

## **M54 to M6 Link Road TR010054**

### **8.8 LIU(D) Draft Statement of Common Ground with Nigel Simkin & Paul Simkin**

APFP Regulation 5(2)(q)

Planning Act 2008

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

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Planning Act 2008

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

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

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Nigel Simkin & Paul Simkin**

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<b>Regulation Number</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference</b>	TR010054
<b>Application Document Reference</b>	8.8 LIU(D)
<b>Author</b>	M54 to M6 Link Road Project Team and Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
1 (P01)	July 2020	Initial draft issued to landowner
2 (P03)	November 2020	Issue to ExA for Deadline 1

## STATEMENT OF COMMON GROUND

**This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Nigel Simkin & Paul Simkin.**

Signed.....

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

Signed.....

**[NAME]**  
**[POSITION]**  
**on behalf of Nigel Simkin & Paul Simkin**  
**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 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 version of the SoCG has been drafted by Highways England based on correspondence with Mr Nigel Simkin & Mr Paul Simkin during the development of the Scheme and records Highways England's current understanding of the matters agreed and not agreed.**
- 1.1.5 **The first draft was provided to Mr Nigel Simkin & Mr Paul Simkin on 15 July 2020. The contents of the first draft were discussed but no formal comments were received. The second draft was provided on 3 November 2020. 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) Nigel Simkin & Paul Simkin. (NS, PS or 'Landowner').
- 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 Nigel Simkin & Paul Simkin are the freehold owners of plots 5/6, 5/7, 5/8, 5/10, 5/11a, 5/11b, 5/11c, 5/11d, 5/11e, 5/11f, 5/11g, 5/11h, 5/11i, 5/11j, 5/12, 5/13, 5/14, 5/15, 5/18, 5/20, 5/22, 6/4 and 6/5 as identified on the Land Plans (Application documents reference 2.2) and in the Book of Reference (Application document reference 4.3).

## 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 these 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 Nigel Simkin & Paul Simkin, 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 Nigel Simkin & Paul Simkin.

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## 2 Record of Engagement

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

**Table 2-1: Record of Engagement**

Date	Form of correspondence	Key topics discussed
28/09/2018	Meeting with PS, TB, RR, SD & AK	<p>Post PRA meeting with PS to discuss preferred route.</p> <ul style="list-style-type: none"> <li>It is likely that the scheme route would change again.</li> <li>How access would be maintained between severed fields.</li> </ul>
23/10/2018	Meeting with NSJ, TB & AM	<p>Post PRA meeting with NSJ to discuss preferred route.</p> <ul style="list-style-type: none"> <li>Confirmed unregistered land.</li> <li>Loss of pools.</li> <li>Similar queries to previous meeting, more detail required regarding vehicle usage and crossing.</li> <li>PROW requested to be moved to field boundaries.</li> <li>NSJ advised there is an Option agreement with Nurton Developments.</li> </ul>
11/03/2019	Meeting with NS, PS, AM, AM, BB, & SB	<p>NS &amp; PS advised fishing pools are let out to a syndicate, further details to be provided by landowners.</p> <p>NS &amp; PS indicated that the business was growing, and the current scheme plans would inhibit the business' growth and potential future development.</p> <p>NS &amp; PS have previously been advised by BK and expect BK to advise going forwards.</p> <p>The landowners mentioned due to the loss of one pool through the scheme proposals they would need another pool reinstating or the existing pool would need to be widened.</p> <p>Adjoining land is used for arable farming purposes and often managed by a contractor.</p>

Date	Form of correspondence	Key topics discussed
		<p>It was requested that the proposed bridge must be fit for contractors to pass through with combine harvester, which would be up to 10 metres wide.</p> <p>The adjoining land is also used for clay shooting.</p> <p>There is a possible drainage issue to the south west of the ponds which will require improvements by the Landowner.</p>
12/04/2019	Letter from HE to NS, PS & agent	Letter sent to NS & PS requesting land access by agreement to complete ground investigation surveys.
23/05/2019	Letter from HE to NS, PS & agent	S42 consultation pack. Included Land Interest Plans showing areas of land ownership and 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 BK to HE	Statutory consultation response received.
03/10/2019	Letter from HE to NS, PS & agent	Land acquisition discussion letter.
11/11/2019	Letter from HE to NS, PS & agent	Supplementary consultation pack sent.
10/12/2019	Meeting with NSJ, PH, IM, BB, NS, AM, RR, JH & SB to discuss supplementary consultation	<p>Review of scheme and update on DCO schedule.</p> <p>IM requested a copy of the General Arrangement plan, both BK and NS were unable to download/print document. JH downloaded and printed copy during meeting ready for BK to take away.</p> <p>NSJ commented that the change in scheme design to leave the second pool is welcomed. NSJ advised that new wooded area (environmental mitigation) is not welcomed east of the proposed route.</p> <p>New access track requested off Hilton Lane (there are currently two access tracks off Hilton Lane, one of which will sever part of the land and one which is not currently used).</p> <p>NSJ requested that the accommodation bridge is big enough for the bridleway and harvest equipment.</p> <p>Plot 5/11a – NSJ advised that some areas will be difficult to farm, and it was queried if the difficult to</p>



Date	Form of correspondence	Key topics discussed
		<p>farm areas could instead be used for environmental mitigation.</p> <p>NSJ queried if new environmental mitigation pond could be handed back to landowners after construction. RR advised this was not possible due to the pond being used for surface drainage and would not be suitable for fishing.</p> <p>IM and NSJ disagree with the number of land parcels required for environmental mitigation and queried if other landowners were affected as badly.</p> <p>NSJ advised that they have vehicular rights through Brookfield Farm.</p> <p>IM and NSJ wanted to make their views known, however, wish to submit formal representations in full. Which will fully establish their position on the scheme proposals.</p>
11/12/2019	Letter from BK to HE	Supplementary consultation response received.
24/01/2020	SoCG introductory Letter sent	Introductory SoCG letter addressing concerns raised within latest supplementary consultation response.
27/02/2020	Meeting with NS and representatives to re-discuss the supplementary consultation in the Landowner's presence (SB, TP, RR, NS, MS, SD, IM, PH & PL)	<p>Introductions</p> <p>PH wished to review the BK supplementary consultation response.</p> <p>The following numbering aligns with BK consultation response and reviewed within the meeting as follows:</p> <ol style="list-style-type: none"> <li>1. TP explained the reasoning behind the wooded areas, such as environmental mitigation, biodiversity, including some areas which will be for visual screening (properties on Hilton Lane). TP outlined the principles and timeframe for the management of the proposed woodland. NS asked what woodland is being taken out along the scheme proposals as to require the environmental mitigation. TP responded with rationale of woodland taken out from scheme with consideration taken for the full scheme width.</li> <li>2. RR responded with reasoning (vehicle access required to balancing pond). There is no</li> </ol>

Date	Form of correspondence	Key topics discussed
		<p>intention to make the proposed track public, gates would be locked, with dual access to the landowners and Highways England.</p> <ol style="list-style-type: none"> <li>3. Assurances requested for retained access of Hilton Lane, to be discussed further with NS &amp; PS.</li> <li>4. Question raised regarding temporary land requirement. TP responded confirming part of the temporary land requirement would be for soil storage. TP referred to Outline Environmental Masterplan for further information.</li> <li>5. Proposed wood to embankments. TP advised due to the land gradient of the bank and ground compaction, tree planting would not be possible for both safety and longevity of the proposed planting. The proposed tree planting in the two areas represents biodiversity in both areas, as well as visual screening in one part.</li> <li>6. RR confirmed and in agreement.</li> <li>7. RR confirmed and in agreement.</li> <li>8. BK state there is insufficient room for a combine harvester – RR confirmed the bridge has been measured against the diagram of the combine submitted by BK in their supplementary consultation and the bridge would be sufficient.</li> </ol> <p>BK advised that even though the bridge was sufficient, BK felt that the bridge is not 'future proofed' if machinery was to increase in size over the upcoming years.</p> <ol style="list-style-type: none"> <li>9. BK advised that some areas of the permanent land take mean the land not required by the scheme are un-manageable and awkward to farm. RR and TP advised this can be investigated and it may be possible to 'square off' some of the proposed boundaries to make the land not required by the scheme more manageable.</li> <li>10. TP advised the proposals balancing pool would not be permitted for fishing and would be locked with Highways England access only.</li> </ol>

Date	Form of correspondence	Key topics discussed
		<p>11. Action for BK to provide detail of access rights for access through Brookfield Farm</p> <p>12. (a &amp; b) Action for BK to check vehicle rights going over land. SD raised the importance of knowing what rights are affected so that compensation can be applied if applicable.</p> <p>13. TP advised additional hedgerow around permanent/temporary land, can change the field alignment.</p> <p>14. Review of Environmental Statement.</p> <p>Closing remarks:</p> <p>Question raised by PL if surveys occurred outside of RLB. TP advised that surveys have been conducted outside the RLB up to 500 metres.</p> <p>Question raised by IM if Natural England have asked the landowner for their opinion. TP advised Natural England will have followed protocol, which does not include engagement with landowners.</p> <p>Definitive map indicates an official bridleway, NS advised this is incorrect and there have been questions raised over the years between the landowner and the council.</p> <p>Mrs Simkin raised the question where the location of the replacement ancient woodland would be. TP indicated on a plan the area required.</p> <p>PL made note that they had recently requested the environmental mitigation note. TP acknowledged request and advised this was being drafted and would be sent when complete.</p> <p>RR went through next steps of the project and noted draft SoCG would be with the Landowner and their agent in due course.</p>
03/03/2020	Email from SB to PH	Six Highways England handbooks and guidance brochures issued (compensation, property and blight, property and compulsory purchase, property and discretionary purchase, property and land surveys & property and road proposals).

Date	Form of correspondence	Key topics discussed
09/03/2020	Letter from HE to NS, PS & agent	S56 – Notifying Persons of Accepted Application.
17/04/2020	Letter from HE to NS, PS & agent	S56 – Notifying Persons of Accepted Application Extension.
01/06/2020	Letter from HE to NS, PS & agent	S56 – Additional relevant representation.
15/07/2020	Letter from HE to NS, PS & agent	Draft SoCG and environmental mitigation approach sent to Landowner and their agent.
28/07/2020	Letter from HE to NS, PS & agent	Notification of change request.
21/08/2020	Letter from HE to NS, PS & agent	Supplementary consultation consultee letter sent.
15/09/2020	Letter from HE to NS, PS & agent	Follow up letter sent to Landowner and their agent concerning acquiring land by agreement.
08/10/2020	Meeting with landowners representatives to discuss SoCG issued on 15/07/2020 (SB, TP, RR, RF, SD, IM, PH & PL)	Meeting to discuss and review draft SoCG and environmental mitigation approach.

- 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) Nigel Simkin & Paul Simkin 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 Nigel Simkin & Paul Simkin 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).

**Table 3-1: Issues**

Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
Use of land for environmental mitigation	Statutory consultation response	The ecological/drainage feature which is at the bottom of 'The Prairie' field. This area suffers with waterlogging. We would challenge the requirement for the ecological mitigation and drainage pond at this location and seek justification for the proposals.	Land is required at this location to minimise flood risk to the wider area and the Scheme. This location has been identified as a suitable location to sustainably manage water, whilst providing some ecological benefit. The low point of the land means that water does already drain in that direction and minimises the need to change landform.	Under discussion	High	

<sup>1</sup> Indication on likelihood that the matter will be agreed by the close of the Examination period as rated 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.

Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
	Supplementary Consultation response	We are confused as to your environmental strategy which proposes that the embankments to the new road should be species rich grassland. We would propose that the land take is decreased by providing the woods on the embankments which are currently earmarked for 'species rich grassland'. This would ensure that environmental mitigation for the scheme is still provided whilst reducing the land take required (and hence the impact on our clients holding). This approach would also improve the mitigation to reduce the visual impact of the proposals on the surrounding area.	Planting in this area has been considered, however, the steepness of the engineered slopes of embankments and cuttings are not conducive with the successful establishment of planting. This is due to the level of compaction required to stabilise the earthworks. The steepness of these slopes (1:3), have been designed to minimise the footprint of the Scheme, but would present additional health and safety risks during the maintenance of any woodland planting, which must be considered when identifying areas for mitigation across the Scheme.  A separate environmental mitigation technical note was produced and accompanied the draft SoCG issued to the Landowner on 15/07/2020.	Under discussion	High	
	Land agent's Relevant Representation – RR-034	Excessive ecological mitigation exacerbates the Projects effect on our client's land as follows; - loss of good quality arable land/severed fields/access	Natural England's ancient woodland inventory only lists woodlands over 2ha in size. As such Highways England have assessed whether woodland blocks smaller in size than	Under discussion	Medium	

		<p>routes. - impact upon fishing and clay pigeon businesses. - impact upon riding routes used by their equestrian business. - loss of income/increased costs. As an example, during the meeting Nigel Simkin expressed his surprise that increased mitigation is required because of an area of existing 'ancient woodland' to the north of his land ownership. Through his own knowledge, this is an area of relatively young trees and furthermore is not designated as ancient woodland on the Natural England website.</p>	<p>2ha could be ancient and therefore warrant appropriate compensation. The assessment has been undertaken with close liaison and agreement with Natural England and has included review of historical maps, and desk and field-based studies to record the characteristics of each of these woodlands. To compensate for the loss or damage of ancient woodland, it has been agreed with Natural England to plant new woodland at a ratio of 7:1 to compensate for that lost. The requirement to provide the compensation planting in connection with existing ancient woodland has limited opportunities to locate compensation planting. The woodland has not been 'designated' as ancient, rather it has been identified as ancient by a fact of its characteristics and historic map regression and as such must be afforded consideration as required by National and Planning Policy any loss must be compensated accordingly.</p> <p>It should be noted that at every stage in the design opportunities have been sought to minimise the impact of the Scheme on ancient woodland.</p>			
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			<p>Following the Scheme changes submitted to the Examining Authority on 9 October 2020, there would be no direct loss of ancient woodland. With the loss of ancient woodland being then limited to loss as a result of development within the buffer zone and loss associated with air quality impacts.</p> <p>Notwithstanding the above, it should be noted that the majority of environmental mitigation is not proposed to mitigate the impact on ancient woodland. Mitigation measures located on land held by the Landowner are required to provide a combination of functions, including ecology mitigation with regard to habitats, species and ancient woodland, visual screening and landscape integration. The reason for mitigation measures specific to the Landowner's holdings has been explained in further documentation 'Environmental Mitigation Approach: Nigel Thomas Simkin and Paul William Simkin ' issued to the Landowner on 15 July 2020.</p>			
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Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
			The impact on agricultural farm holdings has been assessed and is reported in Chapter 12: Population and Human Health [APP-051/6.1].			
	Land agent's Relevant Representation – RR-034	A combination of excessive ecological mitigation and resultant boundaries for land take has left small sections of land that cannot be farmed effectively	<p>Highways England considers, as set out above, that the land take required by the Scheme is proportionate. Highways England disagrees that the land remaining is not capable of being farmed effectively. However, if the remainder of a holding becomes unviable because of compulsory acquisition then any loss due to this would be reflected in any compensation due. Highways England issued guidance documents to the representing land agent on 03/03/2020.</p> <p>Highways England can only take land which is required for the Scheme. Under the Compensation Code. Highways England is required to pay compensation on any losses where proven and evidence as a consequence of the Scheme.</p>	Under discussion	Medium	

	Land agent's response to the consultation for the changes to the DCO	<p>The reduction of the link road's width by 4.2 metres is welcomed however there appears to have been no reduction in the level of environmental mitigation planned on our client's landholding. In fact, the Environmental Masterplan indicates that there are to be additional hedgerows planted to the east of the link road.</p>	<p>The environmental mitigation planting is not proposed on a plot by plot basis such that a reduction in impact on one landowner's plot will reduce the mitigation on that plot.</p> <p>A mosaic of habitats has been included across the length of the Scheme but necessarily focused in selected locations to provide connectivity for protected species and designated sites. A reduction in habitat loss as a result of design changes and new survey data has enabled a reduction in the amount of land taken as mitigation from some landowners but not for all.</p> <p>Additional hedgerows have been proposed to provide boundary features for landscape integration and this also provides ecological enhancements on land that will be acquired for other purposes. Those areas are not being acquired for the sole purpose of hedgerow planting, but have been identified to mitigate visual and biodiversity impacts and around the Scheme.</p>	Under discussion	Medium	
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Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
		<p>With regards the suggestion there will be a small reduction in the area of 'ancient woodland' here, we have reviewed the previous Environmental Masterplan together with the revised Environmental Masterplan and can find no difference or change to the area of ancient woodland identified.</p> <p>Furthermore, we have previously raised that the area shown above has only recently been designated "ancient woodland" through the course of consultation meetings between Highways England and Natural England in relation to the scheme.</p> <p>Our clients dispute that the land is ancient woodland and has noted that the ancient woodland area identified has very young trees (i.e. not over</p>	<p>There has been no reduction in the area of ancient woodland identified. Design change 3 (submitted on 9 October 2020) reduces the width of the embankment adjacent to the area of ancient woodland located within Brookfield Farm SBI, which reduces the loss of ancient woodland. The assessment reported in Chapter 8: Biodiversity of the ES [APP-047/6.1] identified 0.0015 ha of ancient woodland which would be lost during the construction of the Scheme, with a further 0.042 ha of ancient woodland located within 15 m of the construction works assumed to be lost due to the potential for root damage at this distance.</p> <p>The design change limits the loss of ancient woodland to 0.029 ha within 15 m of the construction works only. This level of detail is not shown on the draft Environmental Masterplan but is assessed within the Environmental Statement (updated chapter 8 submitted to the ExA on 09/10/20 [AS-</p>	Under discussion	Medium	

Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
		<p>200 years old). They feel it is unfair this point has been discussed and decided upon with no input from themselves. This is a particular point of contention for our clients as they have been advised that the excessive tree planting for screening on their land under the scheme is mitigation to compensate for areas of “ancient woodland”.</p> <p>The reduction of the height of the approach to M6 Junction 11 by approximately 0.7 metres would provide negligible benefit to our clients in terms of a reduction in visual/landscape impact, due to the distance from their landholding.</p>	<p>083/6.1]). In addition, there is a loss of ancient woodland due to air quality impacts.</p> <p>It should be noted that at every stage in the design opportunities have been sought to minimise the impact of the Scheme on ancient woodland.</p> <p>As part of the biodiversity assessment Highways England has assessed whether woodland blocks smaller in size than 2ha could be ancient and therefore warrant appropriate compensation. The assessment has been undertaken with close liaison and agreement with Natural England and has included review of historical maps, and desk and field-based studies to record the characteristics of each of these woodlands.</p> <p>As noted above, the majority of environmental mitigation is not</p>			

Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
			<p>proposed to mitigate the impact on ancient woodland.</p> <p>It is acknowledged that the reduction in height of the approach to M6 Junction 11 would provide negligible benefit to NS and PS in terms of visual impacts.</p>			
		<p>We have reviewed the Environmental Masterplan and our clients are very disappointed that you have reduced the land required for environmental mitigation elsewhere under the scheme but not within our client's landholding.</p> <p>You have advised in the consultation brochure that these proposed reductions in land take are in response to landowner's comments, however you do not appear to have taken our clients views</p>	<p>Landscape planting is required to mitigate the impacts of the Scheme on landscape character, visual amenity and biodiversity, both for habitats and species. A mosaic of habitats has been included across the length of the scheme but necessarily focused in selected locations to provide connectivity for protected species and designated sites. The design changes, and new survey data and methodologies has enabled a reduction in the amount of land taken as mitigation, however it is not possible to reduce the mitigation to such an extent that the land take from all landowners could be reduced. As such the extent of land to be acquired</p>	Under discussion	Medium	

Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
		into consideration when making these revisions.	from NS and PS remains as previously proposed.			
Location of proposed attenuation pond	Statutory consultation response	We request that if the drainage pond is to remain that an improved layout so that it mitigates the land lost would be for it to be in an east / west configuration rather than the north / south configuration as proposed.	The balancing pond has been designed to accommodate runoff from the new link road to reduce outfall flows to existing greenfield run off rates. The balancing pond design is the most efficient shape to cater for steep topography; calculations have been done in this regard. Further information is provided in the drainage strategy for the Scheme (Appendix 13.2 of the Environmental Statement [APP-201/6.2]).	Under discussion	Medium	
Scheme alignment	Statutory consultation response	Our clients understood that the motorway had moved westwards to save the fishing pool here and are disappointed to note that the scheme now proposes an area of proposed meadow grassland. By the loss of this pool and the end pool which would be under the link road, our clients submit that it would render the fishing pool business unviable as only two	The alignment of the route has been moved to the west as far as possible (approximately 5m) to reduce the impact on the fishing ponds and other stakeholder constraints. The majority of the pool that lies to the east of the link road, within the Order limits, is required temporarily and will be returned to the landowner post-construction. Further discussion is ongoing with NS & PS to identify	Under discussion	Medium	

Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
		ponds would remain i.e. 50% of its pools and fishing pegs enterprise will have been lost.	opportunities to avoid all impact on this pond.			
Vehicular rights	Statutory consultation response	Our clients have a vehicular right of way from their land into and across adjoining land.	Highways England is not currently proposing to retain this particular access point and will continue to discuss access arrangements with the Landowner. Alternative access routes for agricultural machinery are proposed via the new accommodation bridge to the south of Brookfield Farm.	Under discussion	High	
Retained land access	Statutory consultation response	The scheme seems to include the access track from Hilton Lane to the fishing pools and more generally into our client's land, this is a main access point into the land and the access must be preserved.	Highways England does not intend to take ownership of this access track; however, access is sought to carry out infrequent periodic maintenance to the attenuation pools required for the link road. The access gate is to be retained to prevent public access to the track. Further discussions will be held with the Landowner to agree access arrangements, maintenance rights and appropriate compensation.	Agreed	Agreed	Agreed
	Supplementary Consultation response	We will be losing access from Hilton Lane to this part of the farm and we request an additional access point is	The suggested location of a new Private Means of Access would be immediately after the proposed Hilton Lane structure which has a crest	Under discussion	High	



Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
		provided to enable our client to have easy access to this part of the holding from the road (as is currently the case at present).	curve that would limit visibility on approach. Due to the increased risk of speeding vehicles colliding with the back of any farm vehicle waiting to access the land parcel, it is not recommended that a new Private Means of Access is provided in this location. There is an existing Private Means of Access approximately 100m further west along Hilton Lane which could be reinstated, this will be discussed in further discussions with NS & PS.			
	Land agent's Relevant Representation – RR-034	The Simkin Family have several vehicular access routes severed by the Project, not all of which have been acknowledged or replaced by the Project.	NS & PS have indicated that there are two existing accesses to their parcel from the A460 via Brookfield Farm and at Latherford Brook. Highways England is not currently proposing to retain this particular access point and will continue to discuss access arrangements with the Landowner. Alternative access routes for agricultural machinery are proposed via the new accommodation bridge to the south of Brookfield Farm.	Under discussion	High	



Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
Nurton Development proposals	Statutory consultation response	<p>Our clients' land is included within an area of land being promoted for commercial development by Nurton Developments and it is important that the road scheme is developed in such a way as to be sympathetic to that proposal, and we confirm that we are also supportive of the representations made by Nurton.</p> <p>In particular The Scheme will potentially have an adverse impact in relation to the Site and the redevelopment of it. It is an established principle that in the event that any land with potential development value is severed, the density and/or timing of development on the retained land can be seriously and adversely affected.</p>	<p>The land in question is not allocated in the Local Plan and does not benefit from planning permission.</p> <p>Highways England is engaging directly with Nurton Developments in terms of the impact of the Scheme on their interests. Further detail on these discussions is presented in the SoCG with Nurton Developments submitted to the Examining Authority on 3 November 2020 [TR010054/APP/8.8LIU(K)].</p>	Under discussion	Medium	
	Land agent's Relevant	Our client's land is being promoted for commercial	Highways England has engaged with Nurton Developments throughout the	Under discussion	Medium	

Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
	Representation – RR-034	development by Nurton Developments. We understand that the Promoter feels (as our client's do) that there has been a singular lack of positive engagement in relation to Nurton's plans, which is a pity in that constructive dialogue would have been in everyone's best interests.	process, including meetings and written correspondence, and will continue to do so as appropriate.  A SOCG has been drafted with Nurton Developments.			
Permanent land take boundaries	Supplementary Consultation response	Precise boundaries of the permanent land take – Your permanent and temporary land take as currently proposed would leave awkward field boundaries. We propose that these are rationalised or 'rounded off' as highlighted on the attached plan. This would improve the efficiency of the agricultural holding and would also mean that environmental mitigation currently proposed elsewhere could be offset by utilising these areas to provide	Highways England acknowledges the concerns raised by the Landowner with regard to the usability of their land post construction, evidence-based claims of diminution of value will be considered. The landscape design must account for habitats lost to the scheme along with the existing landscape character of the area and so must include a matrix of habitat types. Highways England will continue to engage with the Landowner regarding the potential for minor amendments to the location of	Under discussion	Medium	

Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
		alternative environmental mitigation.	essential mitigation, if possible, as the design develops.			
Definition of woodland planting	Supplementary Consultation response	There are two classifications of woodland proposed of LE1 EFB/EFD and LE1 EFA. Please can you clarify what the difference is, given that you are proposing both types of proposed woodland adjacent to our retained land.	LE2.1 refers to woodland planting. EFA, EFB and EFD refer to the function of the environmental mitigation. EFA denotes the provision of visual screening, EFB indicates that the mitigation is for landscape integration and EFD represents mitigation for the purpose of nature conservation and biodiversity. Therefore LE2.1 EFB/EFD is woodland planting for the purpose of landscape integration and nature conservation and biodiversity. LE2.1 EFA is woodland planting for the purpose of visual screening.	Agreed	High	High
Attenuation pond usage	Supplementary Consultation response	Could the proposed attenuation pond be utilised by our clients fishing business?	The pond is required for drainage and ecological purposes so fishing will not be possible as this will be owned and maintained by Highways England. This has been confirmed at a meeting with the Landowner.	Agreed	High	High
Justification and extent of	Supplementary Consultation response	Extent of Temporary Land – There are some areas of land identified on your Land Interest	The temporary land as identified on the land plans is required for material storage as part of the construction	Agreed	High	High

Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
temporary land take		Plan as 'land that may be required'. We assume that these areas may have been optioned for access and works compounds while the link road is being built but would request that you provide further clarification on the proposed use of land in these areas.	works of the Scheme. Any temporary land will be returned in its former condition to the Landowner after the construction of the Scheme.			
Accommodation bridge	Supplementary Consultation response	<p>We understand that the proposed specifications for this bridge is for it to be a 4-metre carriageway with 1 metre either side verge. The accommodation bridge will have to provide future access for modern farm machinery and as it is a public bridleway, access for equestrian use/horses, pedestrians and other vehicles.</p> <p>The width of the combine without the header is 3.99 metres which under the current proposal allows 5cm either</p>	<p>It is proposed that the traffic width of the structure is increased to 4.5m in order to accommodate the specified farm machinery. The raised verge will be reduced accordingly to retain the overall size of the upper structure.</p> <p>Sufficient forward visibility is provided on either side of the structure therefore it is anticipated that users will wait on either side of the structure for the other to pass to eliminate the risk of vehicles and users crossing on</p>	Under discussion	Medium	

Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
		side kerb to kerb. This on its own renders the current proposed structure insufficient. The width of the structure also needs to allow for the fact that it is a public byway and is therefore frequently used by third parties, if the bridge is of an insufficient width this will have future health and safety implications. In short, the accommodation bridge needs to be wider.	the structure causing potential conflicts.  The route to the accommodation bridge has been designed to ensure that excessive gradients are not required to facilitate movements of agricultural vehicles and users of the diverted Public Right of Way.			
	Land agent's Relevant Representation -RR-034	As mitigation for land access and footpath severance, the Project proposes to provide an accommodation bridge to allow access for farm vehicles and pedestrians. It was highlighted in the meeting by Nigel Simkin that this bridge will also be required for equestrian use as part of a diversion for a bridleway, a point which Highways England would have been aware of had they	In accordance with The Road Vehicles (Authorisation of Special Types) (General) Order 2003, PART 3 SPECIAL VEHICLES FOR AGRICULTURE Section 21.2; The overall width of a special type agricultural vehicle together with the width of any lateral projection or projections of any load carried on it must not exceed 4.3 metres.  It is proposed that the traffic width of the structure is 4.5m in order to	Under discussion	Medium	

Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
		consulted fully. The proposed specifications for this bridge are important. In our client's opinion, the proposed carriageway of 4.5 metres with a 1.25 metre verge either side is inadequate and unsafe, given that various uses of the bridge can occur simultaneously. This bridge also needs to be future proofed, as the proposed width is barely sufficient for the existing combine. As agricultural equipment is becoming larger, our client's view is that the current design of the bridge is inadequate to accommodate both current and future use. In short, the bridge needs to be wider.	accommodate the maximum legal width of farm machinery. Note that this paved width has been increased, from 4m, following previous engagement with the Landowner.  Sufficient forward visibility is provided on either side of the structure, therefore it is anticipated that users will wait on either side of the structure for the other to pass to eliminate the risk of vehicles and users crossing on the structure causing potential conflicts.			
Shared access rights along fishing pool	Supplementary Consultation response	Proposed rights along 'Fishing Pool'; We note that the updated Land Plan proposes that HE acquires rights of access (which we assume are	Highways England requires infrequent access to carry out periodic maintenance to the attenuation pools required for the link road. The access	Under discussion	Medium	

Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
		<p>vehicular) along the access track to our clients Fishing Pools. We would be grateful if you could clarify what rights you are proposing to acquire in this area?</p> <p>If it is being proposed that this track is being used by HE they will need to upgrade it to an appropriate standard and maintain this in perpetuity. HE will also need to compensate our client for the access rights that you are seeking to acquire here.</p>	<p>gate is to be retained to prevent public access.</p> <p>As such, Highways England do not consider it necessary or justified for Highways England to acquire or upgrade the access track. Nor is it necessary for Highways England to maintain the access track in perpetuity. Compensation will be payable in respect of the acquisition of any rights over the access track by Highways England.</p>			
Impact of land acquisition	Taken from the landowner's Relevant Representation – RR-027	I am a landowner directly affected by the scheme and feel that Highways England have little to no regard to the devastating impact it will have on our farm. We feel the road is not required and land that has been farmed for generations in our family will be destroyed. The impact it will	<p>Highways England fully appreciates the position of the Landowner and recognises the impact of compulsory acquisition on Landowners.</p> <p>Highways England has taken into account the impact of the Scheme on landholdings throughout decision making processes and optioneering. Details of optioneering processes are</p>	Under discussion	Medium	



Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
		have on our lives, home and business will be catastrophic.	<p>set out in Chapter 3 of the ES [APP-042/6.1].</p> <p>The Scheme has been established as a key infrastructure priority through its identification in the Government's Road Investment Strategy 1 and we consider that its delivery has significant benefits for the sub-region.</p> <p>Compensation for the acquisition of the Landowner's land will be provided in accordance with the Compensation Code.. Highways England has met with the Landowner on a number of occasions to discuss the developing scheme and a SOCG has been drafted. Highways England will continue discussions during the Examination and will provide further updates in due course.</p>			
Engagement with Highways England	Land agent's Relevant Representation – RR-034	We feel we should point out that there has been a lack of consultation by Highways England and our clients feel they have not received	Highways England has engaged with the Landowners and their representatives throughout the development of the Scheme, including five face to face meetings in addition to letters, emails and phone calls. The	Under discussion	Medium	



Subject	Document	Landowner Comment	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP)
		meaningful responses about their concerns (letters sent by Bruton Knowles - 3rd July 2019 and the 11th December 2019). The lack of proper engagement has made our clients feel as if their concerns are of little importance, with Highways England's priority being Project delivery.	Landowners were consulted as part of the s42 consultation in May 2019 and the supplementary consultation in November 2019. Highways England's responses to the consultation comments are provided in Annex P of the Consultation Report [APP-039/5.2] submitted as part of the Application and discussed at meetings on 10/12/2019 and 27/02/2020. Highways England issued a draft SoCG to the Landowners on 15/07/2020, to which no formal response has been received.			
Engagement with Highways England	Land agent's Relevant Representation – RR-034	Why did ecologists in undertaking their technical work not approach The Simkin's? The Simkin Family have farmed this land for more than 100 years and therefore the Project could have benefited from their knowledge and in turn this could have mitigated the impact on land take.	The assessments reported in the ES need to be informed by up to date data gathered through desk studies and field surveys to ensure that the assessment of potential impacts on important ecological features and the mitigation required to address these impacts is robust. Whilst Highways England appreciates that landowners will have knowledge of the land that they own, this does not replace the need to undertake these studies. Standard practice does not require	Under discussion	Medium	

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			landowners to be contacted to provide survey data.			
Construction	Land agent's response to the consultation for the changes to the DCO	(With regards to Change 4)  The consultation brochure advises that there will be a reduction in the construction programme of approximately 6 months which would be welcome, however it is not clear if this reduction affects the duration of works in the vicinity of our clients property.	Design change 4 (as submitted to the Examining Authority on 9 October 2020) involves works at M54 Junction 1 and would reduce the overall construction programme by six months. As the scope of works in the vicinity of the Landowners have not changed, the programme of works in this area is not anticipated to change significantly.	Under discussion	High	
Articles and Requirements	N/A	N/A	Highways England has not received any comments on the Articles or Requirements on the draft DCO from the Landowners	Under discussion	High	

## Appendix A – Initials and details of individuals involved

Initials	Name	Role or Discipline	Organisation
AK	Andrew Kelly	Project Manager	Highways England
AM	Alastair McNeil	Design Engineer	AECOM
BB	Ben Braund	Design Engineer	AECOM
BK	Bruton Knowles	Landowner's Representative	Bruton Knowles
SD	Simon Davis	District Valuer	Valuation Office Agency
HE	Highways England	Scheme Promoter	Highways England
IM	Ian Mercer	Third party land agent	Bruton Knowles
JH	Jon Harvey	Stakeholder Manager	AECOM
MS	Mrs Simkin	Wife to Mr Nigel Simkin	N/A
NSJ	Nigel Simkin Junior	Landowner's son	N/A
NS	Nigel Simkin	Landowner	N/A
PS	Paul Simkin	Landowner	N/A
PH	Patrick Hackett	Third party land agent	Bruton Knowles
PL	Peter Lever	Agent on behalf of Nurton Developments	Jones Lang Lasalle
RR	Rob Ramshaw	Project Manager	AECOM
SB	Sam Blaize	Principal Surveyor	Gateley Hamer
TP	Tamara Percy	Environment Lead	AECOM
TB	Tom Bennett	Previous Stakeholder Manager	Amey