

M54 to M6 Link Road
TR010054

**8.8 LIU(A) Draft Statement of Common
Ground with Allow Limited**

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

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(Applications: Prescribed Forms and
Procedure) Regulations 2009**

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

**8.8 LIU(A) Draft Statement of Common Ground with
Allow Limited**

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1 (P02)	14/04/2020 (date issued to Allow)	S3
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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Allow Limited.

Signed.....
Andrew Kelly
Project Manager
on behalf of Highways England
Date: [DATE]

Signed.....
[NAME]
[POSITION]
on behalf of Allow Limited
Date: [DATE]

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared in respect of an application for a Development Consent Order ('the Application') under section 37 of the Planning Act 2008 ('PA 2008') for the proposed M54 to M6 Link Road ('the Scheme') made by Highways England Company Limited ('Highways England' or 'HE') to the Secretary of State for Transport ('Secretary of State').
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All Application documents are available on the Planning Inspectorate website.
- 1.1.3 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.
- 1.1.4 This SoCG has been drafted by Highways England based on correspondence with Allow Ltd ('Allow') during the development of the Scheme and records Highways England's current understanding of the matters agreed and not agreed. The first draft was provided to Allow on 14 April 2020. No comments have been received by 02 November 2020. A second draft was provided to Allow on 02/11/2020 to answer queries raised more recently. Highways England will continue to work to finalise the contents of this SoCG at the earliest opportunity as the Application proceeds through the Examination process.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Allow Limited.
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 Allow is the freehold owner of land parcels 4/20a, 4/20b, 4/20c, 4/20f, 4/20g, 5/2, 5/4, 5/25, 6/13, 6/16, 6/20 and 6/21 as presented in the Land Plans [AS-065/2.2].

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, 'Not Agreed' indicates a final position. 'Under discussion' indicates where points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. 'Agreed' indicates where the issue has been resolved.

It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Allow, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Allow.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Allow Limited in relation to the Application is outlined in Table 2-1.

Table 2-1: Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
30/11/2017	Meeting with landowner (DS), Amey (TB), District Valuer (SD) and HE (AK)	<ul style="list-style-type: none"> Land access for surveys Update on land sales Discussion of scheme options
28/09/2018	Meeting with landowner (DS), Amey (TB), District Valuer (SD) and HE (AK)	<ul style="list-style-type: none"> Land access for surveys Update on land sales, primarily the sale of Hilton Hall Discussion of scheme options
12/04/2019	Letter from Gateley Hamer to landowner (Allow Ltd)	<ul style="list-style-type: none"> Letter sent to Allow requesting land access by agreement to complete ground investigation surveys
23/05/2019	Letter pack from GH to DS	S42 consultation pack. Included Land Interest Plans showing areas of land ownership, initial indications of areas of land that may be required for the Scheme and the Order limits. The draft Environmental Masterplan was also made available online, indicating initial thoughts on areas required for environmental mitigation.
04/07/2019	Letter from FF to HE	<ul style="list-style-type: none"> Statutory consultation response received
22/09/2019	Meeting with landowner (DS) Amey (TB), Aecom (BB) and Gateley Hamer (JS)	<ul style="list-style-type: none"> Discussion regarding replacing the access bridge over the proposed route Discussion of gas main diversion Access rights Car boot field usage Discussion of upcoming geotechnical surveys Discussion of flood alleviation ponds Lower pool ponds have annual leases

Date	Form of correspondence	Key topics discussed and key outcomes
28/08/2019	Meeting with Landowner (DS), Amey (TB), Aecom (JH), District Valuer (SD), Field Fisher (DP & NP) and Gateley Hamer (TF)	<ul style="list-style-type: none"> • Land access for surveys update, Allow advised no night surveys were permitted and copies of non-intrusive survey agreement requested. • Discussion regarding woodland around lower pools • Allow objection to environmental mitigation on current car boot site and area of land in front of Dark Lane. • Allow's suggestion of tree planting around lower pool would be more favourable. • Red line boundary query for area of land in front of the Shrubbery. • Survey results requested for consideration • Scale plans requested during meeting
03/11/2019	Letter sent from GH to DS (Landowner)	<ul style="list-style-type: none"> • Land by agreement letter
06/11/2019	Email from TF to DP	<ul style="list-style-type: none"> • Confirmation that updated land interest plans and schedule would be sent as part of the pack distributed for the upcoming supplementary consultation starting on 11/11/2019. • Revised meeting time and date offered to give Allow and representative (DP) more time to review supplementary consultation
07/11/2019	Email from DP to TF	<ul style="list-style-type: none"> • Acknowledgement that land interest plans and schedule plans would be circulated over the weekend prior to meeting on 11/11/2019 • DP advised an early morning meeting with clients was already scheduled on 11/11/2019 and confirmed clients were still content to meet as planned.
11/11/2019	Meeting with Mr & Mrs Shacklock, Aecom (TP & RR), District Valuer (SD), Field Fisher	General arrangement (GA) plans requested by DP. Team advised that the GA plans were available online at time of meeting as part of

Date	Form of correspondence	Key topics discussed and key outcomes
	(DP & NP) and Gateley Hamer (SB)	<p>information provided publicly for the supplementary consultation period.</p> <p>DP queried if other sites were reviewed for environmental mitigation. TP confirmed alternative sites have been reviewed and explained that Hilton Park is a Historic Landscape Area containing Grade I listed properties and Historic England would likely object to planting in this area due to the impact on the character of the Historic Landscape.</p> <p>DP raised the issue of not receiving survey results since last meeting. TP confirmed that surveys for the Scheme were ongoing and that data would need collating and re-working to separate data for individual landowners. TP confirmed that the data would be circulated when possible.</p> <p>DP requested that land outside the Shrubbery, (which formed part of 5/4a at the time of supplementary consultation but is now part of 5/4) be split up and taken out of the Scheme.</p> <p>DP requested update on offer made to project team regarding alternative land put forward for environmental mitigation. The proposed alternative land is located on the east of Lower Pool in the open area of Hilton Park and in the Historic Landscape Area. TP referred back to previous comments regarding alternative sites, stating that this land had been considered and was not viable as planting would not be acceptable in this area.</p> <p>DP requested extracted version of the Environmental Statement when this is ready. TP advised that the ES would be available online following the Order submission in January 2020. TP offered to produce a separate advice note setting out the justification for the proposed</p>

Date	Form of correspondence	Key topics discussed and key outcomes
		<p>mitigation areas to aid Allow Limited's understanding of the proposals.</p> <p>DS raised the current antisocial behaviour issues on the car boot site, which they feel will be worse if used for environmental mitigation.</p>
11/11/2019	Letter sent from GH to Landowner (DS)	Supplementary consultation documents arrived with Allow including revised plans showing areas proposed for permanent and temporary land acquisition. Also included links to revised Environmental Masterplan and GA plan to help explain the reasons for land acquisition.
11/12/2019	Letter from FF to HE	Supplementary consultation response received
21/01/2020	Email from GH to DP	Meeting invite to DP and client and enclosed copy of environmental and invasive survey results
24/01/2020	SoCG introductory Letter sent	Introductory SoCG letter addressing concerns raised within latest supplementary consultation response.
29/01/2020	Email from DP to AK in response to SoCG introductory letter	<ul style="list-style-type: none"> • Request for consultation response • Request for survey results • DP outlined that a meeting was not required. • DP requested fee undertaking
07/02/2020	Email from HE to DP	<p>Explanation why SoCG meeting was offered.</p> <p>Confirmed that most survey results were sent from GH on 21/01/2020, further survey results would follow as soon as available. Fees to be agreed.</p>
09/03/2020	Letter from HE to DP, CB & landowner	S56 – Notifying Persons of Accepted Application
09/03/2020	Email from DP to Highways England	<ul style="list-style-type: none"> • Acknowledged receipt of Regulation 9 letter confirming the Application has been accepted. • Request for full suite of survey results

Date	Form of correspondence	Key topics discussed and key outcomes
		<ul style="list-style-type: none"> Request for copy of draft SoCG Request for fee undertaking to be agreed Request for USB stick containing the Application and accompanying documents, plans and Environmental Statement
11/03/2020	Email from SB to DP	<p>Confirmation that additional survey results will be sent in the post on a USB memory stick on the same day as said email.</p> <p>In addition to the survey results, SB confirmed that the USB will also include application documents.</p> <p>SB advised that the draft SoCG is currently being reviewed and will hopefully be ready for issue next week.</p>
11/03/2020	Letter from SB to DP	Letter sent with a USB containing Application documents and remaining environmental survey information.
17/03/2020	Letter from HE to DP, CB & landowner	S56 – Notifying Persons of Accepted Application Extension
18/03/2020	Email from AK to DP	Update on SoCG progress
18/03/2020	Email from DP to AK	<p>Acknowledgement of SoCG timescale</p> <p>Confirmation of USB receipt</p>
02/04/2020	Email from AK to DP	SoCG update
02/04/2020	Email from DP to AK	<p>Acknowledgement of previous email</p> <p>Confirmation that DP is preparing relevant representations on behalf of client</p>
14/04/2020	Email from Highways England to DP	Draft SoCG issued
21/04/2020	Email from Highways	Word version of SoCG sent as requested

Date	Form of correspondence	Key topics discussed and key outcomes
	England to DP & CB	
24/04/2020	Email from Highways England to DP	Environmental Technical Note sent
04/05/2020	Online meeting with RR, AK, TW, TM, AM, SD, JH, SB, CB, DP, GS & DS	Meeting to discuss consultation responses, survey access & SoCG. DP confirmed that Allow did not intend to provide any comments on the draft SoCG because there was no common ground.
15/05/2020	Email from CB to TP	Request for breakdown and plans showing woodland loss, request for update on 2020 Great Crested Newts ('GCN') surveys.
15/05/2020	Email from TP to CB	Response to email, suggestion that queries are also included in Allow Relevant Representation. Request that communications between Allow and HE are through DP and AK as agreed at 04/05/20 meeting.
19/05/2020	Email from DP to AK	Providing copy of Allow Relevant Representation and requesting minutes of meeting on 04/05/20.
26/05/2020	Email for AK to DP	AK provided notes of meeting 04/05/20 for review.
01/06/2020	Letter from HE to DP, CB & landowner	S56 – Additional relevant representation
12/06/2020	Email from AK to DP	AK provided responses to three actions from meeting on 04/05/20: <ul style="list-style-type: none"> - Plan showing the land which could be handed back along with a Scheme overlay on plots. - Explanation of thirty-year maintenance period of environmental mitigation areas - Excerpt from Historic England Meeting Minutes 13-08-19 Outstanding actions to follow by 22/06/20.

Date	Form of correspondence	Key topics discussed and key outcomes
22/06/2020	Letter and email from AK to DP, CB & landowners	Heads of Terms, provisional maintenance schedules & environmental mitigation approach technical note issued.
01/07/2020	Email from DP to AK	Comments on Book of Reference
27/07/2020	Email from DP to AK	Request for detailed information showing woodland loss and GCN survey results.
29/07/2020	Call from CB to SB	CB queried the woodland loss data and requested plan to indicate woodland lost to Scheme. GCN survey data request. CB advised that their client has not yet instructed an independent ecologist .
29/07/2020	Email from AK to DP & CB	Advice note from PINS sent advising to agree SoCG. Woodland loss plan issued. Ecology survey update (including on GCN surveys). Upcoming non-statutory consultation notification.
29/07/2020	Email from SB to CB	Upcoming non-statutory consultation notification
30/07/2020	Email from CB to AK	Response to AK email dated 29/07/2020 concerning environmental mitigation areas
30/07/2020	Telephone call from CB to SB	Request for meeting to discuss contents of same day email
03/08/2020	Email from SB to CB	Confirmation of full response to email of 30/07/2020 is pending and follow up meeting would follow
21/08/2020	Letter from HE to DP, CB & landowners	Supplementary consultation consultee letter sent

Date	Form of correspondence	Key topics discussed and key outcomes
25/08/2020	Email from SB to DP & CB	Supplementary consultation consultee letter and relevant document links sent.
07/09/2020	Email from CB to SB	Request for update and additional information required for the revised environmental mitigation areas.
08/09/2020	Email from SB to CB	Confirmation that CB should be receiving a full response to queries raised within due course.
10/09/2020	Email from CB to AK & SB	Following recent supplementary consultation, additional queries raised concerning the proposed environmental mitigation areas.
11/09/2020	Email from AK to CB	Acknowledgement of email and full response will be issued week commencing 14/09/2020.
15/09/2020	Email from AK to CB	Full response to queries raised in subsequent emails with proposed revised land plans attached.
15/09/2020	Email from CB to AK	Request for further clarity on contents of email dated 10/09/2020 and a proposed meeting date on site and for virtual meeting
18/09/2020	Email from CB to AK	Request for further clarity on contents of email dated 15/09/2020 and a proposed meeting date on site and for virtual meeting
21/09/2020	Consultation response – online response form	Response to consultation on proposed Scheme changes, via online response form.
23/09/2020	Email from CB to RR & AK	Woodland loss and environmental mitigation calculation queries raised in preparation of upcoming meeting.
24/09/2020	Online meeting with NP, CB, DS, AK, RR, TW, SB, TP & MO	<p>Update on how HE has addressed previous comments raised by Allow and representatives</p> <p>Review of consultation responses</p> <p>RR requested feedback on previously issued SoCG dated 21/04/2020</p> <p>Proposed site meeting and draft scope covered</p>

Date	Form of correspondence	Key topics discussed and key outcomes
		Replacement fencing along Dark Lane discussed
29/09/2020	Email from CB to AK & RR	Allow's independent ecology reports attached to email Further questions raised concerning land required for environmental mitigation, rights of way and archaeological surveys following meeting held on 24/09/2020
30/09/2020	Email from AK to CB	Meeting minutes from meeting held on 24/09/2020 sent to Allow's agent and acknowledgement of email received on 29/09/2020 containing further questions raised and confirmation that HE will provide full response within revised SoCG by 30/10/2020
02/10/2020	Email from AK to CB	Site meeting invite for week commencing 12/10/2020
06/10/2020	Email from AK to CB	Confirming receipt of survey access slip, confirmation of purpose of upcoming surveys. Copy of GCN 2020 survey report and figure provided
13/10/2020	Email from AK to CB	Revised date for site meeting proposed.
13/10/2020	Email from CB to AK	CB advised revised date was not suitable, alternative dates requested
19/10/2020	Email from AK to CB	Revised date for site meeting proposed.
20/10/2020	Email from CB to AK	Confirmation that suggested meeting dates were suitable. Request for update on; revised SoCG, Scheme changes/clarification of queries raised and further detail concerning area of woodland taken from across the Scheme
23/10/2020	Email from AK to CB	AK advised as per meeting minutes from 24/09/2020, response to queries will be provided within the revised SoCG by 30/10/2020

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) Allow in relation to the issues addressed in this SoCG.

3 Issues

3.1 Introduction and General Matters

3.1.1 This chapter sets out the 'issues' which are agreed, not agreed, or are under discussion between Allow and Highways England.

3.2 Issues

3.2.1 The table below shows those matters which have been agreed or yet to be agreed by the parties, including the date and method by which it was agreed (if relevant). The points made by Allow in different representations have been given 'codes' to enable cross referencing, for example, where the document column says 'RR-031b', this is a response from Relevant Representation RR-031, with 'b' being the value given to the point by Highways England.

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Table 3.2: Issues

Document	Subject	Allow Ltd Comments	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
Relevant Rep 031b	Compulsory Acquisition	Allow objects to the acquisition of plots 4/20a, 4/20b, 4/20c, 5/2 and 5/4 and of permanent rights over plot 4/20g as Allow considers that the conditions set out in Section 122(2) and 122(3) of the Planning Act have not been met.	<p>It is Highway 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> <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 are required to facilitate or are 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 supported by local people and key stakeholders (e.g. Natural England). There is a clear case in the public interest for the mitigation.</p>	Under discussion	Low	
Relevant Rep 031c	Hilton Estate	Allow notes that the Applicant for the DCO seeks to acquire 17.61ha of its Hilton estate. Of that land 2.9ha is required for the construction of the proposed link road and 14.71ha for mitigation measures. Allow do not accept that it is necessary to take 14.71ha of land to mitigate the impact arising from constructing a road on 2.9ha of land.	<p>The Scheme is 'Environment Impact Assessment (EIA) development' under the EIA Regulations, which transposes the requirements of EU Directive 2011/92/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 development and necessary to implement the proposed Order should it be made.</p>	Under discussion	Low	

¹ Indication on likelihood that the matter will be agreed by the close of the Examination period as rate by the applicant (app) and the Interested Party (IP). Dark Green = agreed, Light Green = high likelihood of agreement, orange = medium likelihood of agreement, red = low likelihood of agreement.

² Interested Party. In this case Allow Ltd.

			<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. 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 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 of listed buildings or locally designated landscapes.</p> <p>Therefore, the comparison between the amount of land required for the link 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 [TR010054/APP/6.1] and the Outline Environmental Management Plan [TR010054/APP6.11]. 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.</p>			
Relevant Rep 031d	Farming Business	Acquisition of the land will adversely affect Allow's farming business which is accessed off the A460 and Hilton Lane.	<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 the impacts reduced where possible. Highways England does not consider that this will mean that the land is incapable of being farmed successfully.</p> <p>The guidance outlines that compensation following compulsory acquisition of land is based on the 'principle of equivalence'. Accordingly, no party should be worse off in financial terms post acquisition.</p>	Under discussion	Medium	
Relevant Rep 031e	Equestrian Business	Equestrian business from Hilton Lane is also likely to be affected.	Highways England notes the position but considers the response provided to the item in the row above addresses this concern.	Under discussion	Medium	
Relevant Rep 031f	Fishing Ponds	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	Highways England is aware of the ponds used on Allow's land for fishing. Highways England would welcome clarification from Allow	Under discussion	Medium	

		that remain will no longer offer the tranquil environment currently enjoyed.	<p>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>Information on compensation can be found:</p> <p>https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-2-compensation-to-business-owners-occupiers</p>			
Relevant Rep 031g, h, i, j, k.	Plot 5/2	<p>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)". Further, 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>Allow also consider that the land is not required to facilitate nor is it incidental to the construction of a highway as it is not accepted that the extent of the mitigation proposed is required.</p> <p>In a scenario where mitigation is required:</p> <ol style="list-style-type: none"> 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). 2. It is not necessary to locate mitigation measures for biodiversity loss on plot 5/2. There are alternative sites on 	<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.</p> <p>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. The 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 the road network and local community.</p> <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.</p>	Under discussion	Low	

		<p>which to provide such mitigation.</p>	<p>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.</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 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 and 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 the LWS and SBI.</p> <p>This reduces the area of search for land for mitigation to locations adjacent the lost and remaining habitats.</p>			
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<p>Proposed Changes Supplementarily Consultation (SC)</p> <p>SC1</p>		<p>The environmental mitigation measures proposed within Hilton Park include new woodland planting across Plot 5/2 west of the new road. This would merge with the historic tree belts on the east side of the A460 and the south side of Hilton Lane, and therefore these tree belts, which were key elements of the redesign of the parkland in the period 1796 - 1816, would lose their separate identity. The South Staffordshire HEA includes recommendations for Hilton Park and states that 'The surviving heritage assets of the historic landscape park which lie within this zone comprise the shelter belts, woodland and lake which are important components to understanding the history and design of Hilton Park'. Thus, not only will the proposed new road sever the western edge of the historic park, but the proposed woodland planting will impact greatly on the nature and character of the western perimeter tree belt as an important component of that designed landscape. This is not acknowledged or discussed within Chapter 6 of the ES and has not been taken into account in the assessment of the impacts and effects on Hilton Park.</p>	<p>Highways England's assessment has identified an impact on the park as a result of the Scheme, including the severance of the area to the. This has been agreed with Historic England and Staffordshire County Council.</p> <p>The overall effect takes into account the impact on the parkland as an asset to which the individual elements noted contribute. This methodology is in accordance with current guidance and has been carried out in consultation with Historic England. Highways England consider it to be robust.</p>	<p>Under discussion</p>	<p>Low</p>	
<p>SC2</p>	<p>Plots 4/20a, 4/20b, 4/20c, and 4/20g</p>	<p>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. Allow objects to the application to acquire all interests in plots 4/20a, 4/20b, and 4/20c, and rights over plot 4/20g. 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</p>	<p>Highways England agrees that the Scheme seeks to acquire permanently land plots 4/20a, 4/20b and secure temporary possession and permanent rights over plot 4/20g. 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 Examining Authority 29 October 2020). The remainder of plot 4/20c is still required for environmental mitigation and a culvert.</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); 	<p>Under discussion</p>	<p>Low</p>	

		<p>landscape. Woodland planting to screen views of the scheme. 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>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>It is not necessary to take plots 4/20a and 4/20b for the 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>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>	<ul style="list-style-type: none"> • 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>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 works above are all required for 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>Highways England considers that land required for essential mitigation is incidental to the construction of the highway. Following the change to Plot 4/20c (as discussed above, revised mitigation is shown in revised Masterplan [AS-086/6.3] submitted to the Examining Authority on 9 October).</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 Design Manual for Roads and Bridges (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 Environmental Statement [APP-040/6.1 – APP-056/6.1 and subsequent revisions] and the Outline Environmental Management Plan [APP-218/6.11 and subsequent revisions]. The approach to essential mitigation was outlined within 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.</p> <p>Mitigation to the East: Historic maps both pre- and post-dating the Repton design (including the 1796 Estate Plan, 1842 Tithe Map, and historic 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>			
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			<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 boundary of Lower Pool/The Shrubbery. See Historic England SoCG [document 8.8P(C) to be submitted on 3 November 2020].</p> <p>The acquisition of these plots will not prevent Allow from gaining access to its land from the A460 as is suggested. 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> <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.</p>			
SC3	Plot 4/20g	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.	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.	Under discussion	Medium	
SC4	Plot 5/4	<p>Plot 5/4 includes land in close proximity to the dwelling house known as "The Shrubbery".</p> <p>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. It is not necessary or appropriate to take land close to The Shrubbery in order to construct a re-aligned Hilton Lane.</p> <p>There is no compelling case in the public interest to justify taking the</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.</p> <p>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>	Under discussion	Medium	

		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.				
SC5	Previous Repts	<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.</p> <p>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 [APP-009/2.4]; • Statement of Reasons [APP-021/4.1]; Consultation Report, Annex P [APP-039/5.2]; • Environmental Statement, Chapter 8 Biodiversity [APP-047/6.1]; and • Case for the Scheme & NPSNN Accordance Table [APP-220/7.2]. <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 any 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 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>	Under discussion	Low	
SC6	Ecological Mitigation	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	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</i>	Under discussion	Low	

		<p>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 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>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><i>alleviate the impact of its scheme on Allow's land and not any other parties land' is incorrect..</i></p> <p>Highways England would note that in June 2019 the information requested was not available. As Allow Limited 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 late 2019/ early 2020 and the draft Environmental Statement 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 Environmental Masterplan, also in November 2019. Full detail of the consultation with Allow and information provided is set out in this SoCG.</p> <p>The implication that information has been 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 Environmental Statement.</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>			
SC7	Ecological Surveys	<p>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 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>	Under discussion	Medium	

SC8	Woodland Planting	<p>Flawed and inaccurate assessment of woodland planting by the Applicant. 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 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 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>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.</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> <p>The approach to mitigation and the mitigation design has been described in the Environmental Statement and the Outline Environmental Management Plan. 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 Environmental Statement [APP-047/6.1]. Quantified site clearance plans are not required as part of a DCO application package. Final site clearance requirements will not 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 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. See also the response regarding plot 5/2 below (SC17).</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 of land is justified and available to Highways England.</p> <p>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. The ratio of habitat compensation to loss is considered appropriate given the importance of the LWS as established woodland habitat.</p> <p>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 the LWS/SBI. Hence a lower compensation ratio has been adopted, for this, with new planting for landscape integration and visual impact mitigation.</p>	Under discussion	Low	
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SC9	SOCG	<p>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.</p>	<p>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.</p> <p>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.</p> <p>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.</p>	Under discussion	Medium	
Proposed Changes Supplementarily Consultation SC10	Proposed Change 1	Allow agree with this change and make no further comments		Agreed	Agreed	Agreed
SC11	Proposed Change 2	<p>Allow wish to reserve its position in respect of this proposed change for the reasons set out below.</p> <p>Whilst we would agree in principle to the proposed changes to reduce the area of habitat removal at Lower Pool, we have not been provided with any plans identifying the area of habitat that will be impacted by the proposed changes. There is no evidence provided to demonstrate there will be a reduction to the impact on the SVI on the revised plans or environmental mitigation plans. The environmental mitigation plans suggest a more detrimental impact upon Lower Pool SBI due to:</p> <ul style="list-style-type: none"> There will be an increase in the area of woodland within the Site of Biological Interest (SBI) to be felled and replaced with grassland from 	<p>The direct loss of woodland has been reduced by the proposed Scheme changes 1-6 as submitted to the Examining Authority on 9 October 2020 (and accepted by the Examining Authority on 29 October 2020). However, there is separately a need to increase the site clearance to provide a suitable clearance around utilities and a correction made to the masterplan at the southern end of Lower Pool where woodland was shown over a proposed stream. These changes have increased the impact at Lower Pool such that the overall change to the masterplan is a slight increase in the area lost. The amended figures now included in Version 3 Chapter 8: Biodiversity [AS-083/6.1] show that the habitat loss within 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 area within the LWS and SBI boundary.</p> <p>Version 1 Chapter 8: Biodiversity [APP-047/6.1] reported the habitat loss within Lower Pool LWS and SBI to comprise of the permanent loss of (1.83 ha) (29%) of woodland and (0.55 ha) (8.7%) of standing water comprising a total of (37.7%) of the area within the LWS and SBI boundary.</p>	Under discussion	Medium	

		<p>the a proposed original area alongside Hilton Lane where the area to be felled stretches further eastwards and southwards into "The Shrubbery" woodland area;</p> <p>ii. The width of the woodland within the SBI to be felled and replaced with new grassland will be increased compared to the original proposal alongside the eastern side of the new road; There will be an increase in the area of woodland within the Site of Biological Interest (SBI) to be felled and replaced with grassland from the proposed original area alongside Hilton Lane where the area to be felled stretches further eastwards and southwards into "The Shrubbery" woodland area;</p> <ul style="list-style-type: none"> width of the woodland within the SBI to be felled and replaced with new grassland will be increased compared to the original proposal alongside the new eastern side of the new road. <p>Consequently, the width of the retained established woodland within the SBI, situated north east of the Lower Pool itself will be significantly reduced and detrimentally impacted. As such it is impossible to see where the stated 1-hectare reduction in habitat removal will be. In the circumstances Allow cannot comment any further until such time as further information and plans are provided to us.</p>				
SC12	Proposed Change 3	Allow neither agree nor disagree with this change and make no further comment		Agreed	Agreed	Agreed
SC13	Proposed Change 4	Allow agree with this change and make no further comment.		Agreed	Agreed	Agreed
SC14	Proposed Change 5	The Scheme Changes Drawing for the Inspectorate Sheet 2 is unclear and does not identify the proposed changes. The plans provided are of	The plans that were provided as part of the consultation materials are considered to be appropriate and suitable to communicate the proposed Scheme changes. Further discussion relating to detailed interfaces with Allow's land will continue. .	Under discussion	Medium	

		<p>poor scale and the colouring is misleading showing both the base data and the proposed alterations in grey. This information was requested to clarify these points by e-mail on the 10th September 2020 timed at 11:29. Disappointingly, we have yet to be provided with any further information. Although the new bridge appeared to be relocated slightly further north, the area of woodland SBI showing to be felled on Allow Ltd's land appears to be increased (as per comments on Change 2 above) and not decreased as would be expected. This is anticipated to have consequential effects on proposed woodland mitigation which we consider to already be excessive. We cannot comment any further until such time as more detailed and clear plans are provided to us together with clarity as to the need to increase the area of tree felling to the south side of Hilton lane.</p>	<p>Highways England met with Allow on 24 September 2020 to discuss the proposed Scheme changes and the response to the consultation.</p> <p>Please see response to change 2 above.</p>			
SC15	Proposed Change 6	Allow agree with this change and make no further comment.		Agreed	Agreed	Agreed
SC16	Proposed Change 7	Allow cannot comment on this proposed change due to the lack of detail in respect of the proposed reduction. Allow reserve its position to comment further post the expiry of the consultation date.	Additional detail is now available within the proposed scheme design change documents submitted to the Planning Inspectorate on 9 October 2020 (accepted by the Examining Authority 29 October 2020).	Under discussion	Medium	
SC17	Adequacy of information	The evidence to justify the proposed changes to the environmental mitigation are unclear and inadequate from the plans and accompanying table provided as part of the consultation. Allow have again requested clarification from HE however frustratingly for Allow this further information has not yet been provided. Allow is incurring time and expense appointing legal and consultant teams to advise it and these costs are a direct consequence of the DCO. Whilst Allow welcomes a reduction of impact of the Scheme on its land it remains of the view based on its own consultant assessment that you have failed to properly assess the need of proposed woodland planting	<p>The proposed changes to the environmental mitigation (submitted to the Planning Inspectorate on 9 October 2020 and accepted by the Examining Authority 29 October 2020), in particular the type and amount of habitat proposed for the land owned by Allow is a result of several factors. The Scheme changes resulted in a reduction of habitat loss across the Scheme. However, there has separately been a need to increase the site clearance to increase the clearance from utilities and a correction made to the masterplan at the southern end of Lower Pool where woodland was shown over a proposed watercourse diversion. These changes have increased the impact at Lower Pool such that the overall change to the masterplan is a slight increase in the area lost.</p> <p>Excluding ancient woodland compensatory planting, the mitigation strategy has been revised. 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 than small areas of woodland planting in Highways</p>	Under discussion	Low	

		and ecology ponds on its land and the changes are not enough.	<p>England's soft estate and compensatory planting has been provided at a ratio greater than 1:1 to account for their importance.</p> <p>Surveys undertaken in 2020 showed that ponds previously assumed to support 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. The number of ponds proposed to be created on Allow's land has been reduced based on the 2020 surveys, but there is still a need to compensate for the loss of the ponds as they are an important habitat for biodiversity, even if they do not support GCN.</p> <p>The habitat creation proposed for Allow's land within Plot 5/2 compensates for the loss of 2.04 ha of woodland and 0.46 ha of standing water within Lower Pool LWS/SBI. Habitat losses would be compensated for by a total of 6.29 ha of habitat creation, in the form of 4.84 ha of woodland planting, and 0.57 ha of standing water surrounded by 0.78 ha of grassland. This ratio of habitat compensation to loss is considered appropriate given the importance of the LWS. Highways England does not consider this amount of environmental mitigation to be excessive.</p> <p>Other consultees (e.g. the Environment Agency) take the opposite view to Allow, stating that more mitigation should be provided than is proposed in the revised masterplan produced as part of the Scheme changes submitted on 9 October 2020 (accepted by the Examining Authority 29 October 2020).</p>			
SC18		<p>Mention is made for the first time of a borrow pit located within 5/25 however no further information has been provided to the Landowner.</p> <p>We are not aware of the design or reinstatement being proposed and information has been requested in order to consider this further but has not been forthcoming. The plans provided on 15th September from Andrew Kelly identify that new CPO plot reference 5/25 is now required to be used temporarily. We have not been provided with any detail in respect of the temporary use of the land. Please provide details in respect of the terms in which temporary powers are sought.</p>	<p>The proposal for a borrow pit was set out in the Application submitted in January 2020.</p> <p>In particular, Annex A of the Statement of Reasons [APP-021/4.1], submitted as part of the Application, identifies the purpose for which the plot 5/2 is required to include Works No.74. "as shown on sheet No. 5 of the Work Plans and being the construction of a borrow pit including the excavation, working and restoration to win material required for the construction of the Scheme". This purpose is unaffected by the Scheme changes.</p>	Under discussion	Medium	
SC19	Scheme Changes Drawing	Scheme Changes Drawing for the Inspectorate Sheet 2" Diagram Change No.2 (Part 1) states that there will be approximately a one hectare reduction in habitat removal within the Lower Pool SBI. These changes are not referenced or	Initial high level calculations to inform the proposed changes consultation brochure published in August 2020 to consult upon the changes (see Appendix C of the Consultation Statement on Scheme changes document [AS-119/8.7]) indicated a potential reduction of habitat loss partly associated with Lower Pool and Brookfield Farm LWS & SBIs, although this should have been	Under discussion	Medium	

		<p>identified with an “EM” reference and are NOT noted on the fig 2.1 Environmental Masterplan overview revision of App-057 plan nor in the rationale document, therefore we cannot identify the location of where this reduction will be.</p>	<p>indicated as approximately 1 ha in total across the Scheme as opposed to within Lower Pool SBI alone.</p> <p>The direct loss of habitat has been reduced by the proposed Scheme changes (1-6). However, as discussed above, there have separately been increases due to site clearance around utilities and a waterbody, which result in an overall increase in clearance requirements. The amended area calculations are included in Version 3 Chapter 8: Biodiversity [AS-083/6.1], and the locations shown as EM9 on Figure 2 (see Appendix B of the Formal Request for Scheme Changes document [AS-117/8.5]). The amended figures now included in Version 3 Chapter 8: Biodiversity [AS-083/6.1] show that the habitat loss within 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 area within the LWS and SBI boundary.</p> <p>Version 1 Chapter 8: Biodiversity [APP-047/6.1] reported the habitat loss within Lower Pool LWS and SBI to comprise of the permanent loss of 1.83 ha (29%) of woodland and 0.55 ha (8.7%) of standing water comprising a total of (37.7%) of the area within the LWS and SBI boundary.</p>			
SC20	Lower Pool SBI	<p>On review of the Environmental Masterplan Overview Revision Plan there appears instead to be a more detrimental impact upon Lower Pool SBI due to the following:- i. The area of woodland felled within the SBI and replaced with grassland will be increased along side of Hilton Lane where it stretches further eastwards and southwards into “The Shrubbery”. ii. The width of the woodland felled within the SBI and replaced with new grassland will be increased alongside the eastern side of the new road. The width of the retained established woodland within the SBI, situated north east of the Lower Pool itself will be significantly reduced and detrimentally impacted. We have calculated the additional area of established woodland showing as to be felled, extends to a further 0.83 acres (0.337 ha) approximately. As such it is impossible to see where there will be the stated 1 ha reduction in habitat removal within the SBI will be located therefore we cannot comment on this within this</p>	<p>As stated in responses to SC17 and SC21 above, the increased loss of woodland within the SBI is required due to utilities.</p> <p>The issue of total woodland loss to the scheme raised by Allow is being considered in detail and further explanation will be provided in a technical note for Deadline 3.</p>	Under discussion	Low	

		<p>consultation until sufficient information has been provided to us.</p> <p>It does not make any sense as to why the area of woodland taken for the scheme and replaced with grassland is significantly widened and brought southwards below Hilton Lane. We request justification as to why this is required as the additional woodland losses will presumably give rise to additional mitigation planting on our client's land which is already on our analysis excessive</p>				
SC21	Environmental Masterplan	<p>There are additional revised works illustrated on the environmental masterplan plans which are not mentioned elsewhere including what appears to be a track along the western side of the new highway.</p>	<p>This track is a Proposed Public Right of Way (Bridleway) as indicated on the original versions (and subsequent versions) of the Environmental Masterplan and Streets, Rights of Way and Access Plans [APP-012/2.7]. The Masterplan issued for the changes consultation appeared to have a drafting error, however this has been amended to show this correctly [AS-086/6.2].</p>	Under discussion	Medium	
SC22		<p>We welcome the reduction in area taken for the scheme however there appears to have been very little thought given to landscape design and the impact upon the historic landscape of Hilton Park, of which the entire extent of 5/2 (and the recently renumbered plot 5/25) and the historic tree belts that run along the extent of the Cannock Road and Hilton Lane, form part. As set out above RPS a leading historic landscape consultancy consider your analysis to be fundamentally flawed.</p>	<p>The impact has been considered in accordance with current guidance and best practice. The assessment has been carried out in consultation with Historic England and Staffordshire County Council and we consider it to be robust. The RPS report does not provide any additional information that would lead us to change our opinion of the impact.</p>	Under discussion	Medium	
SC23		<p>We agree with the reduction in order limits at EM6, following evidence provided by surveys. 1. We have not been provided with information as to how Allow's land, which has now in part been removed from the scheme order limits, will be accessed over the scheme areas and would welcome further discussions. 2. Our comments in relation to excessive woodland planting mitigation also apply to the proposed woodland planting in relation to EM6. The need for the extent of woodland mitigation planting at this location is unclear; the table states that it is to screen views of the scheme however it is unclear from where or</p>	<ol style="list-style-type: none"> 1. A site meeting will be held with Allow to discuss and agree suitable access arrangements to be provided 2. EM6 does not relate to the proposed woodland planting, this planting was proposed as part of the Scheme submitted to the Planning Inspectorate in January 2020 and is not part of the proposed design changes. The band of trees to the south of Dark Lane is provided to screen views of the proposed dumbbell roundabout and western slip road which forms part of the new M54 Junction 1, from the first floor windows of residential properties on Dark Lane. 3. The trees on the south side of Dark Lane are existing and will be retained as part of the Scheme. 	Under discussion	Medium	

		whom it is screening a view. 3. The planting of individual trees along the south side of Dark Lane is not explained, is unnecessary and we request that they are removed. The retained land will be smaller and more shaded by the proposed woodland planting and further tree planting in that location is unnecessary. As a result of Allow's analysis, Allow have proposed amendments to the Scheme where there would be a more moderate woodland mitigation planting scheme that is more appropriate for both ecological connectivity and the cultural heritage of the Hilton Park woodland belts and in line with more accurate baseline data analysis. We welcome your consideration of these proposals and await a response.	<p>The habitat creation proposed for Allow's land within Plot 5/2 compensates for the loss of 2.04 ha of woodland and 0.46 ha of standing water within Lower Pool LWS/SBI. Habitat losses would be compensated for by a total of 6.29 ha of habitat creation, in the form of 4.84 ha of woodland planting, and 0.57 ha of standing water surrounded by 0.78 ha of grassland. This ratio of habitat compensation to loss is considered appropriate given the importance of the LWS. Highways England does not consider this amount of environmental mitigation to be excessive.</p> <p>Mitigation is provided in the most appropriate location, accounting for both the needs of biodiversity as well as other environmental factors such as heritage, landscape and water resources that influence those decisions.</p>			
SC24	Great Crested Newts	The Scheme results in the loss of 3 ponds on Allow's land, none of which are shown to have GCN in baseline surveys. Ecological ponds are still proposed to be created on the land to the west (CPO plot 5/2) of the Scheme, where the need for, and the effectiveness of the location, of the ponds is highly questionable. The assumption of worst case scenarios for unsurveyed ponds does not reflect the actual survey data and is far too over precautionary. GCN presence has only been assumed and pond creation has been on a precautionary basis. The number of ponds which need to be created for the species, dictated by the number of ponds actually supporting GCN lost to the scheme, is not known. There remains an intention to create two large ponds on Allow Ltd's land but the presence of GCN in any of the ponds has not been confirmed. As the initial calculations of ecological mitigation were over precautionary then we can only assume that the revised plans now proposed have been calculated on the same over precautionary basis. Accordingly, the proposed ecology ponds should be removed from CPO plot 5/2.	<p>The mitigation strategy to address impacts to GCN is justified and has been agreed with Natural England. Where access is not available to undertake surveys, there has to be a precautionary approach to impact assessment and mitigation as the Scheme has to evidence to Natural England that a mitigation licence could be granted should GCN be present.</p> <p>As described in Chapter 8: Biodiversity [AS-024/6.1] mitigation design was based on assumed GCN populations due to survey limitations in 2019. This approach was agreed by Natural England. Following additional surveys in 2020 the extent of mitigation as reduced as GCN were found to not be present in some ponds.</p> <p>However, the ponds to be created in plot 5/2 are primarily to compensate for the loss of 0.46 ha of standing water in Lower Pool LWS and SBI. The woodland and pond habitat that make up the LWS are a feature of importance in Staffordshire and it is a requirement of national planning policy that the Scheme adequately compensates for effects to this locally designated site.</p> <p>Habitat compensation should be provided as close as possible to the location where effects have occurred and benefit the same habitats and species as those affected.</p> <p>Highways England therefore considers that the provision of ponds is proportionate and a necessary part of the Scheme.</p>	Under discussion	Medium	
SC25	Species Surveys	Species surveys are still being undertaken on site. It remains unclear how the results of these surveys will be	Further surveys to be undertaken in 2020 and 2021 are for the purpose of informing the final European protected species mitigation licences for bats, great crested newt and badger, as well	Under discussion	Medium	

		<p>utilised in the environmental mitigation calculations. We request confirmation that there will be further reviews of the requirements for, and calculation of environmental mitigation impacting upon Allow Ltd's land. Given that the DCO seeks compulsory purchase of Allow's land we would suggest that: (a) HE continuing to carry out surveys to justify their Scheme (which includes seeking compulsory purchase powers); and (b) the fact that their more recent surveys have identified that the extent of the proposed ecological mitigation is excessive and its justification flawed including in relation to great crested newts and woodland planting shouldn't the DCO application be withdrawn?</p> <p>Despite representations by Allow previously HE have insisted at meetings in August 2019, December 2019 that their analysis was accurate and they were unwilling to reduce the extent of the compulsory powers despite legally being required to demonstrate that there is compelling case in the public interest to acquire land compulsorily and now HE's own surveys demonstrate and support a reduction in ecological mitigations and in turn the extent of compulsory powers sought to be granted by the Secretary of State. Whilst the need for the link road is understood it must be possible to meet the need without the use of the requested powers of compulsory acquisition and with surveys continuing the extent of the ecological mitigation is likely to support less land sought compulsorily for ecological mitigation in line with Allow's own analysis.</p> <p>Surveys have identified that bat activity levels are greater to the east of the scheme on Allow's land holdings (see Figure 8.18 of the ES). Provision of mitigation to the west of the Link Road is unlikely to be as functionally valuable (as it would not link with the existing habitat resource in the east) and would be isolated by the link road itself.</p>	<p>as further determining the activity levels of barn owl that may be roosting/ nesting in trees and buildings within or close to the Scheme boundary. These are pre-construction surveys which will inform licence applications if the scheme is approved, not surveys required for the Environmental Statement.</p> <p>Natural England has confirmed their agreement with the mitigation approach the Scheme would deliver for these species. The purpose of the surveys is to gain further information so that formal licence applications can be made.</p> <p>The results of the surveys would determine the final layout of fencing to facilitate great crested newt removal from the working footprint, the need for replacement bat roosts (boxes on retained trees or retention of sections of felled trees) and the need for closure of badger setts.</p> <p>The results of the surveys will not change the quantum of habitat creation and compensation within the Scheme boundary, except for the changes, submitted to the ExA on 9 October 2020 (and accepted by the Examining Authority on 29 October 2020), made to the provision of ponds for GCN.</p>			
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SC26	Biodiversity Net Gain	<p>We would also question whether Biodiversity Net Gain should be an aim of the Scheme. Allow at its own expense has appointed its own ecology consultants, Aspect, ('Allow's Ecologists') to assess the impact of the Scheme proposals and the burden of ecological mitigation proposed on Allow's land and the extent of the environmental mitigation proposed. (Note you have previously insisted as recently as our meeting May that all ecological mitigation was justified and refused to agree to any changes despite being legally required to try and acquire land by agreement in advance of pursuing CPO powers.) Allow's Ecologists' have identified that the Scheme uses an old and outdated version of the Defra metric to undertake its biodiversity unit calculations. Although there is no stipulation to use the newer 2020 Defra 2.0 version of the metric, it is generally regarded by the industry as a much-improved tool and it replaces the 2012 Defra 1.0 version. As such, many of the projects undertaking Biodiversity Unit calculations since the release of the Beta version of the Defra 2.0 metric have used this newer version. Our ecology consultants recommend that the new version of the Defra Biodiversity metric is applied to the Scheme.</p> <p>In terms of Biodiversity Net Gain, the project should not be striving for Biodiversity Net Gain, it is looking to achieve No Net Loss of biodiversity. There is currently no requirement for Nationally Significant Infrastructure Projects to achieve a Net Gain, although aspirations of enhancement in-line with the National Planning Policy Framework (NPPF) are encouraged. There are potential discrepancies in the area calculations used in the Biodiversity Unit calculations may be present, (in relation to the woodland baseline data,) while the use of the 2012 Defra 1.0 metric the Biodiversity Unit calculation may not be appropriate. As such, if the calculations are revised to address these points, it is possible that</p>	<p>The Scheme is not seeking to acquire land for the purpose of delivering Biodiversity Net Gain.</p> <p>The metric used at the time of submission (version 1 of Defra's metric) was the most appropriate given the time of release of metric Defra 2.0.</p> <p>A revised metric calculation has been completed using Defra 2.0 and the results of this calculation are provided in Environmental Statement Appendix 8.2 Biodiversity Metric Calculation (Version 3) submitted with the formal request for Scheme changes [AS-103/6.2]. The results show that the Scheme continues to deliver no net loss in biodiversity.</p> <p>Areas of woodland creation are not informed by any metric calculation. The Scheme is providing areas of woodland planting considered sufficient in area to compensate for the loss of woodland across the Scheme. The woodland compensation areas account for the importance of the existing woodland being lost (including areas that are designated such as Lower Pool LWS or Brookfield Farm LWS).</p> <p>Some areas of existing woodland (such as those within the LWSs) to be lost are of greater importance and have been compensated for at a ratio greater than 1:1 for loss to gain, whereas other areas of woodland such as those alongside existing road carriageways are of less importance and have in some instances been compensated for at a ratio of around 1:1.</p> <p>Overall the areas of compensation to be provided are sufficient to compensate for the loss of woodland across the Scheme, but are not excessive.</p>	Under discussion	Medium	
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		a reduced land area would be needed to deliver the actual required number of Biodiversity Units. It is recommended by our consultants that the baseline habitat area calculations are re-visited and that the current baseline data you have used produces an inaccurate calculation in respect of the amount of woodland planting and as such unnecessary compulsory purchase powers being sought in respect of Allow's land particularly 5/2 and 4/20c.			
SC27	Historic Landscape	<p>You also continue to consider woodland planting on the land to the east of the Link Road also in the ownership of Allow on the basis that it is historic landscape. There is no agreed Statement of Common Ground and Allow do not accept your conclusions in respect of HE's historic landscape position. Allow has its own expense appointed its own Historic Landscape Consultants, RPS, ('RPS') who have concluded that the application documents apply a seriously flawed analysis in respect of historic landscape. Specifically RPS note: 'There is no reference within Appendix 6.5 of the ES to the examination of archive material such as the Vernon family papers held at the Staffordshire County Record Office, or to any contact with the Vernon family regarding other material that they may still hold and which could provide additional understanding of the 'association' with Humphrey Repton. Instead the Appendix merely claims that 'it is not certain if he ever produced a design for the park'. [2.1.4]. Given that the proposed M54 to M6 Link Road passes through Hilton Park and impacts upon several elements of the designed landscape, the failure to properly examine this claimed 'association' with Repton is a serious flaw when it comes to understanding the significance of the historic park.'</p>	<p>Highways England's assessment has been carried out in accordance with relevant methodology as set in Chapter 6: Cultural Heritage of the ES [APP-045/6.1] and in consultation with Historic England. Highways England considers it to be robust.</p> <p>Highways England recognises the significant effect that the construction of the Scheme would have on Hilton Park. The assessment takes into account impacts on individual elements of the park but reports the overall change / impact on Hilton Park as a whole, in accordance with current guidance and this is what is described in Chapter 6: Cultural Heritage of the ES [APP-045/6.1]. 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 such as the historic tree belts.</p> <p>The area to the west of the park has been compromised by subsequent development and there is a disconnection of the surviving tree belts. Highways England, therefore, considers this to be the optimal area to accommodate the necessary mitigation. This is consistent with the requirements of Historic England as recorded in the Statement of Common Ground with Historic England [document 8.8P(C) submitted on 3 November 2020]. While Highways England is proposing a significant amount of planting to the west of the Scheme, the tree belts along the A460 and Hilton Lane would still be maintained, with a degree of separation maintained with the proposed woodland planting. Design change 7 has allowed for additional separation between the woodland planting and the majority of the existing tree belt, however it is not considered that this alters the assessment as reported in the ES.</p> <p>Minimal mitigation measures are proposed within the remaining park to the east of the Scheme which continues to provide the setting for a number of Grade I and II listed buildings to minimise further impacts to Hilton Park and the associated buildings.</p> <p>Highways England has undertaken extensive research into the park as part of the ES and produced a separate statement, specifically on the significance of the surviving elements. This was</p>	Under discussion	Medium

			<p>undertaken with reference to 'A History of Hilton Hall' Knott, C. A. (1989). This paper was produced for Tarmac PLC which utilised all the available papers on Hilton Hall in its production. Research was also undertaken at the Staffordshire County Record Office. Not all the information was reproduced within the report as it duplicated information from other sources. None of this provided a conclusion regarding Repton's involvement, therefore, Highways England stands by its assessment.</p> <p>The parkland remains a non-designated heritage asset and the association with Repton remains unproven. The asset has been assessed in accordance with this.</p>			
SC28	Green Belt	There is also no analysis of the visual impact the proposed woodland planting on CPO Plot 5/2 creates to the green belt. There is also no analysis of the visual impact the proposed woodland planting on CPO Plot 5/2 creates to the green belt.	<p>There is a difference between impacts on visual amenity, which are considered within Chapter 7: Landscape and Visual of the ES [APP-046/6.1] and the impact on the visual aspects of openness, which are considered as part of an assessment of the impact of the Scheme on the Green Belt in section 8.6 of the Case for the Scheme [AS-037/7.2].</p> <p>The Case for the Scheme includes an assessment of the visual impact of the Scheme on the openness of the Green Belt and describes in section 8.6.13 how this impact has been reduced in the Scheme design.</p>	Under discussion	Medium	
SC29	Proposed Scheme Changes overall	ii. In terms of the location of mitigation (habitats): fundamental questions exist in terms of the siting of the proposed woodland to the west of the link road. The proposal effectively isolates from the retained parts of the SBI and the main areas of woodland in the landscape which are situated to the east of the SBI leading to a sub-optimal ecological outcome and reducing the value of the mitigation very considerably.	<p>Several factors have been considered when determining the most appropriate location for ecological mitigation, including the needs of local biodiversity but also the historic and landscape character of the local area.</p> <p>Whilst the highway represents a partial barrier between woodland on the east and west sides, the compensatory woodland planting on Allow's land will not be isolated from the retained areas of Lower Pool, nor the woodland blocks to the south and east of the Scheme. The road here will be in a cutting, minimising the risk of collision for bats and birds vulnerable to road traffic deaths such as barn owl. A mammal tunnel to the south will allow safe crossing, as will the vegetated crossing at Hilton Lane to the north.</p>	Under discussion	Medium	
SC30	Proposed Scheme Changes overall	<p>iii. The scale and location of mitigation has not been well considered by HE such that a sub-optimal outcome for ecology will arise from the proposals. To correct this fundamental issue, proposed woodland habitats should be relocated to the east of the Link Road.</p> <p>iv. Bat roosts were confirmed on Allow's land holdings. These were all recorded to the east of the proposed scheme. Low levels of activity were recorded on plots 5/2 and 4/20c outside of the SBI (i.e. those areas to the west of the proposed scheme) and were considered of low importance for foraging bats (comprising arable and</p>	<p>Siting mitigation to the east of the scheme close to Lower Pool SBI has been considered, however, due to the presence of historic parkland features 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>The woodland planting has therefore been located to be as close as possible to the impact (loss of woodland in Lower Pool LWS/SBI) it is compensating for.</p> <p>The scale of the mitigation (providing 4.94ha of woodland planting, and 0.57ha of standing water surrounded by 0.78ha of grassland for the loss of 2.04 ha of woodland and 0.46 ha of standing water within Lower Pool LWS/SBI) is proportionate to the impact, given that the LWS is of county nature conservation importance and new woodland planting will take 30+ years to establish and mature.</p>	Under discussion	Medium	

		improved grassland (Figure 8.3 of the ES). By contrast, 'high' and 'moderate' levels of bat activity were recorded in the SBI and other areas to the east of the proposed scheme.				
SC31		<p>v. Following a review of the bat information, a number of key issues were identified, namely:</p> <p>a. Quantum of mitigation: Whilst acknowledging that woodland will be removed around Lower Pool SBI, across Allow's land holdings very little of the potential roosting habitat is being affected and only habitats of low importance for foraging bats are affected. Accordingly, the quantum of proposed mitigation is disproportionate for the effects on bat interests;</p>	<p>The levels of bat activity and the number of roosting features within Lower Pool LWS/SBI are not the principal factor for the quantum of woodland planting being created on Allows land.</p> <p>The scale of the mitigation (providing 4.94ha of woodland planting, and 0.57ha of standing water surrounded by 0.78ha of grassland for the loss of 2.04 ha of woodland and 0.46 ha of standing water within Lower Pool LWS/SBI) is proportionate to the impact, given that the LWS is of county nature conservation importance and new woodland planting will take 30+ years to establish and mature.</p>	Under discussion	Medium	
SC36		<p>b. Roost isolation: The only identified roosts are present to the east of the proposed scheme on Allow's land holdings (see Figure 8.17 of the ES). Hence, the only way for bats within them to reach the proposed habitats in Plots 5/2 and 4/20c would be to cross the scheme directly or travel to two over bridge locations (Hilton Lane and Accommodation Bridge). This is considerably less likely than the bats continuing to forage in the retained portions of the SBI or foraging further east;</p> <p>c. Collision risk: the result of placing mitigation to the west of the Link road could be to drive bat commuting to this location, which in turn would generate a collision risk with oncoming traffic. The rate of such fatalities can be high such that the proposals would therefore generate a risk of causing local extinctions of colonies if this were to occur.</p>	<p>The Scheme in this location will be in cutting. The linear habitat guiding crossing at Hilton Lane will be around 7.7m above the height of the road. Bats were most commonly recorded crossing at heights of 5m+ above ground level. Collision risk during operation is therefore considered minimal. This is true even if bats cross the road at locations other than the crossing at Hilton Lane, as the whole length of the road through Lower Pool will be in cutting, so bats will cross above the height of the majority of traffic.</p>	Under discussion	Medium	
SC37		<p>vi. Surveys have identified that bat activity levels are greater to the east of the scheme on Allow's land holdings (see Figure 8.18 of the ES). Provision of mitigation to the west of the Link Road is unlikely to be as functionally valuable (as it would not link with the existing habitat resource in the east) and would be isolated by the link road itself.</p>	<p>As bats will be able to safely cross the road in this location the new compensation planting is not considered to be isolated from the retained habitats within Lower Pool. As the woodland west of the scheme develops it has the potential to provide new foraging habitat for bats.</p>	Under discussion	Medium	

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Appendix A – Initials and details of individuals involved

Initials	Name	Role or Discipline	Organisation
AK	Andrew Kelly	Project Manager	Highways England
AM	Alastair McNeil	Engineer	AECOM
BB	Ben Braund	Engineer	AECOM
CB	Christine Baggott	Surveyor	Bagshaws
DS	Daniel Shacklock	Landowner	N/A
DP	Dinah Patel	Landowner Solicitor	Field Fisher
DS	David Shacklock	Landowner	N/A
FF	Field Fisher	Solicitor representing landowner	
GS	Gillian Shacklock	Landowner	N/A
HE	Highways England	Referred to when responding through M54 email mailbox/address	Highways England
JH	Jon Harvey	Stakeholder manager	AECOM
JS	Jon Stott	Director	Gateley Hamer
NP	Nick Phillips	Landowner Solicitor	Field Fisher
RR	Rob Ramshaw	Project Manager	AECOM
SB	Sam Blaize	Principal Surveyor	Gateley Hamer
SD	Simon Davis	District Valuer	Valuation Office Agency
TF	Toby Feirn	Principal Surveyor	Gateley Hamer
TP	Tamara Percy	Environment Lead	AECOM
TB	Tom Bennett	Previous stakeholder manager	Amey
TW	Toni Weston	Applicant Solicitor	Gowling WLG LLP