noise barrier across much of the view. Landscape mitigation planting has been proposed at this location; filtering views and partially screening them by year 15 of operation. The change in traffic noise level is not anticipated to affect perceived tranquillity, however this would result in a significant adverse visual effect; refer to Figure 7.18 [APP-101/6.2]. Views from residential properties on Dark Lane looking south (VP20) are anticipated to experience a slight beneficial effect by year 15 of operation with the proposed</p>

		<p>planting restricting views from the upper floors of residential properties towards the Scheme; refer to Figure 7.25 [APP-108/6.2].</p> <p>The proposed design changes submitted to the ExA 9 October 2020 (accepted by the ExA on 29 October 2020) would not alter the conclusions outlined above.</p>
RR-011c	<p>Concerns about the on going M6 Diesel Garage on the A460 which HGV's use to fill up they are going to be exiting the new road and cutting through the village.</p>	<p>Highways England assume that by 'through the village' the Parish Council mean using the existing A460. Smaller roads around Hilton are unlikely to attract Heavy Goods Vehicle (HGV) traffic before or after the Scheme construction. The Scheme will close Dark Lane eliminating through traffic on this road in Hilton.</p> <p>The traffic model forecasts that in the 2024 'with Scheme' scenario there would be 279 2-way HGV trips between the Church Road/Hilton Lane and New Road/Dark Lane Junctions as opposed to 3,114 in the existing Base Year Scenario. This is a reduction of over 90% of HGVs along the A460. Even if counted data from M6 Diesel is added independently to this section of the A460 then only approximately 650 daily HGVs could be expected on this part of the A460 post Scheme opening. Even if all traffic using M6 Diesel continued to use the existing A460, which is highly unlikely, the Scheme would still reduce HGV traffic on the current A460 by 79% and HGV traffic would only be 7% of traffic along the road. A technical note explaining the basis of this high level assessment will be issued to the Examining Authority at Deadline 3.</p>
RR-011d	<p>Concerns that if there is a problem on the M6 the vehicles are going to exit and cut through the village.</p>	<p>All incidents on the motorway and trunk road network result in a certain amount of disruption, with drivers seeking to find alternative routes, including local highways. With such incidents tactical diversion routes can be implemented at the discretion of the police (using symbols on the corners of Advance Direction Signs) however alternative routes cannot be enforced unless there are existing Traffic Regulations in place on them. For the Scheme it is proposed that if an incident occurred resulting in the closure of the Link Road the strategic messaging equipment would be used to encourage traffic to use the A449/A5 route as an alternative</p>

RR-011e	Concerns that there is no weight restriction on the A460 at Featherstone & Hilton.	The current proposals do not include any restrictions on HGVs along the existing A460, nor does Highways England see any justification to do so as the traffic model suggests a restriction would be unnecessary.
RR-012 M6 Diesel Services		
RR-012a	<p>Traffic</p> <p>A significant proportion are HGVs using the Saredon filling station are vehicles using the M6 and leave at J11 to use the site and then return to J11 and we are concerned that the revised J11, in particularly the existing A460 south arm, may have insufficient capacity. We met HE in August 2019 following which we agreed to obtain our own traffic data as there was no readily available data for the M6 Diesel site and HE had not undertaken their own survey. This was subsequently carried out at our expense and sent to HE in October 2019. HE had agreed when we met them that they would then review their traffic modelling to see if they have included for the correct level of traffic flow between the Saredon filling station and M6 J11. We are still waiting for HE to undertake this check and we have asked HE to confirm the following:</p> <ul style="list-style-type: none"> • What traffic flows were assumed in the model between the M6 Diesel site and J11 • How this compares to the survey data which we sent in October • If there is a difference and our survey data is greater than what HE have modelled, we are seeking assurance that M6 J11 and in particular the A460 south arm, will have 	<p>Highways England received the counted data from BWB on behalf of M6 Diesel in October 2019. An assessment of the operation of the M6 J11 signals had already been undertaken for the Design Year of 2039, with modelled forecast flows, using the signal analysis program LINSIG.</p> <p>In order to provide a robust assessment of the junction's operation in the design year, the LINSIG was re-run with the additional counted HGV flows added onto existing modelled flows for the AM and PM peak periods in 2039. For this check, the surveyed flows were added to the model flows, even though much of the surveyed flow would already have been accounted for within the model.</p> <p>Trips were assumed to enter and exit M6 J11 on a pro-rata basis to how modelled trips were entering/exiting. The LINSIG analysis showed that despite the addition of the counted HGV trips to the modelled trips, the junction operated under-capacity on all entry arms and circulatories in the AM and PM peaks in 2039 with a maximum saturation per arm of 88.2% and maximum mean max queue of 15 Passenger Car Units (PCUs).</p> <p>BWB (on behalf of M6 Diesel Limited) confirmed they were satisfied with this approach via email on 3 August 2020.</p>

	<p>sufficient capacity based on the adjusted / corrected data.</p> <p>We will provide our traffic survey data with our Written Representation in due course.</p>	
RR-012b	<p>Traffic regulation on the A460</p> <p>We are concerned that the powers sought in Article 16 are far reaching and whilst we could understand the need for these (which only apply to non-trunk roads) during construction of the link road, or indeed its maintenance, the powers could be used to introduce restrictions on the current A460 past our site that could be of significant detriment to our business (for example restrictions on HGVs). In our view, if permanent traffic regulation measures are required to mitigate the impact of the link road, then these should be identified early, consulted on, and express provisions made within the DCO. This would mean that they can be considered during the Examination process and not left to be dealt with afterwards via a process that on the face of it would offer less protection than should such regulations be proposed using standard traffic order processes.</p>	<p>The current proposals do not include any restrictions on HGVs along the existing A460, nor does Highways England see any justification to do so as the current traffic model suggests a restriction would be unnecessary. Highways England has obtained turning flow counts for HGVs using the M6 Diesel site and undertaken an assessment of these (M6 Diesel supplied their own count information on 21/10/20 and this correlates closely to the count information already held by Highways England). As discussed in the response RR-011c above, if it is assumed that a much greater volume of HGV traffic will use the existing A460 than the traffic modelling suggests by manually adding all existing trips to M6 Diesel to modelled figures, the HGV numbers along the A460 would still be 79% lower than currently using the road.</p> <p>Concern has been raised that following the opening of the scheme, the number of HGVs travelling along the existing A460 will be excessive. Highways England does not consider the provision of a Traffic Regulation Order (TRO) to restrict access to HGVs to be necessary. The current traffic model suggests a restriction would be unnecessary.</p> <p>It is not Highways England's intention to seek an amendment to the powers sought in the DCO to include a traffic regulation order to restrict HGV traffic. If this position changes and a change is sought to the DCO then M6 Diesel will be notified of this. If, separate to the DCO process, the local highway authority, Staffordshire County Council, chooses to seek an order to this effect then this would be done pursuant to the Road Traffic Regulation Act 1984 and would be subject to consultation.</p>
RR-012c	<p>Signage</p> <p>Whilst we understand and support the wider objectives of the HE scheme, we clearly do not want to be at a</p>	<p>Highways England agree that M6 Diesel is not a motorway truckstop or service area and cannot be signed from the mainline of either motorway. M6 Diesel Limited has confirmed to Highways England on 21/10/20 that the site does not</p>

	<p>commercial disadvantage as a result. Hence, we request that signage from the roundabouts at both M6 J11 and M54 J1 to the Saredon filling station is provided. We appreciate that the facility is not a motorway truckstop or motorway service area and hence could not be signed from the mainline of either motorway, hence our request is for signage from the two junctions.</p>	<p>meet the minimum criteria set out in DfT Circular 02/13 'The Strategic Road Network and the delivery of sustainable development' for signing from the SRN and that the request is for local destination signage, rather than specific truck stop signage. The Scheme is not directly affecting the access to M6 Diesel or making it more difficult to access the fuel station. It is not standard practice for Highways England to signpost individual businesses from its network and we cannot see a justification to make an exception in this case. To signpost one fuel station could reasonably raise objections from other fuel stations about the lack of signposting for their facilities and issues around fairness and competition. Highways England is not proposing to add signage to any other businesses along the existing A460.</p> <p>In general, highways authorities aim to minimise signage at junctions to minimise driver distraction and clutter. Given that the facility does not meet the criteria for signage, the Scheme is not restricting access to the facility and there is no proposal to sign similar facilities in the area, there would need to be a clear case that this signage is necessary and this case has not been made.</p> <p>Highways England notes M6 Diesel's comments on the issue identified on the A303 Sparkford to Ilchester project and considers that this is a very different situation to the Scheme. The M6 Diesel site is located on the existing A460 and the Scheme does not amend or restrict access to this site. The Mattia diner and adjacent filling station, in the case of the A303 Sparkford to Ilchester scheme, are situated on the A303, which was proposed to be bypassed by the new dual carriageway, with a significant diversion along a cul-de-sac for traffic to reach this site.</p>
<p>RR-013 Nick Harris</p>		
<p>RR-013a</p>	<p>I am putting my views forward to seek an improvement to the current pedestrian control measure when crossing the A460 from the bottom of Hilton lane into</p>	<p>As Mr Harris notes within his representation discussions between Highways England and Mr Harris have been ongoing, including responses since this RR was received on 6th April 2020. During these e-mail discussions similar points</p>

	<p>the village of Shareshill. I have been in communication with representatives and all other responses have been answered fairly. I understand that it is perceived for traffic to be reduced following the implementation of the link road. However, and regardless to this, the current crossing measures are not safe whatever the flow of traffic. The access to the current crossing bollards and the bus stop is not easy as a single pedestrian on foot let alone when trying to manoeuvre a push chair, bicycle, dogs or a toddler. It should not take a serious accident or worse, a fatality for the crossing to be improved. Unless a driver takes pity and stops the traffic (normally in an unsafe way by breaking suddenly), you can stand there for a considerable length of time. I am not requesting an expensive upgrade, just a safer option with a minimum, improved access. The current pedestrian access is non-existent with overgrown trees, uneven grass verge now and not a pathway with a range of unpleasant weeds sticking out. In addition to this, the local Councillor has been contacted on two separate occasions, within 12 months, for the access to be improved with no joy.</p>	<p>to those made within Mr Harris’s RR have been made and the position of Highways England remains unchanged.</p> <p>The Scheme does not include any proposal to provide additional pedestrian crossings on the existing A460. The existing A460 is not part of the national road network, with SCC being the Highways Authority for this road both now and once the Scheme opens. Any upgrades to the crossing facilities on the A460 are the responsibility of SCC. Whilst the NPSNN encourages applicants to address issues of severance associated with the national network (e.g. paragraph 3.17) the same does not apply to addressing historic issues on roads operated by the local highway authority. However, as reported in Chapter 12: Population and Human Health of the ES [APP-051/6.1] once the Scheme is operational the reduction in traffic on the A460 as a result of the Scheme would result in a significant reduction in severance for walkers, cyclists, horse riders and vehicle users moving between the villages of Featherstone, Shareshill, Hilton and Laney Green.</p> <p>Once opened the Scheme will significantly reduce the volume of traffic using the A460. SCC could then consider whether the reduction in the volume of traffic could enable and/ or necessitate improvements to crossing points on the A460 and whether such improvements would be feasible. However, the feasibility and location of potential crossing points would be a matter for SCC to consider rather than Highways England.</p>
<p>RR-014 National Grid Electricity Transmission PLC and National Grid GA</p>		
<p>RR-014a</p>	<p>Representation by National Grid Electricity Transmission Plc (“National Grid”) to the M54 TO M6 Link Road Development Consent Order (“the Project”) National Grid wishes to make a relevant representation to the Project in order to protect its position in relation to infrastructure and land which is within or in close</p>	<p>Highways England notes the position of National Grid and agrees that discussions between National Grid and Highways England are on-going as part of the C4 Utilities design. Highways England can confirm that the 275kV overhead power line referenced by National Grid Electricity will not be affected. However discussions will continue during the course of the examination as well as working with the National Grid to agree appropriate Protective Provisions.</p>

	<p>proximity to the proposed Order Limits. National Grid's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted. The documentation and plans submitted for the above proposed scheme have been reviewed in relation to impacts on National Grid's existing and apparatus and land interests located within this area, and National Grid will require protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. National Grid Electricity Transmission has a high voltage electricity overhead transmission line and a high voltage substation within/or adjoining the Order Limits. The overhead line and substation form an essential part of the electricity transmission network in England and Wales and are: • ZNB (275kV) overhead line route - Bushbury to Drakelow • Bushbury (275kV) Substation As a responsible statutory undertaker, National Grid's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. National Grid reserves the right to make further representations as part of the examination process but in the meantime is negotiating with the promoter with a view to reaching a satisfactory agreement.</p>	
<p>RR-015 South Staffordshire Water PLC</p>		

<p>RR-015a</p>	<p>The proposed M54-M6 Link Road will conflict with one of South Staffordshire Water's 24-inch potable water mains which is crossed by the proposed new link road. It is respectfully submitted that no consideration has been given, in the design of the proposed M54-M6 link, to the impact on the existing infrastructure. The proposed M54-M6 link would require South Staffordshire Water to divert a 24-inch potable water main. This would put at risk the supply of water to 4,700 properties within the Penkridge area and those committed within Development Plans. This could mean that Penkridge could be without water should South Staffordshire Water lose the water main; there is no substantial back feed currently available to support the village. Any loss of the main could also result in South Staffordshire Water taking Slade Heath borehole station out of supply. This would mean that 3.3 million litres per day would be lost and as a consequence pressure would be placed on Hednesford Reservoir and other feeds to the area. This may result in difficulties in maintaining supply during a summer period especially with committed housing coming forward through Development Plans in the area. It is the position of South Staffordshire Water that they cannot isolate the main to undertake the connections required to divert this asset without incurring a considerable cost and delay. South Staffordshire Water would have to undertake the diversion work in a way that allows existing and committed levels of service to be maintained using specialist construction techniques. However, these techniques are not risk free. Whilst South Staffordshire Water can attempt to mitigate these risks with suitable designs, there is still a chance that</p>	<p>Highways England notes the position of South Staffordshire Water Plc and can confirm that discussions are ongoing as part of the C4 Utilities design and the issues raised within the RR will be discussed as part of this process.</p> <p>South Staffordshire Water have stated that the asset must be maintained at all times during the works as it is a critical supply serving Penkridge. A suitable methodology for the diversion is currently being agreed with South Staffordshire Water to ensure the continuity of the service throughout the diversion. Highways England has drafted a SOCG with South Staffordshire Water [TR010054/APP/8.8LIU(P)] and will provide an update on these discussions during the examination.</p>
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	<p>they would be unsuccessful, and the scenario listed above could still occur. There is no option that can be delivered where there is no risk to the maintenance of supply and levels of service to the 4,700 existing customers in the Penkrige area as well as those additional customers resulting from Development Plan commitments. Until a satisfactory design solution has been achieved for maintaining water supplies to the Penkrige area, South Staffordshire Water will object to the proposed M54-M6 link.</p>	
RR-016 Elizabeth Whitehouse		
RR-016a	<p>The land I am involved with south of the M6 I DISAGREE with the EXSESIVE tree planting that you have planned, the field is 14 acres and after the scheme could still be farmed or gain a rent off if only you would have put the access back.</p>	<p>Highways England understand the concerns raised, however, it is essential that the impacts of the scheme are mitigated and the woodland proposed is required for this purpose. The amount, location and type of mitigation planting has been reviewed to ensure it is in line with approaches set out in policy, guidance and legislation. It has also been agreed with Natural England and re-reviewed following 2020 ecology surveys.</p> <p>A Technical Note on the rationale for mitigation on this land plot was issued to Elizabeth Whitehouse on 16 July 2020. This information has now been superseded by a scheme wide Environmental Mitigation Technical Note submitted as an additional document at Deadline 1 - 8.11 Environmental Mitigation Approach [TR010054/APP/8.11]</p> <p>The woodland planting is required to compensate for woodland loss as a result of the scheme, including loss of woodland with high levels of bat activity (a Protected Species), indirect loss of ancient woodland and loss of woodland within Local Wildlife Sites (LWSs). This loss has been minimised as far as possible, but where loss is unavoidable and mitigation 'essential' it must be provided and this is the best location for that mitigation planting.</p>

RR-016b	The compensation never covers the true amount lost and makes it impossible to purchase other land that come available.	<p>Highways England notes Ms Whitehouse's concerns and is aware that she has instructed a suitably qualified agent to assist her in this process. Whilst Ms Whitehouse has formal representation, we direct her to the Compulsory Purchase and Compensation: Compensation to Agricultural Owners and Occupiers Booklet 3 produced by the Office of the Deputy Prime Minister which can be found here:</p> <p>https://assets.publishing.service.gov.uk/government/uploads/attachment_data/file/11489/147645.pdf</p> <p>This guidance sets out that the approach to compensation following a compulsory acquisition of land is based on the principle of equivalence. The effects of the compulsory purchase order on the value of the property/land are ignored when assessing compensation and the level of compensation is directly related to the open market value of the property/land. Accordingly, Highways England disagrees with this view and considers that compensation will be proportionate.</p>
RR-016c	The land North of Junction 11 you are having under temporary ownership my only concern is maintained access and properly stock fence to enable me to continue to farm what's left why the scheme is going ahead.	Suitable fencing will be provided around any working area to protect both livestock and the work force from interactions. Further details will be provided and agreed during construction preparation, should the DCO be made. Access and the ability to farm this land will be maintained throughout the construction and operation of the Scheme.
RR-017 Telent (NRTS)		
RR-017a	Just interested to review design and to see what affect this will have on the HE NRTS network	Highways England notes the contents of this RR. Telent (NRTS) will be consulted as part of the detailed design process.
RR-018 City of Wolverhampton Council		

RR-018a	<p>The Council wishes to participate in the Examination as and when it would aid the Planning Inspectorate in determining the proposal and will send either detailed written representation or relevant officers to the Examination discussions. We consider the proposal can make a significant contribution in terms of relieving traffic pressure around M54 Junction 2 and improving access opportunities for existing (i54, Four Ashes) and future development sites. Access to the M6 North would be significantly improved from the Wolverhampton area. The proposal will assist in keeping the right traffic on the right roads, improving safety which is largely within Staffordshire, and supporting the continued regeneration and economic growth in the City of Wolverhampton, by improving journey time reliability and connectivity.</p>	<p>Highways England welcomes the views of the City of Wolverhampton Council in relation to the positive benefits of the Scheme to the local highway network.</p>
RR-018b	<p>The Council will continue working with the Highways England (the applicant), South Staffordshire District Council, Staffordshire County Council to ensure that traffic management arrangements within Wolverhampton are fully assessed, and thereafter managed appropriately to minimise traffic disruption. Emergency diversion routes will need to be agreed. Prior to finalising the Traffic Management Plan, Wolverhampton would need to be included as a stakeholder. As cycling groups in Wolverhampton use the existing routes to the north around the Featherstone and Shreshill area, the Council will work with the applicant to ensure that good quality sustainable transport links are maintained outside of Wolverhampton.</p>	<p>Highways England considers that the City of Wolverhampton Council are a key stakeholder and Highways England will continue to work with and liaise with officers of the Council to ensure that any traffic management proposals which are formulated, seek to minimise disruption wherever possible. Requirement 10 on the draft DCO [TR010054/APP/3.1] specifies that local highway authorities should be consulted on the Construction Traffic Management Plan (CTMP) before it is approved by the Secretary of State (SoS). This would include City of Wolverhampton Council.</p>

RR-018c	<p>We would like to further understand the environmental implications if any adverse impact would arise on the WV10 – Pendeford, Fordhouses and Bushbury Landscape Character Area, and upon Bushbury Hill as it is within the area of Theoretical Visibility. Although the scheme will change traffic patterns to the north of the city, the scheme is unlikely to cause significant adverse effects in respect of Noise or Air Quality during construction or once operational upon residents within the Wolverhampton area. We note the Environmental Statement accompanying this application covers a number of key local impacts which are matters that will need detailed consideration predominantly by South Staffordshire Council and Staffordshire County Council, with some input from the City of Wolverhampton Council.</p>	<p>The scale and extent of theoretical visibility of the Scheme in Landscape Character Area (LCA) WV10 Pendeford, Fordhouses and Bushbury LCA is very limited and localised to the immediate north of the LCA, covering locations which may already have views of the existing M54. The Zone of Theoretical Visualisation (ZTV) is theoretical and presents the worst case and although some allowance is made for screening by vegetation in the model it is likely to be conservative and demonstrate greater visibility than actually exists. Therefore, based on the ZTV, indirect effects (derived from views of a change in landscape character rather than a direct change in the landscape characteristics) are unlikely to be experienced in the Pendleford, Fordhouses and Bushbury LCA. Scheme elements nearest to this character area (and therefore most likely to influence the LCA) are undergoing only minor changes to elements such as signage. Therefore, the effects on this LCA were not required to be assessed further within the ES as no significant effects are anticipated.</p> <p>With regards to the views from Bushbury Hill, the hill is situated more than 1km away from the Scheme boundary; it is considered that the Scheme is likely to form only a minor element of views beyond 1km of the Scheme boundary due to viewing distance.</p>
RR-019 South Staffordshire District Council		
RR-019a	<p>South Staffordshire District Council supports the principle of the M54 M6 Link Road application for development consent, although would like the opportunity to highlight any potential impacts on local neighbouring amenity and heritage assets to ensure that appropriate mitigation is in place; and on that basis requests to register as an Interested Party.</p>	<p>Highways England welcomes the in-principle support for the Scheme from South Staffordshire Council (SSC). Highways England will seek to continue to work with the Council during the examination process and progress a SoCG to narrow down any outstanding issues [TR010054/APP/8.8LA(B)].</p>
RR-020 B G Jones		

RR-020a	I do not want to sell this property, I have owned the property for 40 years. The land would only being used for drainage purposes, there is a stream at the bottom of the field that could serve the same purpose.	<p>Highways England notes the position of Mr Jones. Highways England considers that the acquisition of this property is required to deliver necessary infrastructure associated with the Scheme proposals and that it would not be possible to deliver this Scheme without acquiring this land.</p> <p>Highways England is aware of the stream that is located at the bottom of this field and has taken this into account when formulating the drainage solution for the proposed Scheme.</p> <p>In order to not increase flood risk downstream of the site it is necessary to attenuate surface water runoff in attenuation ponds then discharge water at a controlled rate to the existing stream at the bottom of the field. This land parcel is required to locate one of the required attenuation basins as it needs to be located adjacent to the existing watercourse.</p>
RR-020b	The District Valuer does not pay the market price. He is renowned for paying lower than market price. REF: 20025358	<p>We refer Mr Jones to our response to RR-016b as set out above. Like Ms Whitehouse, we are aware that Mr Jones has professional representation.</p> <p>Highways England has offered to enter into negotiations to purchase land by agreement on 03/10/2019 and 15/09/2020 and is yet to receive a reply.</p>
RR-021 V Jones		
RR-021a	I do not want to sell this land it has been in our family possession for 40 years. It is only being used for a drainage pool and not the motorway.	Highways England notes the position of Mrs Jones. Highways England considers that the acquisition of this property is required to deliver necessary infrastructure associated with the Scheme proposals and that it would not be possible to deliver this Scheme without acquiring the land.
RR-021b	If I did want to sell I feel the market value would be considerably more than the District Valuer pays, as you are notorious for undervaluing property and not giving a fair price. REF. 20025359	<p>We refer Mrs Jones to our response to RR-016b as set out above. Like Ms Whitehouse we are aware that Mrs Jones has professional representation.</p> <p>Highways England has offered to enter into negotiations to purchase land by agreement on 03/10/2019 and 15/09/2020 and is yet to receive a reply.</p>

RR-022 Messrs Killingworth		
RR-022a	Messrs Killingworth's land appears to be taken completely for the scheme, and appears to be plot [6/15]. Clients require early engagement with a view to potential land swap or redesign or early acquisition to enable them to relocate their horses, pigs and poultry.	Highways England can confirm that plot 6/15 would be permanently acquired, as shown on the Land Plans [TR010054/APP/2.2]. This parcel of land is required for multiple works (29, 33 and 36) as depicted on the Works Plans [TR010054/APP/2.4]. The reasons for acquisition of plot 6/15 include the construction of the realigned existing A460 into M6 J11, and improvements to M6 J11. Highways England would not be able to acquire additional land using compulsory purchase powers to relocate livestock and any substitution, if it were feasible, would need to be on land within Highway England's existing ownership. Highways England would be willing to continue discussions regarding acquisition by agreement with Messrs Killingworth and it is understood that they have recently instructed agents on their behalf.
RR-023 Leslie Commins		
RR-023a	We have given all the assistance possible to the planners. Our concerns are the effects of this project on [] to assist in minimising any effect it may have on the property.	Highways England thanks Mr and Mrs Commins for their positive interaction with the project team to date.
RR-024 TDP (Property Development) Ltd		
RR-024a	We act for one of the affected Landowners -Mr William Bibbey (ref: TR010054) We recognise the importance of this scheme to relieve local congestion and connectivity, so in principle this scheme is supported. However, we have concerns that the amount of land and permanent rights to be acquired is excessive for what is needed to complete the scheme. In particular parcel [4/17a] covers land that has development potential so any permanent rights acquired need to be	Highways England welcomes the support in principle for the Scheme by Mr Bibbey. Plot 4/17a is proposed for temporary possession and the permanent acquisition of rights over some 4,086sqm of currently agricultural land. The rights are required for the diversion of a high-pressure gas main operated by Cadent Gas. The gas main is already on this plot of land so the rights are required to divert it within the plot, rather than to move the gas main onto the plot. Flexibility is required in this area to enable detailed design of the diversion route with Cadent

	<p>kept to a minimum in order to minimise any sterilisation of that land.</p>	<p>Gas, with this flexibility being essential to ensure the Scheme is deliverable. Temporary possession and use of plots 4/17b and 4/18 is required for access and temporary working areas for the diversion.</p> <p>The other main parcel of land to be acquired from Mr Bibbey is parcel 3/2b, which is primarily required for development of a drainage pond (Pond 1 in the Drainage Strategy [APP-201/6.3]). This lined attenuation pond would perform a water quality function treating highway runoff in a Sustainable Urban Drainage System, providing storage up to and including the 100 year + 40% climate change, as required by the Lead Local Flood Authority (LLFA), SCC. The location of the pond was amended as a result of consultation with the landowner to move it into the most peripheral area of his land. Access would be required to this pond over this plot.</p> <p>The buffer of species-rich grassland around the pond would provide a link to the woodland on the northern side of the M54 to the benefit of birds, terrestrial invertebrates and potentially linking bats to an additional food source. The species-rich grassland would also provide a wider connectivity to the watercourse on the eastern boundary of this field and provide stronger ecological links to the rough grassland and woodland blocks to the west of the Scheme. A hedgerow (native species-rich) is proposed adjacent to the eastern side of Brookhouse Lane (EH13) to mitigate for the loss of hedgerow at this location and for other hedgerow lost across the Scheme. This would provide a nature conservation and biodiversity function in support of the new pond and for birds, and a landscape integration function to strengthen the character by reinstating the currently gappy hedgerow. Field 3/2b is anticipated to be unviable for the landowner to return to agricultural purposes following construction of the pond and access even if it were not required for environmental mitigation purposes. The small parcels 3/2d, 3/6 and 3/2c are required to develop and maintain the drainage outfall connection from the attenuation basin located on 3/2b.</p>
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		<p>Consequently, the land to be acquired permanently and rights sought are essential for the development of the Scheme and Highways England disagree that the land or rights sought are excessive.</p> <p>The development potential of the land could be a relevant consideration during the compulsory purchase process. However, at present the land in question, whilst the subject of developer interest via an option agreement, does not currently benefit from planning permission or an allocation in the Local Plan. It is noted that there was an appeal dismissed for up to 360 residential dwellings (06/00638/OUT) on 30th October 2008 following a Public Inquiry and a subsequent planning application was withdrawn following the dismissal. No planning application has been submitted since 2008.</p> <p>Highways England also notes that the site is located within the South Staffordshire Green Belt and the Council's most recent Strategic Housing Land Availability Assessment (SHLAA) noted that the site, like many within the Green Belt was only potentially suitable. Accordingly, it could be questioned how likely it is that this land would gain planning permission for residential development.</p>
RR-025 Featherstone and Shareshill Ward Councillor		
RR-025a	<p>As the ward councillor for Featherstone and Sharehill, I would like to ensure that the local communities I represent in and around the proposed road improvement scheme receive the appropriate and necessary mitigation to minimise the impact of the development on them. Featherstone, Hilton and Shareshill will be directly impacted - both positively and negatively - by the M54/M6 Link Road proposal. I broadly support the principle of the M54/M6 Link Road application as it will bring much needed improvements</p>	<p>Highways England notes the position of the ward councillor and welcomes the in-principle support for the Scheme.</p>

	<p>to the A460 running through our villages, and these improvements will bring benefits to the wellbeing and amenity of the vast majority of local residents when the road is operational.</p>	
<p>RR-025b</p>	<p>There are however several points of contention that I wish to seek assurances that the section of the proposed link road that goes nearest to the residents of Dark Lane, would not be better placed further east and in doing so improve their living conditions and amenity of the residents of Dark Lane. I have concerns about the noise pollution and air quality levels affecting the nearest properties in proximity which are only a short distance from the link road.</p>	<p>Highways England recognises the concerns of residents of the Featherstone and Shareshill Parish and has looked extensively at the route options in this area over the last two years to address concerns. Highways England has undertaken a detailed appraisal of route options, including two phases of non-statutory consultation on evolving route options, details of which are set out in the Consultation Report [TR010054/APP/5.1].</p> <p>A number of alignments which moved the alignment further away from Dark Lane were considered following the Preferred Route Announcement (PRA). The options appraisal process is reported in the ES, Chapter 3: Assessment of Alternatives [APP-042/6.1] and ES Appendix 3.2: Dark Lane Alignment [APP-159/6.3]. A presentation on the outcomes of the options assessment was given to SSC Cabinet in November 2019, and a paper circulated providing additional information on the final route at that time. Following the in-depth appraisal of the options, the alignment of the mainline of the link road was moved 25 m further east away from residential properties. It was concluded that this option would have fewer adverse environmental impacts on the local area than other options examined.</p> <p>Impacts and effects resulting from changes in air quality and noise resulting from the construction and operation of the Scheme have been assessed and these are reported in Chapter 5: Air Quality and Chapter 11: Noise and Vibration of the ES [TR010054/APP/6.1]. Chapter 5: Air Quality of the ES reports that properties closest to the Scheme on Dark Lane and Hilton Lane would experience small to medium increases in annual mean nitrogen dioxide concentrations with the Scheme in place. However, all receptors are predicted to be well below the National Air Quality Objectives, with concentrations less than half the health based objective value with the Scheme in place. The Scheme is therefore not predicted to have a significant effect on air quality.</p>

		<p>With a noise barrier in place adjacent to the west of the Scheme at Dark Lane, significant adverse operational traffic noise effects are not anticipated at properties on Dark Lane or Park Road. The magnitude of the increase in traffic noise levels is no more than minor at the worst affected facade of any of the properties. The closure of Dark Lane to through traffic results in moderate or major reductions in traffic noise at the facades facing directly onto Dark Lane. At the western end of Dark Lane, the closest properties to the existing A460 are anticipated to experience a significant beneficial effect due to the reduction in traffic on the A460 and Dark Lane with the Scheme in operation. The closure of Dark Lane results in the transfer of traffic onto the western end of Hilton Lane. Significant adverse operational traffic noise effects are anticipated at a small number of properties on Hilton Lane to the west of the Scheme where the magnitude of the increase in traffic noise levels is moderate or close to the minor/moderate boundary at the worst affected facade. At properties at the western end of Hilton Lane adjacent to the A460, and on Hilton Lane to the east of the Scheme (east of the existing junction with Dark Lane) significant adverse effects are not anticipated.</p> <p>The proposed design changes submitted to the ExA on 9 October 2020 (accepted by the ExA on 29 October 2020) would not alter the conclusions outlined above.</p>
RR-025c	<p>I also have concerns about the excess effect of traffic along the A460 from junction 11 of the M6 to the toll road towards Cannock, have the impacts of the cumulative development traffic of the West Midlands Interchange, the McCarthy Glen retail park at Cannock and the additional traffic coming off the link road been taken into account ? as the original link road proposal continued directly into the toll road thus avoiding what could now be potential congestion on the A460 north, leading to rat running along the adjoining country lanes.</p>	<p>The cumulative impacts of the West Midland Interchange, McArthur Glen retail park and traffic dispersing from the M54-M6 Link Road have all been accounted for within the M54-M6 Link Road Scheme's 'Core Scenario' forecasts. The 2039 Design Year forecasts indicate that the M6T JT8 junction is at capacity on the A460 northbound arm in this year.</p> <p>The traffic model suggests that further along the A460 towards the Churchbridge Roundabouts, the junctions will operate under capacity in the 2039 Design Year.</p>
RR-025d	<p>I would also like to be assured that my residents would still have access to the public footpaths already in</p>	<p>The Scheme proposes to retain connectivity of existing Public Rights of Way (PRoW) that are severed by the Scheme. Chapter 12: Population and Human</p>

	existence in the area, we would need a green bridge over the link road in order to continue the pleasure of walking local designated footpaths.	Health [APP-051/6.1] assesses and reports the impacts on the users of PRow, please refer to paragraphs 12.9.33 to 12.9.39. No significant effects have been identified for walkers, cyclists and horse-riders as a result of the Scheme. All PRow will be maintained on their existing alignment where possible. Where an existing route is severed by the Scheme an appropriate permanent diversion route will be provided. No PRow would be permanently closed without a suitable alternative route provided by the Scheme.
RR-025e	I have concerns about HGV vehicles accessing the M6 Diesel site on the A460, although I would not want to stop the legitimate fuel business on A460 near Shareshill I would want any HGV's being routed back to Junction 11 to join the motorways and beyond and not be allowed to continue along the becalmed A460 south through our villages Mitigation and agreements;	Traffic count data shows that the majority of trips associated with HGVs travelling to and from M6 Diesel are along the A460 to the north - i.e. between M6 Junction 11 and M6 Diesel. With the construction of the Scheme this form of accessing M6 Diesel is likely to become more pronounced due to the reduced journey time along the link road compared to the A460.. Hence there is unlikely to be an increase in HGV traffic at the central/southern end of the A460 trying to access M6 Diesel. See response to RR-011c and RR-012b for further information on this issue and the potential for measures to prevent HGV traffic travelling south out of M6 Diesel.
RR-025f	Removal of the Mile Wall Featherstone, where this old mile wall is moved I would like it rebuilt using the existing stone at the other end of the mile wall near the Avenue in Featherstone.	Highways England recognises the importance of Mile Wall to The Parish Councils and wider community. Highways England is examining possible options for Mile Wall and will continue to liaise with the Parish Councils in regard to this matter. Progression on this matter is reported in the SoCG with Featherstone, Shareshill and Hilton Parish Councils [TR010054APP/8.8P(D)].
RR-025g	Restoration and stabilisation of the Portobello Tower [Grade 2 Listing].	See response to RR-004h.
RR-025h	Removal of the unstable corrugated sheet fencing along Dark Lane and restored with new link road perimeter fencing.	Highways England is aware that this fence is under the ownership of the adjacent landowner, and is currently considering options for the Dark Lane fence and will continue to liaise with the Parish Councils and landowner on this matter. Discussions on this matter are also set out in the SoCG with Featherstone, Shareshill and Hilton Parish Councils.
RR-025i	More woodland is needed along the perimeter of the link road between Hilton Lane rising up to Junction 11 on	No significant operational traffic noise effects are anticipated in Shareshill once the Scheme is operational.

	<p>the western side in order to mitigate the noise and visual effect from the link road up on the village of Shareshill.</p>	<p>The change in traffic noise levels within the village are as a result of two factors: a) the large reduction in traffic flows on the existing A460 at the south-east edge of the village, as traffic is re-routed onto the new link road, which is further away from Shareshill; and b) the small increase in traffic flows on the local roads (Church Road and School Lane) within the village due to re-routing of traffic in/out of the village once the junction with the A460 is relieved of the existing high traffic flows with the Scheme.</p> <p>The noise assessment is based on the impact at the worst affected facade of each residential property i.e. if one facade experiences an increase in traffic noise levels but all the other facades experience a decrease then the impact at the property is assessed based on the one which experiences an increase. On this basis the majority of properties in Shareshill are anticipated to experience a negligible i.e. less than 1 dB (LA_{10,18h}) increase in traffic noise in the Scheme opening year (2024) due to the implementation of the Scheme. At a small number of properties that are very close to Church Road the increase is at the bottom end of the minor category (approximately 1.0-1.1dB change).</p> <p>It should be noted that traffic flows on the local roads within Shareshill are low both with and without the Scheme in operation. At some properties towards the south-east of the village a negligible or minor reduction in traffic noise levels is anticipated at the worst affected facade, due to the influence of the reduction in traffic on the A460. Based on the outcome of the traffic noise assessment additional mitigation measures to reduce traffic noise levels in Shareshill are not necessary.</p> <p>The benefits of trees in providing an effective sound 'barrier' are limited. There may be a perceived benefit, due to either reducing/removing the view of the road and/or a masking effect due to leaves rustling in the wind, but they have a limited effect on traffic noise. A substantial depth, density and consistency of vegetation is required to achieve any reduction in noise levels. It is not possible to guarantee any reductions in traffic noise levels would be achieved by planting</p>
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		<p>additional trees or that any reductions, if achieved could be maintained throughout the seasons and over the longer term. Therefore, to ensure a conservative approach the standard UK traffic noise prediction methodology (Calculation of Road Traffic Noise (CRTN)) and the standard traffic noise assessment methodology set out in the DMRB, as adopted in the operational traffic noise assessment for the Scheme, do not include any barrier effect for trees. On this basis additional tree planting would not make any difference to the predicted noise levels and no change to the existing vegetation in the vicinity of Shareshill is proposed.</p> <p>Chapter 7: Landscape and Visual of the ES [APP-046/6.1] assesses views from Shareshill (at the junction with the A460) (VP07) and Little Saredon (VP08 and VP09)- in particular Saredon Hill (VP08). Viewpoints 07 and 09 were not assessed further in the ES due to the limited nature of views towards the Scheme in these locations, viewpoints from these locations are provided as Figure 7.11 and 7.13 of the ES [APP-094 and APP-096/6.2].</p> <p>The view from Saredon Hill (VP08) was the subject of a photomontage to show the proposed landscape mitigation (Figures 7.12C [APP-095/6.2]). On this figure you can see that the strategic planting around Junction 11 has been reinstated to replicate a similar effect to at present. In between Junction 11 and Hilton Lane, the combination of the Scheme being in cutting and proposed hedgerow planting and woodland planting would reduce the visibility of the road. It was not considered necessary to include additional woodland beyond that proposed, a decision in line with the Staffordshire Landscape Character Assessment for the Settled Plateau Farmlands Landscape Character Type (LCT), which states that: 'Large-scale woodlands should be designed to interlock and still allow views through the landscape whilst screening urban edges, power lines, quarries and busy roads'.</p> <p>The proposed design changes submitted to the ExA on 9 October 2020 (accepted by the ExA on 29 October 2020) would not alter the conclusions outlined above.</p>
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<p>RR-025j</p>	<p>It is my contention that Hilton Green environmental project should be considered for additional mitigation measures, given the scheme's environmental impacts. my understanding is that Highways England indicate that biodiversity impact can be offset within the red line of the scheme , by avoiding a significant net loss of biodiversity. however, the National Planning Policy Framework [NPPF] indicates that the schemes should strive to go further than this, seeking to provide "net gains" for biodiversity NPPF para 170 [d]. I'm not aware of any reason why the scheme can only feasibly avoid a net loss of biodiversity, rather than seeking to achieve net gains, and projects in the nearby area but outside of the red line could play an important role in achieving this. I understand that the scheme needs to achieve a satisfactory balance against all policy requirements to be granted consent, but that does not mean that opportunities to improve the scheme's credentials should not be ignored, particularly as the NPPF advocates achieving net gains against all strands of sustainable development. Ultimately, I want to ensure that the final scheme's design is the best form of development possible, and am strongly opposed to the notion that the scheme's demonstrable highways benefits offer any reason to unnecessarily dilute its compliance with other local and national policies on amenity or biodiversity/the natural environment. I would like the opportunity to highlight potential impacts on the local neighboring amenity to guarantee that appropriate</p>	<p>Decisions on DCO applications should generally be in accordance with the relevant National Policy Statement (NPS)¹, which for road schemes is the NPSNN. The NPSNN does not require that schemes achieve a net gain in biodiversity. The NPPF was written to guide decision making on applications submitted under the Town and Country Planning Act regime and was not written to guide decision-making on DCOs. NPPF policies can be relevant and important matters in decision making on DCOs. However, the relevance of the policies on net gain in the NPPF is reduced by clear and recent guidance (July 2019) that achieving net gain is not an aim the Government currently intends to apply to Nationally Significant Infrastructure Projects (NSIPs).</p> <p>As required by the NPSNN, ES Chapter 8: Biodiversity [TR010054/APP/6.1] sets out any likely significant effects on internationally, nationally and locally designated sites of ecological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. The Scheme avoids significant harm to biodiversity conservation interests, through appropriate application of the mitigation hierarchy including consideration of reasonable alternatives. Where it isn't possible to avoid harm, appropriate compensation to address effects to biodiversity have been proposed. Details of the mitigation and compensation measures for biodiversity are set out in Chapter 8: Biodiversity, Section 8.8 of the ES [TR010054/APP/6.1] and the OEMP [TR010054/APP/6.11].</p> <p>The NPSNN makes no reference to achieving net gain in biodiversity being a requirement of the determination process and use of biodiversity to devise compensation proposals is optional. In July 2019 Department for Environment, Food and Rural Affairs (Defra) published Net Gain: Summary of responses and government response to consultation on the objectives of net gain policy. The document was clear that consultation proposals for a mandatory requirement for net gain did not include NSIPs because they have 'fundamentally different</p>
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¹ Decisions should generally be in accordance with the NPSNN except in specified circumstances including where the adverse impacts of a Proposed Development would outweigh the benefits (see Section 104 of the Planning Act 2008 for more information).

	<p>mitigation is in place within and around the proposed scheme for the benefit of the local community, and on that basis I request to register as an Interested Party. .”</p>	<p>characteristics to other development types. Further, whilst Highways England agree that delivering biodiversity net gain is desirable, it is not at this time required by the Planning Act 2008 consenting regime. It should be noted that Highways England is seeking to acquire land for the Scheme through compulsory acquisition. In order to secure those powers, Highways England must demonstrate that the land subject to compulsory acquisition is required for the Scheme or is required to facilitate or is incidental to the Scheme (section 122 of the Planning Act 2008). This means that, whilst land required to mitigate the impact of the Scheme can be secured through compulsory acquisition, such powers do not extend to the acquisition of land solely for delivering biodiversity net gain. Highways England is nonetheless seeking to fully mitigate the impact of the Scheme on biodiversity so by delivering no net loss in biodiversity.</p> <p>Highways England's project team for the M54 to M6 link road has submitted an application for funding from the 'designated fund' for an initial feasibility study to identify opportunities and appropriate sites which could be improved to provide biodiversity net gains to be delivered on land outside of the Order limits in partnership with key stakeholders and landowners. This funding application has been successful and the feasibility study is underway. It is assumed the reference to Hilton Green environmental project refers to the Forest of Mercia CIC, Hilton Green, consultation with this organisation is being undertaken as part of the initial feasibility study. However, this process is separate from the DCO application and its success or otherwise is not a material consideration for decision making on the DCO application.</p> <p>Both the highway design and the environmental mitigation are designed to minimise effects on local amenity and biodiversity. Details of the mitigation are set out throughout the ES and summarized in relation to visual amenity and landscape character are set out in Chapter 7: Landscape and Visual, Section 7.8 of the ES [APP-046/6.1].</p>
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RR-026 Mr and Mrs Byard		
RR-026a	<p>Client is Mr & Mrs Byard. They own land - plot ref 6/10 and referred to in correspondence with ref: TR010054. The property is identified as marginal land to be used for tree planting/eco mitigation ancillary to Link road construction. Landowner does not want to relinquish ownership and is happy to engage through a Statement of Common Ground (SoCG) to agree means of facilitating HE requirements without the need for HE to use powers to acquire.</p>	<p>Plot 6/10 is required for three works packages including the re-alignment of the existing A460 (Works no. 29), re-alignment of Mill Lane (Works no. 30) as well as the siting of a temporary construction compound and the establishment of permanent environmental mitigation (Works no. 72). Therefore, it is the intention to acquire the entire plot on a permanent basis as set out in the Statement of Reasons [TR010054/APP/4.1].</p> <p>Highways England notes that the mitigation proposed on this land aligns with the landowner's aspirations for the land and will continue to engage with the landowner with a view to agreeing terms for a legal agreement for the acquisition by Highways England of the necessary land interests to deliver the environmental mitigation. Highways England is agreeable, in principle and subject to agreeing suitable terms, to that agreement making provision for the environmental mitigation land to be retained by or returned to the landowner for future management and maintenance of the environmental mitigation by the landowner.</p>
RR-027 Paul Simkin		
RR-027a	<p>I am a land owner directly affected by the scheme and feel that Highways England have little to no regard to the devastating impact it will have on our farm. We feel the road is not required and land that has been farmed for generations in our family will be destroyed. The impact it will have on our lives, home and business will be catastrophic.</p>	<p>Highways England fully appreciates the position of Mr Simkin and empathises with the reaction of landowners to compulsory acquisition.</p> <p>Highways England has taken into account the impact of the Scheme on landholdings throughout decision making processes and optioneering. Details of optioneering processes are set out in Chapter 3 of the ES [APP-042/6.1].</p> <p>The Scheme has been established as a key infrastructure priority through its identification in the Government's Road Investment Strategy 1 and we consider that its delivery has significant benefits for the sub-region.</p> <p>Compensation for the acquisition of Mr Simkin's land will be provided in accordance with the Compensation Code. Highways England has met with Mr Simkin on a number of occasions to discuss the developing scheme and a</p>

		<p>SOCG has been drafted [TR010054/APP/8.8LIU(D)]. Highways England will continue discussions during the Examination and will provide further updates in due course.</p> <p>Also refer to responses to RR-034</p>
RR-028 Persimmon Homes Limited (via Roythornes Solicitors)		
RR-028a	<p>This representation is made on behalf of Persimmon Homes Limited who have just been advised that land that they have an interest in is proposed to be acquired as a result of the proposed scheme, both permanently and for carrying out of works. Persimmon do not appear to have been served with requisite notice but have been informed by the freehold owner of the land. The land in question is land being promoted by Persimmon for residential development. There are concerns as to the extent of the land take proposed by the Acquiring Authority and the justification of the inclusion of the said land, which potentially may be excessive subject to clarification by the Acquiring Authority. While this is not an objection to the principle of the proposed scheme, constructive dialogue with the Acquiring Authority will be required before Persimmon can have the relevant comfort they would require as the land is earmarked for housing delivery, which of course has significant wider implications. Persimmon would therefore like to reserve the right to make representations in respect of the above matters if they are unable to be satisfactorily resolved with the Acquiring Authority in advance of any Examination proceedings.</p>	<p>The assertion by Persimmon that Highways England had not notified them of the development or engaged prior to submission of the application is incorrect. Persimmon Homes is a Category 2 party for the Scheme and has been notified and consulted as such throughout the development of the project.</p> <p>Persimmon Homes Limited were notified of the Statutory Consultation (24 May 2019 - 5 July 2019) in a letter dated 23 May 2019 and notified of the further consultation due to a change in land take requirements (21 November 2019 – 20 December 2019) in a letter dated 21 November 2019.</p> <p>E-mail correspondence then took place between Persimmon (Alistair Stewart and Dean Weldon) and Highways England (via Gateley Hamer) 3-18 December and a meeting was arranged for 10 January 2020 to discuss the Scheme and Persimmon's interests. This meeting was cancelled by Persimmon Homes (Alistair Stewart) and a statement made by Persimmon that no alternative date was necessary at this stage. Further information was requested from Highways England on 10 January and was provided the same day. Persimmon Homes was then also sent a number of letters on the Section 56 process, the first being on 6 March 2020.</p> <p>All the above correspondence has been directly with Persimmon Homes, not through the landowner, and happened prior to their RRs submission dated 15 May 2020.</p>

		<p>Highways England received a letter from representatives of Persimmon Homes Limited on 2 June 2020 and responded via letter on 17 June 2020. A virtual meeting between Highways England and Persimmon Homes Limited was then held on 9 July 2020. At this meeting the team talked through the reasons that the land was required and why the land was selected over other land parcels.</p> <p>The plots over which Persimmon have an interest are in the ownership of Mr William Bibbey, represented by TDP Property Development Ltd. The land affected is to be acquired for a drainage pond and associated access/ planting and diversion of a high-pressure gas main that is already on the affected parcel of land. Further detail on the reasons for this land being required is provided in Highways England's response to RR-024a. The last is essential for the delivery of the Scheme and is not excessive.</p> <p>In terms of the potential for residential development on the site, the site is not allocated in the Local Plan and does not benefit from planning permission. Planning permission has been refused on the site in the past and the site is located in the Green Belt. SSC has not given any indication that the site is likely to be allocated in the future or that another application for residential development on the site would be any more successful than the previous application. Therefore, the land does not appear to be 'earmarked' for housing delivery by any parties other than Persimmon Homes.</p>
RR-029 St Francis Group		
RR-029a	<p>These representations are prepared on behalf of St Francis Group (SFG) who has owns the Royal Ordnance Factory (ROF) at Featherstone in South Staffordshire. The ROF site is close to the scheme which is the subject of the proposed DCO. SFG is one of the UK's leading regeneration specialists and is an expert in brownfield development; the Group's</p>	<p>Highways England appreciates the support from the St Francis Group in relation to the principle of development of the Scheme.</p> <p>Highways England recognises the importance of Royal Ordnance Factory (ROF) Featherstone for the delivery of employment land to the area and its status as an allocated Strategic Employment Site in the Local Plan.</p> <p>The role the M54 to M6 link road will have in supporting delivery of ROF Featherstone is a positive aspect of the Scheme. Without the development of</p>

	<p>development pipeline covers all market sectors but with a particular emphasis on commercial and residential brownfield opportunities. The ROF site is allocated in South Staffordshire Council's 2018 Site Allocations Document as a key employment development that will deliver a significant level of jobs, in an employment cluster that includes the i54 site, of regional significance. SFG wishes to express overall support for the M54-M6 Improvement Scheme (the Scheme) which will increase the overall attractiveness of the ROF site by providing enhanced strategic access from the motorway network.</p>	<p>the M54 to M6 link road, some traffic from the ROF Featherstone site would route onto the congested existing routes, with potentially adverse impacts on those living alongside, for example, the A460.</p>
<p>RR-029b</p>	<p>However, SFG has concerns regarding two matters related to the detailed traffic modelling and forecasting that has been conducted to support the Scheme: 1. That the ROF allocated site has not been included in the Core Scenario used in the traffic forecasts of the Scheme. SFG considers it is vital that the traffic generated by the ROF site (and other strategic sites/allocations) is included in the design of the Scheme and the assessments of its effects on the wider highway network. SFG notes that the Transport Assessment Report submitted to the Examining Authority for the Scheme (TR010054 Volume 7 document 7.4 TAR) identifies the ROF site on its Figure 4.3 as 'More Than Likely' and that its following paragraph 4.3.13 notes "the development sites with the higher certainty levels of Near Certain (NC) and More Than Likely (MTL) were included in the Core scenario traffic Forecasts". However, SFG now understands that this is not the case and is concerned regarding the</p>	<p>ROF Featherstone was not included in the core scenario traffic forecasts.</p> <p>The traffic modelling/allocation and inclusion of development sites has been undertaken in line with the Department for Transport's Transport Appraisal Guidance (TAG). At the time that our uncertainty log was developed, it was confirmed with Ed Fox (19 March 2019) at SSC that the ROF Featherstone development was dependent on the M54 to M6 Link scheme.</p> <p>TAG unit M4 (https://www.gov.uk/government/publications/tag-unit-m4-forecasting-and-uncertainty) sets out the criteria for "The Without-Scheme Forecast" in Section 7.4 and then "With-Scheme Forecast" in Section 7.5. Paragraph 7.5.1 states: "... housing or other developments that depend on the scheme must not be included in the with-scheme forecasts ". Note: The TAG Unit emphasises "must not" in bold text.</p> <p>This is because a primary purpose of the traffic model is to evaluate the environmental impacts and economic business case of the Scheme. If a development is dependent, it would be excluded from both the 'do minimum' case and the 'do something' case, effectively disassociating the trips generated</p>

	<p>implications of this, which are yet to be evaluated (as the position has only just been made clear).</p>	<p>(and the development's related environmental effects) of the ROF Featherstone development from the construction of the link road. Including dependent development only in the 'Do-Something' case would skew the assessment incorrectly and would have meant that the road scheme would not have been appraised in line with central government's guidance.</p> <p>We would add that at the time the assumptions were being finalised for developments to be included in the traffic model there was significant uncertainty on the access for the ROF Featherstone site, which would have made it difficult to model, even if it hadn't be excluded for the above reason.</p> <p>However, the trip-end growth forecasts in the traffic model for the link road are from the DfT's National Trip End Model (NTEM), which includes an allowance for population growth and economic growth within each local planning authority area. Therefore, the traffic associated with economic growth in the area is nevertheless considered as part of the general growth model. Each time a development site is specifically modelled, the trip-end growth across the remainder of the District is reduced; which is done to avoid double-counting of trip growth. Modelling individual sites is therefore likely to give greater accuracy by predicting where trips will join a network but will not necessarily result in greater forecasts of the amount of traffic on the network. Therefore, even if ROF Featherstone had not been dependent development and detail on the access had been known in Spring 2019 such that the site was included in the traffic model, this would be unlikely to significantly alter the strategic traffic model produced for the link road Scheme.</p> <p>The traffic model requires a period of 4-5 months for forecasting and 3-4 months for the appraisal process, therefore even if it were thought to be an appropriate or proportionate solution, it would not be possible to rebuild the traffic model to include ROF Featherstone within the timeframes of the DCO Examination.</p>
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		The figure within the Transport Assessment Report was incorrect and was corrected in a revised version submitted to the ExA on 29 May 2020 [AS-039/7.4]. Liaison with St Francis Group is continuing, a draft SOCG has been prepared [TR010054/APP/8.8O(C)] and Highways England will provide an update on these discussions during the course of the Examination.
RR-029c	2. It is not clear that the full impacts of the Scheme on changes in traffic flows resulting from it have been fully assessed and therefore whether its impacts have been appropriately mitigated. In particular, SFG has concerns regarding the potential impacts of the Scheme at Junction 2 of M54 and whether the Scheme itself results in the need for improvements in capacity. SFG wishes to work with the Scheme's promoters, Highways England, to resolve these matters and is confident that they can be resolved in advance of the examination of the Scheme's proposed DCO but wishes to register these representations such that SFG can be represented at the examination if this is necessary.	<p>The M54 to M6 Link Road does not lead to the need for improvements in capacity to M54 Junction 2.</p> <p>Highways England agree that no contribution will be sought from the developers of ROF Featherstone for any improvements to M54 J2 provided that SFG's TA shows, to Highways England's satisfaction, that there are no issues at the junction in the opening year of the ROF Featherstone development.</p> <p>It is understood from discussion with St Francis Group that the ROF Featherstone development is likely to be open in part by 2022, with the link road construction due to complete in 2024.</p> <p>It is HE's view that the link road will support the development of ROF Featherstone. On the assumption that SFG is correct that their Scheme will be open prior to the link road Scheme and will not lead to capacity issues in the opening year, the link road would not 'stifle' or 'place unduly high costs' on the ROF Featherstone development.</p>
RR-030 Staffordshire Chambers of Commerce		
RR-030a	Dear Mr Kelly M54 to M6 Link Road – Planning Act 2008 Section 56: Notifying Persons of Accepted Application. The Infrastructure Planning (Applications Prescribed Forms and Procedure) Regulations 2009: Regulation 9 Thank you for your letter of 9th March 2020, concerning the above. Staffordshire Chambers' of Commerce is the voice of the business community in Staffordshire. With more than 1,200 member businesses across the county and beyond, we represent our members' views on the local, regional and national issues affecting their	Highways England notes the response from the Staffordshire Chamber of Commerce and welcomes the support for the Scheme.

	<p>business. In response to your letter of 9th March 2020, we have asked our Stafford Chamber Local Area Advisory Board and our Transport Forum, to provide an overall response to proposals to build a new road, which will link the M54 and M6 North, in the south of Staffordshire. We feel that the proposed road is a much-needed link road and would certainly benefit the whole of the Staffordshire Chambers' area. The proposed road would help to create a new link from the M54 onto the M6 North and this would help to reduce traffic on local routes including the A460 in and around the village of Featherstone and also along the A449 through Penkridge and as far as north as its junction with the M6 near Stafford. This will serve to improve connectivity between Stafford/mid Staffs and the M54 Corridor to the north of Wolverhampton. Further afield, the proposed road would also help to reduce traffic heading between Staffordshire and Shropshire along the A53 and A519. A significant proportion of this traffic is made up of HGVs and such a reduction will bring much needed relief and improvement to environmental quality of life in rural communities in places like Eccleshall & Woodseaves.</p>	
RR-030b	<p>The proposed road will serve to reduce congestion on local roads but we would like to suggest that consideration is given to creating access onto the M6 Toll. This would allow traffic from Wales and Shropshire to feed onto the M6 Toll, offering a route which would completely by-pass the congested M6 stretch through the West Midlands conurbation, particularly at times when congestion is increased by road closures.</p>	<p>The original design for the Scheme did provide for a direct access onto M6 Toll, but this was removed during the optioneering stage, prior to the Preferred Route Announcement. As set out within the Preferred Route Announcement (September 2018) the <i>“free-flow connection to the M6Toll was subject to other contributions. However, the level of contributions available was not enough to meet the cost of the free-flow link. We have amended the connection to provide the improved value for money solution we are presenting today. The route presented today does not rule out providing a free-flow connection at some point in the future.”</i></p>

RR-030c	In addition to the previous points, we would like to suggest that any structures would need to be designed to be considerate of National Grid heavy loads. We would like to be kept posted of any proposed changes to structures at M6 (junction 11) and M54 (junction 1), which may be re-aligned. As a dual carriageway link, we would welcome any updates to be confirmed, prior to final design.	Highways England notes the request from the Chamber of Commerce and will take this into account during the consideration of future design refinement of any structures.
RR-031	Allow Ltd	
RR-031a	2.1 Allow objects to the compulsory acquisition of its rights, interest and property in respect of all its rights and interests identified in the Book of Reference.	Highways England has carried out further ecology surveys in 2020 and has looked in detail at ways to reduce the ecological impact of the Scheme, which in turn led to the proposed reduction in land take of Allow's land. Allow's preferences in terms of land to be acquired have been taken into account in the design of the revised Environmental Masterplan [AS-086 to 092/6.2] submitted to the ExA on 09 October 2020. Highways England considers that the compulsory acquisition of all land and rights, as set out within the revised Book of Reference [AS-081/4.3] are justified and in accordance with Sections 122 & 123 of the Planning Act (2008) as well as the " <i>Guidance Related to Procedures for the Compulsory Acquisition of Land</i> " prepared by the former Department for Communities and Local Government (DCLG). Highways England responds to Allows concerns regarding specific land parcels as necessary below.
RR-031b	2.2 Allow objects, in particular, to the acquisition of plots 4/20a, 4/20b, 4/20c, 5/2 and 5/4 and of permanent rights over plot 4/20g. It is Allow's case that the conditions set out in section 122(2) and (3) of the Planning Act are not met in respect of those parcels of land. A brief outline of Allow's case in relation to each	It is Highways England's position that in respect of all plots the conditions as set out in Section 122(2) and 122(3) are met. Section 122 of the PA (2008) states that development consent may include provision for compulsory acquisition only if two conditions are met. The first condition is that the land-

	<p>plot is set out below.</p>	<ul style="list-style-type: none"> a) is required for the development to which the development consent relates, b) is required to facilitate or is incidental to the proposed development, or c) is replacement land which is to be given in exchange under section 131 or 132 of the PA (2008). <p>All land plots described are either required for the development to which the development consent relates (a) or is required to facilitate or is incidental to the proposed development (b). In particular, land that is necessary to mitigate the environmental impact of the Scheme is 'incidental' to the proposed development and meets this criterion.</p> <p>The second condition (S122(3)) is that there is a compelling case in the public interest for the land to be acquired compulsorily. Again, all land discussed meets this criterion, with a demonstrable need for the Scheme to support economic development in the area and alleviate congestion on existing roads. The environmental mitigation for the Scheme is required by policy and legislation, as well as being strongly supported by local people and key stakeholders (e.g. Natural England). There is a clear case in the public interest for the mitigation. The requirement for each land parcel is explored below.</p>
<p>RR-031c</p>	<p>2.3 Allow notes that the Applicant for the DCO seeks to acquire 17.61 ha of its Hilton estate. Of that land 2.9 ha is required for the construction of the proposed link road and 14.71 ha for mitigation measures. Allow do not accept that it is necessary to take 14.71 ha of land to mitigate the impact arising from constructing a road on 2.9 ha of land.</p>	<p>he Scheme is 'Environmental Impact Assessment (EIA) development' under the EIA Regulations, which transposes the requirements of EU Directive 2011/92/EU as amended by 2014/52/EU (the EIA Directive) into UK law. Accordingly, the Application is accompanied by an EIA.</p> <p>The EIA Directive (Article 5, Para 1, part c) requires that an EIA should, amongst other matters, include a description of the features of the project and/or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment.</p> <p>In order to mitigate the environmental impacts of the construction and operation of the Scheme, in accordance with the EIA Directive, land is required for environmental mitigation. Such a purpose is clearly required for the</p>

		<p>development and necessary to implement the proposed Order should it be made.</p> <p>The amount of land required for mitigation has been proposed to be reduced in the documents submitted to the Examining Authority on 9 October 2020 (accepted by the Examining Authority on 29 October 2020). This would reduce the amount of land required for environmental mitigation on Allow's plots. However, environmental mitigation is not and cannot be designed on a plot by plot basis such that land required for mitigation is similar to that required for the proposed link road for each land plot or proportional in any way to loss on a particular plot. Whilst the impact on businesses and landowners is important and taken into account in the design of the Scheme, the location of mitigation works is often determined by the location of existing ditches and topography (drainage), connectivity to existing habitats, proximity to habitat loss/ Protected Species affected, locations effective at providing screening of visual impacts etc. The adverse impacts of any mitigation must also be considered, such as adverse impacts on the setting or listed buildings or locally designated landscapes.</p> <p>Therefore, the comparison between the amount of land required for the road on Allow's plots and environmental mitigation, whilst helping the Examining Authority and Highways England to understand Allow's position, does not provide any indication that the land specified for mitigation is excessive or unnecessary.</p> <p>The approach to mitigation and mitigation design has been described in the Environmental Statement [TR010054APP/6.1] and the OEMP [TR010054/APP/6.11]. Mitigation specific to Allow's holdings has been explained in further documentation 'Environmental Mitigation Approach: Allow Limited' and 'Environmental Mitigation Review - Plot 4/20c and 5/2' issued to Allow on 24 April 2020 and 22 June 2020 respectively. This information has now been superseded by a scheme wide Environmental Mitigation Technical Note submitted as an additional document at Deadline 1 - 8.11 Environmental Mitigation Approach [TR010054/APP/8.11]</p>
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RR-031d	<p>In addition, the acquisition of the land will adversely affect Allow's farming business which is accessed off the A460 and Hilton Lane.</p>	<p>The impact of the Scheme on Allow's farming business has been assessed in the ES Chapter 12: Population and Health [APP-051/6.1], with a moderate adverse effect on the business being predicted. The effect reduced with the Scheme changes submitted on 9 October 2020 (accepted by the Examining Authority on 29 October 2020), though not sufficiently to change the moderate effect. The effects of the Scheme on farming businesses and landowners were taken into account in the design of the Scheme and impacts reduced where possible. Highways England does not consider that this will mean that the land is incapable of being farmed successfully.</p> <p>Where land is the subject of compulsory purchase the rights to compensation and methods and procedures for calculation of any compensation is set out within the Compensation Code (comprising principally Land Compensation Acts of 1961 and 1973 as well as Compulsory Purchase Act 1965). Guidance on compensation is set out in '<i>Compulsory Purchase and Compensation: Compensation to Agricultural Owners and Occupiers (Booklet 3)</i>', Office of Deputy Prime Minister (October 2004) and Allow is referred to this document which can be found at https://assets.publishing.service.gov.uk/government/uploads/attachment_data/file/11489/147645.pdf</p> <p>The guidance outlines that compensation following compulsory acquisition of land is based on the '<i>principle of equivalence</i>'. Accordingly, no party should be worse off in financial terms post acquisition.</p>
RR-031e	<p>The access to Allow's equestrian business, from Hilton Lane, is also likely to be adversely affected.</p>	<p>Highways England notes the point made but has no further comments to make over and above those set out in our response to RR-031d above.</p>
RR-031f	<p>Allow let the ponds on the land for fishing. Access to the ponds is from the A460. The fishing business will be adversely affected. Those ponds that remain will no longer offer the tranquil environment currently enjoyed.</p>	<p>Highways England is aware of the ponds used on Allow's land for fishing. Highways England would welcome clarification from Allow as to how they consider the fishing business would be adversely affected.</p>

		<p>Highways England have a statutory duty to maintain, upgrade and develop the road network, for the safety of all road users. While Highways England understands that businesses will have concerns over potential impacts, as a publicly funded body Highways England is not able to pay compensation for disruption, costs or loss of business caused by our works.</p> <p>As per our responses to RR-031d and RR-031e information on compensation can be found at: https://assets.publishing.service.gov.uk/government/uploads/attachment_data/file/11489/147645.pdf</p>
RR-031g	<p>(a) Plot 5/2: i. Among the purposes for which Plot 5/2 is said to be required (as set out in Annex A to the Applicant's Statement of Reasons) is ".....the establishment of environmental mitigation to the West of the Link Road Including habitat creation (Woodland planting and ecology ponds to mitigate for biodiversity loss)".</p>	<p>One of the five purposes listed associated with plot 5/2 is for the establishment of environmental mitigation in association with Work No. 81 as described in Schedule 1 of the Order. Highways England disagrees with Allow that this is not required for the Scheme. We comment upon Allow Ltd.'s subsequent points regarding Plot 5/2 in RR-031h to RR-031k.</p>
RR-031h	<p>(a) Plot 5/2: ii. The land to the west of the proposed road is not required for the development to which the development consent relates, namely the construction of a highway.</p>	<p>Highways England notes the position and refers Allow Ltd to the response provided to RR-031b and RR-031c as set out above. Whilst this land parcel (plot 5/2 in AS-007/2.2) is not required for physical construction of the highway, the development and the development consent are broader than just the highway. It is necessary from an environmental assessment perspective to include mitigation proposals as part of the project to address significant environmental impacts in accordance with the EIA Directive. Accordingly, Highways England considers that this land is required to facilitate the highway and is incidental to the construction of the highway. This land is also required temporarily for a borrow pit to minimise the requirement to import and export material off-site. The borrow pit will reduce the number of deliveries to site and from the Scheme, and therefore minimise disruption to road the network and the local community.</p>

RR-031i	(a) Plot 5/2: iii. The land is not required to facilitate and is not incidental to the construction of a highway as it is not accepted that the extent of the mitigation proposed is required.	Highways England disagrees with this position as set out in the response to RR-031h.
RR-031j	(a) Plot 5/2: If it were established that such mitigation is required: 1. It is not necessary to take the entirety of plot 5/2 to provide woodland planting to integrate the development into the landscape (as referred to in the description of Work No.81).	<p>The amount of land acquired permanently in this plot is proposed to be reduced in the documents submitted to the ExA on 9 October 2020 (accepted by the Examining Authority 29 October 2020) so that the area shown as 5/25 in [AS-065/2.2] is only required temporarily. This reduction in land has been possible due to completion of further ecological surveys and revision of the mitigation strategy to ensure that the area of compensatory woodland planting is approximately equivalent to the areas of woodland being lost. It should be noted that not all areas of individual woodland that will be lost have been compensated for with an equivalent area of new planting. Some woodlands, such as Lower Pool LWS or Brookfields Farm LWS are of greater importance and compensatory planting has been provided at a ratio greater than 1:1 to account for their importance.</p> <p>Mitigation measures located in Plot 5/2 are required to provide a combination of functions, one of which is landscape integration. The primary function of this plot is as a replacement for lost woodland and standing water habitat from Lower Pool SBI, which in the long term will provide habitat for bats, birds, amphibians and invertebrates.</p> <p>The secondary function of the woodland planting in this location is to provide landscape integration. The reason for mitigation measures specific to Allow holdings has been explained in further documentation 'Environmental Mitigation Approach: Allow Limited' and 'Environmental Mitigation Review - Plot 4/20c and 5/2' issued to Allow Ltd on 24 April 2020 and 22 June 2020 respectively. This information has now been superseded by a scheme wide Environmental Mitigation Technical Note submitted as an additional document</p>

		at Deadline 1 - 8.11 Environmental Mitigation Approach [TR010054/APP/8.11]
RR-031k	<p>(a) Plot 5/2: If it were established that such mitigation is required:</p> <p>2. It is not necessary to locate mitigation measures for biodiversity loss on plot 5/2. There are alternative sites on which to provide such mitigation.</p>	<p>As described in the response to RR-031j, the amount of land on this plot proposed for environmental mitigation is proposed to be reduced.</p> <p>In line with the principles of mitigation, replacement habitat for the loss of standing water and woodland which forms part of Lower Pool SBI and LWS, is being provided as close as possible to the affected site.</p> <p>Alternative locations for replacement areas for Lower Pool SBI were considered and the reason these locations were not taken forward has been set out in a Technical Note: Environmental Mitigation Review - Plot 4/20c and 5/2 submitted to Allow Ltd on 22 June 2020.</p> <p>The potential to provide this new woodland planting and replacement standing water to the east of the mainline of the Scheme was explored during the development of the landscape design at the request of Allow. However, due to the presence of the designed landscape of Hilton Park and the Shrubbery, which is a feature of the historic parkland, on the eastern side of the Scheme any additional woodland planting would result in adverse effects on these receptors. The parkland also forms the setting of the Grade I Hilton Hall and associated buildings. The potential to locate planting to the east was discussed with Historic England at a meeting on the 13 August 2019. It was agreed that the form of features within the retained historic park such as the historic boundary of Lower Pool/ The Shrubbery should be retained and that the woodland should not be extended into the remaining open parkland.</p> <p>A mix of new woodland planting, hedgerows, standing water habitats, and species-rich grassland are to be created in Plot 5/2 and 4/20c to mitigate the loss of habitat at Lower Pool LWS and SBI and provide landscape integration. Plot 5/2 is considered to provide the optimum location for habitat connectivity for bats and other species and is close to the lost habitat and remaining habitat which form the Lower Pool LWS and SBI. There are existing high levels of bat activity and the proposed planting provides connectivity to retain the integrity of</p>

		the LWS and SBI. This reduces the area of search for land for mitigation to locations adjacent to the lost and remaining habitats.
RR-031l	<p>b) Plot 4/20a, 4/20b, 4/20c, and 4/20g</p> <p>i. The Applicant seeks to acquire all interests in plots 4/20a, 4/20b, and 4/20c, and temporary possession and permanent rights over plot 4/20g.</p> <p>ii. Allow objects to the application to acquire all interests in plots 4/20a, 4/20b, and 4/20c, and rights over plot 4/20g.</p> <p>iii. Among the purposes for which Plot 4/20c is said to be required (as set out in Annex A to the Applicants Statement of Reasons) is ".....the establishment of environmental mitigation areas to the west of the Link Road. Habitat creation (ecology pond creation, hedgerow, marsh and wetland grassland and species rich grassland) to mitigate for biodiversity loss and integrate the Scheme into the surrounding landscape. Woodland planting to screen views of the scheme".</p>	<p>We note Allow's position (as set out at b ii) and agree that Highways England seeks to acquire permanently land plots 4/20a, 4/20b and secure temporary possession and permanent rights over plot 4/20g (as set out at b i).</p> <p>The Scheme changes revise the mitigation strategy, which reduces the requirement for compulsory acquisition of land plot 4/20c and 5/2. This reduction in land has been possible due to completion of further ecological surveys and revision of the mitigation strategy to ensure that the area of compensatory woodland planting is approximately equivalent to the areas of woodland being lost. The draft Land Plan showing the change was sent to Allow for consideration on 15 September 2020 and submitted in documentation issued to the ExA to request changes to the Scheme on 9 October 2020 (accepted by the ExA on 29 October 2020). The remainder of plot 4/20c is still required for environmental mitigation and a culvert.</p>
RR-031m	<p>b) Plot 4/20a, 4/20b, 4/20c, and 4/20g - iv. The land to the west of the proposed road is not required for the development to which the development consent relates, namely the construction of a highway.</p>	<p>There are various works activities to take place across the identified land parcels, with:</p> <ul style="list-style-type: none"> • 4/20a accommodating drainage attenuation (Works 58); • 4/20b being required for the construction of the highway (Works 2) and the Featherstone Junction Northbound slip road (Works 23); • 4/20c (proposed reduced area) for environmental mitigation (Works 80) and construction of a culvert (Works 46); and • 4/20g for the Hilton Park access track (Works 21). <p>As Highways England have set out in response to RR-031b and RR-031c it is not possible to undertake the construction of the road in isolation from ancillary works such as the provision of drainage infrastructure or without measures to mitigate the environmental impact of the link road as set out within the EIA. The</p>

		<p>works above are all required for the development to which the development consent relates or is required to facilitate or is incidental to that development. Both criteria are valid reasons to justify compulsory acquisition in accordance with Section 122 of the PA (2008).</p>
<p>RR-031n</p>	<p>b) Plot 4/20a, 4/20b, 4/20c, and 4/20g - v. The land is not required to facilitate and is not incidental to the construction of a highway as it is not established that the mitigation proposed is required, and if it were established that such mitigation is required, it is not necessary to take the entirety of Plot 4/20c to provide such mitigation, and/or there are alternative sites on which to provide such mitigation. Allow has offered to make land to the east of the proposed alignment available to provide for mitigation. Such land could be used for mitigation without any undue impact on the historic parkland.</p>	<p>Highways England disagree with this position. Land required for essential mitigation is incidental to the construction of the highway.</p> <p>As set out in RR0311 the Scheme changes accepted by the ExA on 29 October 2020 reduce the requirement for compulsory acquisition of land within Plot 4/20c. This reduction in land has been possible due to completion of further ecological surveys and revision of the mitigation strategy. Surveys undertaken in 2020 showed that ponds previously assumed to support great crested newts (GCN) were unlikely to support the species. Standard mitigation measures for GCN include the replacement of ponds on a 2:1 basis for each pond lost, therefore several mitigation ponds were proposed on Allow's land to compensate for those lost. Three ecology ponds and the associated terrestrial habitat previously proposed to mitigate the impacts of the scheme on GCN have been removed from Plot 4/20c based on the 2020 surveys.</p> <p>The EIA and design for the Scheme has been undertaken as an iterative process, following the mitigation hierarchy of avoidance and prevention, reduction and remediation as outlined within the DMRB (LA 104). Embedded mitigation has been incorporated into the design of the Scheme as it has developed. Embedded mitigation has applied the first and second levels of the mitigation hierarchy, to avoid or prevent environmental impacts. The approach to mitigation and the mitigation design has been described in the ES [TR010054/APP/6.1 and subsequent revisions] and the OEMP [TR010054/APP/6.11 and subsequent revisions]. The approach to essential mitigation has been outlined within further documentation 'Environmental Mitigation Approach: Allow Limited' and 'Environmental Mitigation Review - Plot 4/20c and 5/2' issued to Allow Ltd on 24 April 2020 and 22 June 2020 respectively.</p>

		<p>. This information has now been superseded by a scheme wide Environmental Mitigation Technical Note submitted as an additional document at Deadline 1 - 8.11 Environmental Mitigation Approach [TR010054/APP/8.11]</p> <p>Mitigation to the East:</p> <p>Historic maps both pre- and post-dating the Repton design (including the 1796 Estate Plan, 1842 Tithe Map, and historic Ordnance Survey (OS) mapping) show that no change has been made to the area east of the Scheme since the planting of the woodland around Lower Pool in the early 19th century until the early 2000s when the fishing ponds were constructed. The only exception was the installation of a sewage filter bed in the 1920s. Planting woodland and additional ponds to the east of Scheme, west of Hilton Hall, would further change the original parkland design. Therefore, planting here would have an adverse effect on the designed landscape and cause further change to the setting of the Grade I listed Hall and the Conservatory.</p> <p>NPSNN (paragraph 5.131) states that when considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be. Grade I listed buildings are buildings of 'exceptional' interest, so a change that would increase the harm to these buildings would conflict with the NPSNN. In the context of mitigation that would result in lesser harm, this change cannot be justified. The change would also increase the harm to the locally designated Hilton Park for the same reasons as the increase in harm to the Grade I listed buildings.</p> <p>Historic England would have a serious concern if woodland mitigation was moved from the west of the Scheme to the east of the Scheme within the parkland. This could substantially alter the parkland. Historic England has also confirmed they require the retention of form of features within the retained historic park such as the historic boundary of Lower Pool/The Shrubbery. See Historic England SoCG [TR010054/APP/8.8P(C)].</p>
RR-031o	b) Plot 4/20a, 4/20b, 4/20c, and 4/20g - vi. It is not necessary to take plots 4/20a and 4/20b for the	Highways England have responded to similar points regarding whether it is necessary to acquire permanently Plots 4/20a and 4/20b and do not consider it

	<p>construction of the road or to facilitate or as incidental to the construction of the highway. Insofar as it is established (which is not accepted) that it is necessary for the Applicant to retain a right of access for construction or maintenance of the proposed temporary or permanent rights would suffice. Acquisition of plots 4/20a and 4/20b would prevent Allow from gaining access to its land from the A460.</p>	<p>necessary to repeat our position. However, the acquisition of these plots will not prevent Allow from gaining access to its land from the A460 as is suggested within RR-031o. An alternative access will be provided from the Featherstone Junction East Roundabout to maintain connectivity to existing land parcels controlled by Allow and which are not the subject of compulsory acquisition.</p>
RR-031p	<p>(c) Plot 4/20g i. Permanent rights over plot 4/20g are not required for the construction of the road, or to facilitate or for purposes incidental to the development.</p>	<p>Permanent rights are required over plot 4/20g as this is being acquired to provide an access track to Hilton Park. Such a provision is necessary to mitigate the impact of the construction of the Link Road to the existing access to Hilton Park. Accordingly, permanent rights are necessary to ensure this route is maintained.</p>
RR-031q	<p>(d) Plot 5/4 i. Plot 5/4 includes land in close proximity to the dwelling house known as "The Shrubbery". ii. One of the reasons relied upon for acquiring this parcel of land (as stated at Annex A to the Statement of Reasons) is to provide for the construction of a re-aligned Hilton Lane. iii. It is not necessary or appropriate to take land close to The Shrubbery in order to construct a re-aligned Hilton Lane.</p>	<p>A small area of land near the Shrubbery and between the pond and Lower Pool has been removed from the Land Plans as part of the revisions to the Environmental Masterplan submitted as part of the Scheme changes on 9 October 2020 (accepted by the Examining Authority 29 October 2020), as requested in an e-mail from Christine Baggot (Bagshaws LLP, representing Allow Ltd) on 30 July 2020. The reason these parts of 5/4 were previously required was for improvements to the existing woodland and retention of this improved woodland to compensate for habitat loss within the Lower Pool SBI, not for the re-alignment of Hilton Lane.</p>
RR-031r	<p>(e) There is no compelling case in the public interest to take the entirety of plots 5/2, and 4/20c, as the land is not required for the development for which the order is sought and as there is no requirement for any mitigation measures which may be established to be necessary to be carried out on these parcels of land.</p>	<p>The Scheme as submitted on 30 January 2020 did require the entirety of these plots for mitigation, but due to Scheme changes and increased certainty on presence of Protected Species the area required on 4/20c and 5/2 has been reduced. See response to 031j, 031k and 031n.</p>

RR-031s	(f) There is no compelling case in the public interest to justify taking the entirety of plot 5/4 as it is not necessary to acquire the land to the north west of The Shrubbery for the purposes identified at Annex A to the Statement of Reasons.	See response to RR-031q.
RR-031t	2.4 Allow has registered as an Interested Party to reserve its position in relation to all its land which the applicant seeks to acquire, and to make representations about the Application in the Examination.	Highways England notes Allow's position.
RR-031u	<p>3. Previous Representation</p> <p>Allow has previously made representations to the draft DCO during the statutory and non-statutory consultation on 4 July 2019 and 11 December 2019. Notwithstanding the contents of those letters the Applicant has failed to provide any justification for the proposals to acquire Allow's land identified in plots 5/2, 5/4, 4/20a, 4/20b, and 4/20c and to acquire rights over plot 4/20g.</p>	<p>This is incorrect. Highways England has provided extensive information explaining the reasons behind the compulsory acquisition and kept Allow informed where this position has evolved through design evolution. Mitigation specific to Allow and the justification for land required has been discussed at meetings and is provided in the Application documents, including:</p> <ul style="list-style-type: none"> • Works Plans [TR010054/APP/2.4]; • Statement of Reasons [TR010054/APP/4.1]; • Consultation Report, Annex P [APP-039/5.2]; • ES, Chapter 8 Biodiversity [TR010054/APP/6.1]; and • Case for the Scheme & NPSNN Accordance Table [AS-037/7.2]. <p>Further detailed information was provided in documentation 'Environmental Mitigation Approach: Allow Limited' and 'Environmental Mitigation Review - Plot 4/20c and 5/2' issued to Allow Ltd on 24 April 2020 and 22 June 2020 respectively. All information provided has been met with the response that <i>'the Applicant has failed to provide <u>any</u> justification for the proposals'</i>. No justification for Allow's position on this or comment on documents provided by HE was provided until September 2020.</p> <p>The position in respect to plots 5/2, 5/4 and 4/20c is explored above. It has been possible to reduce the land requirement on all these plots, and Allow Ltd's</p>

		<p>comments have been taken on board when deciding which parts of these plots should be removed from the Environmental Masterplan.</p> <p>Plot 4/20a is required for the installation of access for maintenance off the existing A460 to drainage attenuation and treatment systems to the East of the existing A460.</p> <p>Plot 4/20b is the existing access track from the A460 to Lower Pool, alternative access will be provided from the Featherstone Junction East Roundabout. This access is therefore no longer required and is therefore proposed to form part of the environmental mitigation area. Rights are required over plot 4/20g in order to provide the alternative access to Lower Pool from Featherstone Junction East Roundabout.</p>
RR-031v	<p>4. Applicant's justification for ecological mitigation on Allow's land</p> <p>4.1 On 24 April by email timed at 15:32 the Applicant provided its technical assessment of its justification for laying out the ecological mitigation on Allow's land. Allow remain of the view that the approach taken by the Application in respect of the ecological mitigation is flawed and the proposed mitigation on Allow's land is unreasonable and unjustified.</p> <p>Given that Allow have been requesting the information since 4 July 2019 and it has only been provided on 24 April 2020 Allow has not yet had an opportunity to commission its own full expert reports. The lack of timescale has been further compounded by Covid-19 movement restrictions which have only been eased on 13th May 2020 and simply have not provided enough time to have these expert reports carried out. These reports will support and provide evidence of the flaws, inaccuracies and incorrect mitigation assertions included in the Applicant's technical assessment. For</p>	<p>Highways England notes the position of Allow , however Highways England considers that information on ecology surveys and justification of proposed mitigation has been provided as and when it was available in a form capable of being shared. The point raised that <i>'all of the ecological mitigation it considers necessary to alleviate the impact of its scheme on Allow's land and not any other parties land'</i> is incorrect.</p> <p>Highways England would note that in June 2019 the information requested was not available. As Allow Ltd is well aware, statutory consultation on the Scheme was not complete until July 2019, ecological surveys were ongoing throughout 2019, no certainty was gained on utility diversions or drainage until later 2019/ early 2020, and the draft ES was not complete until December 2019. As soon as the revised draft Environmental Masterplan was available in November 2019, this was consulted on with all landowners, including Allow.</p> <p>A meeting was also held on 11 November 2019 to provide further explanation on the need for environmental mitigation and alternatives considered, as soon as possible after finalisation of the Masterplan, also in November 2019. Full detail of the consultation with Allow and information provided is set out in the draft SoCG [TR010054/APP/8.8LIU(A)].</p>

	<p>these reasons Allow reserves the right to submit technical evidence at a later time and asks for an agreed timescale to carry out its technical assessments.</p> <p>4.2 The Applicant has failed to justify the rationale behind why the Applicant has placed all of the ecological mitigation it considers necessary to alleviate the impact of its scheme on Allow's land and not any other parties land. This justification has been requested as early as June 2019 and has failed to be provided.</p>	<p>The implication that information was withheld is misleading. It was not possible to provide detailed information on environmental mitigation in June 2019, being far in advance of the completion of surveys for the ES.</p> <p>The provision of the stand-alone documents on the mitigation provided on Allow's land in April 2020 and June 2020 also goes beyond what would normally be provided. There was no recognition of the issue of these documents to further answer Allow's queries.</p>
RR-031w	<p>4.3 Allow notes from the request for access from the Applicant's agents that the Applicant proposes to carry out further bat surveys on Allow's land and those surveys are required to be carried out on dates up to and including August 2020. In the circumstances it is unreasonable for Allow not to be able to commission its own experts to review these later surveys the Applicant proposes to carry out.</p>	<p>Ongoing bat surveys are being carried out to inform the European Protected Species Licence (EPSL) application to Natural England to allow disturbance of bats during the construction stage, if the Scheme is approved.</p> <p>The baseline surveys of bats were sufficient and proportionate for the ecological assessment in the Environmental Statement. No further data on bats is required to inform the Application. Pre-construction surveys for bats and other protected species will also be carried out in appropriate seasons during and after Examination to meet the time-limited baseline data requirements for Protected Species Licences.</p>
RR-031x	<p>5. Flawed and inaccurate assessment of woodland planting by the Applicant</p> <p>5.1 The Applicant advises in its technical assessment that the Scheme will result in a loss of 20.4 ha woodland planting and proposes to provide 25 ha of woodland planting (largely on Allow's land) to compensate for the loss of woodland planting</p>	<p>The landscape design for the Scheme provides a package of essential mitigation, to replace habitats lost to the Scheme, provide visual screening and provide landscape integration within existing field boundaries.</p>
RR-031y	<p>5.2 Allow's position is that the Applicant's analysis of the proposed woodland that will be lost i.e. 20.4ha is flawed and as a consequence the quantum of woodland planting the Applicant propose to lay out on Allow's land is fundamentally inaccurate. Allow requests that the Applicant provide detailed and clear evidence including</p>	<p>The approach to mitigation and the mitigation design has been described in the ES and the OEMP [TR010054/APP/6.11], existing habitats within the Scheme boundary are shown on Figures 8.3 Phase 1 Baseline Habitat Survey Results [APP-113/6.2] and the loss of woodland habitat is set out in Table 8.18 of the ES [TR010054/APP/6.1]. Quantified site clearance plans are not required as part of a DCO application package. Final site clearance requirements will not</p>

	<p>overlay plans of the proposed Scheme forthwith. There are no plans available as part of the Application that demonstrate where the existing woodland the Applicant purports will be lost is located. The legal test is that there has to be a compelling case in the public interest to take Allow's land and the land is required for the development to which the development consent relates and is required to facilitate that development. It is not an opportunity to take land that is not required to facilitate the development consent relates.</p>	<p>be determined until detailed design, when the Scheme design is finalised within the limits of deviation set out in the Application, but will not exceed that which has been assessed within the Environmental Statement.</p> <p>A mix of new woodland planting, hedgerows, standing water habitats and species-rich grassland are to be created in Plot 5/2 and 4/20c to mitigate the loss of habitat at Lower Pool LWS and SBI and provide landscape integration. This location is considered to be the optimum location to provide improved habitat connectivity for bats and other species. This location is close to the lost habitat and remaining habitat which form the Lower Pool LWS and SBI. There are existing high levels of bat activity and new planting in this location provides connectivity to retain the integrity of the LWS and SBI.</p> <p>A plan showing each area of woodland which will be lost to the Scheme was provided to Allow on 28/07/20. The issue of total woodland loss to the Scheme raised by Allow was substantiated with a report issued to Highways England on 23 September 2020, outlining their assessment of the woodland loss and mitigation requirements. This is being considered in detail and further explanation will be provided in a technical note for Deadline 3.</p> <p>Highways England considers that all of the land proposed for landscaping and habitat creation is required for the Scheme to meet its environmental requirements, and therefore compulsory acquisition is justified and available to Highways England. Irrespective of the details of estimated total loss of woodland to the Scheme as a whole, Highways England considers it unlikely that there would be further reduction in the extent of planting on Allow's land. This is because the woodland planting on Allow's land is compensating for the loss of woodland within Lower Pool LWS/SBI. It should be noted that several other consultees for the Scheme have requested larger areas of compensation, not less. It is important to provide a block rather than several small areas, which would have more edge-effects, such as higher light and more influence from adjacent land management.</p> <p>In contrast, the loss of woodland adjacent to the carriageways includes younger areas of planting, which can be more readily replaced with similar planting than</p>
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		the LWS/SBI. Hence a lower compensation ratio has been adopted, for this, with new planting for landscape integration and visual impact mitigation.
RR-031z	5.3 The fundamental basis on which the Applicant is purporting to take Allow's land by compulsion is flawed and the Applicant has repeatedly failed to provide clear and accurate information despite requests. The Application documents do not contain any adequate information that demonstrates that there is a loss of 20.4ha of woodland planting and therefore the proposed mitigation cannot be necessary. Nor can it be the position that the Application contains no clear evidence of the amount of ecology that will be lost as a consequence of the Scheme.	Highways England note Allow's position and refer Allow to the responses above.
RR-031aa	6. Statement of Common Ground Allow wish to make clear that they do not consider that it has any common ground with the Applicant at present. Allow have requested justification for the proposed ecological mitigation on its land in its statutory and non-statutory consultation responses and at meetings with the Applicant and its agents in August and November. There has also been no formal response to the offers made by Allow and as set out the justification requested since 4 July 2019 was only provided on 24 April 2020 and in any event is inadequate.	Highways England notes the Allow opinion that there is no common ground. Such a view is unfortunate as Highways England considers that there is benefit in producing such a document with a view to finalising such a document during the Examination. Such a document would, in Highways England's opinion, be of benefit to the Examination as it would seek to set out a) an agreed record of correspondence between parties b) clear summary of the areas of uncommon ground and c) the extent to which any common ground can be achieved during the Examination. In Highways England's experience, there is always some common ground with parties so to refuse to provide any commentary to clarify the areas of disagreement is disappointing. Highways England has shown its willingness to address issues raised by Allow, for example by incorporating design modification which enabled landtake of plots 4/20c and 5/2 to be reduced as requested by Allow. As discussed above, the claims that Highways England has not responded to requests for justification for land take are inaccurate. Highways England has provided information in numerous different ways, including meetings talking through plans and site specific detailed explanations of mitigation required.

RR-032 Daniel Williams		
RR-032a	<p>I would like to contribute to this DCO assessment as I wish to better understand what appear to be a number of errors and inconsistencies within the proposed scheme which will substantially reduce its potential effectiveness. The applicant's Transport Assessment (TA) for the proposed scheme states in its opening sentence: ...“The M54 to M6 Link Road aims to reduce congestion on local / regional routes, particularly the A449(T), A5(T) and A460 and deliver improved transport links to encourage the development of the surrounding area.” The overarching proposal objective is further explained in Paragraph 2.2.1 of Chapter 2 of the submitted Environmental Statement. Here two of the proposed scheme's four primary objectives are stated as: - Keeping the right traffic on the right roads and improve safety by separating local community traffic from long distance and business traffic. - Reduce volumes of through traffic in villages, improving local community access. The A449 north of the M54 (J1) is the current signed route between the M54 eastbound and the M6 northbound (and M6 southbound to M54 westbound). This route experiences AADT of approximately 18,800 vehicles. Those vehicle movements pass through the villages of Standeford, Cross Green and Coven Heath. These three A449 settlements contain over 100 residential dwellings which reside within 50m of the A449 carriageways. Tables 11.13 and 11.20 of the submitted TA completely misrepresent the numbers of affected dwellings in the A449 corridor. Understanding the numbers of affected dwellings is a very basic and important starting point for</p>	<p>The operational traffic noise assessment has been completed based on the standard UK assessment methodology for road schemes set out in the DMRB. DMRB adopts a proportionate approach to assessment with full CRTN calculations required within 600 m of new road links, or links physically changed or bypassed by the Scheme. Full CRTN calculations have been completed for a 600 m study area around the Scheme and the existing A460 bypassed by the Scheme. For other road links more remote from the Scheme the assessment is normally based on the change in the 18-hour CRTN Basic Noise Level (BNL) i.e. the traffic noise level at 10 m from the kerb, considering the flow, % Heavy Duty Vehicle (HDV), speed and road surface.</p> <p>The BNL calculations have been completed for all road links in the traffic model, including all sections of the A449 between the M54 and A5. However, in accordance with DMRB the results are only presented in the Noise and Vibration chapter of the Environment Statement for those links where the change in BNL due to the Scheme is more than negligible. Figure 11.2 [APP-144/6.2] identifies links meeting these change criteria. Chapter 11: Noise and Vibration of the ES (Version 1) [APP-050/ 6.1], Table 11.13 provides the results of the BNL calculations for these links without the Scheme in operation, and Table 11.20 provides the results with the Scheme in operation. As illustrated on Figure 11.2 [APP-144/6.1] the BNL calculations indicate that the majority, though not all, of the A449 between the M54 and the A5 is anticipated to experience a greater than negligible <u>reduction</u> in traffic noise. Link 2048_49753/49753_2048 on the A449 south of Standeford is identified in Table 11.20 of ES Chapter 11 [APP-050/6.1] as experiencing a minor reduction in traffic noise in the opening year.</p> <p>To confirm, the noise assessment has considered all sections of the A449 between the M54 and the A5 although only some sections meet the criteria for reporting the impact in the ES. It should be noted that the references provided</p>

	<p>the necessity of the proposed scheme. My family home is captured within the road section defined as []. How far south of Standeford this 'section' of the A449 extends is unknown and needlessly ambiguous on the part of the applicant. Submitted Figure 11.2 shows a sizable section of the southern A449 between J2 of the M54 and the A5 has been ignored by the applicant's modelling assessment.</p>	<p>cross refer to Version 1 of Chapter 11: Noise and Vibration submitted with the application in January 2020 [APP-050/6.1].</p> <p>Version 2 of Chapter 11: Noise and Vibration and its associated Appendices and Figures were submitted to the Inspectorate on 30 July 2020 [AS-045-58/6.1-6.3]. Tables 11.13 and 11.20 have now been combined and are included as Appendix 11.5 of the ES [AS-53/6.3]. The new chapter, appendices and figures provide an update based on the revised DMRB methodology published in November 2019.</p> <p>Version 3 of Chapter 11: Noise and Vibration and its associated Appendices and Figures were submitted to the ExA on 9 October 2020 [AS-085/6.1]. The new chapter, appendices and figures provided an update based on the design changes submitted to the ExA on 9 October 2020 (accepted by the ExA on 29 October 2020) . A revised version of Appendix 11.5 was not submitted as the design changes would not alter the contents of this appendix.</p>
RR-032b	<p>Why this would be the case is a matter that needs urgent clarification. Table 11.20 of the submitted TA advocates that on the 'A449 Stafford Road – South of Standeford' vehicle derived nuisance noise will drop by 0.7 dB in the long term to 69.5 dB during the daytime. The extent of this reduction can hardly be considered a noticeable or particularly successful end result. The application's Table 11:20 projections also do not appear to take account of various factors and built form that the 1988 'Calculation of Road Traffic Noise Manual' (CRTN) advocates should be included in a highway sound modelling exercise. Inclusion of these variables would almost certainly leave the projected sound reductions at levels above 70dB in the village of Standeford and the other A449 villages. The submitted modelling for this scheme does not include an understanding of the night time flow regime along the A449, nor does it include or understand the full effects</p>	<p>The SoS for Transport considered that there is a clear justification for authorising the Proposed West Midlands Interchange (WMI) Development in the Department's letter dated 4th May 2020.</p> <p>In anticipation of this approval, Highways England considered that this proposed development at the WMI was 'more than likely' to be delivered and therefore specifically represented this site as approximately 743,000 sq m of mixed use industry and storage, and this was included as a modelled zone within the "Core" local traffic forecasts for the Scheme. Because this site was specifically represented within the local traffic model forecasts, the national trip-end growth factors for other areas within the planning district were reduced to avoid the double-counting of economic growth.</p> <p>As a specifically represented local development site, the trip generations, trip distributions and highway infrastructure improvements associated with the WMI development site were included in the local traffic forecasting process. These forecast trip demands were then assigned onto both the 'Do-Minimum' (no scheme, but including the WMI roads) highway network and onto the 'Do-Something' (with Scheme and including WMI roads) highway network.</p>

	<p>of the West Midlands Rail-freight Interchange (WMI) on the strategic road network around the proposed link road.</p> <p>Consent for the WMI scheme was given after the initial submission of this application and its technical appraisal and data. Given that that WMI scheme will induce a profound, adverse 180% increase in HGVs' usage between the WMI site and the West Midlands conurbation along the A449, that usage is a variable that needs to be fully understood and considered by this scheme.</p> <p>The WMI site will also introduce a new link road between the A449 and M6 – effectively removing the A5 Gailey junction from the current M54-A449-M6 connection. The effect this new road will have on de-incentivising the usage of the proposed link road is also not fully understood or explained by the applicant. If the applicant fully apprises the 1988 CRTN variables it is highly probable the A449 route will be far more harmful (70dB plus levels) than is anticipated for residential receptors both with and without the proposed scheme. It is reasonable to assume that the A449's sound pollution levels will be fractionally less harmful if the link road being proposed is built, nonetheless that assumption begs the question what more can be done to increase the effectiveness of the proposed link road to get it from 70dB plus to sub 55dB? If the A449 settlements are left with a reduced level that is still greater than 70 dB, the proposed scheme will have failed to achieve two of its four primary objectives. De-trunking the A449 so that it becomes a road that serves local traffic and slow moving HGVs serving the WMI</p>	<p>Therefore, the traffic forecasts used as the basis for traffic noise calculations included an allowance for the WMI development in both the no-Scheme and with-Scheme noise assessments. In other words, the traffic generated by the WMI (and noise from the distribution and routing of that traffic) has been considered in the noise chapter of the ES (Versions 1 to 3).</p> <p>On the approach to the noise assessment please refer to our response to RR-032a as set out above.</p>
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	should form a significant part of this proposal. Hoping the scheme will do something for the A449 but not knowing what that something really is, is not an acceptable approach. For the benefit of the Examining Authority and the viewing public the applicant needs to redo its patchy, out of date and inaccurate modelling of the surrounding road network as matter of urgency.	
RR-033 Messrs I & A Simkin		
RR-033a	<p>Ian and Adrian Simkin are owners of interests in land which the applicant seeks to acquire by compulsion. Messrs Simkin are an interested party falling within the definition set out at section 102(1)(aa) of the Planning Act 2008. Objection: The permanent acquisition of plots 5/26, 5/27 and 6/25 for environmental mitigation is objected to, as the comprises an arable field parcel of Land Classification Grade 3a. The loss of good quality agricultural land is contrary to scheme guidelines and the NPPF.</p> <p>The permanent acquisition of plots 5/26, 5/27, 6/25 and 6/23 for environmental mitigation is objected to as it is considered excessive for the offsetting of only approximately 0.79 ha of arable land being taken for the road construction and we do not accept that the extent of the land proposed to be taken for mitigation, at 3.504 ha, is necessary and proportionate for environmental mitigation.</p>	<p>Plot 6/23 is required for a number of Works (35, 36, 39 and 66) which all relate to the realignment of M6 Junction 11 and the construction of the new M6 Junction 11 circulatory carriageway. This land is also required for works to realign the existing PRoW Saredon 13.</p> <p>Plots 5/26, 5/27 and 6/25 were required permanently for ecological mitigation. However, as a result of further ecological surveys and changes to the design to reduce the ecological impact of the Scheme, these plots are no longer required for this purpose and are not required to be acquired on a permanent basis. The northern part of plot 6/25 is still required temporarily for soil storage during construction, but would be reinstated to its previous condition and returned to the landowner after construction.</p> <p>One reason that this land was selected for removal was in recognition of its status as Best and Most Versatile (BMV) agricultural land as highlighted by Messrs Simkin and Natural England.</p>
RR-033b	Messrs Simkin object to the acquisition of [6/23] where there is the proposed acquisition of the entire road frontage of the field parcel along the A460 with no	Highways England will seek to retain access to the adjacent land from the lay-by. The land take along the A460 is required to accommodate any changes to the existing layby. As per the current scenario, 3 rd party land ownership will be

	provision for access and turning agricultural vehicles or for any other future uses.	maintained from the back of the lay-by with access provided to match the current arrangement.
RR-033c	Messrs Simkin object to the acquisition of plot [6/31], for the provision of a bridleway, Saredon BW13. As part of the Environmental Statement (ES), the 2017 walking, cycling and horse riding (WCH) survey results showed no recorded users of this particular public right of way for the duration of the data collection period (Environmental Statement Chapter 12 [TR010054/APP/6.1]). The Environmental Statement Chapter 2 [TR010054/APP/6.1] sets out that the Environmental Masterplan includes measures to 'ensure the connectivity of PRoW and other routes used by pedestrians and cyclists are maintained', this is in opposition with the survey results. The route, Saredon BW13 is not used, as evidenced in Chapter 12 of the ES and therefore should be removed, as opposed to realigned, as part of The Scheme. The bridleway reaches a dead end at the southern end of 6/31 and does not offer any connectivity	<p>The bridleway is a PRoW and Highways England is required by policy and legislation to retain connectivity of PRoW where possible. Lack of use is not sufficient justification by itself to extinguish a PRoW.</p> <p>The Scheme seeks to maintain existing levels of non-motorised user connectivity as a minimum requirement. The route currently connects into M6 Junction 11 where crossing facilities are provided to enable connectivity over the M6. The Scheme proposes to improve the crossing facilities for non-motorised users at M6 Junction 11. This route provides a connection between M6 Junction 11 and Great Saredon therefore it is anticipated that this route will be required to be re-instated and upgraded, where required, to an acceptable standard to address any safety concerns.</p>
RR-033d	Messrs Simkin object to the acquisition of plots 6/29 and 6/30 as we consider them to be surplus to the scheme and they are not being acquired for the development, or incidental to, the construction of the highway. They are situated to the Eastern side of the hedge from the highway and upon reference to the Works Plans will not be impacted by, or necessary for, the scheme. A narrow strip of land will be acquired for species rich grassland Environmental Mitigation which will be impractical (and virtually impossible) to manage on an ongoing basis.	Highways England can confirm that plots 6/29 and 6/30 are required for Work no. 39 which is for the realignment and widening of the A460 southbound by a single lane from the M6 toll merge to M6 Junction 11 and the widening of the A460 northbound carriageway by a single lane from M6 Junction 1, tapering back down to two lanes ahead of the M6 Toll overbridge as set out within the Statement of Reasons [TR010054/APP/4.1]. No environmental mitigation is proposed on either parcel. Both plots are required for the construction of the highway.

<p>RR-033e</p>	<p>Previous Representation: On behalf of Messrs Simkin, Bagshaws LLP previously responded to Highways England on the 28th January 2020 following a meeting on 2nd December 2019. Permanent acquisition of plots 5/26, 5/27 and 6/25 was formally objected to in our response. The area comprises a grade 3a arable field parcel which we continue to request retaining. Additionally, we previously objected completely to the acquisition of plot 6/31 for the provision of a bridleway, Saredon BW13, which terminates at M6 Junction 11. It is not used, and has been unused for many years, it is considered dangerous and therefore, we feel unnecessary to be reinstated within the road scheme, especially as the increased road noise and proximity to traffic will not be expected to increase its use. No evidence has been provided to justify the acquisition of these rights.</p> <p>Losses to the Business: 1. The loss of land represents a significant loss to Messrs Simkin's farming business, with the land representing nearly 8% of their arable land across their holding.</p> <p>2. Acquisition of plots 6/23, 6/31 and 6/37, will negate the ability of the remaining field area to be used for arable production. Following commencement of the scheme works, this field may be only suitable for grazing due to the significant reduction of the field parcel and creation of an unworkable shape for arable operations.</p> <p>3. If permanent acquisition of plots 5/26, 5/27 and 6/25 is pursued by HE then due to the number of approaches</p>	<p>Highways England is aware of the representations made previously on behalf Messrs Simkin. Please see response to RR-033a on plots 5/26, 5/27 and 6/25.</p> <p>In relation to the concerns raised regarding the PRow, the NPSNN paragraph 5.184 states that:</p> <p>'Public rights of way, National Trails, and other rights of access to land (e.g. open access land) are important recreational facilities for walkers, cyclists and equestrians. Applicants are expected to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other public rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve access.'</p> <p>The extinguishment of PRow would conflict with the NPSNN unless the SoS is satisfied that an alternative has been or will be provided or is not required (see NPSNN paragraph 5.185). Lack of current use is not sufficient justification to demonstrate that it is not required. As the Scheme has an impact on the bridleway, it is necessary and appropriate to mitigate any impact, with the expectation from SCC to at least secure like for like replacement.</p> <p>In terms of the impact on the businesses, although we understand that Messrs Simkins have formal representation, we direct them to the Compulsory Purchase and Compensation: Compensation to Agricultural Owners and Occupiers Booklet 3 produced by the Office of the Deputy Prime Minister which can be found here:</p> <p>https://assets.publishing.service.gov.uk/government/uploads/attachment_data/file/11489/147645.pdf</p> <p>As this guidance sets out compensation following a compulsory acquisition of land is based on the principle of equivalence. The effects of the compulsory</p>
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	<p>received by Messrs Simkin from developers interested in this land, compensation would be sought to claim hope value for development which brings into question the cost of the proposal to use this land for environmental mitigation.</p> <p>Proposal: If it is held that land has to be taken for environmental mitigation, then we would welcome the opportunity to discuss terms of the retention of the freehold, but subject to a management agreement for the management of the land in an environmentally beneficial way to help satisfy environmental mitigation requirements of the scheme.</p>	<p>purchase order on the value of the property/land are ignored when assessing compensation and the level of compensation is directly related to the open market value of the property/land. Accordingly, Highways England disagrees with this view and considers that compensation would be proportionate to the impact.</p> <p>In respect of points 2 and 3, such matters are capable of being given due consideration during the calculation of compensation. However, in respect of point 3 Highways England would note that developer interest in such a form, does not indicate that the land has any developable potential and Highways England would wish to see and understand more fully any more defined proposals.</p> <p>As a result of the design changes submitted on 9 October 2020 (accepted by the Examining Authority 29 October 2020), no land owned by Ian and Adrian Simkin would be permanently acquired for the sole purpose of environmental mitigation.</p>
RR-034 Messrs Nigel & Paul Simkin		
RR-034a	<p>We are instructed by Messrs Nigel and Paul Simkin who own land at [], affected by the M54 to M6 Link Road Project. We feel we should point out that there has been a lack of consultation by Highways England and our clients feel they have not received meaningful responses about their concerns (letters sent by Bruton Knowles - 3rd July 2019 and the 11th December 2019). The lack of proper engagement has made our clients feel as if their concerns are of little importance, with Highways England's priority being Project delivery. This is a summary of our clients concerns again raised at a</p>	<p>Highways England has engaged with Messrs Simkin and their representatives throughout the development of the Scheme, including five face to face meetings in addition to letters, emails and phone calls. Messrs Simkin were consulted as part of the s42 consultation in May 2019 and the supplementary consultation in November 2019. Highways England's responses to the consultation comments are provided in Annex P of the Consultation Report [APP-039/5.2] submitted as part of the application and discussed at meetings on 10/12/2019 and 27/02/2020. Highways England issued a draft SoCG to the Landowners on 15/07/2020, to which no formal response has been received.</p>

	meeting with Highways England on the 27 th February 2020	
RR-034b	1. Why did ecologists in undertaking their technical work not approach The Simkin's? The Simkin Family have farmed this land for more than 100 years and therefore the Project could have benefited from their knowledge and in turn this could have mitigated the impact on land take.	The assessments reported in the ES need to be informed by up to date data gathered through desk studies and field surveys to ensure that the assessment of potential impacts on important ecological features and the mitigation required to address these impacts is robust. Whilst Highways England appreciates that landowners will have knowledge of the land that they own, this does not replace the need to undertake these studies. Standard practice does not require landowners to be contacted to provide survey data.
RR-034c	2. Despite it being promised, The Simkin's have not received a Statement of Common Ground (SOCG). The fact that a SOCG has been agreed with other parties such as Natural England disappoints our client.	Highways England is working on a large number of SoCG, with discussions with parties differing significantly in terms of the amount of information agreed and the stage of agreement. The issue of some SoCG before others is not indicative of a prioritisation of one party over another. The first draft SoCG was issued in connection with the Simkins' land on 15/07/2020 for review and further discussions [TR010054/APP/8.8LIU(D)].
RR-034d	3. Excessive ecological mitigation exacerbates the Projects effect on our client's land as follows; - loss of good quality arable land/severed fields/access routes. - impact upon fishing and clay pigeon businesses. - impact upon riding routes used by their equestrian business. - loss of income/increased costs. As an example, during the meeting Nigel Simkin expressed his surprise that increased mitigation is required because of an area of existing 'ancient woodland' to the north of his land ownership. Through his own knowledge, this is an area of relatively young trees and furthermore is not designated as ancient woodland on the Natural England website.	Natural England's ancient woodland inventory only lists woodlands over 2 ha in size. As such Highways England have assessed whether woodland blocks smaller in size than 2 ha could be ancient and therefore warrant appropriate compensation. The assessment has been undertaken with close liaison and agreement with Natural England and has included review of historical maps, and desk and field-based studies to record the characteristics of each of these woodlands. To compensate for the loss or damage of ancient woodland, it has been agreed with Natural England to plant new woodland at a ratio of 7:1 to compensate for that lost. The requirement to provide the compensation planting in connection with existing ancient woodland has limited opportunities to locate compensation planting. The woodland has not been 'designated' as ancient rather it has been identified as ancient by a fact of its characteristics and historic map regression and as such must be afforded consideration as required by National and Planning Policy any loss must be compensated accordingly. It should be noted that at every stage in the design opportunities have been sought to minimise the impact of the Scheme on ancient woodland. Following

		<p>the Scheme changes submitted to the Examining Authority on 9 October 2020, there would be no direct loss of ancient woodland. With the loss of ancient woodland being then limited to loss as a result of development within the buffer zone and loss associated with air quality impacts.</p> <p>Notwithstanding the above, it should be noted that the majority of environmental mitigation is not proposed to mitigate the impact on ancient woodland. Mitigation measures located on land held by Nigel and Paul Simkin are required to provide a combination of functions, including ecology mitigation with regard to habitats, species and ancient woodland, visual screening and landscape integration. The reason for mitigation measures specific to Nigel and Paul Simkin's holdings has been explained in further documentation 'Environmental Mitigation Approach: Nigel Thomas Simkin and Paul William Simkin ' issued to Nigel and Paul Simkin on 15 July 2020. This information has now been superseded by a scheme wide Environmental Mitigation Technical Note submitted as an additional document at Deadline 1 - 8.11 Environmental Mitigation Approach [TR010054/APP/8.11]</p> <p>The impact on agricultural farm holdings has been assessed and is reported in Chapter 12: Population and Human Health [APP-051/6.1].</p>
RR-034e	4. A combination of excessive ecological mitigation and resultant boundaries for land take has left small sections of land that cannot be farmed effectively	<p>Highways England considers, as set out above, that the land take required by the Scheme is proportionate. Highways England disagrees that the land left is not capable of being farmed effectively. However, if the remainder of a holding becomes unviable because of compulsory acquisition then any loss due to this would be reflected in any compensation due. Highways England issued guidance documents to the representing land agent on 03/03/2020.</p> <p>Highways England can only take land which is required for the scheme. Under the Compensation Code Highways England is required to pay compensation on any losses where proven and evidence as a consequence of the scheme.</p>
RR-034f	5. The Simkin Family have several vehicular access routes severed by the Project, not all of which have been acknowledged or replaced by the Project.	<p>The landowner has indicated that there are two existing accesses to their parcel from the A460 via Brookfield Farm and at Latherford Brook. Highways England is not currently proposing to retain this particular access point and will continue to discuss access arrangements with the landowner. Alternative access routes</p>

		for agricultural machinery are proposed via the new accommodation bridge to the south of Brookfield Farm.
RR-034g	6. As mitigation for land access and footpath severance, the Project proposes to provide an accommodation bridge to allow access for farm vehicles and pedestrians. It was highlighted in the meeting by Nigel Simkin that this bridge will also be required for equestrian use as part of a diversion for a bridleway, a point which Highways England would have been aware of had they consulted fully. The proposed specifications for this bridge are important. In our client's opinion, the proposed carriageway of 4.5 metres with a 1.25 metre verge either side is inadequate and unsafe, given that various uses of the bridge can occur simultaneously. This bridge also needs to be future proofed, as the proposed width is barely sufficient for the existing combine. As agricultural equipment is becoming larger, our client's view is that the current design of the bridge is inadequate to accommodate both current and future use. In short, the bridge needs to be wider.	<p>In accordance with The Road Vehicles (Authorisation of Special Types) (General) Order 2003, PART 3 SPECIAL VEHICLES FOR AGRICULTURE Section 21.2; The overall width of a special type agricultural vehicle together with the width of any lateral projection or projections of any load carried on it must not exceed 4.3 metres.</p> <p>It is proposed that the traffic width of the structure is 4.5m in order to accommodate the maximum legal width of farm machinery. Note that this paved width has been increased, from 4m, following previous engagement with the landowner.</p> <p>Sufficient forward visibility is provided on either side of the structure, therefore it is anticipated that users will wait on either side of the structure for the other to pass to eliminate the risk of vehicles and users crossing on the structure causing potential conflicts.</p>
RR-034h	8. Our client's land is being promoted for commercial development by Nurton Developments. We understand that the Promoter feels (as our client's do) that there has been a singular lack of positive engagement in relation to Nurton's plans, which is a pity in that constructive dialogue would have been in everyone's best interests.	<p>Highways England has engaged with Nurton Developments Ltd throughout the process, including meetings and written correspondence, and will continue to do so as appropriate.</p> <p>Refer to response RR-038f and SoCG with Nurton developments for more information [TR010054/APP/8.8LIU(K)].</p>
RR-035 Mr and Mrs B Jones		
RR-035a	We are instructed by Mr and Mrs B Jones who are the owners of land directly to the [] of the M6 Junction 11, which is affected by the M54 to M6 Link Road Project.	Highways England has met with Mr and Mrs Jones and their representatives on a number of occasions throughout the development of the Scheme. Mr and Mrs Jones were consulted as part of the s42 consultation in May 2019 and the

	<p>We set out below a summary of the principal submissions we intend to make on behalf of our clients in relation to the application; We feel that there has been a lack of consultation with our clients by Highways England and we have not received any meaningful response to the issues in our Consultation Response Letters sent by us on the 3rd July 2019 and the 11th December 2019 other than a basic acknowledgement and an invitation to a meeting. This highlights the point we make in terms of a lack of proper engagement and why our clients feel that their opinions and concerns are of little importance to Highways England with delivery of the project being their sole priority. Given our clients concerns, at the very least we expected Highways England to have prepared a detailed response in readiness for the meeting which was held on the 25th February 2020. However, it soon became apparent during the meeting that the onus appeared to be on ourselves to lead the conversation. Notwithstanding this we raised the following points in the meeting;</p>	<p>supplementary consultation in November 2019. Highways England's responses to the consultation responses were provided in Annex P of the Consultation Report [TR010054/APP-039/5.2] submitted as part of the application. Please see the SoCG for further information on previous and current discussions [APP-8.8LIU(H)].</p> <p>Highways England will continue to engage with Mr and Mrs Jones via their appointed agents during the course of the examination as may be necessary.</p> <p>In addition, Highways England issued a draft SoCG and environmental mitigation technical approach documents to both the Landowner and their representative (dated 19/08/2020), addressing issues raised in all consultations.</p>
RR-035b	<p>1. The Project has an excessive area of land take for Ecological Mitigation with no justification provided.</p>	<p>Highways England disagrees that no justification has been provided on environmental mitigation. This has been set out as clearly as possible as the mitigation has evolved and developed over time, and is justified in the ES [TR010054/APP/6.2].</p> <p>As per other landowners, a detailed technical note was produced and submitted to the landowner on 19 August 2020 to describe the rationale behind essential mitigation proposals in respect of the Scheme on land covered by an interest of Mr & Mrs Jones as proposed in Figures 2.1 to 2.7 of the ES [TR010054/APP/6.2]. This information has now been superseded by a scheme wide Environmental Mitigation Technical Note submitted as an additional document at Deadline 1 - 8.11 Environmental Mitigation Approach [TR010054/APP/8.11]</p>

		A highway drainage pond and mix of new woodland and species-rich grassland are to be created in this area to mitigate visual impacts and habitat loss.
RR-035c	2. Our clients' land is included within an area of land being promoted for commercial development by Nurton Developments. We understand that the Promoter feels (as our clients do) that there has been a singular lack of positive engagement, which is a pity in that constructive dialogue would be in everyone's best interests as well as use of the land.	See response to RR-034h.
RR-035d	3. We have been promised a Statement of Common Ground (SOCG) on several occasions by Highways England but this has not been received. The fact that a SOCG has been agreed with other interested parties including Natural England and not with a landowner whose livelihood is being affected is both a surprise and very disappointing.	See response to RR-034c, which also applies here. A draft SoCG was issued to this party on 19 August 2020 for review and further discussion [TR010054/APP/8.8LIU(H)]. Highways England will provide an update on the progress of finalising the SOCG during the course of the examination.
RR-035e	4. Our clients stand to lose all their land because of an area of existing 'ancient woodland' on their neighbours' property. The fact that ancient woodland had been identified in this location is a surprise to our client. Firstly, through their own local knowledge and secondly because this area is not designated as such on the Natural England website. We understand this area has only recently been designated ancient woodland through the course of consultation meetings between Highways England and Natural England. Such a decision with no input from our client, particularly given the impact this will have on them, is considered irresponsible.	Natural England's ancient woodland inventory only lists woodlands over 2ha in size. As such Highways England have assessed whether woodland blocks smaller in size than 2ha could reasonably be classed as ancient woodland and therefore warrant appropriate compensation. This assessment has been undertaken with close liaison and agreement with Natural England and has included review of historical maps, and desk and field-based studies to record the characteristics of each of these woodlands. To compensate for the loss or damage of ancient woodland, it has been agreed with Natural England to plant new woodland at a ratio of 7:1. The requirement to provide the compensation planting in connection with existing ancient woodland has limited opportunities to locate compensation planting. The woodland has not been 'designated' as ancient rather it has been identified as ancient by a fact of its characteristics and historic map regression and as such must be afforded consideration as required by the NPSNN any loss must be compensated accordingly.

		<p>It should be noted that at every stage in the design opportunities have been sought to minimise the impact of the Scheme on ancient woodland. The design changes submitted to the ExA on 9 October 2020 prevent the direct loss of ancient woodland, however ancient woodland within 15m of the construction works is assumed to be lost due to the compaction of soils and damage to roots when working in close proximity to the woodland (this is compensated at a ratio of 7:1). Areas of ancient woodland significantly impacted by increases in nitrogen deposition will be compensated for at a ratio of 1:1.</p> <p>As described in response to RR-035b land in this holding is required for a highway drainage pond and mix of new woodland and species-rich grassland are to be created in this area to mitigate visual impacts and habitat loss. No ancient woodland compensation is proposed on this land holding.</p>
RR-036 Mrs E Whitehouse and Mrs S L M Arblaster		
RR-036a	<p>We are instructed by Mrs Whitehouse and Mrs Arblaster who are the owners of land directly to the south of the M6 Junction 11 and which is affected by the proposed M54 to M6 Link Road Project. We set out below a summary of the principal submissions we intend to make on behalf of our clients in relation to the application. We feel that there has been a lack of consultation with our clients by Highways England and we have not received any meaningful response to the issues in our Consultation Response Letters sent by us on the 3rd July 2019 and the 11th December 2019 other than a basic acknowledgement and an invitation to a meeting. This highlights the point we make in terms of a lack of proper engagement and why our clients feel that their opinions and concerns are of little importance to Highways England with delivery of the project being their sole priority. Given our clients concerns, at the very least we expected Highways England to have prepared</p>	<p>Highways England has met with Mrs Whitehouse, Mrs Arblaster and their representatives on a number of occasions throughout the development of the Scheme. See SoCG for further information [TR010054/APP/8.8LIU(J)].</p> <p>Mrs Whitehouse and Mrs Arblaster were consulted as part of the s42 consultation in May 2019 and the supplementary consultation in November 2019. Highways England's responses to the consultation responses were provided in Annex P of the Consultation Report [APP-039/5.2] submitted as part of the application.</p> <p>In addition, Highways England issued a draft SoCG to both landowner and representative on 16/07/2020 addressing issues raised in both consultations</p>

	<p>a detailed response in readiness for the meeting which was held on the 25th February 2020. However it soon became apparent during the meeting that the onus appeared to be on ourselves and the client to lead the conversation. Notwithstanding this we raised the following points in the meeting;</p>	
<p>RR-036b</p>	<p>1. The Project has an excessive area of land take for Ecological Mitigation with no justification provided.</p>	<p>Highways England disagrees that the land take for environmental mitigation is excessive. HE considers all mitigation proposed to be essential mitigation and the minimum required for the Scheme. Highways England has provided information on environmental mitigation and the reasons behind it throughout the development of the scheme.</p> <p>Mitigation and the justification for land required has been discussed at meetings and is provided in application documents, including:</p> <ul style="list-style-type: none"> • Works Plans [TR010054/APP/2.4]; • Statement of Reasons [TR010054/APP/4.1]; • Consultation Report, Annex P [APP-039/5.2]; • ES, Chapter 8 Biodiversity [TR010054/APP/6.1]; and • Case for the Scheme & NPSNN Accordance Table [AS-037/7.2]. <p>Further detailed information on land owned by Ms Whitehouse and Ms Arblaster was provided in documentation issued to the landowner on 16 July 2020. This Technical Note describes the rationale behind essential mitigation proposals in respect of the M54 to M6 Link Road (the Scheme) on land covered by an interest of Elizabeth Whitehouse and Stella Arblaster as proposed in Figures 2.1 to 2.7 of the ES [TR010054/APP/6.2]. A mix of new woodland planting, hedgerows, species-rich grassland and amenity grassland are to be created on this land to mitigate the loss of ancient woodland and habitat at Brookfield Farm SBI and the loss of habitat for GCN and bats. Woodland planting and grassland is also required to provide landscape integration and improve visual amenity.</p>

RR-036c	<p>2. This ecological mitigation takes all our clients land which as Mrs Whitehouse confirmed in the meeting, will cause hardship, with a very significant impact on her farming business. Furthermore, given the location this land will be irreplaceable due to the fact that there is both limited alternative land for sale in the area and where land does become available there is a very high demand from non-farming interests.</p>	<p>As referenced within our earlier responses to similar RRs where land is the subject of compulsory purchase the rights to compensation and methods and procedures for calculation of any compensation is set out within the Compensation Code (comprising principally Land Compensation Acts of 1961 and 1973 as well as Compulsory Purchase Act 1965). Guidance on compensation is set out in '<i>Compulsory Purchase and Compensation: Compensation to Agricultural Owners and Occupiers (Booklet 3), Office of Deputy Prime Minister (October 2004)</i>' and we refer Mrs Whitehouse and Mrs Arblaster The assessments reported in the ES need to be informed by up to date data gathered through desk studies and field surveys to ensure that the assessment of potential impacts on important ecological features and the mitigation required to address these impacts is robust. Whilst Highways England appreciates that landowners will have knowledge of the land that they own, this does not replace the need to undertake these studies. Standard practice does not require landowners to be contacted to provide survey data.</p>
RR-036e	<p>4. Our clients' land is included within an area of land being promoted for commercial development by Nurton Developments. We understand that the Promoter feels (as our clients do) that there has been a singular lack of positive engagement, which is a pity in that constructive dialogue would be in everyone's best interests as well as use of the land.</p>	<p>See response to RR-034h.</p>
RR-036f	<p>5. We have been promised a Statement of Common Ground (SOCG) on several occasions by Highways England but this has not been received. The fact that a SOCG has been agreed with other interested parties including Natural England and not with a landowner whose livelihood is being affected is both a surprise and very disappointing.</p>	<p>See response to RR-034c. A draft SoCG was issued to this party on 16 July 2020 for review and further discussion will take place during the course of the Examination. See [TR010054/APP/8.8LIU(J)] for the latest SoCG</p>
RR-036g	<p>6. Our clients stand to lose all their land because of an area of existing 'ancient woodland' on their neighbours'</p>	<p>Natural England's ancient woodland inventory only lists woodlands over 2ha in size. As such Highways England have assessed whether woodland blocks</p>

	<p>property. The fact that ancient woodland had been identified in this location is a surprise to our client. Firstly, through their own local knowledge and secondly because this area is not designated as such on the Natural England website. We understand this area has only recently been designated ancient woodland through the course of consultation meetings between Highways England and Natural England. Such a decision with no input from our client, particularly given the impact this will have on them, is considered irresponsible.</p>	<p>smaller in size than 2ha could be ancient and therefore warrant appropriate compensation. The assessment has been undertaken with close liaison and agreement with Natural England's Senior Forestry and Woodland Specialist and has included review of historical maps, and desk and field-based studies to record the characteristics of each of these woodlands. To compensate for the loss or damage of ancient woodland, it has been agreed with Natural England to plant new woodland at a ratio of 7:1 to. The requirement to provide the compensation planting in connection with existing ancient woodland has limited opportunities to locate compensation planting. The woodland has not been 'designated' as ancient rather it has been identified as Ancient by a fact of its characteristics and historic map regression and as such must be afforded consideration as required by the NPSNN any loss must be compensated accordingly.</p> <p>It should be noted that at every stage in the design opportunities have been sought to minimise the impact of the Scheme on ancient woodland. The design changes submitted to the ExA on 9 October 2020 prevent the direct loss of ancient woodland, however ancient woodland within 15m of the construction works is assumed to be lost due to the compaction of soils and damage to roots when working in close proximity to the woodland (this is compensated at a ratio of 7:1). Areas of ancient woodland significantly impacted by increases in nitrogen deposition as a result of the Scheme will be compensated for at a ratio of 1:1 by area.</p> <p>Though the area of ancient woodland lost would be reduced following the design changes and therefore the area requiring compensation planting at a ratio of 7:1 has reduced, the area of compensation planting has increased. This is due to a change in the methodology for assessing the impact of nitrogen deposition as set out in DMRB LA 105 and reported in [AS-059/8.3] and reiterated in Version 3 of Chapter 8: Biodiversity [AS-103/6.1]. The updated methodology demonstrates that the impact on nitrogen deposition as a result of the Scheme would be greater and therefore a larger area of ancient woodland compensation is required to compensate for this impact. Compensation planting for this impact is required at a ratio of 1:1 for area significantly affected. This</p>
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		has resulted in an overall increase in the area of ancient woodland compensation required. This increase in nitrogen deposition is not as result of the design changes.
RR-037 Natural England		
RR-037a	<p>Natural England's advice in these relevant representations is based on information submitted by Highways England in support of its application for a Development Consent Order ('DCO') in relation to the M54 to M6 Link Road ('the project'). The project refers to the construction and operation of a new link road of approximately 2.5km (1.6 miles) in length between the M54 Junction 1 and the M6 Junction 11, including</p> <ul style="list-style-type: none"> • a new junction at M54 junction 1 to provide direct links to and from the M54 and the new link road, and to maintain the connections to the local road network • realignment of Hilton Lane over the new link road • a new junction at M6 Junction 11 with junction capacity improvements and changes proposed to Mill Lane 	Highways England notes this statement and has no comments to make.
RR-037b	<p>Natural England has been working closely with Highway England's consultants AECOM to provide advice and guidance since March 2019. This phase of dialogue was preceded by a meeting in August 2017. Prior to the Planning Inspectorate's acceptance of the application on 28 February 2020, Natural England has worked with the developer to develop a statement of common ground in order to develop understanding and resolve outstanding issues. These relevant representations contain a summary of what Natural England considers the main nature conservation and related issues to be in relation to the DCO application, and indicate the</p>	Highways England notes this statement and has no comments to make.

	principal submissions that it wishes to make at this point. Natural England will develop these points further as appropriate during the examination process. It may have further or additional points to make, particularly if further information about the project becomes available.	
RR-037c	Part I of these representations provides an overview of the issues and a summary of Natural England's advice. Section 2 identifies the natural features relevant to this application. Section 3 summarises Natural England's overall view of the application and the main issues which it considers need to be addressed by the Secretary of State.	Highways England notes this statement and has no comments to make.
RR-037d	Part II of these representations sets out all the significant issues which remain outstanding, and which Natural England advises should be addressed by Highways England and the Examining Authority as part of the examination process in order to ensure that the project can properly be consented. These are primarily issues on which further information would be required in order to allow the Examining Authority properly to undertake its task or where further work is required to determine the effects of the project. This includes the consideration of mitigation and compensation proposals i.e. to provide a sufficient degree of confidence as to their efficacy.	Highways England notes this statement and has no comments to make.
RR-037e	Natural England will continue discussions with Highways England to seek to resolve these concerns and agree outstanding matters in the statement of common ground. Failing satisfactory agreement, Natural England advises that the matters set out in sections 4 to 6 will require consideration by the	Highways England notes this statement and has no comments to make.

	<p>Examining Authority as part of the examination process. The Examining Authority may wish to ensure that the matters set out in these relevant representations are addressed as part of the Examining Authority's first set of questions to ensure the provision of information early in the examination process.</p>							
RR-037f	<p>The natural features potentially affected by this application</p> <p>2.1. The proposal forms a 2.5Km corridor of land covering an area of just under 200Ha. The land currently comprises open farmed countryside, historic parkland and mixed deciduous and conifer woodland.</p> <p>European designated sites in the area protect a rare freshwater aquatic plant population and extensive lowland heathlands. The corresponding Sites of Special Scientific Interest (SSSI) add ancient oak woodland, mires and white clawed crayfish populations to the European designated features. Four further SSSIs within 5km of the project support a further white clawed crayfish population, a reservoir designated for its assemblage of wintering wild birds, a lowland heathland complex with open water, and geological interests dating from the Quaternary Period.</p>	Highways England notes this statement and has no comments to make.						
RR-037g (updated by [AS-002] which consisted of 1 minor amendment to Table 2.2.2))	<p>The designated sites relevant to this application are</p> <p>2.2.1. Special Areas of Conservation (SAC):</p> <table border="1" data-bbox="443 1129 1099 1297"> <thead> <tr> <th>Site Name</th> <th>Distance From project site (indicative)</th> <th>Features for which outstanding concerns remain (as applicable)</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Site Name	Distance From project site (indicative)	Features for which outstanding concerns remain (as applicable)				Highways England notes this statement and agrees with the list of designated sites and European protected species. Outstanding concerns are addressed in responses to further specific RRs from Natural England.
Site Name	Distance From project site (indicative)	Features for which outstanding concerns remain (as applicable)						

	Cannock Extension Canal Special Area of Conservation (SAC)	6.5km	Floating water plantain (<i>Luronium natans</i>)
	Cannock Chase SAC	8.6km	None
	2.2.2. Sites of Special Scientific Interest (SSSI):		
	Site Name	Distance from project site (indicative)	Features for which outstanding concerns remain (where applicable)
	Cannock Extension Canal Site of Special Scientific Interest (SSSI)	6.5km	None
Cannock Chase SSSI	8.6km	None	
Stowe Pool and Walkmill	3.5km	White clawed crayfish	

	<table border="1"> <tr> <td>Claypit SSSI (Walkmill Claypit unit)</td> <td></td> <td>(Austropotamobius pallipes)</td> </tr> <tr> <td>Belvide Reservoir SSSI</td> <td>6.0km</td> <td>None</td> </tr> <tr> <td>Four Ashes Pit SSSI</td> <td>4.8km</td> <td>None</td> </tr> <tr> <td>Chasewater and the South Staffordshire Coalfield Heaths SSSI</td> <td>7.5km</td> <td>Mosaic of habitats including Open standing water, lowland heath (wet and dray), scrub woodland, mire and fen, marsh and swamp communities</td> </tr> </table> <p>The following European protected species may be affected by the proposed project:</p> <p>2.3.1. Great crested newt</p> <p>2.3.2. Bats</p> <p>2.3.3. Otter</p>	Claypit SSSI (Walkmill Claypit unit)		(Austropotamobius pallipes)	Belvide Reservoir SSSI	6.0km	None	Four Ashes Pit SSSI	4.8km	None	Chasewater and the South Staffordshire Coalfield Heaths SSSI	7.5km	Mosaic of habitats including Open standing water, lowland heath (wet and dray), scrub woodland, mire and fen, marsh and swamp communities	
Claypit SSSI (Walkmill Claypit unit)		(Austropotamobius pallipes)												
Belvide Reservoir SSSI	6.0km	None												
Four Ashes Pit SSSI	4.8km	None												
Chasewater and the South Staffordshire Coalfield Heaths SSSI	7.5km	Mosaic of habitats including Open standing water, lowland heath (wet and dray), scrub woodland, mire and fen, marsh and swamp communities												
RR-037h	<p>The following nationally protected and priority species may be affected by the proposed project:</p> <ul style="list-style-type: none"> - Aquatic invertebrates and macrophytes - Badgers - Barn owls - Breeding and over wintering birds 	Highways England notes this statement and agrees with the list of protected and priority species provided by Natural England. Scheme effects and mitigation for all species listed is described within the ES.												

	<p>-Terrestrial invertebrates- Invertebrates associated with woodland/wood pasture/parkland habitats.</p> <p>- Water voles</p>	
RR-037i	<p>The following areas of non-designated but valuable and sensitive habitat and natural resources could be affected:</p> <ul style="list-style-type: none"> • Ancient woodland and Veteran trees including Oxden Leasow Wood (also known as Whitgreaves Wood) and woodland at Brookfield Farm. • Best and Most Versatile land. • Priority Habitat - Deciduous woodland 	<p>Highways England notes this statement and agrees with the list of non-designated but valuable and sensitive habitat and natural resources provided by Natural England. Scheme effects and mitigation for all habitats and resources listed is described within the ES.</p>
RR-037j	<p>The main issues raised by this application are</p> <p>2.6.1. Protected species: Losses in both habitat extent and continuity giving rise to the need for suitable avoidance and mitigation measures (including relevant licence applications) together with habitats compensation and enhancement.</p> <p>2.6.2. Statutory sites: With respect to the designated sites mentioned above the proposal's potential effects have required screening and assessment in terms of indirect adverse effects. We remain in dialogue with Highways England regarding the assessment of air quality impacts and the need for and scope of mitigation.</p> <p>2.6.3. Non statutory sites: Losses in habitat extent and continuity (severance) and disturbance.</p>	<p>Highways England notes this statement and has no comments to make.</p>
RR-037k	<p>2.6.4. UK Priority Habitats: Losses in habitat extent and continuity and indirect impacts including disturbance</p>	<p>The proposed design changes accepted by the ExA on 29 October 2020, as set out in the Formal Request for Scheme Changes [AS-117/8.5], would reduce the</p>

	<p>and air pollution involving deciduous woodland, veteran trees, hedgerows and ponds, together with habitat compensation and enhancement.</p> <p>2.6.5. Soils (including “best and most versatile land”): Out of a total of 80.5 ha of affected agricultural land 15.7 ha comprises temporary losses during construction that will require satisfactory reinstatement. Permanent losses of best and most versatile land total 56.3 ha (Agricultural Land Classification (ALC) grades 1-3a).</p>	<p>overall footprint of the Scheme, reduce permanent land acquisition and therefore minimise the impact on BMV agricultural land.</p> <p>Taking into account these changes, out of a total of 80.5 ha of affected agricultural land within the Scheme boundary, 18.5 ha comprises temporary losses during construction that will require satisfactory reinstatement. Permanent losses of agricultural land total 49.7 ha (Agricultural Land Classification (ALC) Grades 1 to 3a), a reduction in the loss of BMV agricultural soils by 6.6 ha compared to the original Scheme design submitted in January 2020. This is a worst-case assumption and in practice it is likely that additional areas permanently acquired for the construction and operation of the Scheme could be maintained or restored to their current ALC post-construction.</p>
RR-037l	<p>3.1 Natural England considers that the documents presented to the Planning Inspectorate, to support the application for Development Consent, are of satisfactory quality and in general present an acceptable overview of the impacts on nature conservation issues in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and Conservation of Habitats and Species Regulations 2017 (as amended).</p>	<p>Highways England notes this statement and has no comments to make.</p>
RR-037m	<p>3.2 We advise that in relation to the nature conservation and soils resources issues that are within our remit there is no fundamental reason of principle why the project should not be permitted. However Natural England has concerns regarding (i) the conservation of best and most versatile land, (ii) soils resources and (iii) the extent to which adverse air quality impacts upon designated sites and deciduous woodland and veteran tree priority habitats have either been satisfactorily ruled out or mitigated. Natural England and Highways England have collaborated on a draft statement of</p>	<p>Highways England notes this statement and provides an expanded response in relation to RR-037ah-RR-037al as set out below.</p>

	common ground since 2019 and continue to work together to resolve these matters.	
RR-037n	3.3.1 'Cannock Extension Canal' Special Area of Conservation (SAC) – Further discussion is needed between Natural England and Highways England regarding air quality impacts before we can advise the Secretary of State that the proposal will have no likely significant effect upon this European Site.	Highways England notes this statement and provides an expanded response in relation to RR-037an-RR-037ap as set out below.
RR-037o	'Cannock Chase' SAC - Satisfactory information has been submitted with regard to Habitats Regulations Assessment (HRA) to allow Natural England to advise the Secretary of State that the proposal will have no likely significant effect upon this European Site.	Highways England notes this statement and has no comments to make.
RR-037p	'Four Ashes Pit', 'Belvide Reservoir' and 'Cannock Chase' Sites of Special Scientific Interest (SSSI) - Satisfactory information has been submitted with regard to environmental impact assessment to allow Natural England to advise the Secretary of State that the proposal will not damage the notified interest features of these nationally designated sites.	Highways England notes this statement and has no comments to make.
RR-037q	'Cannock Extension Canal', 'Stowe Pool & Walkmill Claypit' and 'Chasewater and the Southern Staffordshire Coalfield Heaths' SSSIs – Natural England will continue in dialogue with Highways England to verify the ES conclusions regarding air quality impacts and to establish the potential need for and the scope of mitigation.	Highways England notes this statement and provides an expanded response in relation to RR-037aq below in response to RR-37am to 37ap and RR 37ai.
RR-037r	Ancient woodland, deciduous woodland veteran trees & hedgerows (priority habitats) - Satisfactory information has been submitted with regard to the identification of	Highways England notes this statement and provides an expanded response in relation to RR-037ak and RR-037ar below.

	<p>ancient woodland and the ratio of replacement planting required for those areas lost to the scheme. The formal agreement of the National Trust will be required in respect of improvement works to Whitgreaves Wood. Natural England will continue in dialogue with Highways England to verify the ES conclusions regarding air quality impacts and to establish the potential need for and the scope of mitigation.</p>	
RR-037s	<p>Protected species and 'Priority Species' - Surveys and assessments for the following species have been carried out in accordance with Natural England's standing advice for protected species:</p> <ul style="list-style-type: none"> • Bats • Great crested newts • Otters • Aquatic invertebrates and macrophytes • Badgers • Barn owls • Breeding and wintering birds • Terrestrial invertebrates • Water voles 	Highways England notes this statement and has no comments to make.
RR-037t	<p>Bats – The project will result in the loss of two known small roosts of Noctule and Common pipistrelle bats. It may also impact on other small day and hibernation roosts in trees that have high potential to support bat roosts. Natural England have advised on an appropriate mitigation strategy which involves habitat improvements, sensitive lighting and erecting three bat boxes for every roost that will be lost. Natural England have assessed draft licence applications and have</p>	Highways England notes this statement and has no comments to make.

	issued a 'letter of no impediment' confirming that it sees no impediment to granting a licence in the future should the situation on the ground not change.	
RR-037u	Great crested newts – The project will result in the loss of 4 ponds used by Great crested newts as well as terrestrial habitat. Natural England have advised on an appropriate mitigation strategy which involves the creation of 12 new ponds and terrestrial habitat improvements. Natural England have assessed a draft licence application and have issued a 'letter of no impediment' confirming that it sees no impediment to granting a licence in the future should the situation on the ground not change.	<p>The licence application and Letter of No Impediment (LONI) issued by NE was based on several assumed populations due to a lack of access to survey in 2018/2019. The scheme masterplan therefore included several groups of ponds and associated terrestrial habitat to mitigate for potential impacts on these assumed populations.</p> <p>The applicant has subsequently been granted access to survey several ponds in 2020 where GCN presence was assumed. No GCN populations were identified in those ponds directly impacted by the Scheme. The number of ecology mitigation ponds has therefore been reduced from 12 to eight to mitigate for the loss of seven ponds and the partial loss of two ponds (1:1 ratio). No ponds are now required at a 2:1 ratio. Natural England has confirmed there is no requirement for an amended LONI to be issued and this is recorded in the SoCG [TR010054/APP/7.3]</p>
RR-037v	Otters – The presence of otters has been confirmed in one part of the site but no holts have been found. One holt is present >200m from the site boundary and will not be affected. Licences will thus not be required unless the presence of an otter holt were to be found during construction. The project will improve habitat for otters including the creation of ledges.	Highways England notes this statement and has no comments to make.
RR-037w	Aquatic invertebrates and macrophytes – Impacts will be compensated by the creation of new water bodies including ditches and ponds	Highways England notes this statement and has no comments to make.
RR-037x	Badgers – No main setts will be lost due to the project. One outlier sett will be permanently lost. Natural England have advised on how this should be appropriately closed. Natural England have assessed a	Highways England notes this statement and has no comments to make.

	draft licence application for this sett closure and have issued a 'letter of no impediment' confirming that it sees no impediment to granting a licence in the future should the situation on the ground not change. The project will improve habitat for badgers and three new tunnels will be created underneath the new road.	
RR-037y	Barn owls – Barn owls use the project area, but there are no known nests or roost sites. Mitigation will be achieved through habitat improvements and fencing to reduce collision risks.	Highways England notes this statement and has no comments to make.
RR-037z	Breeding and wintering birds – A range of breeding and wintering birds use the area. Mitigation will be achieved through habitat improvements and disturbance avoidance techniques.	Highways England notes this statement and has no comments to make.
RR-037aa	Terrestrial invertebrates – The loss of important habitat will be compensated for by the creation of new woodland, wetland and grassland	Highways England notes this statement and has no comments to make.
RR-037ab	Water voles – Water voles are present on the site but no burrows have been found. Licences are thus not required. Should burrows be found water voles will be captured and translocated (under licence) to the new ditches and ponds that the project is creating.	Highways England notes this statement and has no comments to make.
RR-037ac	Natural England advises that all protected species issues (including any licensing requirements under the Habitats Regulations and the Wildlife and Countryside Act 1981) have either already been addressed or can be addressed by the proposed draft DCO requirements.	Highways England notes this statement and has no comments to make.
RR-037ad	Biodiversity Net Gain – Natural England acknowledges Highways England's approach to the scheme whereby 'no net loss to biodiversity' is proposed. Natural England	Highways England have accepted a designated fund application for an initial feasibility study to identify opportunities and appropriate sites which could be

	will continue in dialogue with Highways England to flesh out mitigation and/or compensation proposals and thereby to establish the potential scope for biodiversity net gains.	improved to provide biodiversity net gains to be delivered on land outside of the Scheme boundary in partnership with key stakeholders and landowners. For avoidance of doubt, the proposals associated Designated Funds applications are not part of the DCO application and are not material to decision making on this application.
RR-037ae	Best and Most Versatile (BMV) land / Soils resources - The ES identifies that the proposal will result in the permanent loss of 41.8Ha of Grade 2 and 14.5Ha of Grade 3a 'best and most versatile land'. A high percentage of the agricultural land affected by the scheme represents BMV land indicating the high quality of farmland affected. As a result Natural England acknowledges the extent of permanent and irreversible loss of best and most versatile land when the scheme is complete subject to the following comments.	The proposed design changes accepted by the ExA on 29 October 2020 reduce the overall footprint of the Scheme and minimise the impact on BMV agricultural land. Refer to RR-037k.
RR-037af	We welcome the Outline Environmental Management Plan (OEMP) undertaking regarding use of the Defra 'Code of practice for the sustainable use of soils on construction sites' to support the effective restoration of affected land to its original Agricultural Land Classification grading. However with regard to the relationship between the loss of BMV land and creation of compensatory biodiversity habitat (species rich grassland) Natural England believes this requires further consideration. At the time of writing Natural England and Highways England are in active discussions in order to resolve this issue through the draft statement of common ground	A technical note has been produced and provided to Natural England in October 2020 as part of SoCG discussions. The note assesses the loss of agricultural land based on the end land use (e.g. hardstanding, species-rich grassland, woodland planting), rather than the permanent or temporary acquisition of land as assessed in the Chapter 9: Geology and Soils of the ES [APP-048/6.1]. Though the ES assumes that any land used to deliver environmental mitigation would no longer be available for agricultural use and would therefore be counted as a loss of BMV, there are a number of land uses which would not result in the loss of function, removal or sealing of agricultural soils. In areas of woodland planting soil function would be maintained or restored where possible. However, it is assumed that those areas of agricultural land that would be required for the establishment of species rich grassland as set out in the Environmental Masterplan (Figure 2.1 to 2.7 of the ES [AS-086 to 092/ 6.2]) would experience a loss of soil function as either the necessary nutrients required for agricultural land would have to be stripped, the topsoil removed for

		<p>use in other areas of the Scheme or removed from the Scheme area to be used to enhance land elsewhere (to be determined).</p> <p>A number of minor amendments have been made to the OEMP [AS-0112/6.11] to address Natural England's concerns around soils storage practices and the restoration and maintenance of BMV in areas of habitat creation, these are provided in Version 3 of the OEMP and outlined in the technical note submitted to Natural England.</p> <p>As set out in the SoCG between Highways England and Natural England, a number of issues relating to soils storage practices and the restoration and maintenance of BMV have been agreed following the updates to the OEMP set out above, however the issue of topsoil stripping for the creation of species rich grassland remains under discussion.</p>
RR-037ag	<p>Natural England advises that, if approved, the project must be subject to all necessary and appropriate requirements which ensure that unacceptable environmental impacts either do not occur or are sufficiently mitigated.</p>	<p>Highways England notes this statement and has no comments to make.</p>
RR-037ah	<p>PART II: OUTSTANDING MATTERS REQUIRING ATTENTION</p> <p>4 Further details about the project in order to enable assessment</p> <p>With regard to indirect impacts upon air quality, having reviewed the ES documents we would now advise that we cannot yet agree no likely significant effects for Cannock Extension Canal SAC and that further discussions are required.</p>	<p>Please refer to Highways England response to RR-037am to RR-37ap, on the basis of the information provided we consider the conclusions of the Habitats Regulations Assessment (HRA) No significant Effects Report [APP-216/6.9 and subsequent revisions] to be correct.</p>
RR-037ai	<p>Natural England notes that the air quality assessment found that there would be an increase in NOx and nitrogen deposition at Stowe Pool and Walk Mill Clay</p>	<p>Air Pollution Information System (APIS) states that for the white-clawed crayfish interest features of Stowe Pool & Walkmill Claypit Site of Special Scientific Interest (SSSI) no critical load has been assigned. This is because the majority</p>

	<p>Pit SSSI and Chasewater and the Southern Staffordshire Coalfield Heaths SSSI. Further discussions are required over the assessment and the ES conclusions with regard to the potential impacts of these increases and mitigation.</p>	<p>of lowland open freshwater bodies are phosphorus limited (i.e. phosphorus is the principal nutrient limiting eutrophication) rather than nitrogen-limited. Phosphorus does not come from vehicle exhaust emissions. Moreover, in the absence of any appropriate nitrogen critical load, no modelling assessment can be undertaken.</p> <p>As detailed in paragraph 8.9.127 of the ES [AS-025/6.1], an increase in NOx or nitrogen deposition does not necessarily equate to a significant effect that requires mitigating. Nitrogen deposition would only increase in one of the Chasewater and the Southern Staffordshire Coalfield Heaths SSSI units (unit 8), and this increase is less than 1% of the critical load for dwarf shrub heath and therefore, as stated in DMRB LA 105 this is not considered to result in a significant effect on the SSSI and therefore no mitigation measures are proposed.</p>
RR-037aj	<p>In a similar vein to the European Sites and SSSI commentary above, further discussions will be required on potential air quality impacts on ancient woodland, deciduous woodland, veteran trees and hedgerows (priority habitats) and their mitigation.</p>	<p>The legal requirement for ‘in combination’ assessment (including the Wealden judgment and the Dutch Nitrogen case) is explicitly for European sites and the HRA process. There is no comparable legal driver requiring this approach to be taken for Priority Habitats, nor is there any such requirement in DMRB or in government policy (e.g. NPSNN or the NPPF). To extend the same provisions to Priority Habitats would effectively elevate all areas of Priority Habitat to the status of European sites. This comment therefore concerns an overall process issue regarding DMRB, which should be discussed at a strategic level between Natural England and Highways England rather than being a matter for this particular scheme.</p>
RR-037ak	<p>Improvement works to Whitgreaves Wood have been discussed as part of the mitigation strategy for ancient woodland. Currently the Applicant is in discussions with National Trust who own the woodland and further dialogue may be required. Discussions on the details of compensation measures, including the interplay with</p>	<p>The Order limits were altered prior to the submission of the DCO application to include Whitgreaves Wood for the purpose of improvements to ancient woodland.</p> <p>The OEMP [/AS112/6.11] Table 3.4 MW - G7 lists the detailed Management Plans that are to be produced and appended to the CEMP. Enhancement measures and management plans for this woodland will be determined at the</p>

	best and most versatile and/soils resources, will also be required.	<p>detailed design stage in consultation with Natural England and the National Trust.</p> <p>The works to this site and ongoing maintenance are secured through a legal agreement between the Applicant and the National Trust.</p>
RR-037al	Dialogue on soils and impacts on best and most versatile land are ongoing as part of the draft statement of common ground.	<p>Dialogue between Highways England and Natural England around the impacts on BMV agricultural soils is ongoing, correspondence and those aspects agreed and still under discussion are set out in the draft SoCG [TR010054/APP/8.8P(B)].</p> <p>A technical note on agricultural soils has been produced and submitted to Natural England and minor amendments to the OEMP [AS-042/6.11] PW-GEO4, PW-GEO5 and MW-GEO5, have been updated to address concerns raised by Natural England around soil storage practises and the restoration and maintenance of BMV in areas of habitat creation, these are provided in Version 3 of the OEMP [AS-112/6.11].</p> <p>As set out in the SoCG between Highways England and Natural England, a number of issues relating to soils storage practices and the restoration and maintenance of BMV have been agreed following the updates to the OEMP set out above, however the issue of topsoil stripping for the creation of species rich grassland remains under discussion.[]</p>
RR-037am	<p>5 FURTHER EVIDENCE OF ASSESSMENT WORK REQUIRED</p> <p>In 2018 Natural England published NEA001 'Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations' partly in response to case law known as the Wealden Judgement (Wealden –v- SSCLG 2017). A key element of this case law focuses upon the need for careful assessment of the in combination or cumulative effects of projects on</p>	<p>The legal requirement for 'in combination' assessment (including the Wealden judgment and the Dutch Nitrogen case) is explicitly for European sites and the HRA process. There is no comparable legal driver requiring this approach to be taken for SSSIs, nor is there any such requirement in DMRB or in government policy (e.g. NPPF or NPSNN). To extend the same provisions to SSSIs would effectively elevate all SSSIs to the status of European sites. This comment therefore concerns the overall DMRB process, which should be discussed at a strategic level between NE and Highways England rather than being a matter for this particular scheme.</p>

	<p>European Sites. Although governed by different legislation the principles set out in NEA001 are likely to apply similarly to nationally designated sites (SSSI)3. Separate case law, known as the Dutch nitrogen case ('Co-operatie Mobilisation' – joined cases C293 & 294/17) raises questions regarding the approval of projects that would add further to pollution levels where the relevant European Site is already regarded as 'ecologically failing' due to existing ('background') levels of nitrogen related pollution.</p>	<p>As set out below (RR-037an) only receptors up to 200 m from the ARN are considered within the local operational air quality assessment. This is because the effect of the concentration of pollutants from road traffic reduces with distance from the point of release, and beyond 200 m these are likely to have reduced to a concentration equivalent to background concentrations, as set out in paragraph 5.3.5 of the ES [APP-044/6.1]. The local operational air quality assessment is inherently cumulative, considering forecasted future traffic flows as described in ES Chapter 15: Assessment of Cumulative Effects [APP-054/6.1]. As reported in the Habitats Regulation Assessment [AS-035/6.9] there are no European sites within 200 m of the ARN and therefore no further assessment of impacts on European sites is required.</p>
RR-037an	<p>From the ES information provided we are not clear how the Affected Road Network (ARN) was identified or the rationale for other roads being included in the model and associated air quality assessment (reference – ES Chapter 5 - Figure 5.1 Air Quality Study Area).</p>	<p>The local operational air quality assessment considers the impact on individual sensitive receptors at distances of up to 200 m from the ARN based on guidance presented in DMRB HA207/07. In this approach the receptors with the highest predicted concentration and biggest predicted change in pollutant concentration are considered. This is because the effect of pollutants from road traffic reduces with distance from the point of release. Beyond 200 m these pollutants are likely to have reduced to a concentration equivalent to background concentrations. This is set out in Paragraph 5.3.5 of the ES [APP-044/6.1].</p> <p>The methodology for defining the ARN is set out in Section 5.5 'Study Area' of the ES [APP-044/6.1]. Paragraph 5.5.2 of the ES states "Affected road links (individually modelled sections of road) have been identified by comparing traffic data with the Scheme (Do-Something) and without the Scheme (Do-Minimum) against the local air quality screening criteria presented in DMRB, which are as follows:</p> <ol style="list-style-type: none"> 1) road alignment would change by 5 m or more; or 2) Annual Average Daily Traffic (AADT) flows would change by 1,000 or more; or

		<p>3) HDVs (vehicles greater than 3.5 tonnes, including buses and coaches) flows would change by 200 AADT or more; or</p> <p>4) daily average speeds would change by 10 km/hr or more; or</p> <p>5) peak hour speed would change by 20 km/hr or more."</p> <p>The 'Other Roads Modelled' illustrated on Figure 5.1: Air Quality Study Area [APP-068/6.2] are those major roads that lie outside the ARN but within 200 m of air quality receptors. This ensures that that all roads which have the potential to contribute to the total pollution concentrations predicted at receptors within 200m of the ARN are considered. Not all receptors that are within 200m of the 'Other Roads' are considered to be receptors in the local operational air quality assessment as they may be more than 200 m from the ARN.</p> <p>A new DMRB methodology for air quality assessment was published on the 28 November 2019. Due to the complexity of these assessments and the timing of the published changes, it was not possible to update the air quality assessment to take into consideration the latest updated methodology prior to submission of the DCO application, without incurring a substantial delay to the Scheme.</p> <p>In order to test whether the results of the air quality assessment (as reported in the ES) would alter when assessed using the new DMRB methodology LA 105: Air quality, sensitivity testing has been undertaken. A new application document, "DMRB updates and the impact on the DCO application" [AS-059/8.2] has been produced to summarise the results of the air quality sensitivity testing work and report where changes to the assessment would result in alterations to other aspects of the ES and DCO application.</p> <p>Taking into consideration the screening criteria set out in LA 105, the sensitivity test of the operational study area demonstrated that the operational air quality study area would have been slightly larger, with two extra road links included in the ARN. This enlargement of the study area is not expected to result in any significant effects as emission concentrations at receptors modelled in the vicinity of these links suggest concentrations of NO₂ will be below the air quality objective, 40 µg/m³.</p>
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<p>RR-037ao</p>	<p>We would welcome further dialogue to clarify the approach taken to assessment and the results informing 'screening out' of the Cannock Extension Canal SAC. Examples of those locations subject to air quality assessment, which need further discussion, include:</p> <ul style="list-style-type: none"> • Norton Canes Motorway service area westbound slip roads. • A5 immediately north of the SAC • B4154 adjacent to and bisecting the SAC 	<p>As set out above (RR-037an) only receptors up to 200 m from the ARN are considered within the local operational air quality assessment. This is because the effect of pollutants from road traffic reduces with distance from the point of release, and beyond 200 m these are likely to have reduced to a concentration equivalent to background concentrations, as set out in paragraph 5.3.5 of the ES [APP-044/6.1]. At its closest point the Cannock Extension Canal Special Area of Conservation (SAC) is approximately 280 m from the ARN (the M6 Toll) and is therefore not considered to be potentially affected by changes in air quality. The A5 and B4154 are identified as 'Other Roads Modelled' on Figure 5.1: Air Quality Study Area [APP-068/6.2] these have only been included within the air quality modelling to ensure total concentrations predicted at receptors within 200 m of the ARN include contributions from all relevant sources.</p> <p>The Air Pollution Information System (APIS) website (Ref-01) fits the Cannock Extension Canal SAC into the 'oligotrophic waterbodies' European Nature Information System (EUNIS) classification (Ref-02) and thus the critical load range for nitrogen is given as 3 to 10 kgN/ha/yr. This is because (in lieu of providing no critical load range at all) the EUNIS ecosystem class C1.1 is considered the least worst fit, because this is the standard EUNIS ecosystem class used in APIS for sites containing <i>Luronium natans</i>, the most sensitive of which are nutrient starved upland lakes. However, APIS does not tailor its assignment of critical loads to site-specific circumstances and thus caveats the use of these critical loads to account for other types of sites supporting <i>Luronium natans</i>, commenting that 'This critical load only applies if the interest feature is associated with softwater oligotrophic or dystrophic lakes at the site. If the feature is not depending on these lake types, there is no comparable critical load available'. While the water quality in Cannock Extension Canal SAC is good, it cannot be described as an oligotrophic or dystrophic water body (Natural England's Supplementary Advice on the Conservation Objectives describes it as mesotrophic). In these circumstances, according to APIS, 'there is no comparable critical load available'. This reinforces the basis for screening out air quality impacts on the site and would match the position of many other</p>
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		freshwater SSSIs and SACs and is the reason why nitrogen deposition is generally not calculated in risk assessments for lowland open freshwater sites.
RR-037ap	We have noticed typographical errors in paragraph 3.1.11 (page 8) of Volume 6.9 Habitats Regulations Assessment - No Significant Effects Report. The current average nitrogen load for Cannock Chase SAC is 21.2kg/N/Ha/Year (Source) while that for Cannock Extension Canal is 17.1Kg/N/Ha/Year. These current average loads are above and therefore exceeding the upper nitrogen critical load thresholds for the SAC habitats. These averages are higher than those reported in the ES.	<p>This is not a typographical error, the APIS where the data for baseline deposition rates and critical loads was sourced from, updated its baseline background deposition and concentration data sets on the 18 March 2020, after the submission of our DCO application and so was not included in the HRA submitted with the application.</p> <p>Since the submission of the application further work has been completed to consider the updates to DMRB air quality guidance to LA105. The air quality assessment reported in the ES [APP-44//6.1] was undertaken in line with now superseded air quality guidance. The updated APIS data has been utilised in the sensitivity testing undertaken to consider whether the changes to methodology could alter the conclusions of Chapter 5: Air Quality and Chapter 8: Biodiversity, refer to [AS-59/8.2, 'DMRB updates and impacts on the DCO application'. This document was submitted to the Inspectorate on 30 July 2020. However, see our response to the RR-037ao which clarifies that according to APIS the critical load range of 3-10 kgN/ha/yr is not appropriate for this site as it is not an oligotrophic or dystrophic waterbody and thus 'there is no comparable critical load available'.</p> <p>Cannock Chase and Cannock Extension Canal SACs are not within 200m of the ARN and therefore the Scheme is not anticipated to result in a significant adverse effect on these sites.</p>
RR-037aq	Consistent with our comments above (5.1.1) regarding recent guidance and case law we would welcome further dialogue with the applicant regarding the assessment of Stowe Pool & Walkmill Claypit SSSI and the Chasewater and the Southern Staffordshire Coalfield Heaths SSSI.	<p>Please see our response to RR-037am on the relevance of quoted case law to SSSIs.</p> <p>APIS states that for the white-clawed crayfish interest features of Stowe Pool & Walkmill Claypit SSSI no critical load has been assigned. This is because the majority of lowland open fresh water bodies are phosphorus limited (i.e. phosphorus is the principal nutrient limiting eutrophication) rather than nitrogen limited. Phosphorus does not come from vehicle exhaust emissions. Moreover, in the absence of any appropriate nitrogen critical load, no</p>

		modelling assessment can be undertaken.
RR-037ar	Consistent with our comments above (5.1.1) regarding recent guidance and case law we would welcome further dialogue with the applicant regarding the assessment of these priority habitats (Ancient woodland, deciduous woodland, veteran trees and hedgerows).	Highways England notes this statement and provides an expanded response in relation to RR-037ar as set out in RR-037j above.
RR-037as	The requirements set out in the OEMP are numbered differently to those in the DCO. This should be clarified/rectified as necessary.	The reference to DCO requirements in the submitted OEMP [APP-218/6.11] have been updated as appropriate in Version 2 submitted to the Planning Inspectorate on 29 May 2020 [AS-042/6.11] and Version 3 submitted to the Examining Authority on 9 October 2020 [AS-112/6.11].
RR-037at	'Construction and Handover Environmental Management Plans' (CEMP & HEMP) – Proposed requirement 4 sub-section (d) (x) 'Soil Management Strategy (including a Soil Management Plan and a soil Handling Strategy)' will be essential in order to ensure suitable application of the Defra code of practice for the sustainable use of soils on construction sites. Requirement 4 sub-section (viii) 'Landscape & Ecology Management Plan' (LEMP) will be essential to ensure that soils forming part of the proposal's landscaping provisions are suitably protected from damage during subsequent phases of work. Both are needed to safeguard soils resources and agricultural land quality as an integral part of the proposal.	Highways England notes this statement and has no comments to make.
RR-037au	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	The proposed design changes accepted by the ExA on 29 October 2020, as set out in the Formal Request for Scheme Changes [AS-117/8.5], reduce the overall footprint of the Scheme, reduce permanent land acquisition and therefore minimise the impact on BMV agricultural land.

	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.	As set out in response to RR-037af mitigation measures set out in the OEMP, PW-GEO4, PW-GEO5 and MW-GEO5, have been updated to address concerns raised by Natural England around soil storage practises and the restoration and maintenance of BMV in areas of habitat creation, these are provided in Version 3 of the OEMP. As set out in the SoCG between Highways England and Natural England, a number of issues relating to soils storage practices and the restoration and maintenance of BMV have been agreed following the updates to the OEMP set out above, however the issue of topsoil stripping for the creation of species rich grassland remains under discussion.[]
RR-037av	Landscaping – Requirement 5 ‘Landscaping’ – Due to the interrelationship between ecological resources, soils and landscaping on the proposal site proposed requirement 4 (CEMP & HEMP) will be essential to inform the effective implementation of proposed requirement 5.	Highways England notes this statement and has no comments to make.
RR-037aw	Requirement 4 sub-section (d) (viii) (LEMP) and sub section (4) (HEMP) will be essential to deliver, phase by phase, the package of measures to mitigate impacts on protected species and wider biodiversity and to deliver management of the proposal site’s overall biodiversity resource during the construction and operation phases of the proposal.	Highways England notes this statement and has no comments to make.
RR-037ax	Landscaping – Due to the interrelationship between landscape resources and biodiversity (both wildlife and their habitats) proposed requirement 4 Sub-sections (d) (vi) Arboricultural mitigation strategy and (viii) LEMP will be essential to deliver requirement 4 (CEMP & HEMP).	Highways England notes this statement and has no comments to make.
RR-037ay	Details of lighting – Proposed requirement 4 (CEMP & HEMP) sub section (d) (viii) may need to be amended	The OEMP [AS-112/6.11] sets out the overarching requirements to mitigate the impacts of the Scheme. Requirement 4, Part 2a) of the draft DCO [AS-075/3.1]

	<p>and/or supplemented. Information dealing with 'details of lighting' will be essential in order to address ecological considerations (including European Protected Species mitigation licence in respect of named bat species above) and thereby support delivery of requirement 4 (d) (viii) (LEMP).</p>	<p>requires the CEMP to reflect the mitigation measures set out in the Register of Environmental Actions and Commitments (REAC) tables of the OEMP.</p> <p>The REAC table for the main construction works, Table 3.3 of OEMP [AS-112/6.11], MW-G26 and MW-BIO3 set out the requirements for lighting during the construction of the Scheme.</p> <p>MW-G26 states "<i>Site lighting: The main works contractor shall define within the CEMP the proposed approach to site lighting around construction compounds and elsewhere along the route alignment, giving consideration to environmental constraints. Lighting should be at the minimum luminosity necessary and use low energy consumption fittings and should avoid light spillage. Lighting should also be designed, positioned and directed so as not to unnecessarily intrude on adjacent buildings, ecological receptors, structures used by protected species and other land uses to prevent unnecessary disturbance, interference with local residents, or passing motorists. This provision would apply particularly to sites where night working would be required.</i>" and MW-BIO3 states "<i>The main works contractor shall, if temporary site lighting is required near LWSs; Sites of Biological Importance, retained ancient woodlands and linear vegetated or water corridors, adjacent to the known bat roost use directional lamps/ hoods/ cowls, to ensure that light-spill to the watercourses and their banks is minimised. LED lights and automatic sensors will be used where appropriate. These features are identified on the Environmental Constraints Plans, at Annex A of this OEMP; the Environmental Masterplans (see Figures 2.1 to 2.7 [APP-057/6.2 to APP-063/6.2]); and Appendix 8.7 of the ES [APP-179/6.3], Figure 8.17: Bat Baseline - Confirmed Bat Roosts and Aerial Tree Inspection Survey Results (2018 and 2019) [APP-121/6.2].</i>"</p> <p>The Scheme design REAC table, Table 3.4 of the OEMP [APP-218/ 6.11], D-BIO8 states that "<i>The Scheme shall provide an appropriate lighting design to minimise impacts on bats. The length of the Scheme would be unlit with new lighting limited to the junctions with the M54 and M6, including the associated slip roads.</i>" highlighting that the assessment reported in the ES assumes an appropriate lighting design.</p>
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		Species and habitat specific management plans will form part of the LEMP produced at detailed design stage and will be based on the measures set out in the REAC tables. These documents would then inform and be referred to within the EPSL applications. It is therefore considered that this matter is already covered by the Requirement 4 of the draft DCO [AS-075/3.1] and the OEMP [APP-112/6.11].
RR-037az	Water and flood risk – Surface and foul water drainage – Proposed requirement 8 – Due to the interrelationship between landscape resources, biodiversity (wildlife and habitats) and drainage features (including e.g. wetland habitats) proposed requirement 8 (Surface and foul water drainage) will be essential to ensure the successful implementation and delivery of the LEMP through proposed requirement 4 subsection (d) (viii).	Highways England notes this statement and has no comments to make.
RR-038 Nurton Developments (Hilton) Limited		
RR-038a	Inadequacy of Environmental Statement - Lack of consideration of alternatives 3.2 It is a requirement of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("IP EIA Regulations") that the applicant's environmental statement must (amongst other matters): (i) "describe the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects"; and	The options appraisal process is reported in Chapter 3: Assessment of Alternatives [APP-42/6.1], Appendix 3.1 to 3.2 [APP-158 & 159/6.3] and Figures 3.1 to 3.2 [APP-66 & 67/6.2] of the Environmental Statement (ES). These documents set out the assessment of reasonable alternatives undertaken as part of the design process. Highways England disagree that this assessment is insufficient or flawed. The ES has been carried out in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, including the requirements referenced in this response. Nurton's response states: <i>'The assessment will take account of the impact and effect of the Scheme on a number of factors, including the following: Community and private assets, including private property; Development land including potential strategic development sites; and</i>

	<p>(ii) provide "A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment".</p> <p>3.3 The assessment will take account of the impact and effect of the Scheme on a number of factors, including the following:</p> <p>3.3.1 Community and private assets, including private property;</p> <p>3.3.2 Development land including potential strategic development sites; and</p> <p>3.3.3 The local and wider economy, for example employment levels</p> <p>3.4 For the reasons given above, the Scheme as proposed has the potential to impede the delivery of redevelopment in respect of the Site and this impact would need to be assessed as an impact on 'people and communities'.</p> <p>3.5 In order to undertake a robust and legally compliant EIA HE must consider reasonable detailed alternatives in terms of the manner of delivery of the Scheme so as to avoid any adverse effects on the delivery of the redevelopment of the Site. This has not been carried out and so the ES provided as part of the application is flawed.</p> <p>3.6 In particular, we have requested information from HE regarding the alternative solutions considered in respect of the bridge design. This point is particularly pertinent given that HE is aware of the importance of the Site in terms of the delivery of employment land in the region.</p>	<p><i>The local and wider economy, for example employment levels</i> The impact and effect of the Scheme on community and private assets is considered in the ES Chapter 12 Population and Human Health [APP-51/6.1]. However, the area over which Nurton has an interest does not provide any community assets . The loss of private assets in this area is considered under the assessment of impacts on agricultural land holdings in Chapter 12: Population and Human Health of the ES [APP-51/6.1].</p> <p>In terms of bullet points 2 and 3, these aspects have been taken into account when considering options in the ES and particularly Chapter 12. However, the area being promoted by Nurton is not 'development land' so is not considered as such in the ES. In terms of the third bullet, the local and wider economy, the impact has been considered for this area of the Scheme, but in terms of its current uses, not its potential future use as an employment site. Again, this is because the site is not 'development land'. Further justification of why Highways England does not consider the site as development land is provided below.</p> <p>The Design Manual for Roads and Bridges LA 112 Population and Human Health defines development land as '<i>land identified in national or local plans, policies or strategies for development (including intensification of existing uses) and land subject to planning permission.</i>'</p> <p>The Nurton site is not allocated within national or local plans, policies or strategies and no planning applications have been submitted for employment uses on the site. The Nurton site is therefore not categorised as development land and the impact on the future of this site is not required to be assessed as part of the ES.</p> <p>To aid further understanding of the potential of the site for employment uses in the future, Highways England would also note that:</p> <p>The Nurton site is in the Green Belt.</p> <p>the South Staffordshire Green Belt Study published in July 2019 considered the potential for development on a large number of sites in the Green Belt, including</p>
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	<p>3.7 There is also a lack of information regarding alternatives considered in respect of the location and design of the pond areas. Having reviewed the information available, at present these conform to standard design, rather than being bespoke to a Scheme of this scale. In the absence of a consideration of alternative designs, it is difficult to understand how the adverse impacts of the Scheme have been mitigated by HE.</p>	<p>the Nurton site (site 651/ parcel S30C). Site S30C was considered likely to have a 'high' level of harm to the Green Belt if developed for employment uses.</p> <p>There are already a number of existing employment sites and Strategic Employment Sites (SEs) in the area, including i54 and ROF Featherstone. Development of the Nurton site could slow down or detract from development of existing allocated sites. The existing employment sites comprise brownfield land and it would be more sustainable to remediate and develop these sites than develop on greenfield land.</p> <p>As a district, South Staffordshire has more employment land than is required to meet its own needs</p> <p>Whilst there is a possibility that South Staffordshire may need to consider allocating further employment land to cater for shortfalls in adjacent local authority areas in the future, there is currently no certainty that this is the case, particularly given that the West Midlands Interchange has recently been consented providing circa 300 hectares of land, predominantly for employment uses. As indicated above, if further land was required, it seems unlikely that the Nurton site would be a high priority site for allocation.</p> <p>Overall, the Nurton site is not development land and Highways England has not been provided with any evidence suggesting that is likely to become so in the near future.</p> <p>Finally, given that there is no certainty on the size of an employment site, future use classes, site design, site access and programme for development, it would be very difficult for Highways England to assess the impact of the Scheme on a potential employment site, even if there was a requirement to do so.</p>
<p>RR-038b</p>	<p>In particular, we have requested information from HE regarding the alternative solutions considered in respect of the bridge design. This point is particularly pertinent given that HE is aware of the importance of the Site in terms of the delivery of employment land in the region.</p>	<p>The bridges in question are the proposed bridge to be installed to enable Hilton Lane to cross the mainline and the accommodation bridge further north at Brookfield Farm to access their land on the other side of the new link road for existing purposes.</p> <p>The alternatives considered have been discussed with Nurton prior to the submission of the Application, with further correspondence prior to Nurton submitting its Relevant Representation. This includes discussions at the</p>

		<p>meeting on 2 December 2019 (see Appendix C) and a letter from Highways England to Nurton on 20 February 2020 (see Appendix D). Several suggestions for the bridge have been put forward by Nurton, each of which are explored further below.</p> <p>1/ HE understands that Nurton would like the proposed accommodation bridge to be widened to accommodate traffic that may access employment development on adjacent land, should planning permission be granted for it in the future.</p> <p>A meeting was held between Highways England and Nurton on 2 December 2019 where this matter was discussed (please see minutes in Appendix C). At this meeting Nurton explained that to facilitate the development, the bridge should be 11.3 m wide (7.3 m road, 3 m footpath and 1 m verge) as opposed to the proposed 6 m wide bridge (4.5 m road and 0.75 m verge on either side). As HE explained at the meeting on 2 December, the proposed increase in bridge width would increase costs and environmental impacts and therefore cannot be justified. The bridge design proposed to be constructed is typical of accommodation bridges to enable farm machinery to access adjacent plots of land. Following discussion with the landowners, Nigel and Paul Simkin, it was confirmed that the largest road legal combine harvester requires access across this structure (4m width). Therefore, the paved width across the bridge was increased from 4m to 4.5m.</p> <p>2/ HE has also considered Nurton's request to combine the bridge at Hilton Lane and the accommodation bridge, relocating it to a location between the two. Moving the bridge further from Hilton Lane would require construction of additional carriageway from Hilton Lane to the new bridge, resulting in significant additional costs and environmental impacts. It would require the acquisition of additional land that would not be justified in this instance. This was explained at the meeting on 2 December 2019 and in the letter from HE to Nurton Developments on 20 February 2020.</p> <p>At the meeting on 2 December 2019, HE also explained that three alternatives had been considered for the location of the accommodation bridge:</p>
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		<p>(i) a main crossing over Hilton Lane; (ii) a crossing midway between Hilton Lane and proposed location; (iii) the proposed location.</p> <p>It was considered that the proposed location was the best balance between the diversion length of the bridleway (already at 12% of its total length against a guideline maximum of 10%) and allowing an appropriate gradient (which will now be 8%) for the ramp up to the crossing.</p> <p>HE considers that sufficient information has been provided on the alternatives considered for this bridge and that reasonable alternatives have been considered.</p>
RR-038c	<p>There is also a lack of information regarding alternatives considered in respect of the location and design of the pond areas. Having reviewed the information available, at present these conform to standard design, rather than being bespoke to a Scheme of this scale. In the absence of a consideration of alternative designs, it is difficult to understand how the adverse impacts of the Scheme have been mitigated by HE.</p>	<p>There are no proposed new ponds in the area where Nurton is recorded as having a category 2 interest.</p> <p>There are four ponds within the area Nurton was promoting through the Local Plan Review; two ponds to be created for attenuation purposes and two for ecological purposes. These are necessary for the delivery of the Scheme.</p> <p>The attenuation ponds on land being promoted by Nurton are located to the south west of Brookfield Farm and the south west of M6 Junction 11. These ponds are located at the low points adjacent to ditches to allow the outfall to drain to the existing ditches. The ponds are in the optimal location, with the location of the pond being dictated by topography and the location of the ditches. The shape of the attenuation ponds has been designed to minimise land take. The ponds have been designed to drain the Scheme, and their design is bespoke to it.</p> <p>The two ponds proposed for ecological purposes are located to the east of the link road and the south east of the M6 Junction 11.</p> <p>The cluster of two ponds is proposed north of the proposed woodland as agreed with Natural England. This pond cluster would mitigate for the loss of ponds as part of the Scheme construction. In addition, this pond cluster would provide breeding habitat for GCN that could colonise from known populations in this area. For colonisation to be possible, the new ponds are sited near to the</p>

		<p>existing ponds known to support GCN. The ponds would be surrounded by species rich grassland and woodland (retained woodland within Brookfield Farm Site of Biological Interest and Local Wildlife Site and woodland planting proposed to compensate for the impact on ancient woodland and the Site of Biological Importance). The location of the ponds is the optimal one for their purpose.</p> <p>A Letter of No Impediment (LONI) has been issued by Natural England for the Scheme with regards to GCN [APP-177/6.3]. To obtain this letter, a draft development mitigation licence was sent to Natural England. The information submitted to obtain the LONI set out the baseline information, assessed the impacts to GCN and detailed the mitigation. By issuing the LONI Natural England have agreed that the mitigation strategy addresses the impacts to GCN and the habitats that support them. This includes the design parameters and location of the two ponds on the area being promoted by Nurton.</p> <p>In terms of the biodiversity pond design, ES Chapter 3: Assessment of Alternatives [APP-042/6.1] states at paragraph 3.3.79 that the ponds were initially developed as large single ponds, but in the interests of providing a design more fitting of the character of the area, smaller ponds have been designed in several locations as shown on the General Arrangement Plans [APP-010/2.5] and the Environmental Masterplan Figures 2.1 to 2.7 [AS-086 to 092//6.2]. Their design is bespoke to the site, the intended ecological purposes and the surrounding landscape.</p> <p>The approach to mitigation and the mitigation design has been described in the ES [APP-40 to 56/6.1] and the Outline Environmental Management Plan [AS-112/6.11]. Mitigation specific to Nurton's holdings was explained in further documentation 'Environmental Mitigation Approach: Nurton issued to Nurton on 21 April 2020 (see Appendix E). However, this document focuses on the area over which Nurton has a category 2 interest so does not provide detail on the proposed ponds. This information has now been superseded by a scheme wide Environmental Mitigation Technical Note submitted as an additional document at Deadline 1 - 8.11 Environmental Mitigation Approach [TR010054/APP/8.11]</p>
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<p>RR-038d</p>	<p>Ecology (i) Great Crested Newts</p> <p>3.8 The approach to great crested newts (“GCN”) appears highly precautionary and is based on a methodology which significantly overestimates both the number and size of GCN breeding populations within 500m of the road. The methodology adopted is not a reasonable or rational one to take in terms of providing a meaningful baseline and it follows that the assessment is flawed.</p> <p>3.9 The Environmental Statement (“ES”) confirms that GCN presence was confirmed in only three of the 28 waterbodies that were surveyed, equating to less than 11% of the ponds sampled for GCN DNA. Medium populations are assumed to be present in each but there is no indication of surveys having been carried out to confirm this assumption.</p> <p>3.10 A further 27 waterbodies were not surveyed, with the presence of medium sized breeding populations assumed to be present, despite there being GCN present in only 11% of the waterbodies that were actually surveyed. There is no rationale or justification for reaching the conclusion that GCN are present in the remaining (and un-surveyed) 27 waterbodies.</p> <p>3.11 Providing GCN mitigation for three confirmed populations and 27 assumed populations will significantly over-mitigate, potentially creating habitats for populations 10 times larger than they are likely to be in reality. This cannot be considered a reasonable or rational approach.</p>	<p>As discussed in the response to RR-038c, there are no ponds on the area over which Nurton has a category 2 interest.</p> <p>It is standard practice to adopt a precautionary principle and assume populations of GCN in ponds where survey access has not been possible. However, to refine the proposed mitigation, surveys have been carried out in 2020 of some of the waterbodies where access was not previously obtained. This now includes all waterbodies affected by the Scheme.</p> <p>The revised Environmental Masterplan published for consultation on 24 August 2020 and accepted by the ExA on 29 October 2020, shows how the mitigation for GCN has been reduced to reflect new survey results. However, this does not propose to change the ponds provided on land within the area Nurton has been promoting through the Local Plan Review process.</p> <p>A Natural England European Protected Species (EPS) licence will be sought to allow for the clearance of GCN terrestrial habitat that is necessary to undertake construction of the Scheme. The approach to this mitigation is detailed as part of a draft Natural England EPS derogation licence (refer to Appendix 8.3: Letter of No Impediment [APP-177/6.3]).</p> <p>The ecology ponds provided by the Scheme on land being promoted by Nurton will contribute to the provision of long-term habitat for GCN post-construction, as well as being created to replace ponds lost during construction of the Scheme on an approximate 1:1 basis.</p>
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	<p>3.12 As part of the provision, two new ecology pond areas are to be created on the southern side of Brookfield Farm Site of Biological Importance (SBI). These are to be located on the boundary of land proposed for future development. The position of these ponds will introduce an additional constraint on future development with associated cost and will potentially place restrictions on the development footprint. If these ponds are to remain in site as GCN sites then clearly this will have an associated impact on the compensation due.</p>	
RR-038e	<p>Traffic modelling data</p> <p>3.13 We have now reviewed the Transport Assessment (“TA”) report prepared for the application (Volume 7.4 of the ES). That provides some useful background. However, it does not give sufficient and adequate information against which a Scheme of this scale can be assessed. We have therefore asked HE for clarity on a number of points and the information remains outstanding. Clearly until we have received all of the information requested, we reserve our position in terms of whether we need to add to these representations.</p> <p>3.14 The following information has been requested but remains outstanding:</p> <p>3.14.1 We have requested confirmation that in terms of the baseline assessment work, no junction turning counts have been undertaken at J11.</p> <p>3.14.2 Paragraph 4.7.1 of the TA refers to “Traffic Forecasting and Economic Assessments” having been produced in December 2019. These are not on the DCO website and we have requested copies.</p>	<p>The local traffic model for the new Link Road was based upon the Midlands Regional Traffic Model (MRTM). The MRTM is a strategic traffic model that was based upon observations of mobile phone movements.</p> <p>For the purpose of appraising the local scheme, the MRTM was upgraded locally, and the traffic flows were checked on road links along screen lines.</p> <p>Junction turning counts at M6 junction 11 were not included within the traffic data collected in 2017. The traffic data is described in [AS-038] at section 3.</p> <p>The traffic forecasting is described in [AS-038] at Section 4. This traffic forecasting section includes an assessment of the operational performance of the Scheme’s terminal junctions.</p> <p>The economic assessments were used to evaluate the business case for the Scheme. These documents are not part of the DCO, but a summary is included in the “Case for the Scheme” document [APP-220/7.2] at section 6.</p> <p>Copies of the Traffic Forecasting Report and Economic Appraisal Report were provided to Nurtons with the draft SoCG issued on 7 October 2020.</p> <p>The TA [AS-038] at Table 4.7 reports the 2039 Design Year operational performance of the new (i.e. With the Scheme) M6 Junction 11. A copy of the output of the LINSIG model was also provided with the draft SoCG.</p>

	<p>3.14.3 A copy of the LINSIG model referred to at paragraph 4.8.7. The TA only reports in respect of the 2019 situation but it is clearly appropriate to report on all of the scenarios tested.</p> <p>3.14.4 A copy of all of the turning movement assumptions adopted in the tests and a printout of all results.</p> <p>3.14.5 We have also repeatedly requested the opportunity to run our traffic generation through the Saturn model and share that with Staffordshire County Council</p>	<p>A cordon model was also provided with the draft SoCG to enable Nurton to undertake transport analysis of the surrounding road network.</p>
RR-038f	<p>Lack of engagement with our client</p> <p>3.15 We have repeatedly tried to engage with HE in a meaningful and helpful manner. As well as responding to the pre-application consultation, we also wrote to HE on 14 November 2019, 11 December 2019, 6 February 2020 and 7 April 2020.</p> <p>3.16 We are still awaiting the following additional information requested from HE. We first asked for these by letter dated 11 December 2019 and to date have received only 2 out of 7 of the items requested. The outstanding items are as follows:</p> <p>3.16.1 A draft assurance regarding the principle of a future bridge.</p> <p>3.16.2 Analysis and costing information in support of the proposed two bridge design solution.</p> <p>3.16.3 A note on the balancing pond drainage function and the justification for its size and location.</p>	<p>Highways England disagree that there has been a lack of engagement with Nurton Developments. Nurton Developments is a Category 2 stakeholder and has been consulted as such throughout the process. This includes three face to face meetings (February 2019, December 2019 and February 2020) and numerous letters and e-mail correspondence. Please see the SoCG [TR010054/APP/8.8LIU(K)] with Nurton for a list of key meetings and correspondence.</p> <p>In this instance, Highways England would argue that it is not that there has been a lack of engagement, but that the answers Highways England has provided are not the responses Nurton Developments wanted to hear.</p> <p>Highways England provided a response to each of the requests listed here in a letter to Nurton Developments (Hilton) Limited dated 20 February 2020. These responses are summarised below.</p> <p>Highways England is unable to provide any assurance regarding the principle of a future bridge over the link road. Should a proposal come forward, we would</p>

	<p>3.16.4 A design drawing showing the sections of the proposed accommodation bridge.</p> <p>3.16.5 Complete traffic modelling to be supplied to DTA (Nurton's Transport Consultants).</p> <p>3.17 It was understood that efforts would be made by HE to provide much of the requested information before the DCO application was submitted to the Planning Inspectorate. However, this has not been the case and we have had only a very limited response from HE.</p>	<p>need to consider this through the planning process in consultation with the Local Planning Authority.</p> <p>Highways England has previously considered a number of alternative designs for the Hilton Lane bridge and the accommodation bridge to the south of Brookfield Farm, including combining the bridges to reduce the number of structures. Moving the bridge away from Hilton Lane would require the construction of additional carriageway, resulting in significant additional cost and environmental impact. It would further require the acquisition of additional land which would not be justified in this instance. As confirmed at the meeting between Highways England and Nurton Developments Limited on 2 December 2019, Highways England does not consider the suggested single bridge option to be feasible and therefore has not undertaken detailed design, analysis or costing of this option, against the proposed option.</p> <p>The balancing pond has been designed to accommodate run off from the new link road to reduce outfall flows to existing greenfield run off rates. Further information is provided in the Drainage Strategy for the Scheme [APP-201/6.3]). We do not propose to produce a specific note justifying the size and location of the balancing pond.</p> <p>A cross section drawing of the proposed accommodation bridge is provided in the Engineering Section Drawings submitted as part of the application.</p> <p>The Transport Assessment [APP-222/7.4] submitted as part of the application provides forecast traffic information. We are unable to provide the complete traffic model, but specific outputs may be possible upon request. Response to RR-038e summarises additional information sent to Nurton Developments since this RR response.</p>
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<p>RR-038g</p>	<p>3.18 We have also been provided with a copy of a letter dated 24 January 2020 from HE to the site landowner Messrs Simkin. That letter refers to HE producing a Statement of Common Ground (“SoCG”) with the landowners to form a basis for discussing the issues raised by them during the pre-application consultation. It also invites them to a meeting to discuss their concerns. Nurton has not received any letter of this kind, despite suggesting this as a sensible way forward in correspondence with HE.</p> <p>3.19 It appears that HE is continuing to engage with other stakeholders and not Nurton. As set out in our Second Letter, the DCLG guidance emphasises the need for thorough and effective engagement with stakeholders during the DCO process. Once again, HE’s engagement with Nurton is falling short of what is required.</p>	<p>Highways England responded to this point in the letter issued to Nurton Developments on 20 February 2020. The letter dated 24 January 2020 sent to Messrs Simkin was issued as part of our ongoing landowner engagement to persons having a category one land interest.</p> <p>There are a large number of persons with an interest in the land and Highways England has always sought to engage with everyone in a coordinated manner. However, this does not mean that all parties will receive responses to individual queries at the same time.</p> <p>We disagree that we have failed to engage with Nurton. We have previously engaged with Nurton and will continue to do so as appropriate throughout the DCO process. Highways England considers the approach to engagement has been thorough and effective, in line with the DCLG Guidance.</p>
<p>RR-038h</p>	<p>4 ASSURANCE REGARDING THE PRINCIPLE OF A FUTURE BRIDGE</p> <p>4.1 In the circumstances, we have asked HE to confirm that it will provide an assurance or confirm in writing that there is no objection to the principle of a future bridge over the link road. We are content for HE to caveat this, for example, on the basis that: (i) any detailed proposals must be considered by HE through the planning system in consultation with the Local Planning Authority; (ii) the assurance does not fetter HE’s lawful discretion as planning consultee; and (iii) the actual approval of any future bridge design and construction will be subject to it meeting all appropriate standards. Given the circumstances, this is an entirely reasonable request</p>	<p>Highways England is unable to provide any assurance regarding the principle of a future bridge over the link road. Should a proposal come forward, we would need to consider this through the planning process in consultation with the Local Planning Authority.</p> <p>Given that at present there is little known about the location of this bridge, its design (beyond broad dimensions), the type of development it would support (or whether this development would get planning permission), the traffic that would use the bridge or the timescales over which this may come forward it is difficult to see what kind of meaningful assurance could be provided on this matter.</p>

	<p>and represents the willingness of our client to mitigate the impacts of the Scheme.</p> <p>4.2 We are disappointed to note that, at this stage, HE is not willing to provide any form of assurance. When we met with HE on 2 December 2019, HE confirmed that it had no objection in principle to a future bridge and that they would consider providing a draft assurance regarding the same. To be clear, this would not fetter the discretion of HE in respect of any planning application(s) coming forward in the future.</p> <p>4.3 Our client recognises that any future detailed design would have to be considered by HE through the planning process in consultation with the Local Planning Authority and our client is not expecting HE to sign off on any detailed bridge design now. However, it is reasonable to seek comfort that the proposed Scheme does not prejudice a further bridge being built over the link road at some point in the future.</p>	
RR-038i	<p>5 SUMMARY</p> <p>5.1 In conclusion the engagement with our client to date has fallen short of what can be reasonably expected given the nature and scale of the scheme being promoted. Despite repeated written requests to HE, Nurton is yet to receive key documents in relation to the Scheme, including traffic modelling data and information regarding the proposed bridge design solution. Our client remains committed to meaningful engagement with HE and to this end has requested sight of a SoCG with HE but this has not been forthcoming.</p>	<p>We are disappointed that Nurton continue to be unhappy about the engagement Highways England has had with the team. Highways England has responded to Nurtons' requests, as demonstrated in the SoCG issued on 7 October 2020, including explaining why information will not be provided where relevant.</p>

<p>RR-038j (AS-003)</p>	<p>1 BACKGROUND AND CURRENT POSITION</p> <p>1.1 This objection is made on behalf of Nurton Developments (Hilton) Limited (“Nurton”) and relates to the proposed Link Road between M54 junction 1 and M6 junction 11 (“Scheme”). The Scheme involves the construction of a new link road between Junction 1 of the M54 and Junction 11 of the M6 in South Staffordshire and is being promoted by Highways England (“HE”). We note that this is the second period of consultation in respect of the Scheme, which has been extended on the basis that HE did not notify all those with an interest in the land affected by the Scheme. In this context, it would be useful to understand the implications of this in the context of the overall timetable for the Scheme.</p> <p>1.2 By way of recap, Nurton is the developer and promoter of a site which is located to the south of M6 junction 11, to the north-east of Featherstone and immediately east of Shareshill. The land is bound to the west by the A460 Cannock Road to the east by the M6 Motorway, and to the south by Hilton Lane. This is shown edged red on the plan at Appendix 1 (“Site”). We submitted full representations in respect of the Scheme in response to the first consultation, which closed on 18th May 2020 (the “First Representations”). We have not repeated the contents of the First Representations, however, these remain as submitted in full. To be absolutely clear, these representations are additional to those already submitted.</p> <p>1.3 The promoters of the Site have been in discussions with HE for some time regarding the implications of the Scheme on their proposed development of the Site for</p>	<p>Highways England notes this additional submission and has no comment to make in respect of this element of the representation.</p>
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	<p>strategic scale employment development. These discussions started in 2016 and are ongoing, and we have received some further information. However, HE still needs to provide detail and clarification on a number of points in relation to the Scheme and these have been set out in our First Representations. In the meantime, we have had the opportunity to consider the ecological points raised in our First Representations in more detail, in particular the position in terms of the ecological mitigation measures around Great Crested Newts.</p>	
<p>RR-038k (AS-003)</p>	<p>2 ECOLOGY- GREAT CRESTED NEWTS</p> <p>2.1 As set out in our First Representations, the Scheme proposes GCN mitigation for three confirmed populations and 27 assumed populations. As explained, this will significantly over-mitigate, potentially creating habitats for populations 10 times larger than they are likely to be, in reality.</p> <p>2.2 We remain of the view that:</p> <p>2.2.1 The methodology adopted is not a reasonable or rational one to take in terms of providing a meaningful baseline;</p> <p>2.2.2 and the assessment is flawed.</p> <p>Nonetheless, there is a practical solution to this which is that the capacity provided by the Scheme can benefit other development schemes coming forward in the future, such as that proposed by Nurton.</p>	<p>As set out in Highways England's response to RR-038, surveys have been carried out in 2020 that confirm that there are no GCN in the ponds to be physically affected by the Scheme and Highways England has revised the Environmental Masterplan to account for this new data. These changes do not affect the ponds on land being promoted by Nurton.</p> <p>We would note, however, that to adopt the precautionary principle where access to ponds has not been obtained is the approach recommended by Natural England. Highways England disagree that this approach is irrational or flawed.</p> <p>The matter for how the impact of a future employment site could be mitigated would be determined as part of the Environmental Impact Assessment submitted as part of a planning application for the development submitted through the Town and Country Planning Act regime. It is expected that the County Ecologist, Natural England and the Local Planning Authority would be consulted on this process both prior to submission of an application and during a decision-making process. Should an EPS licence be required, any mitigation would also need to be agreed in detail with Natural England following any grant of planning permission.</p> <p>Given the many uncertainties surrounding the nature of a future development, its impact, the mitigation required and the view of statutory consultees, Highways England cannot comment on the likelihood that impacts could be mitigated using existing ponds. However, Highways England is required to</p>

		secure mitigation measures for the M54 to M6 link road for a 30-year period and must have the powers to do so. These powers are sought through the DCO in respect of the proposed ponds on land being promoted by Nurton.
RR-038l (AS-003)	2.3 The new ecology pond areas are to be created on the southern side of Brookfield Farm Site of Biological Importance (SBI), on land to be acquired that is in the current control of Nurton, and will be located on the boundary of the Site being promoted by Nurton. It remains our position that the location of these ponds will introduce an additional constraint on the future development of the Site with associated cost and will potentially place restrictions on the development footprint.	See response to RR-038a. The site is not considered to be development land. When assessing a claim for compensation following compulsory acquisition, the impact on future sites uses will be considered.
RR-038m (AS-003)	2.4 There is now an opportunity to reach an agreement to minimise the impact of the mitigation measures on the future redevelopment of our Site. Given our client's future development proposals in respect of the Site (as detailed in our Original Representations), it is entirely sensible to agree that the additional capacity provided by the Scheme for GCN mitigation should be ring-fenced for, and utilised by, any development proposals in respect of the Site. These are to be located on the boundary of land proposed for future development.	Highways England is required to maintain environmental mitigation and will need to acquire land on a permanent basis to be able to do so. It is possible that this land could be returned to landowners after consent with a covenant in place that the mitigation measures must be maintained. We cannot comment on whether it would then also be possible to mitigate the environmental impact of a future scheme on the same parcel of land, but it seems likely that to be able to use it for this purpose the landowner or Nurton would need to further enhance the ecological performance of the area whilst maintaining mitigation required as part of the link road Scheme. The land cannot be ringfenced for a future employment development given that the mitigation will be required to mitigate the Scheme, enforced by requirements on the DCO and through the Natural England licencing process.
RR-038n (AS-003)	3 BRIDGE ASSURANCE 3.1 One further point to make at this stage is the lack of meaningful engagement in respect of the bridge assurance. What Nurton is seeking, which is an entirely reasonable request, is a form of words that states that HE has no objection to the principle of a future bridge	Please see response to RR-038h

	<p>over the link road. The representations submitted to date have been very clear that we are not requiring HE to in any way fetter its discretion to consider future planning applications in the vicinity of the Scheme. In order to achieve this, we have suggested that any such wording can be caveated on the basis that:</p> <p>3.1.1 Any detailed proposals must be considered by HE through the planning system in consultation with the Local Planning Authority; and</p> <p>3.1.2 the assurance does not fetter HE's lawful discretion as planning consultee; and</p> <p>3.1.3 the actual approval of any future bridge design and construction will be subject to it meeting all appropriate standards.</p>	
<p>RR-038o (AS-003)</p>	<p>4 STATEMENT OF COMMON GROUND ("SOCG")</p> <p>4.1 As stated in our First Representations, the engagement with our client to date has fallen short of what can be reasonably expected given the nature and scale of the scheme being promoted. Our client remains committed to meaningful engagement with HE and to this end has requested sight of a SoCG with HE as a way of assisting everyone as and when the hearing takes place. This is entirely sensible in the circumstances.</p> <p>4.2 We have not received any draft SoCG from HE and cannot understand why when other parties have received drafts (including the landowner of the Site). This is a key Site in respect of the future development of the area and this has been detailed in the First</p>	<p>A SoCG was issued to Nurton Developments Limited on 07/10/20.</p> <p>Highways England is working on a large number of SoCG simultaneously and the fact that landowners have received SoCG before Nurton does not indicate a lack of engagement with Nurton. We would note in particular that Nurton asked detailed questions on GCN mitigation, with further surveys being completed in Spring 2020 and the revised Environmental Masterplan finalised in August- October 2020. The answers on these matters were not available before that date. Similarly, Nurton requested a large amount of traffic data that took time to collate. These factors meant a draft SoCG was issued later to Nurton than the landowner.</p>

	Representations. As the promoter of the Site, it is critical that HE now meaningfully engages.	
RR-039	Member of Parliament	
RR-039a	<p>As Member of Parliament for South Staffordshire, I would like to register as a interested party so that I can continue to represent the views of my constituents on these proposals going forward. While the link road will help to take traffic off the A460 - something which is long needed - I know that a number of constituents in Featherstone, Hilton and Shareshill have concerns about the plans, particularly in relation to noise pollution, the proximity of the road to homes, the effectiveness of the proposed noise mitigation measures and overall closeness of the current design to the village of Hilton. These are issues that I have previously raised with Highways England and I believe that it is vital to make sure that the impact on residents is minimised both in the long and the short term.</p>	<p>We recognise the concerns of constituents. Highways England has undertaken a detailed appraisal of route options, including two phases of non-statutory consultation on evolving route options, refer to the Consultation Report [APP-024/5.1]. A number of alignments were considered following the PRA, to move the alignment further away from Dark Lane (Hilton). The options appraisal process is reported in the ES, Chapter 3: Assessment of Alternatives [APP-042/6.1] and ES Appendix 3.2: Dark Lane Alignment [APP-159/6.3]. A presentation on the outcomes of the options assessment was given to SSC Cabinet in November 2019, and a paper circulated providing additional information on the final route.</p> <p>Following the in-depth appraisal of all options, the alignment of the mainline of the link road was moved approximately 25 m further east away from residential properties in Hilton (Dark Lane) compared to the PRA alignment. It was concluded that this option had fewer adverse environmental impacts on the local area. ES Chapter 11 Noise and Vibration [APP-050/6.1] assesses the noise impact of the Scheme, including mitigation measures in the vicinity of Featherstone and Hilton. Properties in Featherstone, Hilton and Shareshill are generally predicted to experience a negligible or minor change in traffic noise levels (not significant), with some of these impacts being a reduction rather than an increase. Significant beneficial effects are predicted at existing properties which face onto the existing A460, which is bypassed by the Scheme, including some properties at the A460 end of Dark Lane. Noise barriers are proposed to ensure noise impacts are minimised.</p> <p>A small number of residential buildings on Hilton Lane west of the Scheme are predicted to experience significant adverse noise effects primarily due to the transfer of traffic from Dark Lane, which is closed by the Scheme.</p>

		The proposed design changes submitted to the ExA on 9 October 2020 (accepted by the ExA on 29 October 2020), would not alter the conclusions outlined above.
RR-039b	Recent approval given to the West Midlands Interchange and HGV control measures stemming from this development will also need to be taken into account.	The West Midlands Rail Interchange Development and its associated employment trips has been captured within the 'Core Scenario' traffic forecasts that have been developed for the Scheme. The Member of Parliaments comment about the HGV control measures at the WMI is noted and the project team are aware of the measures proposed. Any TRO associated with these measured would be adhered to by the construction traffic associated with the M54 to M6 Link Road Scheme.
RR-040 Royal Mail Group Limited		
RR-040a	Under section 35 of the Postal Services Act 2011 (the "Act"), Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom. The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service. The Act includes a set of minimum standards for Universal Service Providers, which Ofcom must secure. The conditions imposed by Ofcom reflect those standards. Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and this should not be affected detrimentally by any statutorily authorised project. The Government imposes financial penalties on Royal Mail if its Universal Service Obligation service delivery targets are not met. These penalties relate to	Highways England notes the role of Royal Mail Group Limited.

	time targets for: • collections, • clearance through plant, and • delivery.	
RR-040b	<p>Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business. Wolverhampton NE and Landywood DO are within 2 miles of the project and a further eight operational facilities within 9 miles: • Wolverhampton NW DO • North West Midlands MC/MED/LAN/DO • Cannock DO • Wednesbury DO/HUB • Walsall DO/DMB/PAR • Bliston DO • Brewood PAR • Alderidge DO. The M6 and M54 are both strategically important distribution routes for Royal Mail services, important to mail handling and delivery at the regional and national levels. All Royal Mail vehicles / services that use Junction 1 of the M54 and Junction 11 of the M6 are at risk of delays during the proposed 3 year construction period. In exercising its statutory duties, Royal Mail vehicles use all of the local roads that the proposed new Toll Link Road will cross or be constructed adjacent to on a daily basis. Royal Mail wishes to ensure the protection of its future ability to provide an efficient mail sorting and delivering service to the public in accordance with its statutory obligations that may be adversely affected by the construction of this proposed scheme.</p>	<p>Highways England notes the position of Royal Mail Group. Highways England is aware of the potential impacts that disruption during the construction period would cause to business operation such as those of Royal Mail Group. Highways England is actively working to minimise the construction timetable to minimise the period of disruption. This includes the innovative construction method for M54 Junction 1 proposed in the recent Scheme changes, which would reduce the programme by 6 months. It would also mean a closure of the junction for up to three weeks rather than over two years of disruption. Royal Mail was consulted on these changes.</p> <p>As set out in Schedule 2, Part 1 of the DCO [TR010054/APP/3.1] draft Requirement 10 requires the production of a traffic management plan prior to the commencement of development. This document consider ways to minimise disruption to existing highway users during construction.</p>
RR-040c	<p>In order to do this, Royal Mail requests that: 1. the DCO includes information on the needs of major road users and service providers (such as Royal Mail) and acknowledges the requirement to ensure that they are</p>	<p>Highways England draws Royal Mail Group Limited's attention to the Outline Traffic Management Plan (OTMP) [APP-223/7.5] which was submitted with the DCO application and revised following changes to the Scheme in October 2020 [AS-116/7.5].</p>

	<p>not disrupted though full consultation at the appropriate time in the DCO and development process. 2. the final CTMP includes a mechanism to inform major road users (including Royal Mail) about works affecting the local highways network. 3. Royal Mail requests that it is fully pre-consulted by Highways England on any proposed road closures / diversions/ alternative access arrangements, hours of working and the content of the CTMP. As well as, where possible provide potential alternative access arrangements for impacted Royal Mail sites and other business road users. Royal Mail reserves its position to object to the DCO application if the above requests are not adequately addressed.</p>	<p>Whilst no specific commitments are given within the OTMP in favour of Royal Mail, it is Highways England's view that such commitments are not necessary given the wider approach and commitments including for example:</p> <ul style="list-style-type: none"> • Commitments given within Table 1 – Scheme Specific Customer Requirements for the OTMP which highlights that “all works will need to be carefully planned and co-ordinated to minimise disruption and avoid potential conflict” and “Prioritise activities within the Works to complete sections of road works and opening to traffic as soon as is practicable in order to secure tangible benefits to customers as early as is possible.” • Commitment given to provision of advance notice (on the roadside) of a minimum four weeks in advance. Far greater notice would be given for the M54 Junction 1 closure. • As set out within section 3.13 of the OTMP, the Communication Plan for the proposed works.
<p>RR-041 Ruth Shepherd</p>		
<p>RR-041a</p>	<p>I support this proposal - a much needed extension of the M54 and removing motorway/commuter and transport vehicles away from the A460 and the A449/A5 routes which are already congested. As a business owner in Shropshire, with significant travel required, I experience the congestion impact having the wrong traffic on the wrong roads. As a local councillor and board member of several organisations, I understand the impact this also has on the economy and this investment project will benefit not only those</p>	<p>Highways England notes the representation made by Ms Shepherd and welcomes her support for the Scheme.</p>

	communities where the link road is proposed, but further afield.	
RR-042 Staffordshire Wildlife Trust (SWT)		
RR-042a	NET BIODIVERSITY GAIN There is no table summarising the value, impact significance and mitigation for each ecological receptor and the residual impacts from construction and operation. We request this is provided for clarity, and all residual impacts are mitigated to achieve overall net gain.	A summary table such as this is not a requirement of relevant guidance as defined in Chapter 8 [APP-047/6.1 and subsequent versions] . The applicant has prepared a table in response to this query and provided to SWT as part of ongoing consultations. This will be reviewed, and response included in the SoCG between the applicant and SWT [TR010054/APP/8.8O(D)].
RR-042b	The results of the biodiversity metric calculations currently show a combined net loss of 61.89 biodiversity units. This is considered in the EIA to be no net loss. We do not agree- this is a large net loss which needs to be mitigated fully, to provide an overall net gain in line with the current NPPF and 25 year Environment Plan. The result is surprising given that significant areas of new diverse habitats are proposed.	<p>The biodiversity metric calculation undertaken for the application submitted in January 2020 and reported in Appendix 8.2 of the ES (Version 1 [APP-176/6.3] and 2 [AS-031/6.3]) was based on the method published by Defra in Biodiversity Offsetting Pilots Technical Paper: the metric for the biodiversity offsetting pilot in England (Defra, 2012), to determine effects of the Scheme. The original Scheme would result in a total of 1156.98 biodiversity units after works have been completed and new habitats have matured, compared to the 1218.79 biodiversity units before works have started. This is a difference of -61.81 units, or -4.99%. Version 2.0 of the Defra metric was not available at the time the landscape design was being developed and the impact assessment was being undertaken.</p> <p>There is very little guidance currently available on what “no net loss” or “net gain” of biodiversity constitutes in terms of losses or gains of biodiversity units or percentages. Construction Industry Research and Information Association (CIRIA) guidance, 'Biodiversity net gain, Good practice principles for development' (CIRIA, 2019) provides an example in Table 11.9 of Technical Note T8 of how losses and gains of biodiversity are measured for BREEAM schemes. Table 11.9 states that developments that result in a post development biodiversity baseline within 95-104% of the original biodiversity baseline are considered to result in no net loss of biodiversity.</p>

		<p>This guidance, as well as the fact that the Scheme will result in gains of habitat suitable for rare and declining species such as GCN, was used to conclude that the Scheme would result in no net loss of biodiversity.</p> <p>Proposed changes to the Scheme formally submitted in October 2020 would reduce the impact of the Scheme on existing habitats, and allow for retention and restoration of selected areas. A re-calculation using Defra Metric 2.0 has been undertaken by the applicant and submitted to the inspectorate as a revision of Appendix 8.2: Biodiversity Metric Calculations [AS-103/6.3] The Biodiversity Metric Calculations Version 3 (Appendix 8.2 [AS-103/6.3]) show that following completion of the Scheme, total biodiversity units would be marginally higher, with an area based gain of 2.21% of units (17.32 units), a linear based gain of 26.27% (8.2 Units) and a gain of 2.23% (0.33 units) of river based units. Taking these three calculations together, the Scheme is still considered to deliver No Net Loss of biodiversity.</p> <p>For NSIPs there is no explicit requirement to demonstrate net gain using a Biodiversity Metric Assessment. The main policy driver for assessing NSIPs is the NPS. As required by the NPS, Chapter 8: Biodiversity of the ES [AS-083/6.1] sets out any likely significant effects on internationally, nationally and locally designated sites of ecological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. The Scheme avoids significant harm to biodiversity conservation interests, through appropriate application of the mitigation hierarchy including consideration of reasonable alternatives. Where it isn't possible to avoid harm, appropriate compensation to address effects to biodiversity have been proposed.</p> <p>The NPS makes no reference to achieving net gain in biodiversity being a requirement of the determination process and use of biodiversity metrics to devise compensation proposals is optional. In July 2019 Defra published Net Gain: Summary of responses and government response to consultation on the objectives of net gain policy. The document was clear that consultation proposals for a mandatory requirement for net gain did not include NSIPs because they have fundamentally different characteristics to other</p>
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		<p>development types'. Further, whilst Highways England agree that delivering biodiversity net gain is desirable, it is not at this time required by the Planning Act 2008 consenting regime.</p> <p>In addition, it should be noted that Highways England is seeking to acquire land for the Scheme through compulsory acquisition. In order to secure those powers, Highways England must demonstrate that the land subject to compulsory acquisition is required for the Scheme or is required to facilitate or is incidental to the Scheme (section 122 of the Planning Act 2008). This means that, whilst land required to mitigate the impact of the Scheme can be secured through compulsory acquisition, such powers do not extend to the acquisition of land for enhancement or gain. Highways England is nonetheless seeking to fully mitigate the impact of the Scheme on biodiversity so far as possible and seeks to deliver a scheme that results in no net loss in biodiversity.</p> <p>Separate to the Application, Highways England has accepted a designated fund application for an initial feasibility study to identify opportunities and appropriate sites which could be improved to provide biodiversity net gains to be delivered on land outside of the Scheme boundary in partnership with key stakeholders and landowners.</p>
RR-042c	<p>Defra Metric 2.0 has not been used to calculate the biodiversity impact. We consider this to be the most accurate method currently available, as it reflects more detailed impacts and includes connectivity.</p>	<p>Defra Metric 2.0 was still being developed when the Scheme assessment was being undertaken and the landscape masterplan was being developed. The release of the Metric 2.0 was too late in the programme for delivery of the ES to implement it on this Scheme. The CIRIA guide previously referred to does not specify exclusive use of the Defra metric when calculating potential losses and gains of biodiversity units.</p> <p>Proposed changes to the Scheme accepted by the ExA on 29 October 2020 would alter the impacts of the Scheme on some existing habitats and allow for retention and restoration of selected areas, should the design changes be accepted by the ExA. A re-calculation using Defra Metric 2.0 has been undertaken by Highways England and submitted to the inspectorate as a revision of Appendix 8.2: .Biodiversity Metric Calculations [AS-103/6.3] The</p>

		<p>Biodiversity Metric Calculations Version 3 (Appendix 8.2 [AS-103/6.3]) show that following completion of the Scheme, total biodiversity units would be marginally higher, with an area based gain of 2.21% of units (17.32 units), a linear based gain of 26.27% (8.2 Units) and a gain of 2.23% (0.33 units) of river based units. The Scheme is within the range -5 % to +5 % for area based habitats (woodland, grassland etc.) which can be classed as no net loss in accordance with Table 11.9 of CIRIA C776a Good practice principles for development (Ref 8.47), and can be classed as achieving a net gain in linear (hedgerow) habitats.</p>
RR-042d	<p>The assessment does not appear to include restoration of retained habitats. This could contribute a significant number of units in a shorter time than habitat creation from scratch. Avoiding the small direct impact on ancient woodland would also mean more habitat creation could be counted</p>	<p>As noted in the ES, Chapter 3: Assessment of Alternatives [APP-042/6.1] the Scheme has been carefully designed to minimise the impact on areas of ancient woodland through the optioneering process, the design of the Scheme and consideration of construction methods. Since the Preferred Route Announcement, the ground-level free-flow arrangement has been adjusted to incorporate engineered retaining structures around M54 Junction 1 to avoid the direct loss of ancient woodland at Whitgreaves Wood (noted as Oxden Leasow Wood on the Ancient Woodland Inventory) (adjacent to the westbound carriageway, west of Junction 1). Measures have been incorporated into the Scheme to ensure that no land within Whitgreaves Wood is required for the construction of the Scheme and no trees within the wood would be directly affected by the construction of the road.</p> <p>Described in Paragraph 8.13.22 of the Case for the Scheme [APP-220/ 7.1 and subsequent revisions] the alignment of the link road between Brookfield Farm and M6 Junction 11 is governed by a number of constraints including Brookfield Farm business, residential property, fishing pools and the ancient woodland (part of Brookfield Farm SBI). In order to reduce land severance, the alignment has been designed to pass immediately to the east of Brookfield Farm on a long curve before heading north-east towards M6 Junction 11. The alignment has been designed to pass approximately half way between the ancient woodland and the fishing pond at Brookfield Farm, this is in order to achieve a suitable alignment into M6 Junction 11. Due to the embankment height of the alignment in the vicinity of the fishing ponds and ancient woodland this does result in the</p>

		<p>direct loss of an area of 15m² of the ancient woodland. Proposed changes to the Scheme accepted by the ExA on 29 October 2020 reduce the impact of the Scheme on existing habitats and now avoid the direct loss of ancient woodland. These changes are reported in Version 3 Chapter 8: Biodiversity [AS-083/6.1].</p> <p>Restoration of ancient woodland is proposed within Oxden Leasow (Whitgreaves wood) and Brookfield Farm SBI and LWS. The OEMP [APP-218/6.11] Table 3.4, ref D-BIO11 states that 'In combination with the compensatory planting, conservation led management of both ancient woodlands (Oxdon Leasow (Whitgreave's Wood) and the area within Brookfield Farm SBI and LWS) would seek to develop and improve upon the woodland structure, enhancement measures would include selective thinning'. These restoration measures are not captured within the metric as irreplaceable habitats such as ancient woodland are excluded from the calculations of losses and gain of biodiversity units (as recommended within TN3 of the CIRIA best practice guidance).</p> <p>Existing areas of ancient woodland for retention and enhancement, are shown on Figure 2.3 Draft Environmental Masterplan Sheet 1 of 5 [APP-059/ 6.2] for Brookfield Farm SBI and LWS; and Figure 2.6 Sheet 4 of 5 [APP-062/ 6.2] and Figure 2.7 Sheet 5 of 5 [APP-063/6.2] for Oxden Leasow (Whitgreaves Wood).</p> <p>General enhancement measures for woodland are included within the OEMP [APP-218/6.11 and subsequent revisions]. Table 3.4 ref D-BIO10 states that 'Timber from felled trees shall be used for the creation of deadwood areas within selected areas of retained habitat for saproxylic (dead wood loving) species, with some placed in the understory of woodland blocks to enhance woodlands. Felled trees would be retained on site as whole boughs and trunks. These sorts of habitat enhancements are not shown within the biodiversity metric calculation as they may not necessarily lead to a favourable change in the condition (in terms of the metric) of the habitat being enhanced.</p> <p>Sections of retained watercourses (exact locations to be determined during the detailed design stage) will be enhanced, which would result in a 2.23% gain in biodiversity units using the river metric.</p>
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		In terms of the restoration of habitats, areas of existing habitats will be enhanced from their original "distinctiveness" and/or "condition" post development. However, as these habitats will be temporarily lost due to construction or the altering of habitat type e.g. changing improved grassland to species-rich grassland, the biodiversity metric calculation requires this to be recorded as "lost" and then "created" habitat
RR-042e	We recommend the Defra metric 2.0 is used to re-calculate the figures, restoration of retained habitats is included, and any deficit of units resulting is mitigated off-site via agreements with landowners. Off-site mitigation should prioritise habitat restoration of existing ancient woodland or LWS and habitat creation that expands or links existing habitats.	Highways England has covered this point within our response to RR-042c above.
RR-042f	Outline Environmental Management Plan This looks to cover most aspects- a detailed management plan will be needed.	Highways England notes this position. The OEMP [AS-112/6.11] Table 3.4 MW - G7 lists the detailed Management Plans that are to be produced and appended to the CEMP. Requirement 4 of the draft DCO [APP-018/3.1 and subsequent revisions] states that no part of the authorised development can commence until a CEMP is approved in writing by the SoS following consultation with the relevant planning authority and relevant local highway authority.
RR-042g	DESIGNATED WILDLIFE SITES Local Wildlife Sites (LWS) Lower Pool SBI Has been assessed as no longer meeting LWS criteria, however is stated as being of county value. The scheme would result in direct permanent loss of 1.83 ha of woodland and 0.55 ha of standing water which is 37.7 % of the SBI Mitigation of 25.13 ha of new woodland, 0.7 ha of standing water and 1.04 ha of wet and species rich grassland, with improved habitat connectivity. This appears adequate, although no restoration of the retained SBI areas is mentioned- this should be included.	Improvements to retained habitat at Lower Pool LWS and SBI are referenced in paragraph 8.9.13 and 8.9.14 of the ES Chapter 8 (Version 1) [APP-047/6.1]. Improvements would include the removal of invasive species and selective clearance. Further details are to be agreed at the detailed design stage through consultation with the appropriate statutory environmental bodies. The direct loss of woodland has been reduced by the proposed Scheme changes 1-6, accepted by the ExA 29 October 2020. However due to a need to increase the site clearance to allow a suitable clearance around utility diversions and a correction of the masterplan at the southern end of Lower Pool (woodland was shown over and in close proximity to a proposed watercourse diversion), the amended figures now included in Version 3 Chapter 8: Biodiversity [AS-083/6.1] report an increase in woodland lost. Habitat loss within

		<p>Lower Pool LWS and SBI comprise the permanent loss of 2.04 ha (32.3%) of woodland and 0.46 ha (7.3%) of standing water comprising a total of 39.6% of the of the LWS and SBI boundary.</p> <p>These habitat losses would be compensated for by a total of 6.29 ha of habitat creation, in the form of 4.94 ha of woodland planting, and 0.57 ha of standing water surrounded by 0.78 ha of grassland. These habitats would be connected to the retained LWS and SBI habitats by species rich grassland proposed on the road embankments, tree and hedgerow planting at the base of the embankments and hedgerow planting along Hilton Lane. This ratio of habitat compensation to loss is considered appropriate given the importance of the LWS and the length of time it takes new woodland planting to establish.</p>
RR-042h	<p>Brookfield Farm (north-east of), Shareshill SBI The site was assessed as still meeting the SBI criteria, and part has been assessed as ancient. There would be a loss of 0.75 ha of woodland, 15% of the SBI, and temporary impacts to the Latherford Brook (Watercourse 5). Mitigation includes new woodland habitat around the SBI (see ancient woodland comments below) and 0.39 ha of new pools to the south, with habitat links along new embankments. This appears adequate, although no restoration of the retained SBI areas is mentioned- this should be included.</p>	<p>Improvements to Brookfield Farm SBI are referenced in paragraph 8.9.19 of the ES, Chapter 8: Biodiversity [APP-047/6.1 and subsequent revisions]. Improvements would include selective scrub clearance and tree clearance where necessary.</p> <p>Existing areas of ancient woodland for retention and enhancement, in relation to Brookfield Farm SBI, is also shown on Figure 2.3 Environmental Masterplan Sheet 1 of 5 [AS-088/6.2].</p> <p>Enhancement measures are also detailed in the OEMP (OEMP) [APP-218/6.11 and subsequent revisions]. Table 3.4 ref D-BIO11 states that 'In combination with the compensatory planting, conservation led management of both ancient woodlands (Oxden Leasow (Whitgreave's Wood) and the area within Brookfield Farm SBI and LWS) would seek to develop and improve upon the woodland structure, enhancement measures would include selective thinning'.</p> <p>Further details are to be agreed at the detailed design stage through consultation with the appropriate statutory environmental bodies.</p> <p>The direct loss of woodland which forms part of Brookfield Farm LWS and SBI has been reduced by the proposed Scheme changes, accepted by the ExA on 29 October 2020. This is reported in Version 3 of Chapter 8: Biodiversity of the ES [AS-083/6.1].</p>

RR-042i	<p>Potential Local Wildlife Sites We welcome use of the Staffordshire LWS criteria to assess some habitats such as hedgerows, However as assessments were undertaken in July 2019, this is likely to have underestimated the value of hedgerow and woodland ground flora.</p>	<p>The Hedgerow Survey Handbook. A standard procedure for local surveys in the UK. (Ref-03) states the field survey period for hedgerows extends from April to October approximately, depending on the part of the country. June and July are ideal months, particularly where surveys include assessments of the ground flora. The hedgerow surveys undertaken in July 2019 to support the assessment are therefore considered to have been undertaken at the correct time to determine the importance of the hedgerows that may be affected by the Scheme. Whilst it is accepted that some of the spring flowering species are more difficult to identify in July, the surveys were not undertaken so late in the season that vegetation in the hedgerow base would obscure evidence of these species' presence.</p> <p>As stated in Appendix 8.4 Designated Sites and Habitats [APP-178/6.3], botanical surveys were undertaken in April and May 2018 as well as July 2019. The surveys undertaken in 2018 covered most of the woodland habitat within the Order limits and areas that may be affected by the Scheme. As early spring is the best time to survey woodland flora these surveys are considered appropriate to assess the importance of the woodlands.</p>
RR-042j	<p>We are concerned that not all high value habitats as listed in Appendix 8.4 Designated Sites and Habitats appear to have been assessed adequately against the criteria; many are considered county or local value.</p>	<p>All woodlands have been assessed against the Staffordshire guidelines and hedgerows have been surveyed and assessed using the Hedgerow Evaluation and Grading Systems (HEGS) methodology. Ponds have also been assessed against the criteria. Most of the habitats within or adjacent to the Scheme boundary are assessed as being of local or county importance.</p>
RR-042k	<p>No raw data for the Phase 2 / NVC surveys or LWS assessments is provided.</p>	<p>It is not a prerequisite of an ES to provide the raw data on which the assessment is based. BS 42020:2013 Biodiversity — Code of practice for planning and development section 6.11 refers to the fact that it is not necessary to submit all original field and desk-top data with the main assessment, but it should be available upon request.</p>
RR-042l	<p>Several woodlands and some important species-rich intact hedgerows would warrant re-assessment at the correct time of year. The swamp at TN49 has not been assessed, despite it supporting nine grassland scoring</p>	<p>See response to RR-042e with regards to timing of surveys and their robustness to support the assessment.</p> <p>With regards to the 'swamp' this is an area 30m² set within a larger area of ruderal vegetation, as shown on Figure 8.3 [APP-113/6.2]. This swampy area</p>

	species. Although of small size it is adjacent other habitats that should be assessed together.	is too small to map on a phase 1 habitat plan, hence why it was target noted. This area of swamp is too small to assess separately under the fen/swamp criteria of the Guidelines for the selection of LWSs in Staffordshire (2017), which requires a minimum area of 0.25ha and to be a minimum of 20m wide. As this habitat is situated within a larger area of ruderal habitat, and there are no selection criteria for such habitat, no assessment against the Staffordshire guidelines was undertaken, and we do not consider it to be required. The importance of the swamp in isolation of other habitats has not been assessed and no specific mitigation for this habitat loss is necessary. Rather, the Scheme aims to compensate for habitat loss by providing a mosaic of grassland, woodland and wetland habitats to compliment the habitats retained.
RR-042m	HABITATS Figure 8.3 Phase I Baseline Habitat Survey does not show habitat survey data for the area.	Figure 8.3 of the ES [APP-113/6.2] shows the results of the phase 1 habitat survey undertaken in 2018 and 2019. The area surveyed included all land within the Scheme boundary and up to 50m beyond the Scheme boundary where access permitted. This is considered an appropriate distance to assess the potential impacts and subsequent effects of the Scheme. For certain features the survey area was extended to account for the specific ecology and potential impacts to protected or notable habitats or species such as bats or GCN. Where habitats are too small to be mapped on a phase 1 habitat plan these have been included as Target Notes, this is standard practice for phase 1 habitat surveys.
RR-042n	Ancient woodland and Veteran Trees Within Brookfields Farm SBI – 0.0015 ha direct loss; 0.04ha assumed loss due to incursion into the 15 m buffer zone and a further 0.078 ha assumed lost as a result of the change in air quality. Provision of 3.08 ha of broad-leaved plantation (7:1 ratio) has been agreed with Natural England. Direct losses should be avoided by amending the road embankment to a retaining wall adjacent the site.	For ancient woodland please refer to our response to RR-042d.

RR-042o	<p>Will any soil translocation occur? Woodland creation should include addition of dead wood and ground flora sowing from local sources.</p>	<p>No soil translocation will occur. The total area of ancient woodland subject to direct loss in the design submitted on 30 January 2020, which would enable soils to be made available translocation is very small at 0.0015 ha or 15m² and so this was not specified as suitable mitigation.</p> <p>Following the design changed accepted by the ExA on 29 October 2020 the direct loss of ancient woodland has now been avoided. Therefore, translocation of ancient woodland soils is not considered necessary.</p> <p>General enhancement measures for woodland are included within the OEMP [APP-218/6.11]. Table 3.4 ref D-BIO10 states that 'Timber from felled trees shall be used for the creation of deadwood areas within selected areas of retained habitat for saproxylic (dead wood loving) species, with some placed in the understory of woodland blocks to enhance woodlands. Felled trees would be retained on site as whole boughs and trunks'.</p> <p>Production of a CEMP substantially in line with the OEMP [APP-218/6.11 and subsequent revisions] is required by Requirement 4 of the draft DCO [APP018/3.1 and subsequent revisions].</p>
RR-042p	<p>Oxden Leasow (Whitgreaves Wood) adjacent the M54 – This warrants SBI designation. No direct loss would occur and habitat improvement is proposed. Detailed management should be agreed with stakeholders.</p>	<p>The OEMP [AS-112/6.11] Table 3.4 MW - G7 lists the detailed Management Plans that are to be produced and appended to the CEMP. Enhancement measures and management plans for this woodland will be determined at the detailed design stage in consultation with Natural England and the National Trust. Consideration of SBI designation will be discussed with the Local Authority.</p>
RR-042q	<p>We are concerned that areas of potential ancient woodland may have been missed. There is a remnant of Oxden Leasow/ Whitgreaves Wood on the north side of the M54 which has not been investigated. Areas of 'The Belt' woodland adjacent to the A460 could possibly be ancient, as they appear on old maps and support some indicator species such as bluebell, dog's mercury and wood melick. No veteran trees will be directly affected by the Scheme.</p>	<p>This woodland fragment was omitted from our reported investigation on potential ancient woodland sites. We will undertake historic map regression and assessment as appropriate and continue discussions with Natural England to agree the status of this small area of woodland.</p>

RR-042r	Other Irreplaceable Habitats the EIA does not appear to have assessed whether any other habitats, such as important and species-rich hedgerows, may be ancient and meet the definition of irreplaceable habitats. This should be assessed, as any such habitat will need bespoke mitigation.	The HEGS methodology was used at the request of the county ecologist for assessing the impact of the Scheme on hedgerows. A review has now been undertaken and is reported in Environmental Statement Appendix 8.16: Ancient Hedgerow Assessment [AS-105/6.3] and submitted to the Planning Inspectorate on 9 October 2020.
RR-042s	Priority Habitats Swamp habitat- TN49 is a diverse swamp habitat supporting a diversity of wetland plants; there is no specific mitigation proposed. This habitat would translocate well and could be used to establish other wetlands on the site.	See response to RR-042l. As this area is too small to map on a phase1 habitat plan, or to assess under the fen/swamp criteria of the <i>Guidelines for the selection of LWSs in Staffordshire (2017)</i> , its importance in isolation of other habitats has not been assessed and no specific mitigation is necessary. Rather, the Scheme aims to compensate for habitat loss by providing a mosaic of grassland, woodland and wetland habitats to compliment the habitats retained. As this small area of habitat is not ecologically important, nor does it support any locally or nationally rare flora, translocation is not considered to be necessary nor cost effective as a mitigation strategy.
RR-042t	Grasslands- no species-rich grassland would be impacted. We request that new species-rich grassland is created with seed or hay from local diverse meadows, not a seed mix, so that these areas are able to reach LWS quality in future.	The seed mix and its source will be considered at the detailed design stage. The OEMP [AS-112/6.11] Table 3.4 MW - G7 lists the detailed Management Plans that are to be produced and appended to the CEMP. The use of local donor sites relies on a number of factors: (1) those donor sites being present (2) having access to those sites (3) the seed being ready to harvest at a time compatible with the Scheme programme (4) being able to harvest sufficient amounts of seed. Currently Highways England cannot confirm whether any of these requirements can be met therefore it has not been proposed at this stage, as the mitigation scheme needs to be able to be delivered as proposed in the ES.
RR-042u	Hedgerows- There would be a net gain of 1.36km of hedgerow. However, there is no mention of translocating any important or species-rich hedges- this should be considered as translocation provides faster	This will be considered further at the detailed design stage. The OEMP [AS-112/6.11] Table 3.4 MW - G7 lists the detailed Management Plans that are to be produced and appended to the CEMP. Translocation of hedgerows may not be possible as in many instances the hedgerows would interfere with the

	establishment, reducing temporal effects and gaining biodiversity units.	working footprint required to build the Scheme. Hedgerows should only be translocated in the late autumn/winter period so timing may be a significant constraint to the Scheme programme. Production of a CEMP (and any associated management plans) substantially in line with the OEMP is required by Requirement 4 of the draft DCO [APP-018/3.1 and subsequent revisions].
RR-042v	Semi-natural woodland- There would be a loss of 1.18 ha, although overall a net gain of 4.59 ha of non-ancient woodland types. New planting should emulate existing LWS woodlands and include topsoil inversion and ground flora establishment. Ponds and watercourses – a net gain	This will be considered further at the detailed design stage. The OEMP [AS-112/6.11] Table 3.4 MW - G7 lists the detailed Management Plans that are to be produced and appended to the CEMP. Production of a CEMP (and any associated management plans) substantially in line with the OEMP is required by Requirement 4 of the draft DCO [APP-018/3.1 and subsequent revisions].
RR-042w	Ponds and watercourses –a net gain is proposed in ponds and watercourse length which is welcomed.	Highways England notes this point.
RR-042x	Nitrogen deposition Given that the scheme will increase local NOx deposition upon receptors that are already beyond their critical load, the scheme should contribute to the management of sensitive sites such as ancient woodlands nearby to off-set this impact.	Since the submission of the Application further work has been completed to consider the updates to DMRB air quality guidance to LA105. The air quality assessment reported in the ES [APP-044/6.1] was undertaken in line with now superseded air quality guidance. The updated APIS data has been utilised in the sensitivity testing undertaken to consider whether the changes to the air quality methodology would alter the conclusions of Chapter 5: Air Quality [APP-044/6.1] and Chapter 8: Biodiversity [AS-025/6.1] of the ES. The results of the sensitivity test are reported in AS-059/8.2, 'DMRB updates and impacts on the DCO application' submitted to the Planning Inspectorate on 30 July 2020. We consider the conclusions of the assessment and mitigation described in the ES and AS-059/8.2 to be correct and that no further mitigation is required in this instance. As reported in AS-059, to compensate for the impact of increased nitrogen deposition in two areas of ancient woodland, woodland planting at a ratio of 1:1 within the immediate vicinity of the Brookfield Farm LWS and SBI woodland would be provided. A number of improvement measures for the management

		of retained ancient woodland are also proposed as part of the compensation measures for the loss of ancient woodland reported in Chapter 8: Biodiversity [APP-047/6.1 and subsequent revisions], these include selective scrub clearance and tree clearance where necessary. These improvement measures will be considered in more detail at the detailed design stage in consultation with Natural England.
RR-042y	SPECIES We welcome the assessment of species populations against the Staffordshire LWS criteria. Where populations have been assessed to be of county importance, including Noctule, Myotis sp and Soprano pipistrelle bats, otter and watervole and GCN metapopulations, we request that Highways England works with the Staffordshire Wildlife Sites partnership to further investigate the need for designation.	Highways England does not consider it a requirement of the DCO process to determine whether ecological features present warrant selection for future designation. The DCO requires Highways England to assess the impacts of the Scheme on important ecological features, to propose suitable mitigation to avoid or reduce those impacts and to determine whether those impacts would result in a significant effect. Where significant effects occur, suitable compensation is to be provided. The 'Guidelines for the selection of LWSs in Staffordshire' has been used to aid in the determination of importance of ecological features present; it has not been used to highlight features that warrant designation under these guidelines.
RR-042z	Birds There would be a direct loss of breeding territories of notable bird species during construction: one dunnock, five skylark, two song thrush and one lapwing. While new habitats would eventually mitigate for this, no short term mitigation is provided. A temporary off-site mitigation area should be provided particularly for ground nesting species. Hedgerow translocation and use of brash pile/ dead hedges as temporary nesting features would also reduce short-term impacts to nesting birds.	The habitats to be lost within the Scheme boundary are not unique; large areas of similar habitat exist outside of the Scheme boundary that will remain unaffected by the Scheme. Whilst the relatively small number of birds breeding within the Scheme boundary will be displaced in the short term, the unaffected habitats are of sufficient extent to support them. In the medium to long term, compensatory creation of grassland and planting of native hedgerows will provide suitable nesting habitat for the local bird population.
RR-042aa	Barn owl are at risk from vehicle collisions, although scheme design has sought to minimise this- monitoring of bird fatalities should be undertaken and if barn owl casualties are found, measures should be taken to	The risk to barn owl is considered to be low, with the existing road network acting as a barrier and a small number of barn owl recorded on the site. Monitoring of casualties is not considered to be proportionate mitigation to the scale of the effect and has therefore not been proposed. Monitoring of barn owl casualties on a motorway is very difficult given that it is both unsafe for the

	compensate via provision of habitat and nest sites in safe areas away from the scheme.	people undertaking the monitoring, and any barn owl casualties are unlikely to persist long on the carriageway given the volume of traffic and the speed of decomposition and are therefore unlikely to be recorded during monitoring.
RR-042ab	Otter and water vole Presence has been confirmed within the Latherford Brook. Water vole should not be considered common in Staffordshire- they are potentially facing extinction. Therefore any watervole population may merit regional importance. Watervole evidence and otter resting sites are unaffected by the brook crossing, and adequate monitoring and habitat enhancement is proposed.	As reported in paragraph 8.6.73 of the ES [APP-047/6.1 and subsequent revisions] the statement that water voles are common but declining in Staffordshire is based on information supplied by Staffordshire Ecological Records Centre. The fact that the population present along the Latherford Brook is isolated and small in size (based on the number of latrines recorded) warrants importance at a county scale rather than a regional scale, as this population is unlikely to be an important part of the wider water vole population in the county and beyond.
RR-043 Telford & Wrekin Council		
RR-043a	M54-M6 Link Telford & Wrekin Council Representation Telford & Wrekin Council welcome the proposals brought forward by Highways England for a north bound connection between the M54 and the M6. Although the proposals are located outside of the Councils administrative area the works will improve access to the M54 corridor, generating significant economic benefits for Telford & Wrekin. Telford is a key destination for inward investment and economic growth in the region and a significant destination for Foreign Direct Investment into the UK. It is located approximately 14 miles from Junction 1 of the M54 and benefits from excellent access to the motorway network south bound. North bound access through Featherstone has never been a feasible or suitable long term solution and the proposals for direct access onto the M6 and M6 Toll are very welcome. The central position (nationally) that Telford occupies, in relation to road / rail networks and port infrastructure, provides an ideal location for	Highways England welcomes the support for the Scheme from Telford & Wrekin Council.

	<p>manufacturing, logistics and export potential. The continued investment potential of Telford can only be achieved through investment in strategic infrastructure such as the M54-M6 link. This needs to be part of a comprehensive strategy to open up access to and improve the capacity of the M54 strategic growth corridor.</p>	
RR-043b	<p>The Council are actively promoting better connectivity to the M54 through the proposals for 'Queens Way Link' which would see a direct connection between the M54 and the north / south A442. This is a critical piece of infrastructure that will enable direct access to two of Telford 3 strategic employment areas. This needs to include investment in rail infrastructure such as the electrification of the Shrewsbury – Telford – Wolverhampton rail line. A balanced approach to transportation investment will open up markets and attract inward investment. It would also increase the resilience of the strategic highway and rail networks and allow freight / passenger flows to switch between road and rail.</p>	<p>Highways England notes the position of Telford and Wrekin Council, but cannot comment on investment in rail infrastructure.</p>
RR-043c	<p>The completion of the motorway network around the West Midlands with the construction of a link between the M5 and M54 / M6 is strongly supported by the Council. This will open up the M54 corridor and Telford for inward investment and improve access to export markets via ports of Bristol and Southampton. The route will also cement Telford's position as the central point for manufacturing investment in the UK serving the home market. There is strong demand for sites in Telford and this has been seen in the large amounts of employment land brought to the market through the</p>	<p>Highways England notes the positive support for the Scheme given by Telford & Wrekin Council and agrees with the justification given by the Council for its support.</p>

	<p>'Telford Land Deal'. This has seen, for example, investment in supply chain for the JLR engine plant such as the £78m investment by Magna Cosma in Telford. Telford plays a key role in providing employment sites for supply chain businesses that support many of the regions tier one manufacturing companies, there is further opportunity 'scale up' this role with the on shoring of supply chain as part of national and regional economic recovery plans. Telford has also seen high levels of housing growth delivering around 1,300 homes in the last year and remains one of the most affordable locations with the best range of employment and leisure opportunities in the country. Improved connectivity to the national motorway network will also be a welcome boost to existing businesses in the borough especially those in the leisure and hospitality sectors such as Ironbridge Gorge Museums, Telford International Centre and Telford Shopping Centre which together generate around 12 million visitors annually.</p>	
RR-043d	<p>In summary the Council are very supportive of the proposals and welcome the programme which would see a completed link in place by 2024. The need for this infrastructure was formally identified in 2001, there can be no further delay in this process given the need for a robust economic recovery. The proposals will bring a short term boost to the construction industry but will act as a long term accelerator for economic growth for Telford and the wider corridor.</p>	<p>Highways England notes the positive support for the Scheme given by Telford & Wrekin Council and agrees with the key points made.</p>
<p>RR-044 Ministry of Defence</p>		

<p>RR-044a (AS-001)</p>	<p>Highways England M54 to M6 Link Road (DCO application) TR010054</p> <p>I am writing to provide Defence Infrastructure Organisation (DIO) comments on behalf of the Ministry of Defence (MOD) on the Applicants proposed M54 to M6 link road Nationally Significant Infrastructure Project application.</p> <p>Proposed Development</p> <p>The focus of the development is the creation of new highway linking M54 Junction 1 and M6 Junction 11. In addition to the new highway, works to support and facilitate the link road are proposed. These works include balancing ponds that form part of drainage attenuation and treatment systems; and works to install or alter existing signage.</p> <p>Safeguarding Context</p> <p>Some of the peripheral works proposed through the application fall within the designated safeguarding zones associated with RAF Cosford. These safeguarded zones are designed to secure aviation safety by ensuring that physical structures, whether permanent or temporary, are not introduced into those areas where aircraft may be operating.</p> <p>Safeguarding Assessment</p> <p>Works packages 35, 55a and 55c fall within the designated safeguarding area. It is unlikely that these works packages would have any impact on aviation safety as they will be at a substantially lower than aircraft would usually operate in this location.</p> <p>To ensure the proposed development can be assessed and that any potential effect on the operation of the</p>	<p>Highways England note the position of the Ministry of Defence and welcome their conclusions that there are no safeguarding concerns resulting from the proposals.</p>
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	<p>defence estate can be mitigated (in accordance with the provisions of paragraph 95 of the National Planning Policy Framework 2019), it is requested that MOD Safeguarding are kept informed throughout the application for Development Consent process and made aware of any amendments to the scheme.</p> <p>In summary, DIO Safeguarding have no objection to the principle of the development in the form proposed, and request notification of any amendments to the scheme</p>	
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References

Ref -01	Air Pollution Information System website. Available online at: http://www.apis.ac.uk/
Ref -02	European Environment Agency (2019) European Nature Information System. Available online at: https://eunis.eea.europa.eu/habitats/722
Ref -03	Department for Environment, Food and Rural Affairs (2007) The Hedgerow Survey Handbook. A standard procedure for local surveys in the UK