

**M54 to M6 Link Road
TR010054**

**8.8 LIU(K) Draft Statement of Common
Ground with Nurton Developments
(Hilton) Limited**

APFP Regulation 5(2)(q)

Planning Act 2008

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

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

**8.8 LIU(K) Draft Statement of Common Ground with
Nurton Developments (Hilton) Limited**

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1 (P03)	October 2020	First draft issued to Nurton
2 (P04)	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) Nurton Developments (Hilton) Limited.

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

Signed.....
[NAME]
[POSITION]
on Nurton Developments (Hilton) Limited
Date: [DATE]

DRAFT

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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') 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 SoCG has been drafted by Highways England based on correspondence with Nurton Developments during the development of the Scheme and records Highways England's current understanding of the matters agreed and not agreed. The first draft (Version 1 (P03)) was provided to Nurton Developments on 7 October 2020. This version (2 (P04)) has been updated to reflect the additional area over which Nurton has a Category 2 interest as per the Book of Reference submitted to the Planning Inspectorate on 9 October 2020. Comments on Version 1 (P03) were received from Nurton on 28 October 2020 but have not yet been incorporated into this draft as they require some consideration.**
- 1.1.5 **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) Nurton Developments (Hilton) Limited (Nurton). 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.
- 1.2.2 Nurton is promoting a large site for potential employment allocation through the Local Plan Review process, which includes a significant area within the Order limits of the Scheme; see paragraphs 7.6.11-7.6.15 of the Case for the Scheme [APP-

220/7.5] for further details. Highways England has always engaged with Nurton in terms of the area being promoted through the Local Plan.

- 1.2.3 Nurton is a category 2 party, but it is becoming clear that their interest covers a larger proportion of the area being promoted than was presented in the Book of Reference submitted in January 2020 and closer to the area being promoted. Highways England is working with Nurton to resolve this to ensure the Book of Reference is accurate. The plan in Appendix A1 shows the area that Nurton has a category 2 interest over (shown in orange) as recorded in the Book of Reference version P04 [AS-018/4.3]. The plan in Appendix A2 shows the area that Nurton has a category 2 interest over (plots outlined in blue) as recorded in the Book of Reference version P06 [AS-081/4.3] submitted on 9 October 2020, with the BoR being updated to include more plots. Both plans also show the area being promoted through the Local Plan review process (dashed blue line). On 28 October 2020 Highways England received a redacted Option Agreement from Nurton that shows that the option covers an area larger than shown in plan Appendix A2. These details will be used to update the next iteration of the Book of Reference.

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 points that 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.
- 1.3.2 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 Nurton 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 Nurton.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence between Highways England and Nurton in relation to the Application is outlined in Table 2-1. Names of personnel involved below are provided in Appendix B.

Table 2-1: Record of Engagement

Date	Form of correspondence	Description
06/02/19	Meeting	Meeting between HE and Nurton to discuss Preferred Route Announcement, design of link and Nurton's aspirations for the site.
23/05/19	Letter	Section 42 consultation pack sent to Nurton by HE.
05/07/19	Letter	Statutory consultation response sent by Nurton to HE.
11/11/19	Letter	Non-statutory consultation pack sent to Nurton by HE.
14/11/19	Letter	Letter from Nurton to HE acknowledging non-statutory consultation and requesting meeting.
02/12/19	Meeting	Meeting between HE and Nurton, attendees including AC, WT, RY, PL, ST, AK, RR, AM, IB and RT.
11/12/20	Letter	Supplementary consultation response sent by Nurton to HE.
06/02/20	Letter	Letter from Nurton to HE requesting information.
20/02/20	Letter	Letter from HE to Nurton responding to the requests for information.
27/02/20	Meeting	PL (JLL) attended meeting between Highways England and Messrs Simkin.
06/03/20	Letter	Section 56 notice sent to Nurton.
17/03/20	Letter	Letter from HE to Nurton informing of extension to Relevant Representation period due to Covid-19.
03/04/20	Email	CAD file of link road and drainage ponds provided to JLL.
07/04/20	Letter	Letter from Nurton in response to HE's letter dated 20/02/20.
21/04/20	Letter	Letter from HE to Nurton responding letter dated 07/04/20. Environmental Mitigation Technical Note enclosed.
01/06/20	Letter	Letter from HE to Nurton - Section 56 – Additional representation period.
28/07/20	Email	Email from AC to HE re SoCG and suggesting meeting.

Date	Form of correspondence	Description
29/07/20	Email	Email from HE to Shoosmiths, advising of intention to request changes to application, advising that SoCG was being prepared and a draft would be available in due course.
04/08/20	Email	Email from Shoosmiths to HE requesting an update on the SoCG and a meeting.
21/08/20	Email	Email from Shoosmiths to HE requesting an update on the SoCG and a meeting.
21/08/20	Email	Email from HE to Shoosmiths confirming that a SoCG had been prepared and would be sent to them shortly.
26/08/20	Email	Email from HE to Shoosmiths confirming that the draft SoCG would be issued as soon as it had been updated to take into account additional survey work and to note the ongoing consultation on the revised EMP.
09/09/20	Email	Email from Shoosmiths to HE regarding the SoCG and a meeting.
15/09/20	Email	Email from HE to Shoosmiths suggesting dates for a meeting.
21/08/20	Letter	Supplementary consultation letter sent to Nurton by HE.
07/10/20	Email	Draft SoCG issued to Nurton for review.
16/10/20	Meeting	Meeting between HE and Nurton to discuss SoCG.
28/10/20	Email	Comments received by HE on draft SoCG from Nurton and providing a redacted Option agreement.

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) Nurton 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 Nurton 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

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
AS-003	Area controlled by Nurton	AS-003 The new ecology pond areas are to be created on the southern side of Brookfield Farm Site of Biological Importance (SBI), on land to be acquired that is in the current control of Nurton and will be located on the boundary of the Site being promoted by Nurton.	An Option agreement was supplied to Highways England on 28 October 2020 showing the area over which Nurton has a category 2 interest. This will be used to update the next iteration of the Book of Reference.	Under discussion	High	
Relevant Rep. 038	(a) Lack of consideration of	The Infrastructure Planning (Environmental Impact	The options appraisal process is reported in Chapter 3: Assessment of Alternatives [APP-42/6.1], Appendix 3.1 to 3.2 [APP-	Under discussion	Low	

¹ 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.

² Interested Party. In this case Nurtons.

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
	alternatives in Environmental Statement	<p>Assessment) Regulations 2017 requires that the applicant's ES:</p> <p>(i) describe the reasonable alternatives studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects; and</p> <p>(ii) provide "A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment".</p> <p>The assessment will take account of the impact and effect of the Scheme on a number of factors, including the following:</p> <p>Community and private assets, including private property;</p>	<p>158 & 159/6.3] and Figures 3.1 to 3.2 [APP-66 & 67/6.2] of the Environmental Statement (ES). These documents set out the assessment of reasonable alternatives undertaken as part of the design process. Highways England disagree that this assessment is insufficient or flawed. The ES has been carried out in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, including the requirements referenced in this response.</p> <p>Nurton's response states:</p> <p><i>'The assessment will take account of the impact and effect of the Scheme on a number of factors, including the following:</i></p> <p><i>Community and private assets, including private property;</i></p> <p><i>Development land including potential strategic development sites; and</i></p>			

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
		<p>Development land including potential strategic development sites; and</p> <p>The local and wider economy, for example employment levels</p> <p>For the reasons given above, the Scheme as proposed has the potential to impede the delivery of redevelopment in respect of the Site and this impact would need to be assessed as an impact on 'people and communities'.</p> <p>In order to undertake a robust and legally compliant EIA HE must consider reasonable detailed alternatives in terms of the manner of delivery of the Scheme so as to avoid any adverse effects on the delivery of the redevelopment of</p>	<p><i>The local and wider economy, for example employment levels'</i></p> <p>The impact and effect of the Scheme on community and private assets is considered in the ES Chapter 12 Population and Human Health [APP-51/6.1]. However, the area over which Nurton has an interest does not provide any community assets³. The loss of private assets in this area is considered under the assessment of impacts on agricultural land holdings in Chapter 12: Population and Human Health of the ES [APP-51/6.1].</p> <p>In terms of bullet points 2 and 3, these aspects have been taken into account when considering options in the ES and particularly Chapter 12. However, the area being promoted by Nurton is not</p>			

³ The Design Manual for Roads and Bridges LA 112 defines community assets as "Land, buildings and infrastructure providing a service/resource to a community, e.g. open spaces, village greens, village halls, healthcare and education facilities etc." There are none of these assets on Nurton's land.

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
		the Site. This has not been carried out and so the ES provided as part of the application is flawed.	<p>'development land' so is not considered as such in the ES. In terms of the third bullet, the local and wider economy, the impact has been considered for this area of the Scheme, but in terms of its current uses, not its potential future use as an employment site. Again, this is because the site is not 'development land'. Further justification of why Highways England does not consider the site as development land is provided below.</p> <p>The Design Manual for Roads and Bridges LA 112 Population and Health defines development land as '<i>land identified in national or local plans, policies or strategies for development (including intensification of existing uses) and land subject to planning permission.</i>'</p> <p>The Nurton site is not allocated within national or local plans, policies or strategies and no planning applications have been submitted for employment uses on the site. The Nurton site is therefore not categorised as</p>			

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
			<p>development land and the impact on the future of this site is not required to be assessed as part of the ES.</p> <p>To aid further understanding of the potential of the site for employment uses in the future, Highways England would also note that:</p> <p>The Nurton site is in the Green Belt. the South Staffordshire Green Belt Study published in July 2019 considered the potential for development on a large number of sites in the Green Belt, including the Nurton site (site 651/ parcel S30C). Site S30C was considered likely to have a 'high' level of harm to the Green Belt if developed for employment uses.</p> <p>There are already a number of existing employment sites and Strategic Employment Sites (SESS) in the area, including i54 and ROF Featherstone. Development of the Nurton site could slow down or detract from development of existing allocated sites. The existing</p>			

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			<p>employment sites comprise brownfield land and it would be more sustainable to remediate and develop these sites than develop on greenfield land.</p> <p>As a district, South Staffordshire has more employment land than is required to meet its own needs⁴</p> <p>Whilst there is a possibility that South Staffordshire may need to consider allocating further employment land to cater for shortfalls in adjacent local authority areas in the future, there is currently no certainty that this is the case, particularly given that the West Midlands Interchange has recently been consented providing circa 300 hectares of land, predominantly for employment uses. As indicated above, if further land was required, it seems unlikely that the</p>			

⁴ The Local Plan Review Issues and Options consultation paper prepared by SSC (Issues and Options: A step-by-step guide to the key issues, October 2018) states that: 'We need to think about our own local economic growth through our main employment sites, the smaller employment sites and business parks, and our small and medium businesses. We already meet some of the Black Country's high quality employment needs at i54 South Staffordshire and the forthcoming site at ROF Featherstone. As a district, we currently have more employment land than we need, so we will have to decide how to deal with this'. More detailed information is provided in the Economic Development Needs Assessment prepared by SSC dated August 2018, which concludes in paragraph 8.9 that there is sufficient employment land in South Staffordshire and that there is no need to allocate further land.

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			<p>Nurton site would be a high priority site for allocation.</p> <p>Overall, the Nurton site is not development land and Highways England has not been provided with any evidence suggesting that is likely to become so in the near future.</p> <p>Finally, given that there is no certainty on the size of an employment site, future use classes, site design, site access and programme for development, it would be very difficult for Highways England to assess the impact of the Scheme on a potential employment site, even if there was a requirement to do so.</p>			
Relevant Rep. 038	(b) Bridge design and location at Hilton Land and Brookfield Farm	Nurton has requested information from HE on the alternative solutions considered on the bridge design.	The bridges in question are the proposed bridge to be installed to enable Hilton Lane to cross the mainline and the accommodation bridge further north at Brookfield Farm to access their land on the other side of the new link road for existing purposes.	Under discussion	Low	

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			<p>The alternatives considered have been discussed with Nurton prior to the submission of the Application, with further correspondence prior to Nurton submitting its Relevant Representation. This includes discussions at the meeting on 2 December 2019 (see Appendix C) and a letter from Highways England to Nurton on 20 February 2020 (see Appendix D). Several suggestions for the bridge have been put forward by Nurton, each of which are explored further below.</p> <p>1/ HE understands that Nurton would like the proposed accommodation bridge to be widened to accommodate traffic that may access employment development on adjacent land, should planning permission be granted for it in the future.</p> <p>A meeting was held between Highways England and Nurton on 2 December 2019 where this matter was discussed (please see minutes in Appendix C). At this meeting Nurton explained that to</p>			

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			<p>facilitate the development, the bridge should be 11.3 m wide (7.3 m road, 3 m footpath and 1 m verge) as opposed to the proposed 6 m wide bridge (4.5 m road and 0.75 m verge on either side).</p> <p>As HE explained at the meeting on 2 December, the proposed increase in bridge width would increase costs and environmental impacts and therefore cannot be justified. The bridge design proposed to be constructed is typical of accommodation bridges to enable farm machinery to access adjacent plots of land. Following discussion with the landowners, Nigel and Paul Simkin, it was confirmed that the largest road legal combine harvester requires access across this structure (4m width). Therefore, the paved width across the bridge was increased from 4m to 4.5m.</p> <p>2/ HE has also considered Nurton's request to combine the bridge at Hilton Lane and the accommodation bridge, relocating it to a location between the two. Moving the bridge further from</p>			

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			<p>Hilton Lane would require construction of additional carriageway from Hilton Lane to the new bridge, resulting in significant additional costs and environmental impacts. It would require the acquisition of additional land that would not be justified in this instance. This was explained at the meeting on 2 December 2019 and in the letter from HE to Nurton Developments on 20 February 2020.</p> <p>At the meeting on 2 December 2019, HE also explained that three alternatives had been considered for the location of the accommodation bridge:</p> <ul style="list-style-type: none"> (i) a main crossing over Hilton Lane; (ii) a crossing midway between Hilton Lane and proposed location; (iii) the proposed location. <p>It was considered that the proposed location was the best balance between the diversion length of the bridleway (already at 12% of its total length against a guideline maximum of 10%) and allowing an appropriate gradient (which</p>			

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			<p>will now be 8%) for the ramp up to the crossing.</p> <p>HE considers that sufficient information has been provided on the alternatives considered for this bridge and that reasonable alternatives have been considered.</p>			
Relevant Rep. 038	(c) Lack of information regarding alternatives on location and design of pond areas	<p>There is also a lack of information regarding alternatives considered in respect of the location and design of the pond areas. Having reviewed the information available, at present these conform to standard design, rather than being bespoke to a Scheme of this scale. In the absence of a consideration of alternative designs, it is difficult to understand how the adverse impacts of the Scheme have been mitigated by HE.</p>	<p>There are no proposed new ponds in the area where Nurton is recorded as having a category 2 interest.</p> <p>There are four ponds within the area Nurton was promoting through the Local Plan Review; two ponds to be created for attenuation purposes and two for ecological purposes. These are necessary for the delivery of the Scheme.</p> <p>The attenuation ponds on land being promoted by Nurton are located to the south west of Brookfield Farm and the south west of M6 Junction 11. These ponds are located at the low points adjacent to ditches to allow the outfall to drain to the existing ditches. The ponds are in the optimal location, with the</p>	Under discussion	Medium	

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			<p>location of the pond being dictated by topography and the location of the ditches. The shape of the attenuation ponds has been designed to minimise land take. The ponds have been designed to drain the Scheme, and their design is bespoke to it.</p> <p>The two ponds proposed for ecological purposes are located to the east of the link road and the south east of the M6 Junction 11.</p> <p>The cluster of two ponds is proposed north of the proposed woodland (EW05) as agreed with Natural England. This pond cluster would mitigate for the loss of ponds as part of the Scheme construction. In addition, this pond cluster would provide breeding habitat for GCN that could colonise from known populations in this area. For colonisation to be possible, the new ponds are sited near to the existing ponds known to support GCN. The ponds would be surrounded by species rich grassland and woodland (retained woodland within Brookfield Farm Site of Biological Interest and Local Wildlife Site, replacement</p>			

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			<p>ancient woodland planting and EW05). Again, the location of the ponds is the optimal one for their purpose.</p> <p>A Letter of No Impediment (LONI) has been issued by Natural England for the Scheme with regards to GCN [APP-177/6.3]. To obtain this letter, a draft development mitigation licence was sent to Natural England. The information submitted to obtain the LONI set out the baseline information, assessed the impacts to GCN and detailed the mitigation. By issuing the LONI Natural England have agreed that the mitigation strategy addresses the impacts to GCN and the habitats that support them. This includes the design parameters and location of the two ponds on the area being promoted by Nurton.</p> <p>In terms of the biodiversity pond design, ES Chapter 3: Assessment of Alternatives [APP-042/6.1] states at paragraph 3.3.79 that the ponds were initially developed as large single ponds, but in the interests of providing a design more fitting of the character of the area, smaller ponds have been designed in</p>			

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			<p>several locations as shown on the General Arrangement Plans [APP-010/2.5] and the Environmental Masterplan Figures 2.1 to 2.7 [APP-057 to 063/6.2]. Their design is bespoke to the site, the intended ecological purposes and the surrounding landscape.</p> <p>The approach to mitigation and the mitigation design has been described in the ES [APP-40 to 56/6.1] and the Outline Environmental Management Plan [APP-218/6.11]. Mitigation specific to Nurton's holdings was explained in further documentation 'Environmental Mitigation Approach: Nurton issued to Nurton on 21 April 2020 (see Appendix E). However, this document focuses on the area over which Nurton has a category 2 interest so does not provide detail on the proposed ponds.</p>			
Relevant Rep. 038	Great Crested Newt Survey Approach	<p>Ecology</p> <p>Great Crested Newts</p> <p>The approach to great crested newts ("GCN") appears highly</p>	<p>As discussed above, there are no ponds on the area over which Nurton has a category 2 interest.</p> <p>It is standard practice to adopt a precautionary principle and assume</p>	Under discussion	Medium	

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		<p>precautionary and is based on a methodology which significantly overestimates both the number and size of GCN breeding populations within 500m of the road. The methodology adopted is not a reasonable or rational one to take in terms of providing a meaningful baseline and it follows that the assessment is flawed.</p> <p>The Environmental Statement (“ES”) confirms that GCN presence was confirmed in only three of the 28 waterbodies that were surveyed, equating to less than 11% of the ponds sampled for GCN DNA. Medium populations are assumed to be present in each but there is no indication of surveys having been carried out to confirm this assumption.</p> <p>A further 27 waterbodies were not surveyed, with the presence of medium sized breeding populations assumed to be present, despite there being GCN present in only 11% of the waterbodies that were</p>	<p>populations of GCN in ponds where survey access has not been possible.</p> <p>However, to refine the proposed mitigation, surveys have been carried out in 2020 of some of the waterbodies where access was not previously obtained. This now includes all waterbodies affected by the Scheme.</p> <p>The revised Environmental Masterplan published for consultation on 24 August 2020 shows how the mitigation for GCN may be reduced to reflect new survey results. However, this does not propose to change the ponds provided on land within the area Nurton has been promoting through the Local Plan Review process.</p> <p>A Natural England European Protected Species (EPS) licence will be sought to allow for the clearance of GCN terrestrial habitat that is necessary to undertake construction of the Scheme. The approach to this mitigation is detailed as part of a draft Natural England EPS derogation licence (refer to Appendix 8.3:</p>			

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		<p>actually surveyed. There is no rationale or justification for reaching the conclusion that GCN are present in the remaining (and un-surveyed) 27 waterbodies.</p> <p>Providing GCN mitigation for three confirmed populations and 27 assumed populations will significantly over-mitigate, potentially creating habitats for populations 10 times larger than they are likely to be in reality. This cannot be considered a reasonable or rational approach.</p> <p>As part of the provision, two new ecology pond areas are to be created on the southern side of Brookfield Farm Site of Biological Importance (SBI). These are to be located on the boundary of land proposed for future development. The position of these ponds will introduce an additional constraint on future development with associated cost and will potentially place restrictions on the development footprint. If these</p>	<p>Letter of No Impediment [TR010054/APP/6.3]).</p> <p>The ecology ponds provided by the Scheme on land being promoted by Nurton will contribute to the provision of long-term habitat for GCN post-construction, as well as being created to replace ponds lost during construction of the Scheme on an approximate 1:1 basis.</p>			

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		ponds are to remain in site as GCN sites then clearly this will have an associated impact on the compensation due.				
Additional Submission AS-003		<p>As set out in our First Representations, the Scheme proposes GCN mitigation for three confirmed populations and 27 assumed populations. As explained, this will significantly over-mitigate, potentially creating habitats for populations 10 times larger than they are likely to be, in reality.</p> <p>2.2 We remain of the view that:</p> <p>2.2.1 The methodology adopted is not a reasonable or rational one to take in terms of providing a meaningful baseline;</p> <p>2.2.2 and the assessment is flawed.</p> <p>Nonetheless, there is a practical solution to this which is that the</p>	<p>As set out in Highways England's response to RR-038 above, surveys have been carried out in 2020 that confirm that there are no GCN in the ponds to be physically affected by the Scheme and Highways England has proposed to revise the Environmental Masterplan to account for this new data. These changes do not affect the ponds on land being promoted by Nurton.</p> <p>We would note, however, that to adopt the precautionary principle where access to ponds has not been obtained is the approach recommended by Natural England. Highways England disagree that this approach is irrational or flawed.</p> <p>The matter for how the impact of a future employment site could be mitigated would be determined as part of the Environmental Impact Assessment⁵</p>	Under discussion	Medium	

⁵ Or through ecology surveys if an EIA is not required.

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
		<p>capacity provided by the Scheme can benefit other development schemes coming forward in the future, such as that proposed by Nurton.</p> <p>2.3 The new ecology pond areas are to be created on the southern side of Brookfield Farm Site of Biological Importance (SBI), on land to be acquired that is in the current control of Nurton and will be located on the boundary of the Site being promoted by Nurton. It remains our position that the location of these ponds will introduce an additional constraint on the future development of the Site with associated cost and will potentially place restrictions on the development footprint.</p> <p>2.4 There is now an opportunity to reach an agreement to minimise the impact of the mitigation measures on the future redevelopment of our Site. Given our client's future development proposals in respect of the Site (as</p>	<p>submitted as part of a planning application for the development submitted through the Town and Country Planning Act regime. It is expected that the County Ecologist, Natural England and the Local Planning Authority would be consulted on this process both prior to submission of an application and during a decision-making process. Should an EPS licence be required, any mitigation would also need to be agreed in detail with Natural England following any grant of planning permission.</p> <p>Given the many uncertainties surrounding the nature of a future development, its impact, the mitigation required and the view of statutory consultees, Highways England cannot comment on the likelihood that impacts could be mitigated using existing ponds. However, Highways England is required to secure mitigation measures for the M54 to M6 link road for a 30-year period and must have the powers to do so. These powers are sought through the DCO in respect of the proposed ponds on land being promoted by Nurton.</p>			

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
		detailed in our Original Representations), it is entirely sensible to agree that the additional capacity provided by the Scheme for GCN mitigation should be ring-fenced for, and utilised by, any development proposals in respect of the Site. These are to be located on the boundary of land proposed for future development.				
Relevant Rep. 038	Traffic modelling	<p>Traffic modelling data</p> <p>3.13 We have now reviewed the Transport Assessment (“TA”) report prepared for the application (Volume 7.4 of the ES). That provides some useful background. However, it does not give sufficient and adequate information against which a Scheme of this scale can be assessed. We have therefore asked HE for clarity on a number of points and the information remains outstanding. Clearly until we have received all of the information requested, we reserve our position</p>	<p>The local traffic model for the new link road was based upon the Midlands Regional Traffic Model (MRTM). The MRTM is a strategic traffic model that was based upon observations of mobile phone movements.</p> <p>For the purpose of appraising the local scheme, the MRTM was upgraded locally, and the traffic flows were checked on road links along screen lines.</p> <p>Junction turning counts at M6 junction 11 were not included within the traffic data collected in 2017. The traffic data is described in [AS-038/7.4] at section 3.</p>		Medium	

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
		<p>in terms of whether we need to add to these representations.</p> <p>3.14 The following information has been requested but remains outstanding:</p> <p>3.14.1 We have requested confirmation that in terms of the baseline assessment work, no junction turning counts have been undertaken at J11.</p> <p>3.14.2 Paragraph 4.7.1 of the TA refers to “Traffic Forecasting and Economic Assessments” having been produced in December 2019. These are not on the DCO website and we have requested copies.</p> <p>3.14.3 A copy of the LINSIG model referred to at paragraph 4.8.7. The TA only reports in respect of the 2019 situation but it is clearly appropriate to report on all of the scenarios tested.</p> <p>3.14.4 A copy of all of the turning movement assumptions adopted in</p>	<p>The traffic forecasting is described in [AS-038] at Section 4. This traffic forecasting section includes an assessment of the operational performance of the Scheme’s terminal junctions.</p> <p>The economic assessments were used to evaluate the business case for the Scheme. These documents are not part of the DCO, but a summary is included in the “Case for the Scheme” document [APP-220/7.2] at section 6.</p> <p>Copies of the Traffic Forecasting Report and Economic Appraisal Report have been provided with this draft SoCG.</p> <p>The TA [AS-038.7.4] at Table 4.7 reports the 2039 Design Year operational performance of the new (i.e. With the Scheme) M6 Junction 11. A copy of the output of the LINSIG model has been provided with this draft SoCG</p> <p>A cordon model is provided with this draft SoCG to enable Nurton to undertake transport analysis of the surrounding road network.</p>			

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
		<p>the tests and a printout of all results.</p> <p>3.14.5 We have also repeatedly requested the opportunity to run our traffic generation through the Saturn model and share that with Staffordshire County Council</p>				
Relevant Rep. 038	Engagement	<p>Lack of engagement with our client</p> <p>3.15 We have repeatedly tried to engage with HE in a meaningful and helpful manner. As well as responding to the pre-application consultation, we also wrote to HE on 14 November 2019, 11 December 2019, 6 February 2020 and 7 April 2020.</p> <p>3.16 We are still awaiting the following additional information requested from HE. We first asked for these by letter dated 11 December 2019 and to date have received only 2 out of 7 of the items requested. The outstanding items are as follows:</p>	<p>Highways England disagree that there has been a lack of engagement with Nurton. Nurton is a category 2 stakeholder and has been consulted as such throughout the process. This includes three face to face meetings (February 2019, December 2019 and February 2020), phone calls, letters and e-mail correspondence.</p> <p>Highways England provided a response to each of the requests listed here in a letter to Nurton Developments (Hilton) Limited dated 20 February 2020. These responses are summarised below.</p> <p>Highways England is unable to provide any assurance regarding the principle of a future bridge over the link road. Should a proposal come forward, we would need</p>		Low	

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
		<p>3.16.1 A draft assurance regarding the principle of a future bridge.</p> <p>3.16.2 Analysis and costing information in support of the proposed two bridge design solution.</p> <p>3.16.3 A note on the balancing pond drainage function and the justification for its size and location.</p> <p>3.16.4 A design drawing showing the sections of the proposed accommodation bridge.</p> <p>3.16.5 Complete traffic modelling to be supplied to DTA (Nurton's Transport Consultants).</p> <p>3.17 It was understood that efforts would be made by HE to provide much of the requested information before the DCO application was submitted to the Planning Inspectorate. However, this has not been the case and we have had</p>	<p>to consider this through the planning process in consultation with the Local Planning Authority.</p> <p>Highways England has previously considered a number of alternative designs for the Hilton Lane bridge and the accommodation bridge to the south of Brookfield Farm, including combining the bridges to reduce the number of structures. Moving the bridge away from Hilton Lane would require the construction of additional carriageway, resulting in significant additional cost and environmental impact. It would further require the acquisition of additional land which would not be justified in this instance. As confirmed at the meeting between Highways England and Nurton on 2 December 2019, Highways England does not consider the suggested single bridge option to be feasible and therefore has not undertaken detailed design, analysis or costing of this option, against the proposed option.</p> <p>The balancing ponds have been designed to accommodate run off from the new link road to reduce outfall flows</p>			

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
		only a very limited response from HE.	<p>to existing greenfield run off rates. Further information is provided in the Drainage Strategy for the Scheme [APP-201/6.3]. We do not propose to produce a specific note justifying the size and location of the balancing ponds.</p> <p>A cross section drawing of the proposed accommodation bridge is provided in the Engineering Section Drawings submitted as part of the application [APP-015].</p> <p>The Transport Assessment submitted as part of the application [APP-222/7.4] provides forecast traffic information. A cordon model is provided with this draft SoCG to enable Nurton to undertake transport analysis of the surrounding road network.</p>			
Relevant Rep. 038	Engagement	3.18 We have also been provided with a copy of a letter dated 24 January 2020 from HE to the Site landowner Messrs Simkin. That letter refers to HE producing a Statement of Common Ground ("SoCG") with the landowners to form a basis for discussing the issues raised by them during the	Highways England responded to this point in the letter issued to Nurton on 20 February 2020. The letter dated 24 January 2020 sent to Messrs Simkin was issued as part of our ongoing landowner engagement to persons having a category one land interest at that stage.		Low	

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
		<p>pre-application consultation. It also invites them to a meeting to discuss their concerns. Nurton has not received any letter of this kind, despite suggesting this as a sensible way forward in correspondence with HE.</p> <p>3.19 It appears that HE is continuing to engage with other stakeholders and not Nurton. As set out in our Second Letter, the DCLG guidance emphasises the need for thorough and effective engagement with stakeholders during the DCO process. Once again, HE's engagement with Nurton is falling short of what is required.</p>	<p>There are a large number of persons with an interest in the land and Highways England has always sought to engage with everyone in a coordinated manner. However, this does not mean that all parties will receive responses to individual queries at the same time.</p> <p>We will continue to work with Nurton as appropriate throughout the DCO process. Highways England considers the approach to engagement has been thorough, effective and in line with the DCLG Guidance.</p>			
Relevant Rep. 038 & AS-003	Future bridge over the link road to facilitate employment development on adjacent land	<p>4 ASSURANCE REGARDING THE PRINCIPLE OF A FUTURE BRIDGE</p> <p>4.1 In the circumstances, we have asked HE to confirm that it will provide an assurance or confirm in writing that there is no objection to the principle of a future bridge over</p>	<p>Highways England is unable to provide any assurance regarding the principle of a future bridge over the new link road. Should a proposal come forward, Highways England would need to consider this through the planning process in consultation with the Local Planning Authority.</p>		Low	

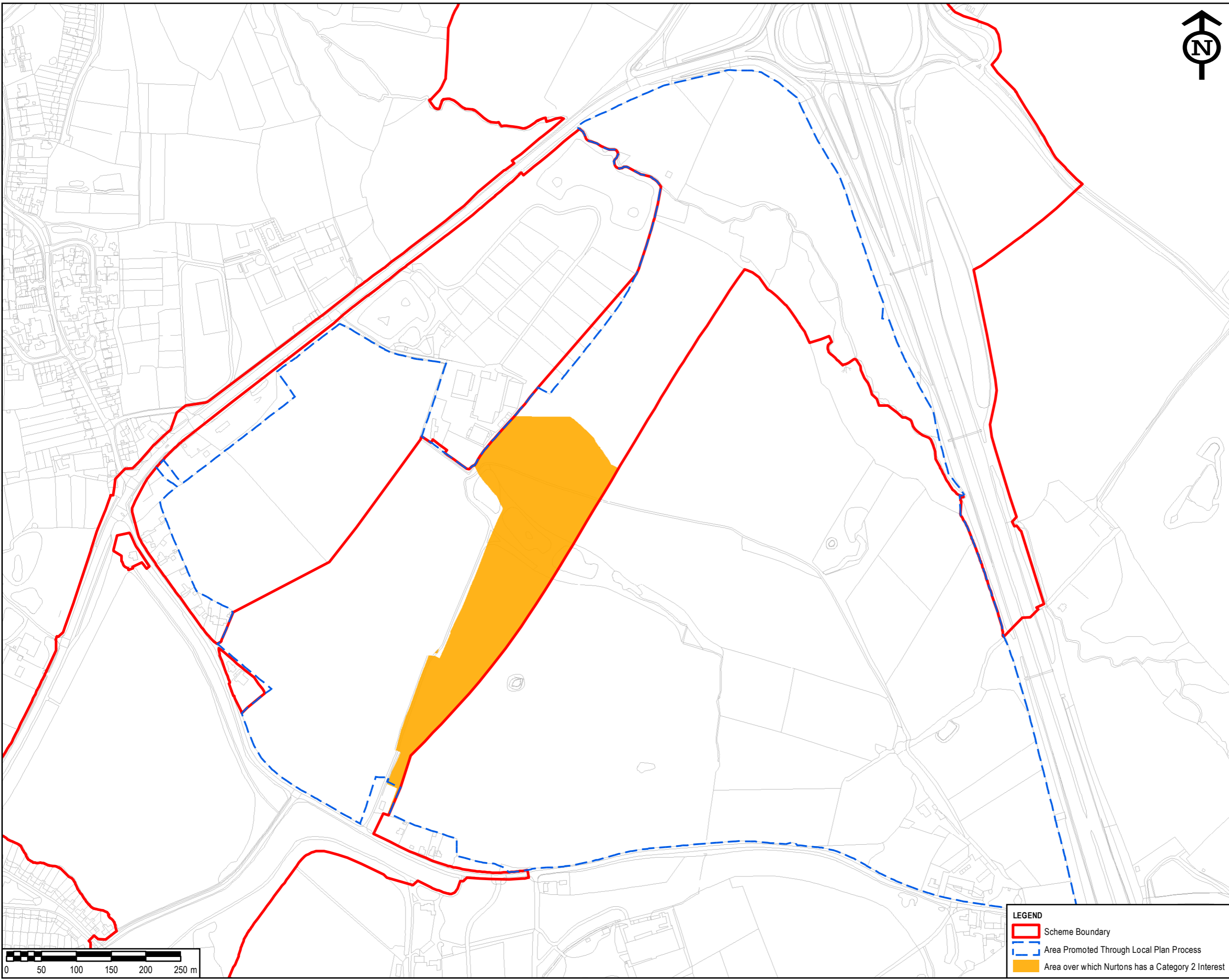
Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
		<p>the link road. We are content for HE to caveat this, for example, on the basis that: (i) any detailed proposals must be considered by HE through the planning system in consultation with the Local Planning Authority; (ii) the assurance does not fetter HE's lawful discretion as planning consultee; and (iii) the actual approval of any future bridge design and construction will be subject to it meeting all appropriate standards. Given the circumstances, this is an entirely reasonable request and represents the willingness of our client to mitigate the impacts of the Scheme.</p> <p>4.2 We are disappointed to note that, at this stage, HE is not willing to provide any form of assurance. When we met with HE on 2 December 2019, HE confirmed that it had no objection in principle to a future bridge and that they would consider providing a draft</p>	<p>Given that at present there is little known about the location of any bridge, its design (beyond broad dimensions), the type of development it would support (or whether this development would get planning permission), the traffic that would use the bridge or the timescales over which this may come forward it is difficult to see what kind of meaningful assurance could be provided on this matter.</p>			

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP ²)
		<p>assurance regarding the same. To be clear, this would not fetter the discretion of HE in respect of any planning application(s) coming forward in the future.</p> <p>4.3 Our client recognises that any future detailed design would have to be considered by HE through the planning process in consultation with the Local Planning Authority and our client is not expecting HE to sign off on any detailed bridge design now. However, it is reasonable to seek comfort that the proposed Scheme does not prejudice a further bridge being built over the link road at some point in the future.</p>				
Relevant Rep. 038	SoCG	Request for a SoCG.	A draft SoCG has been provided to further discussions.		High	
N/A	Articles and Requirements		The Applicant has not received any comments on the Articles or Requirements on the draft DCO from Nurton.		Medium	

Appendix A1 – Plan showing area of Nurton’s interest according to Book of Reference Version P04 [AS-018/4.3] and area being promoted through the Local Plan

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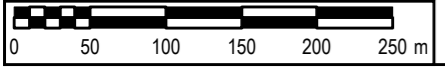
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First Issue	LC	AR	17/09/20	P01
Revision Details	By	Check	Date	Suffix
Purpose of issue				
DCO APPLICATION				
Client Highways England The Cube 199 Wharfside Street Birmingham B1 1RN		Working on behalf of highways england		
Development Consent Order Number				
TR010054				
Project Title				
M54 TO M6 LINK ROAD				
Drawing Title				
AREA OVER WHICH NURTONS HAS A CATEGORY 2 INTEREST				
Designed LC	Drawn LC	Checked AR	Approved AL	Date 17/09/2020
Internal Project No. 60536736		Suitability S8		
Scale @ A3 1:5,000		Zone M54 to M6 Link Road		
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Drawing Number Highways England PIN HE514465 M54_SW_PR_Z	Originator -ACM	Volume -EGN - -DR - LE - 0036	Rev P01	
Location		Type	Role	Number

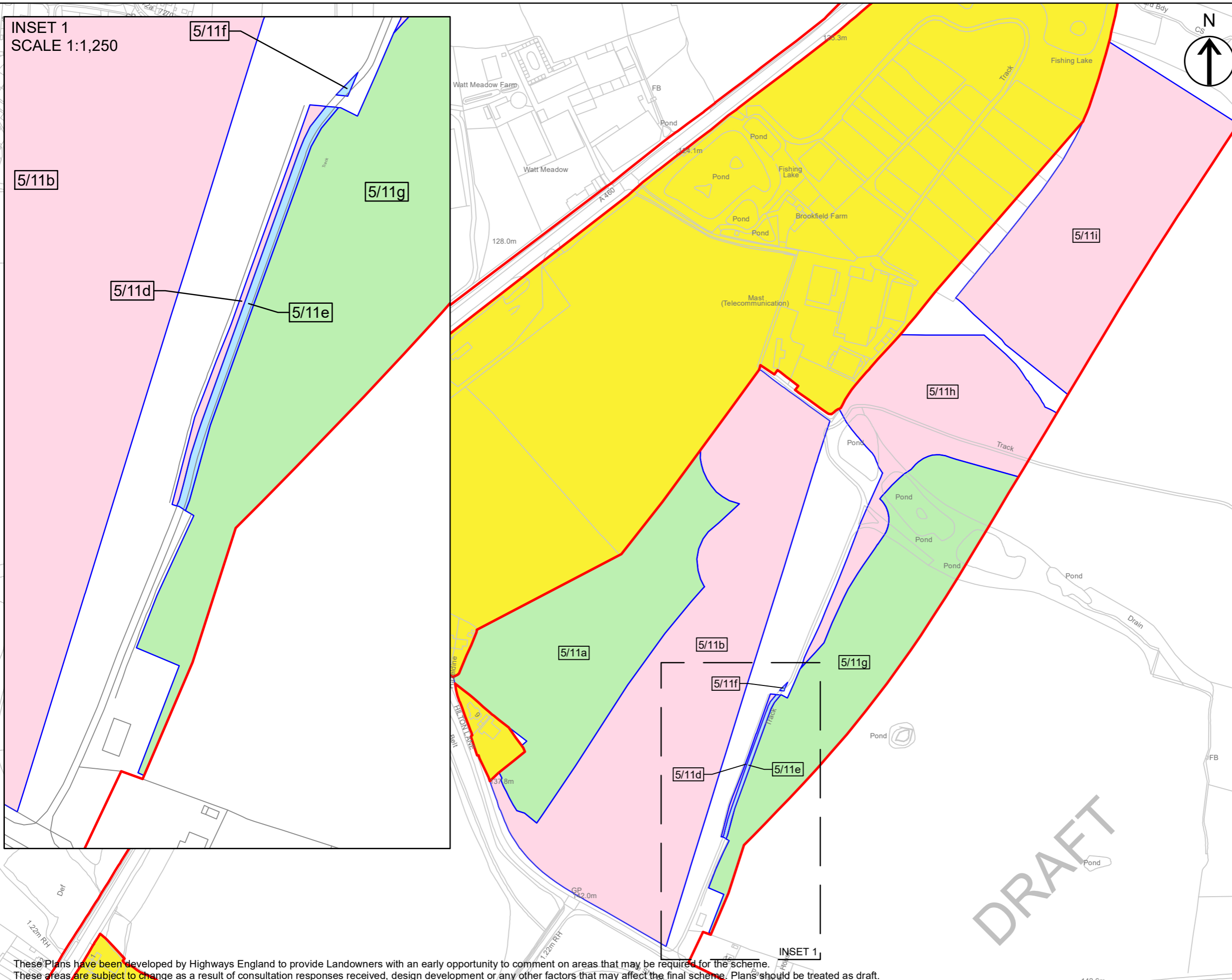
LEGEND

- Scheme Boundary
- Area Promoted Through Local Plan Process
- Area over which Nurtons has a Category 2 Interest

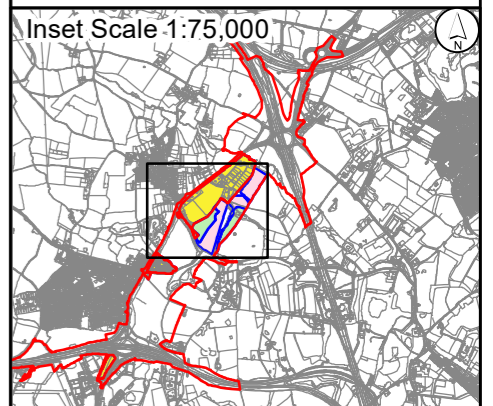


Appendix A2 – Plan showing area of Nurton’s interest according to Book of Reference Version P06 [AS-081/4.3] and area being promoted through the Local Plan

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- Key:
- SCHEME BOUNDARY / ORDER LIMITS
 - LAND TO BE ACQUIRED PERMANENTLY
 - LAND TO BE USED TEMPORARILY
 - LAND TO BE USED TEMPORARILY AND RIGHTS TO BE ACQUIRED PERMANENTLY
 - LAND NOT INCLUDED WITHIN THE ORDER LIMITS



2	27/10/20
Revision	Date

Client:



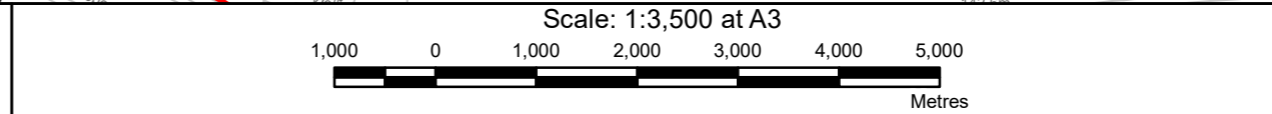
Project:
Highways England: M54 to M6 Link Road

Title:
Land Plan: Scheme boundary and potential temporary and permanent land take:
Land at Hilton Lane, Shareshill.
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 Regulation 5(2)(i)

Party:
Nurton Developments

These Plans have been developed by Highways England to provide Landowners with an early opportunity to comment on areas that may be required for the scheme. These areas are subject to change as a result of consultation responses received, design development or any other factors that may affect the final scheme. Plans should be treated as draft.

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Date: 27/10/20 Scale: 1:3,500 @ A3
Drawn: PA Drwg No: PA-3021-S42-2036

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Appendix B – Initials and details of individuals involved

Initials	Name	Role or Discipline	Organisation
AC	Anna Cartledge	Legal	Shoosmiths
AK	Andy Kelly	Project Manager	Highways England
AM	Alastair McNeill	Highways Design Lead	Aecom
IB	Isobel Byrne	Assistant Project Manager	Highways England
PL	Peter Leaver	Director	JLL
RT	Richard Thurling	Principal Associate (representing Highways England)	Gowlings
RR	Rob Ramshaw	Project Manager	Aecom
RY	Rupert Young	Development Director	Nurton Developments
ST	Simon Tucker	Director	DTA
WT	Will Thomas	Senior Associate (representing Nurton Developments)	Shoosmiths

Appendix C: Meeting minutes from meeting between Highways England and Nurton Developments on 2 December 2019

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NURTON DEVELOPMENTS (HILTON) LIMITED

Meeting with Highways England regarding Land South of Junction 11 of the M6 /
Proposed Link Road between M54 Junction 1 and M6 Junction 11

Minutes

Date: 2 December 2019

Time: 3.00pm

Location: Shoosmiths LLP, 6th Floor, 2 Colmore Square, 38 Colmore Circus, Queensway, Birmingham

Attendees

1. Anna Cartledge (Shoosmiths) (AC)
2. Will Thomas (Shoosmiths) (WT)
3. Rupert Young (Nurton Developments - NDL) (RY)
4. Peter Leaver (JLL) (PL)
5. Simon Tucker (DTA) (ST)
6. Andy Kelly (Project Manager) (AK)
7. Rob Ramshaw (Aecom Project Manager) (RR)
8. Alastair McNeil (Highways Design Lead) (AM)
9. Isobel Byrne (Assistant Project Manager) (IB)
10. Richard Thurling (Gowling) (RT)

1. Introductions	
RY	Introduced himself and emphasised that NDL's aim was not to frustrate the scheme, they just wanted to engage with Highways England (HE) to understand the reasons behind the proposed design and land take and to ensure that it did not unnecessarily constrain the future development of the site.
All	Everyone then introduced themselves.
2. Proposed DCO timescales and future engagement with Nurton/Landowners	
RR	Stated that HE had consulted on the preferred route over the summer and was in the process of carrying out a supplemental consultation on the additional land take that is

	<p>required. Responses were due on 11 December 2019. Otherwise, HE was finalising an environmental statement which set out the basis for ecological compensation and mitigation measures forming part of the works and on was track to submit the DCO application on 30 January 2020.</p> <p>In terms of consultation with landowners, there had been a reasonable level of engagement to date. However, HE had been having some difficulty meeting with the Simkins recently. RY noted NDL had been offered only one previous meeting.</p>
RY	<p>Noted that the recent supplemental consultation letter had been received by post but that the relevant documentation / plans had not all been enclosed and that some were uploaded to the HE website instead. RY queried whether there was a reason for this and if there was any intention to deal with Nurton differently from the landowners.</p>
RR	<p>There was not any intention to deal with Nurton differently to other consultees. Some of the documents had been uploaded separately to the website as they had not been available when the supplementary consultation letters were first posted.</p>
AC	<p>Noted that there was not much time remaining for Nurton to submit representations in response to the supplementary consultation on 11.12.19, following which point the scheme is likely to be fixed. AC suggested that a good use of time for this meeting would be to agree a list of action points and for the parties to go away and follow up on those within a certain time frame. This would help Nurton finalise its representations and potentially resolve any objections moving forward.</p>
<p>3. Bridging solutions</p>	
RY	<p>Referred to previous representations and queried why it made more sense to build two bridges rather than one new one.</p>
ST	<p>Noted that HE was planning on reprofiling Hilton lane for c.1000m, installing a substantial bridge for the Hilton Lane crossing as well as constructing an accommodation bridge within the site. Suggested that it might be more straight forward to create a new link road for Hilton Lane and a bridge crossing within the site? Understood that a re-designed bridge solution might not get included within the application for 30 January. However, at the least, Nurton wished to understand the reasoning and thinking behind the current design.</p>
RR	<p>Noted that HE had budgetary constraints and could not design the scheme to cater for potential future development. Also explained that creating a new link road and bridge crossing within the site would likely mean significant additional cost and environmental impact. There was not a compelling case for that option. Hilton Lane was only going to be re-profiled for c.500m. Also, it was an existing and well used route.</p>
ST	<p>Queried whether HE had carried out any detailed assessment or analysis of a single bridge design solution (to cater for the accommodation bridge, Hilton Lane, and future development) within the site verses the current proposed scheme.</p>
RR	<p>Stated that no such detailed design or analysis had been undertaken. However, it was just clear that the new link road and single bridge design would be more expensive and that there was not a strong case for that option.</p>
PL	<p>Turned to the accommodation bridge and asked what its purpose was.</p>

AM/RR	<p>Explained that the accommodation bridge had two purposes:</p> <ul style="list-style-type: none"> (i) to allow for the passage of the bridleway over the new road (the bridleway would need to be diverted, however); and (ii) allow the landowners to access their land on the other side of the new road for existing purposes. <p>The bridge would have a road width of 4m and a 1m curb either side. Later in the meeting, AM asked what the design requirement for a single one way carriageway to serve the development would be. ST advised 4 m road, 3 m footpath/cycleway, and 1 m verge. ST asked for HE to send through a section of the accommodation bridge to establish whether, if widened, it would be suitable for development traffic.</p>
ST	<p>Queried whether that was sufficient and noted that the landowners had commented that it was not wide enough to allow a combine harvester with blade to cross.</p>
AM	<p>Noted that it would not allow a combine harvester with its blade down to cross. However, to do that would require an accommodation bridge with a 10m road width. That was very costly. However, the landowners could take the blade off the combine and cross the proposed bridge that way. HE could then compensate them for any inconvenience. This approach would be more economical.</p>
PL	<p>Queried whether any analysis had been done to support the accommodation bridge's proposed location.</p>
AM	<p>Explained that three alternatives had been considered:</p> <ul style="list-style-type: none"> (i) a main crossing over Hilton Lane; (ii) a crossing midway between Hilton Lane and proposed location; (iii) the proposed location. <p>It was considered that the proposed location was the best balance between not having to divert the bridleway too much (already at 12% of its total length against a guideline maximum of 10%) and allowing an appropriate gradient (which will now be 8%) for the ramp up to the crossing.</p>
ST	<p>Stated that if the link road is delivered and the site gets planning consent for redevelopment then there will have to be a new crossing. Asked whether Nurton could be provided with any assurance that a new crossing over the link road would be acceptable in principle.</p>
AK	<p>Could not give any assurance as part of the project team. However, would liaise with colleagues internally to find out whether such an assurance could be given. However, if possible, it would need to be subject to a number of caveats (subject to planning, technical approval etc.). Noted that the more information Nurton could provide as to the likely size / design of the future bridge, the better.</p>
AC	<p>Stated that it would be important to have this included in the assurance document. The final wording did not need to be agreed before 11.12.19. However, if a draft assurance document was provided before then, that would be very helpful. This could then be referred to in Nurton's representations for 11.12.19 and followed up with afterwards.</p>

4. Traffic modelling and timescales for release of information	
ST	Stated that not much detail had been provided on this. Wanted to understand the impact of the scheme on local roads and whether the proposed re-development of the site will be compatible with the scheme in terms of traffic flows. It would also be very helpful to see the modelling and to use it to test what Nurton is proposing at a high level. This would help with the local plan promotion work that is ongoing.
RR	HE had carried out some initial modelling and was currently expecting a 26,000 to 3-4,000 daily reduction of traffic flows on A460. However, was not sure whether HE could provide all the modelling data. It was up to individual planning applicants to carry out their own modelling analysis which they can then rely on. Confirmed that the 'West Midlands Interchange' development had been considered in the modelling.
AK	Re-iterated that HE might not be able to provide all the modelling data. However, it could probably provide some headline information. If ST could provide further details about what exact modelling information would be helpful, AK can then go and check with colleagues on whether that information could be provided.
ST	Would provide some detail on what would be helpful in terms of traffic modelling data and send over to AK.
RT	Asked the timeframe for Nurton's application and/or input into the Local Plan.
PL	Local Plan is progressing well. Looking towards autumn 2020 for consultation of the Preferred Options of the South Staffordshire Local Plan. Nurton would be looking to demonstrate the site's deliverability prior to publication of the Preferred Options.
ST	Would therefore like to keep a dialogue open regarding how Nurton could use the modelling information so as to not undermine or re-invent what has already been done. Asked about anticipated DCO timescales.
RT	If submitted in January, would expect examination by April/May earliest. It might tie well into the Local Plan representation period.
5. Proposed permanent land take	
RY	Asked about the justification for the additional permanent land take; particularly the woodland planting and balancing pond.
RR	The scheme is impacting on woodland. Therefore, HE needs to compensate and mitigate against that impact. There is also a requirement to achieve no net loss of biodiversity. Woodland proposed to the east of the route of the road, within the site, was particularly a requirement of the latter. We have therefore gone through the process of assessing the amount of compensation required. Calculations have been made in accordance with DEFRA formula. Landscaping is not the reason for the woodland planting. It's all to do with compliance with environmental requirements.
RY	Is the compensation relative to the loss of woodland on the site, or would the landowners be compensating for the loss of habitat/woodland elsewhere? Also queried why the woodland planting had to be in the areas proposed and could not be on the other side of the link road (e.g. within Brookfield Farm)?

RR	We do not have the exact information to hand. However, the extent of proposed woodland planting within the site was derived by DEFRA bio-diversity off-setting calculations. Its location, in the southern part of the site, was defined by the track from Hilton Lane and a minimum distance to the toe of the embankment to the accommodation bridge (10%). HE is currently preparing a detailed environmental statement with the reasons behind the woodland planting's extent and location. It is being prepared for submission with the DCO so do not expect it to be available before Christmas.
RT/PL	Stated that this was important information and that it would be helpful to have further details before the supplementary consultation deadline of 11.12.19. It was agreed that HE would issue a note to Nurton in order for Nurton to consider this specific issue and provide informed comment.
ST	Queried the location, size and purpose of the balancing pond.
AM	The pond is to deal with run off from highways, i.e. to hold and discharge at existing greenfield rates. The existing ponds are 'off line'. Therefore, HE do not need to compensate their loss. The balancing pond design is the most efficient shape to cater for steep topography; calculations have been done in this regard. There will also be a drainage strategy submitted with application with further details on this.
PL	Queried whether the new development could discharge surface water into the balancing pond or the drainage ditches. Stated that it would also be helpful to have further details regarding this before the supplementary consultation deadline of 11.12.19.
RR	The balancing pond would be in HE's ownership, so development of the site would not be able to discharge into that. However, all of the drainage ditches/water courses on the site will remain the responsibility of the lead local flood authority. HE would not have the power to prevent discharge into ditches.
ST	Queried whether the balancing pond could be a different shape to more easily cater for the future bridge crossing?
AM	Thought that an alternative pond shape might be possible. However, this would involve altering the DCO application redline boundary, which would be difficult at a later stage in the process. The pond had to be located to the west of the link road because of the direction of flows (to the west). It was agreed that HE would issue a note to Nurton in order for Nurton to consider this specific issue and provide informed comment.
6. Proposed temporary land take	
ST	Asked for justification for the temporary land take area and programme for returning it to the landowners.
RR	It will be an area of temporary top soil storage during construction. Time frame for use would be length of construction period; late 2021- to late 2024. It is a broad-brush area to allow contractor some space (but not for site compounds). The ponds should remain untouched.
RY	Is HE taking much spoil off-site? Nurton will look to do some plateauing. HE could therefore leave some excess spoil there.

RR	Not seeking to leave much spoil. Will more likely bring spoil onto the site from a borrowing pit elsewhere on the scheme.
7. Next steps	
RY	<p>Listed the action points as follows:</p> <ul style="list-style-type: none"> (i) AK to review internally and provide a draft assurance regarding the principle of a future bridge; (ii) HE to provide analysis and costing information in support of the proposed two bridge design solution; (iii) HE to provide to ST details of sections of the accommodation bridge; (iv) ST to provide details of required traffic modelling data (and AK to then check whether that information can be provided and when); (v) HE to issue note to provide detail about the biodiversity and environmental justification for the woodland planting size and location. (Nurton offered to discuss direct with consultants to obtain this information); (vi) HE to issue note on the balancing pond drainage function and the justification for its size and location (Nurton offered to discuss direct with consultants to obtain this information);
RY/AC	Ideally, the above can be provided before the deadline of 11.12.19. However, if anything cannot be dealt with before then, it can be listed in Nurton's representations to the supplementary consultation and be picked up further down the line during the DCO process. AK suggested this might not be possible and that the information might not be available until the application is lodged.
8. Any other business	
AC	Requested that a draft assurance be provided before 11.12.19; this could then be referenced in Nurton's representations.

Appendix D: Letter from Highways England to Nurton Developments on 20 February 2020

DRAFT

FAO Anna Cartledge
Shoosmiths LLP
2 Colmore Square
38 Colmore Circus Queensway
Birmingham
B4 6SH

Andrew Kelly
M54 to M6 Link Road
Highways England
2 Colmore Square
38 Colmore Circus Queensway
Birmingham
B4 6BN

Customer Contact Centre:
0300 123 5000

20 February 2020

Your ref: WXT lip M-00831838

Dear Sirs,

Thank you for your letter dated 6 February 2020.

Concerning the information, you have requested in paragraph three of your letter, we respond to each point in turn as follows:

a. A draft assurance regarding the principle of a future bridge.

Highways England is unable to provide any assurance regarding the principle of a future bridge over the link road. Should a proposal come forward, this would need to be considered by Highways England in the usual way through the planning process in consultation with the Local Planning Authority.

b. Analysis and costing information in support of the proposed two bridge design solution.

As discussed in our meeting on 2 December 2019, Nurton queried if alternative options had been considered, including a suggestion of a single bridge to carry Hilton Lane and the bridleway diversion. Highways England has previously considered a number of alternative alignments for the Hilton Lane bridge and the accommodation bridge to the south of Brookfield Farm, including combining the bridges to reduce the number of structures. Moving the bridge away from Hilton Lane would require the construction of additional carriageway, resulting in significant additional cost and environmental impact. It would further require the acquisition of additional land that would not be justified in this instance.

Given the above, Highways England does not consider the suggested single bridge solution to be feasible and therefore does not propose to undertake detailed design, analysis or costing of this option.

- c. *A note with detail about the biodiversity and environmental justification for the woodland planting size and location.*

Use of the plots has been defined and information on each land plot and future uses, together with justification for the land acquisition, is provided in the Statement of Reasons submitted as part of the DCO application. A copy of the Statement of Reasons is now available on the Planning Inspectorate project website:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m54-to-m6-link-road/>

We confirm that each plot shown on the application drawings is required to construct the link road and provide essential mitigation. An Environmental Statement has also been submitted as part of the DCO application, which provides an assessment of the environmental impact of the Scheme and identifies the necessary mitigation.

We are further currently preparing a technical note with regard to the environmental mitigation on the land parcels in question. This is currently undergoing internal review with numerous environmental specialists and will be shared in due course.

- d. *A note on the balancing pond drainage function and the justification for its size and location.*

As discussed in our meeting on 2 December 2019, the balancing pond has been designed to accommodate runoff from the new link road to reduce outfall flows to existing greenfield runoff rates. Further information is provided in the drainage strategy for the Scheme (Appendix 13.2 of the Environmental Statement, submitted as part of the DCO application). Discussions will be held with the landowners regarding the details of the layout of the pond, and adjustments may be made where possible to reduce impact on existing farming operations.

- e. *A CAD format drawing of the link road and permanently taken land.*

We will provide this as agreed in the meeting on 2 December 2019.

- f. *A design drawing showing the sections of the proposed accommodation bridge.*

A cross section drawing of the accommodation bridge is provided on the Engineering Section Drawings submitted as part of the DCO application. These can be viewed on the Planning Inspectorate website. It is proposed that the traffic width of the accommodation bridge is to be 4.5m in order to connect parcels of land severed by the link road, for the purposes of agricultural and maintenance vehicles only.

- g. *Complete traffic modelling to be supplied to DTA (Nurton's Transport Consultants)*

As discussed in our meeting on 2 December 2019, Nurton's transport consultants were to confirm which traffic information they require and, to date, no request has been made

for this. We are not able to provide the complete traffic model, but outputs may be capable of being provided if you can indicate what you require. Forecast traffic information is provided in the Transport Assessment submitted as part of the DCO application, which is again available on the Planning Inspectorate website.

With regard to the letter dated 24 January 2020 sent to Messrs Simkin, we confirm that the letter in question has been issued, as part of our ongoing landowner engagement, to persons having a category one land interest only at this stage.

You will appreciate that there are a large number of persons with an interest in the land and we are seeking to engage with everyone in a coordinated manner. We do not agree with your assertion therefore that we have failed to engage with Nurton. We have previously engaged with Nurton and will continue to do so as appropriate throughout the DCO process. This may include if appropriate a Statement of Common Ground to record the discussions, engagement and common ground between Highways England and Nurton.

Yours sincerely,



Andrew Kelly
Project Manager – M54 to M6 Link Road

Appendix E: Environmental Mitigation Technical Note as provided to Nurton Developments on 21 April 2020

DRAFT



M54 to M6 Link Road

**Environmental Mitigation Approach: Nurton
Developments Limited**

**Land Interest Specific Review
Nurton Developments (Hilton) Limited**

**Report Number: HE514465-ACM-EGN-Z1_SW_PR_Z-TN-LE-0001-P01 S2
April 2020**

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Appendices

Appendix A	Land Plans
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1. INTRODUCTION

1.1. Purpose of this Report

- 1.1.1. This report has been produced to describe the rationale behind essential mitigation proposals in respect of the M54 to M6 Link Road (the Scheme) on land covered by an interest of Nurton Developments (Hilton) Limited, as is proposed in the Environmental Statement (ES) [TR010054/APP/6.1, TR010054/APP/6.2, TR010054/APP/6.3] (Ref 1).
- 1.1.2. This report covers the following land parcels where Nurton Developments (Hilton) are identified as having an interest within the Book of Reference [TR010054/APP/4.3] and where essential mitigation proposals are included in the ES:
 - Sheet 5 plots 5/11d, 5/11h
- 1.1.3. The relevant Land Plans showing these plots as were submitted with the Development Consent Order (DCO) application are provided in Appendix A.

1.2. Structure of this Report

- 1.2.1. Section 2 of this report explains the requirements of the project to provide mitigation in response to the significant effects of the Scheme.
- 1.2.2. Section 3 of this report discusses the essential mitigation which is proposed within land in which Nurton Developments (Hilton) Limited has an interest. The Environmental Masterplan provided in Figure 2.1 to 2.7 of the ES [TR010054/APP/6.2] shows the location of this mitigation, with an extract provided in Appendix B of this report.
- 1.2.3. Section 4 of this report provides the rationale behind the inclusion of specific mitigation measures within the land parcels identified.
- 1.2.4. Each mitigation measure is described using a Landscape Element Code (e.g. LE2.1). This is the standard description used as per the Design Manual for Roads and Bridges (DMRB) LA117 (Ref 2) to describe the mitigation proposal, e.g. species rich grassland. A table of the Landscape Element Codes and descriptors can be found in Appendix C of this report.
- 1.2.5. The purpose of each mitigation measure is categorised with an Environmental Function Code (e.g. EFA, EFB, EFE). This is the standard description used as per the DMRB LA117 (Ref 2) to explain the purpose / function of the mitigation proposed. A table of the Environmental Function Codes and descriptors can be found in Appendix D of this report.
- 1.2.6. The table in Appendix E shows the mitigation proposals, the relevant Landscape Element Codes, Environmental Functions Codes and the commitments outline in the Register of Environmental Actions and Commitments (REAC) as detailed in the Outline Environmental Management Plan (OEMP) [TR010054/APP/6.11].

2. SCHEME APPROACH TO MITIGATION

2.1. The Requirement to Mitigate

- 2.1.1. The Scheme is considered to be 'Environmental Impact Assessment (EIA) development' under the EIA Regulations (Ref 3) which transposes the requirements of EU Directive 2011/92/EU, as amended by 2014/52/EU (the EIA Directive, Ref 4), into UK law.
- 2.1.2. In accordance with Regulation 8(1)(b) of the EIA Regulations, Highways England has notified the Secretary of State for Transport (Secretary of State) in a letter to the Inspectorate dated 11 January 2019 that an Environmental Statement presenting the findings of the EIA will be submitted with the DCO application. This submission was made on 30 January 2020 to the Planning Inspectorate.
- 2.1.3. The EIA Directive (Article 5, Para 1, part C) requires that an EIA report shall 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.
- 2.1.4. Highways England implement the requirements of the EIA Directive through the guidance provided by the DMRB Volume 11.

2.2. DMRB Mitigation Requirements

- 2.2.1. The DMRB Volume 11, Section 2, Part 4 LA 104 (Ref 5) outlines a mitigation hierarchy for environmental assessment and design as below:
- **Avoidance and prevention** – incorporation of measures to avoid the effect, for example, alternative design options or modifying the Scheme programme to avoid environmentally sensitive periods.
 - **Reduction** – where avoidance is not possible, then mitigation is used to lessen the magnitude or significance of effects, for example, fencing off sensitive areas during construction and implementing a Construction Environmental Management Plan to reduce the potential impacts from construction activities.
 - **Remediation** – where it is not possible to avoid or reduce a significant adverse effect then offsetting measures have been considered, for example the provision of new habitat to replace that lost to the Scheme or remediation such as the clean-up of contaminated soils.
- 2.2.2. Environmental mitigation is defined by the DMRB Volume 11, Section 2, Part 4 LA 104 as either:
- **embedded mitigation**: project design principles adopted to avoid or prevent adverse environmental effects; or
 - **essential mitigation**: measures required to reduce and if possible offset likely significant adverse environmental effects, in support of the reported significance of effects in the environmental assessment.

3. SCHEME MITIGATION PROPOSALS

3.1. Context of the Scheme in this Location

- 3.1.1. In this area, the Scheme passes to the east of Brookfield Farm. To the east of Brookfield Farm, an accommodation bridge wide enough to carry a single lane access track for farm vehicles would be provided across the mainline of the Scheme. This accommodation bridge is required to retain access to severed land to the east of the Scheme and maintain a public right of way (PRoW) recorded as Sharesill BW1 over the Scheme. A new track between the Scheme and Brookfield Farm would reconnect this PRoW to the remaining section west of the Scheme. The accommodation bridge would be approximately 4.0 m above existing ground level at its highest point.
- 3.1.2. To minimise landscape and visual impacts, reduce noise impacts and preserve the openness of the Green Belt where possible, the mainline of the Scheme has been positioned below ground level in a cutting for approximately half of its length.
- 3.1.3. Due to the undulating nature of the existing ground in this location the mainline transitions from cutting under Hilton Lane, to a short section of embankment to the south of Brookfield Farm with a height of approximately 3.5 m, then immediately back to cutting to the east of Brookfield Farm with a depth of approximately 5.5 m. The mainline of the Scheme would pass through land parcel 5/11h at this location.

3.2. Proposed Essential Mitigation

- 3.2.1. Table 1 below lists the essential mitigation proposals and the relevant land parcels affected. These are also shown on the extract from the Environmental Masterplan (Appendix A). This drawing displays the Environmental Function codes for each plot as defined by DMRB Volume 10 LA 120 (Ref 6). The Environmental Function is the purpose of the mitigation proposal i.e. addressing the environmental effects identified during the EIA process.
- 3.2.2. The approach to essential mitigation has been informed by legislation, policy and statutory consultee requirements. Where possible, the design has responded to specific comments made by consultees, including landowners. Detail on how the Scheme has responded to policy requirements is provided in the Case for the Scheme [TR010054/APP/7.2], with detail on how the design has responded to consultee requirements provided in the Consultation Report [TR010054/APP/5.1].
- 3.2.3. Appendix E shows the full breakdown of plots within the Environmental Masterplan and the relevant REAC codes which formed part of the DCO application (Ref 7).

Table 1 Mitigation Proposals within land in which Nurton Developments (Hilton) Limited has an interest

Masterplan Plot ID	Mitigation Proposal	Land Owner (from Book of Reference)	Land Parcel No.	Acquisition Requirement
NB02	Noise barrier	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
EH06	Hedgerow	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
SH03	Hedgerow	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
SH04	Hedgerow	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently

Masterplan Plot ID	Mitigation Proposal	Land Owner (from Book of Reference)	Land Parcel No.	Acquisition Requirement
FC01	False cutting	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
EW05	Woodland	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
EG11	Species-rich grassland	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
EG18	Species-rich grassland	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
EG20	Species -rich grassland	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
EG22	Species-rich grassland	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
AG13	Amenity grass area	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
AG19	Amenity grass area	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
SW02	Woodland	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
SW03	Woodland	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
SW04	Woodland	Nigel Thomas Simkin and Paul William Simkin	5/11h	Land to be acquired permanently
SW06	Woodland	Nigel Thomas Simkin and Paul William Simkin	5/11d	Land to be acquired permanently

4. RATIONALE FOR ESSENTIAL MITIGATION PROPOSALS

4.1. Grassland Mitigation

- 4.1.1. Amenity grassland has a function to improve landscape integration (EFB) of the Scheme and provide some visual amenity (EFE) for the road user. The grassland would be a specific mix of hardy grasses with a lower growth height than other grassland planting mixes. These are planted adjacent to the road where visibility is required for road users. Amenity grassland is proposed near the roadside on both sides of the Scheme in this location and adjacent to the access track associated with the new accommodation bridge (**AG13 and AG19**).
- 4.1.2. Species-rich grassland is primarily located along the new road verges, on new roadside embankments and on roundabouts for visual amenity (EFE) and safety reasons. This species-rich grassland also has a strong secondary nature conservation and biodiversity function (EFD) to mitigate for the loss of improved grassland and species-poor grassland within the Order limits. This would provide habitat for amphibians, badgers, birds and terrestrial invertebrates and an additional food source for foraging bats. Species rich grassland is provided on cutting slopes facing the new carriageway (including the false cutting **FC01**) (plots **EG11 and EG18**) and on embankments and verges associated with the new accommodation bridge and access track (plots **EG18, EG20 and EG22**).

4.2. Noise Barrier and Visual Screening

- 4.2.1. A noise barrier (**NB02**) is proposed between the mainline of the Scheme and Brookfield Farm to reduce the impacts from road traffic noise (EFG) (see Chapter 11: Noise and Vibration of the Environmental Statement [TR010054/APP/6.1]). This barrier would be a reflective noise barrier on the west side of the main line as it passes close to Brookfield Farm. A native species hedgerow (**SH04**) is proposed along the western side of the noise barrier to screen the appearance of the barrier (EFA) for views from Brookfield Farm and users of Shareshill BW1, and to integrate the barrier into the wider landscape (EFB).
- 4.2.2. Though the Scheme is in cutting at this location, the assessment in Environmental Statement Chapter 7: Landscape and Visual [TR010054/APP/6.1] identified a need for a false cutting (**FC01**) on the western side of the Scheme. This would be at a 1:2.5 gradient and would aid the screening of views of the Scheme from Brookfield Farm and for users of Shareshill BW1 (EFA), and the enhance the experience for the road user and users of the accommodation bridge to the south (EFE). This false cutting has also formed part of the modelling for noise impacts, and provides some noise reduction benefit for Brookfield Farm.
- 4.2.3. A native species hedgerow and woodland planting would be included at the base of the false cutting (**SH03, SW02, SW03, SW04**) with a primary function to provide visual screening (EFA).

4.3. Woodland, Bats and Great Crested Newt Mitigation

- 4.3.1. The Environmental Statement Chapter 8: Biodiversity [TR010054/APP/61] outlines mitigation proposals to compensate for woodland habitat losses, loss of great crested newt (GCN) habitat and loss of habitat and connectivity for bats as a result of the Scheme.
- 4.3.2. The Scheme would result in the loss of 20.45 ha of woodland (broadleaved – semi natural, broadleaved – plantation and mixed woodland – plantation) across the Scheme. Some of this woodland provides habitat with high levels of bat activity, including woodland and wetland associated with Lower Pool Site of Biological Importance (SBI)

and Local Wildlife Site (LWS) and woodland edge and riparian habitats associated with Latherford Brook (Watercourse 5) part of Brookfield Farm SBI and LWS. The loss of woodland, wetland and severance of hedgerows would lead to the fragmentation of interconnected habitat that is used by the local bat population. The highest numbers of species are associated with woodland edge and wetland habitats associated with Lower Pool and Brookfield Farm SBI and LWS. The Scheme would result in the loss of trees with high to moderate bat roost potential that are located off the A460, on land south of Dark Lane and within the Lower Pool SBI and LWS.

- 4.3.3. Construction of the Scheme would result in the loss of four noctule and pipistrelle roosts, and some habitats that may be used by a brown long-eared bat maternity roost located near Hilton Lane. Four assumed GCN ponds (waterbodies 25, 26, 29 and 65) would be lost to facilitate construction of the Scheme.
- 4.3.4. Compensatory planting and habitat creation have been designed to offer optimal bat foraging opportunities with a mosaic of woodland, hedgerows, species-rich grassland and wetland (REAC commitment D-L1). The Environmental Masterplans illustrated on Figures 2.1 to 2.7 of the ES [(TR010054/AP/6.2)] indicate the creation of 3.92 ha of wetland (standing water and marsh/marshy grassland), 42.42 ha of species rich grassland and 25.59 ha of woodland habitat within the Order limits. Linear habitat features, including hedgerows, have been incorporated into the landscape design to mitigate for bat habitats lost and ensure ecological connectivity within and across the Scheme, and into the wider landscape, is maintained post development. These linear features would form a network with existing habitats of importance to bats within the wider study area including those habitats that link to known roosts. The landscape design includes the creation of habitats of value to foraging and commuting bats, using recommended plant species within Highways England guidance in LA 118 (Ref 8). Planting has been located to maximise opportunities for bats where possible, including connectivity across the Scheme. The proposed mitigation forms a critical part of Highways England's application to Natural England for a bat mitigation licence and has been agreed in principle with Natural England (Ref 13).
- 4.3.5. Twelve ecology ponds would be created across the Scheme to compensate for the loss of GCN breeding ponds and other waterbodies. Suitable terrestrial habitat, including woodland, marsh and wetland habitat, species-rich grassland, and GCN hibernacula would be created up to 500 m from created and retained ponds to support the establishment of GCN populations. This habitat would be suitable for other protected and notable species including bats and birds. Ponds would also provide habitat for macro-invertebrates and aquatic macrophytes. This approach is in line with the GCN Conservation Handbook (Ref 9) and GCN Mitigation Guidelines (Ref 10) which requires that pond creation should include the area up to 500 m around the created pond to provide suitable terrestrial habitat for GCN. This would result in the continued availability of optimal terrestrial and aquatic habitat for GCN metapopulations and will maintain the favourable conservation status of the species, which is a requirement of the Habitats Regulations (Ref 11) and any licence granted under this legislation. Linear woodland and hedgerows have been incorporated throughout the design to mitigate for habitats lost and ensure ecological connectivity within and across the Scheme, and into the wider landscape as this species relies on interchange of individuals between populations to maintain genetic diversity and population stability. The proposed mitigation forms a critical part of Highways England's application to Natural England for a Great crested newt mitigation licence and has been agreed in principle with Natural England (Ref 13).

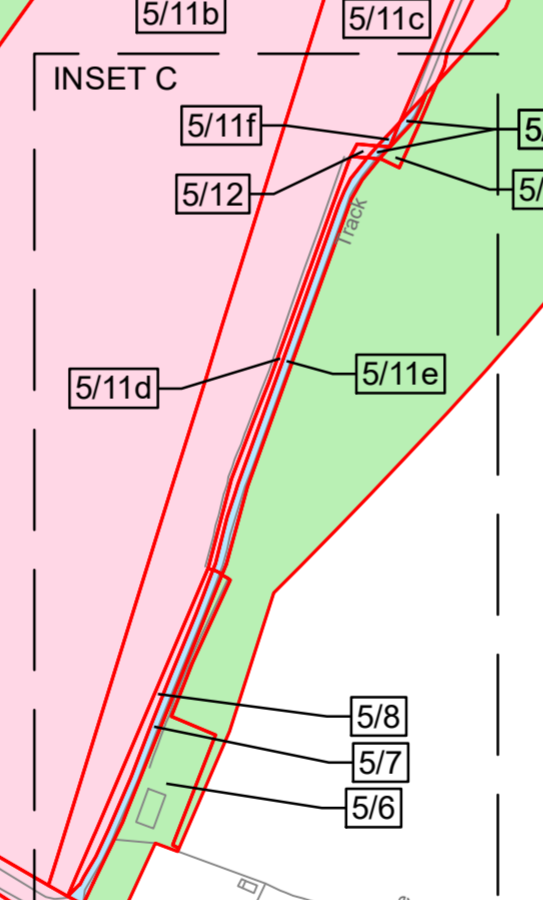
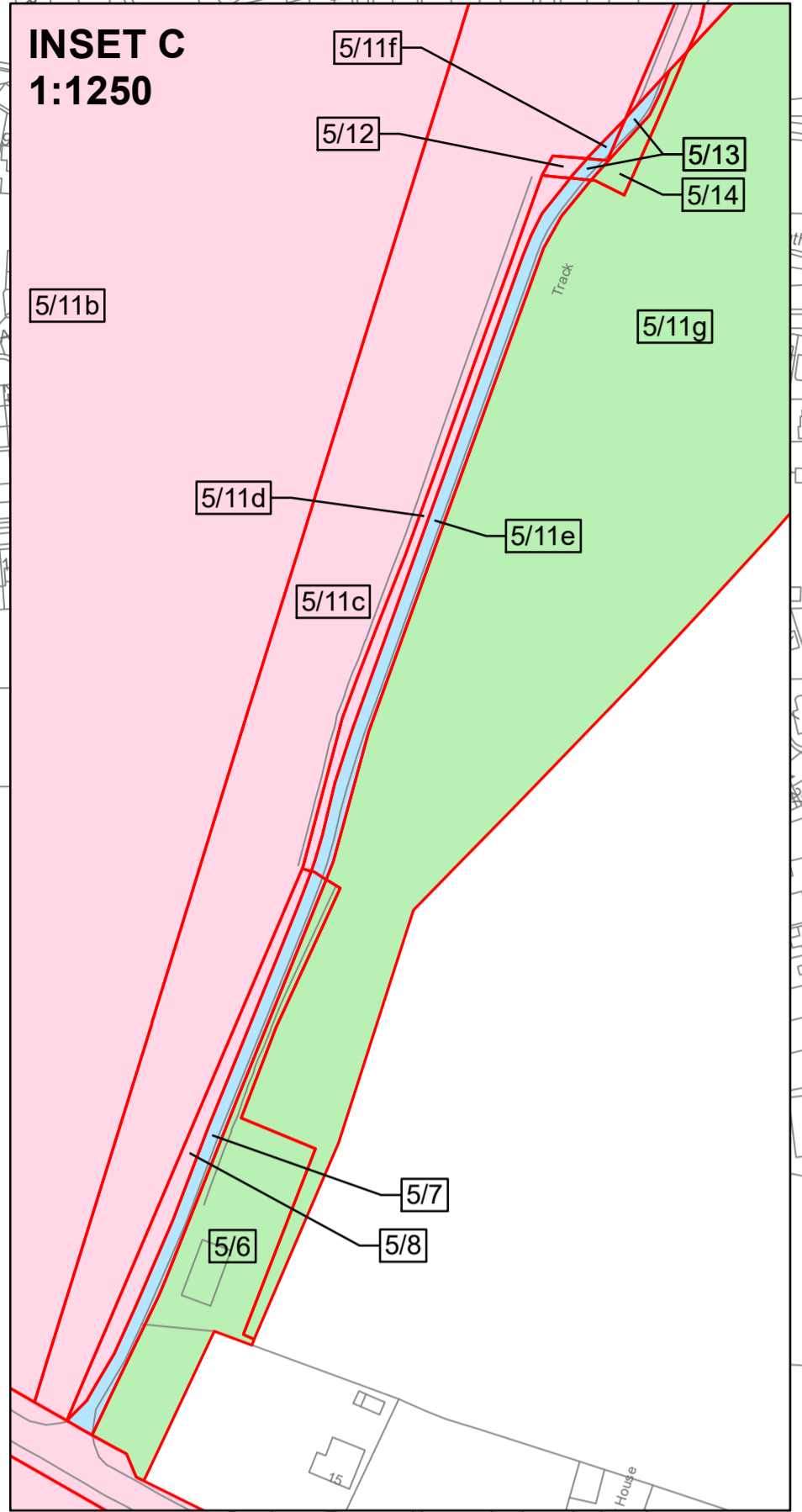
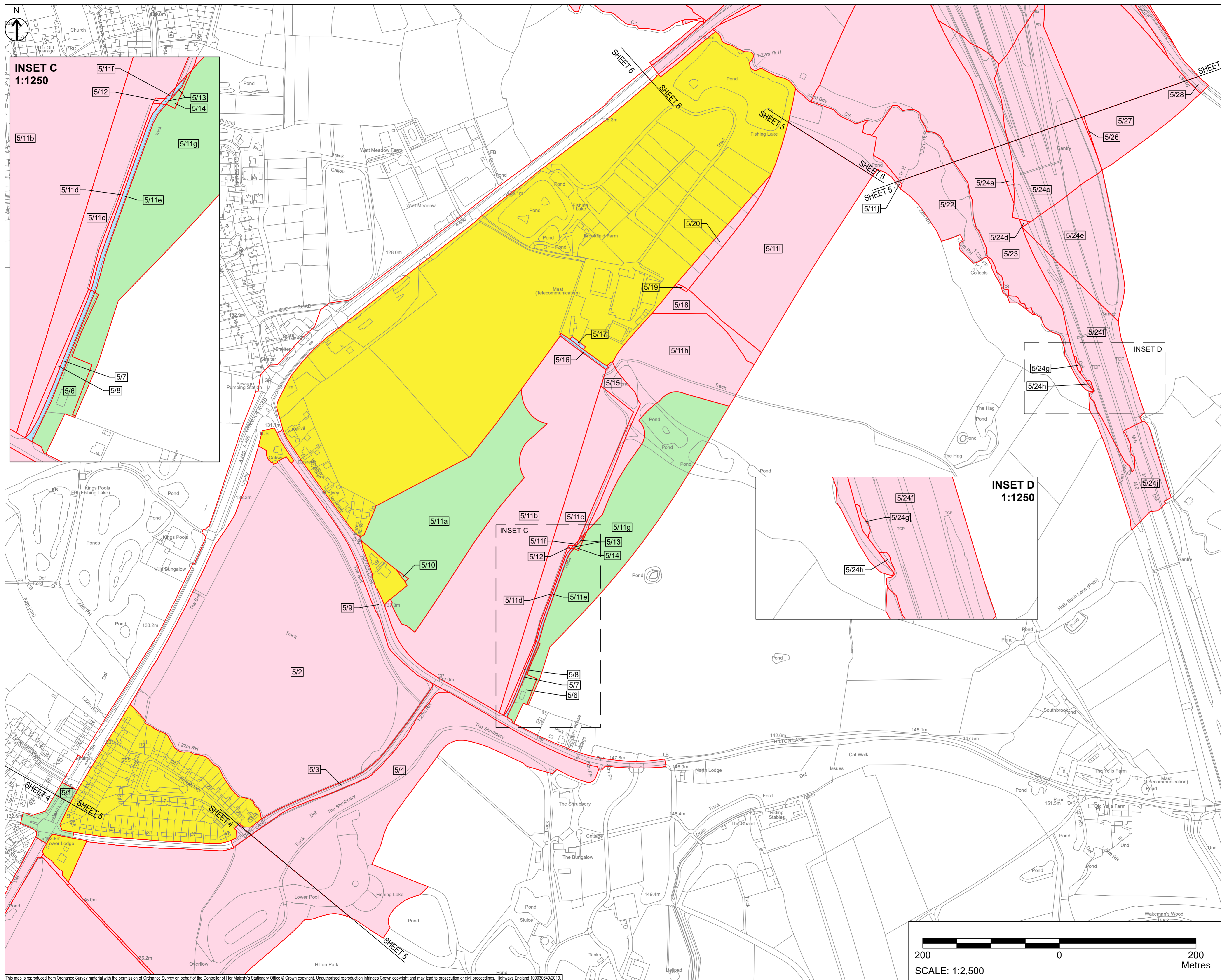
-
- 4.3.6. Woodland **EW05** is proposed as part of the mitigation for nature conservation and biodiversity (EFD) including the loss of bat habitat in Lower Pool SBI and LWS, and woodland edge and riparian habitats associated with Latherford Brook. This would provide habitat suitable for bat roosting and foraging, and terrestrial habitat suitable for GCN. **EW05** is located to the east of the Scheme on the opposite side of the carriageway to Brookfield Farm. This position provides connectivity to retained woodland within Brookfield Farm LWS and SBI which contains trees with medium and high bat roost potential.
- 4.3.7. A cluster of two ponds is proposed north of the proposed woodland (**EW05**) as agreed with Natural England (Ref 12). This pond cluster would provide potential breeding habitat for GCN that could colonise from known populations in this area. These would be surrounded by proposed species rich grassland and woodland (retained woodland within Brookfield Farm SBI and LWS, replacement ancient woodland planting and **EW05**).
- 4.3.8. The proposed species-rich hedgerow **EH06** would encourage bats to cross the Scheme at the accommodation bridge, working in conjunction with other linear planting and individual trees in this area (including **SW02, SW03, SW04 and SH03**). At this position, the Scheme is in cutting, therefore this crossing position minimises potential bat collision risk. This crossing point provides connectivity between known bat activity within properties at Brookfield Farm and Brookfield Farm SBI and LWS, and the newly created woodland, **EW05** and **SW06**. These features also provide connectivity to newly created wildlife ponds north of the proposed woodland (**EW05**) and species rich grassland which would provide bat foraging habitat.
- 4.3.9. Woodland **SW06** is proposed primarily to screen views from properties on Hilton Lane and for users of the adjacent PRoW (Shareshill FP3) (EFA). **SW06** also provides a function for bat habitat and connectivity (EFD). Linear planting has specifically been placed in this location to aid bat crossing over the carriageway between woodland plots **SW06** and new woodland (**EW08**, outside land interest area) adjacent to Hilton Lane, and to link bats to retained areas of habitat within Lower Pool SBI and LWS.
- 4.3.10. Mitigation proposed would be implemented in line with Natural England European Protected Species licence requirements (refer to Appendix 8.3: Letter of No Impediment for bats and GCN [TR010054/APP/6.3] (Ref 12 and 13); and ES Chapter 8 (Assessment of likely significant effects) [TR010054/APP/6.1] for details.

5. REFERENCES

- Ref 1 Highways England (2020), M54 to M6 Link Road Environmental Statement [TR010054/APP/6.1, TR010054/APP/6.2, TR010054/APP/6.3]
- Ref 2 Highways England (2019), Design Manual for Roads and Bridges Volume 10, LA117 Landscape Design
- Ref 3 Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
- Ref 4 EU Directive 2014/52/EU
- Ref 5 Highways England (2019) Design Manual for Roads and Bridges Volume 11, Section 2, Part 4 LA 104 Environmental Assessment and Monitoring
- Ref 6 Highways England (2019) Design Manual for Roads and Bridges Volume 10, Section 4, LA 120 Environmental Management Plans
- Ref 7 Highways England (2020), M54 to M6 Link Road Outline Environmental Management Plan [TR010054/APP/6.11]
- Ref 8 Highways England (2019) Design Manual for Roads and Bridges Volume 10, Section 4, LA 118 Biodiversity Design
- Ref 9 Langton, T.E.S., Beckett, C.L., and Foster, J.P. (2001), Great Crested Newt Conservation Handbook, Froglife, Halesworth.
- Ref 10 English Nature (2001) Great crested newt mitigation guidelines. English Nature, Peterborough.
- Ref 11 The Conservation of Habitats and Species Regulations 2017
<http://www.legislation.gov.uk/ukxi/2017/1012/contents/made>
- Ref 12 Natural England (2020), Letter of No Impediment for Draft Mitigation Licence Application (Great Crested Newt)(Published in Appendix 8.3 of the Environmental Statement [TR010054/APP/6.3] Ref 1)
- Ref 13 Natural England (2019), Letter of No Impediment for Draft Mitigation Licence Application (Bats) (Published in Appendix 8.3 of the Environmental Statement [TR010054/APP/6.3] Ref 1)

Appendices

Appendix A Land Plans Sheet 5



- NOTES
1. ALL DIMENSIONS IN METRES UNLESS STATED OTHERWISE.
 2. DO NOT SCALE FROM THIS DRAWING. USE ONLY PRINTED DIMENSIONS.
 3. ALL EASEMENTS, SERVITUDES AND PRIVATE RIGHTS ARE PROPOSED TO BE EXTINGUISHED ON LAND THAT IS TO BE ACQUIRED UNLESS STATED OTHERWISE IN THE BOOK OF REFERENCE.
 4. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS AND DOCUMENTATION, IN PARTICULAR THE WORK PLANS AND THE BOOK OF REFERENCE.

- KEY
- LIMITS OF LAND TO BE ACQUIRED OR USED PERMANENTLY OR TEMPORARILY (THE ORDER LIMITS)
 - PLOT REFERENCE NUMBER (REFER TO BOOK OF REFERENCE FOR FURTHER INFORMATION)
 - LAND NOT INCLUDED WITHIN THE ORDER LIMITS
 - LAND TO BE ACQUIRED PERMANENTLY
 - LAND TO BE USED TEMPORARILY
 - LAND TO BE USED TEMPORARILY AND RIGHTS TO BE ACQUIRED PERMANENTLY
 - NO POWERS SOUGHT IN DCO

First Issue	LD	SM	21/10/19	P01
Update following client review	LD	SM	05/11/19	P02
Minor amendments to drawing frame	LD	SM	22/11/19	P03
Pre DCO Submission Amendments	LD	SM	16/12/19	P04
Plot amendments following client review	CH	SM	16/01/20	P05
Updates to plot numbers and minor drawing frame amendments	CH	SM	24/01/20	P06
Revision Details	By	Check	Date	Suffix

DCO APPLICATION

Client:
Highways England
2 Colmore Square
38 Colmore Circus
Birmingham
B4 6BN



Development Consent Order Number
TR010054

Project Title
M54 to M6 Link Road

Development Consent Order Drawing Number
TR010054/APP/2.2

**LAND PLANS
REGULATION 5(2)(i)
SHEET 5 OF 10**

Designed	Drawn	Checked	Approved	Date
SM	CH	JB	SM	24/01/20

Internal Project No. 60536736
Subsidiary --
Scale @ A1 1:2500
Zone Whole Site

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Drawing Number	Originator	Volume	Rev
HE514465 -GHX	-LLO		P06
Z2_SW_PR_Z	-DR-LR-1005		
Location	Type	Role	Number



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Appendix B Environmental Masterplan – Essential Mitigation Within Land Interest Area

PLOT ID CODES			
AGXX - amenity grassland	DPXX - drainage pond	EPXX - ecological pond	ITXX - individual tree
BTXX - badger tunnel	EGXX - species-rich grassland	EWXX - woodland	NBXX - noise barrier
DBXX - ditch	EHXX - hedgerow	FCXX - false cutting	SHXX - hedgerow specifically for screening purposes
SWXX - woodland specifically for screening purposes	WMXX - wetland and marsh		

ENVIRONMENTAL FUNCTION CODES		
EFA Visual screening	EFD Nature conservation and biodiversity	EFG Auditory amenity
EFB Landscape integration	EFE Visual amenity	EFH Water quality
EFC Enhancing the built environment	EFF Heritage	

ENVIRONMENTAL ELEMENTS	
E1.2 Noise barrier-built elements	E2.3 Soakaways
E3.2 Ecological protection measures	

LANDSCAPE ELEMENTS		
LE1.1 Amenity grass areas	LE4.3 Native species hedgerows	LE6.2 Banks and ditches
LE1.3 Species rich (or conservation) grassland	LE5.1 Individual trees	LE6.4 Marsh and wet grassland
LE2.1 Woodland	LE6.1 Water bodies and associated plants	

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 5. THE BOUNDARY SHOWN IS NOT A RED LINE BOUNDARY IN THE CONTEXT OF AREA OF INTEREST FOR DEVELOPMENT CONSENT ORDER. IT IS THE ANTICIPATED LAND TAKE REQUIREMENT FOR THE SCHEME OUTSIDE OF THE EXISTING HIGHWAY BOUNDARY BASED ON A 10M OFFSET FROM THE TOE OF EARTHWORKS. IT DOES NOT CURRENTLY INCLUDE ANY ADDITIONAL LAND THAT MAY BE REQUIRED FOR MITIGATION OR TEMPORARY WORKS.

- LEGEND**
- Proposed scheme boundary
 - Proposed scheme
 - Extent of land parcel
 - Line connecting individual trees in a group
- Environmental mitigation within land parcel
- Existing retained woodland
 - E2.3 - drainage ponds
 - LE1.1 - amenity grassland
 - LE1.3 - species-rich grassland
 - LE2.1 - woodland
 - LE6.1 - ecology ponds
 - LE6.4 - wetland and marsh
 - E1.2 - noise barriers
 - E3.2 - badger tunnels
 - LE4.3 - hedgerows
 - LE6.2 - ditches
 - LE5.1 - individual trees
 - ✱ LE7 - location of false cutting

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INITIAL ISSUE	EC	AL	17/04/2020	P01
Revision Details	By	Check	Check Date	Suffix

Purpose of Issue
FOR INFORMATION

Highways England
The Cube
199 Wharfside Street
Birmingham
B1 1RN



Development Consent Order Number
TR010054

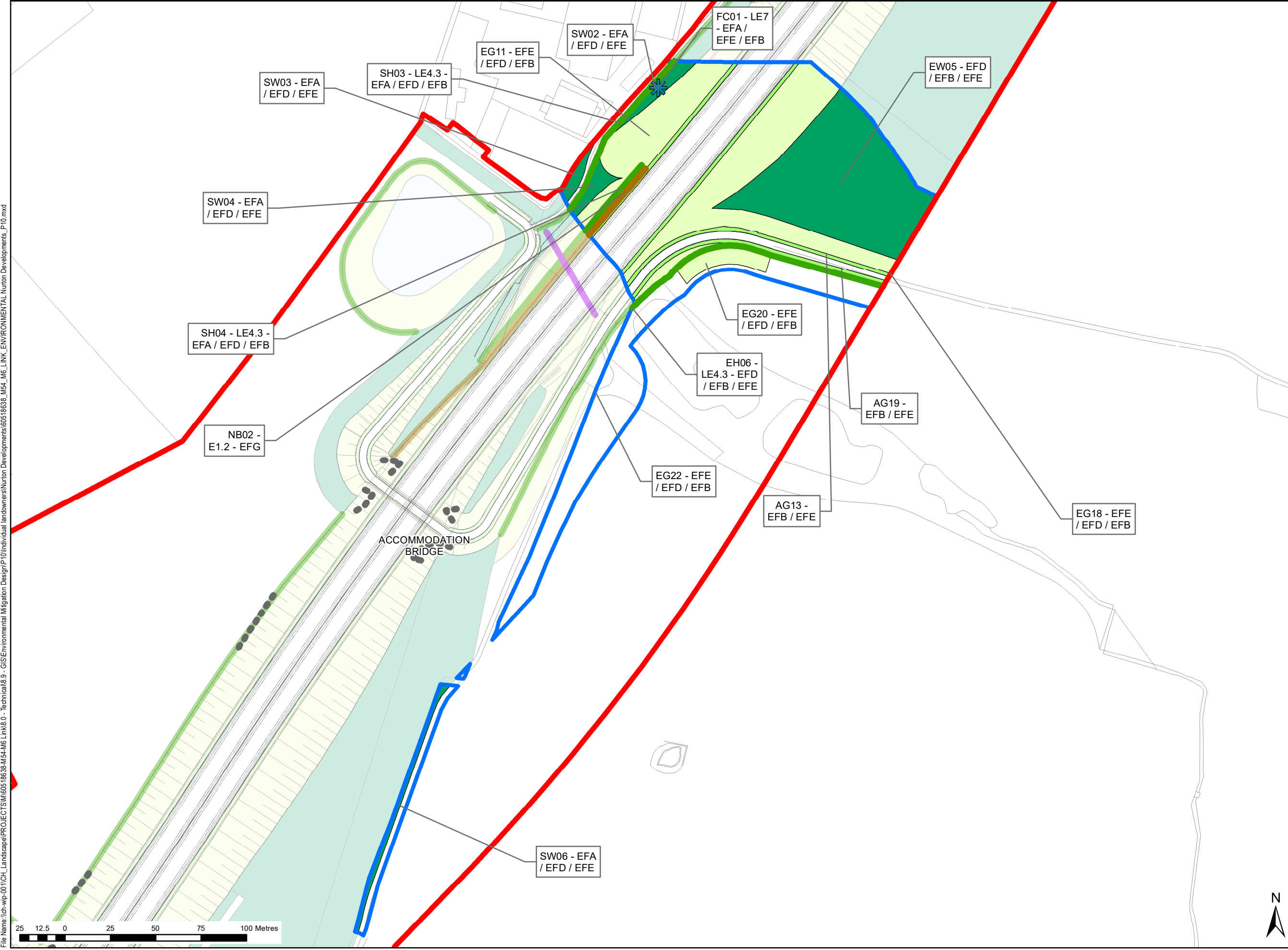
Project Title
M54 TO M6 LINK ROAD

Drawing Title
ENVIRONMENTAL MASTERPLAN LAND IN THE INTEREST OF NURTON DEVELOPMENTS (HILTON) LIMITED

Drawn EC	Checked AL	Approved TP	Date 17/04/2020
Internal Project No. 60536736	Suitability S2	Zone M54 to M6 Link Road	

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Drawing Number HE514465-ACM-ELS-M54_SW_PR_Z-DR-LV-00XX	Rev P01
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File Name: \\h-wip-001\CH_Landscape\PROJ\EC\TSM\60536736\M54-M6 Link\8.0 - Technical\8.9 - GIS\Environmental Mitigation Design\010\Individual Landowners\Nurton Developments\60536736_M54_M6_LINK_ENVIRONMENTAL Nurton Developments_P10.mxd

Appendix C Landscape Element Codes

Table C: Landscape Element Codes

Code	Definition
LE1.1	Amenity grass areas
LE1.2	Grassland with bulbs
LE1.3	Species rich (or conservation) grassland
LE1.4	Rock and scree
LE1.5	Heath and moorland
LE1.6	Open grassland
LE2.1	Woodland
LE2.2	Woodland edge
LE2.3	High forest
LE2.4	Linear belts of shrubs and trees
LE3.1	Amenity tree and shrub planting
LE3.2	Ornamental shrubs
LE3.3	Groundcover
LE3.4	Climbers and trailers
LE4.1	Ornamental species hedges
LE4.2	Native species hedges (trimmed)
LE4.3	Native species hedgerows
LE4.4	Native hedgerows with trees
LE5.1	Individual trees
LE6.1	Water bodies and associated plants
LE6.2	Banks and ditches
LE6.3	Reed beds
LE6.4	Marsh and wet grassland
LE7	Hard landscape features
P3.1	Cultural heritage feature
P3.2	Conservation area
E1.1	Noise-reducing surface
E1.2	Noise barrier-built elements
E1.3	Noise-reducing earthworks
E2.1	Water pollution control measures
E2.2	Surface-water outfalls
E2.3	Soakaways
E3.1	Protected species
E3.2	Ecological protection measures
E4.1	Injurious weeds
E4.2	Legislated pests

Appendix D Environmental Function Codes

Table D: Environmental Function Codes

Code	Definition
EFA	Visual screening
EFB	Landscape integration
EFC	Enhancing the built environment
EFD	Nature conservation and biodiversity
EFE	Visual amenity
EFF	Heritage
EFG	Auditory amenity
EFH	Water quality

Appendix E **Environmental Masterplan Plots, Function Codes
and REAC Commitments**

Table E: Masterplan Plots, Environmental Function Codes and REAC Commitments

Proposed mitigation	Master plan Plot	Environmental Functions			Purpose	REAC References and Commitments										
		Primary	Secondary	Other		Ref 1	Commitment 1	Ref 2	Commitment 2	Ref 3	Commitment 3	Ref 4	Commitment 4	Ref 5	Commitment 5	
Amenity grass area	AG13	EFB	EFE		LE1.1	D-L1	Provision of landscape design that includes areas of amenity grassland, grassland with bulbs, species rich grassland and native tree and hedgerow planting. Refer to Environmental Masterplans Figures 2.1 to 2.7 [TR010054/APP/6.2]. Key elements of the landscape design include: areas of woodland to provide visual screening (particularly for residents of Featherstone, Dark Lane and Hilton Lane), landscape integration and ecological habitat; species rich grassland to provide landscape integration and ecological habitat; individual trees to echo the parkland character around Hilton Park.	D-L4	Break out the road surface of the redundant section of the A460 and M6 Junction 11 slip roads for seeding and planting as shown on the Environmental Masterplans (ES Figures 2.1 to 2.7 [TR010054/APP/6.2]).							
Amenity grass area	AG19	EFB	EFE		LE1.1	D-L1	Provision of landscape design that includes areas of amenity grassland, grassland with bulbs, species rich grassland and native tree and hedgerow planting. Refer to Environmental Masterplans Figures 2.1 to 2.7 [TR010054/APP/6.2]. Key elements of the landscape design include: areas of woodland to provide visual screening (particularly for residents of Featherstone, Dark Lane and Hilton Lane), landscape integration and ecological habitat; species rich grassland to provide landscape integration and ecological habitat; individual trees to echo the parkland character around Hilton Park.	D-L4	Break out the road surface of the redundant section of the A460 and M6 Junction 11 slip roads for seeding and planting as shown on the Environmental Masterplans (ES Figures 2.1 to 2.7 [TR010054/APP/6.2]).							
Species-rich grassland	EG11	EFE	EFD	EFB	LE1.3	D-L1	Provision of landscape design that includes areas of amenity grassland, grassland with bulbs, species rich grassland and native tree and hedgerow planting. Refer to Environmental Masterplans Figures 2.1 to 2.7 [TR010054/APP/6.2]. Key elements of the landscape design include: areas of woodland to provide visual screening (particularly for residents of Featherstone, Dark Lane and Hilton Lane), landscape integration and ecological habitat; species rich grassland to provide landscape integration and ecological habitat; individual trees to echo the parkland character around Hilton Park.	D-L4	Break out the road surface of the redundant section of the A460 and M6 Junction 11 slip roads for seeding and planting as shown on the Environmental Masterplans (ES Figures 2.1 to 2.7 [TR010054/APP/6.2]).							
Species-rich grassland	EG18	EFE	EFD	EFB	LE1.3	D-L1	Provision of landscape design that includes areas of amenity grassland, grassland with bulbs, species rich grassland and native tree and hedgerow planting. Refer to Environmental Masterplans Figures 2.1 to 2.7 [TR010054/APP/6.2]. Key elements of the landscape design include: areas of woodland to provide visual screening (particularly for residents of Featherstone, Dark Lane and Hilton Lane), landscape integration and ecological habitat; species rich grassland to provide landscape integration and ecological habitat; individual trees to echo the parkland character around Hilton Park.	D-L4	Break out the road surface of the redundant section of the A460 and M6 Junction 11 slip roads for seeding and planting as shown on the Environmental Masterplans (ES Figures 2.1 to 2.7 [TR010054/APP/6.2]).							

Proposed mitigation	Master plan Plot	Environmental Functions			Purpose	REAC References and Commitments											
		Primary	Secondary	Other		Ref 1	Commitment 1	Ref 2	Commitment 2	Ref 3	Commitment 3	Ref 4	Commitment 4	Ref 5	Commitment 5		
Species-rich grassland	EG20	EFE	EFD	EFB	LE1.3	D-L1	Provision of landscape design that includes areas of amenity grassland, grassland with bulbs, species rich grassland and native tree and hedgerow planting. Refer to Environmental Masterplans Figures 2.1 to 2.7 [TR010054/APP/6.2]. Key elements of the landscape design include: areas of woodland to provide visual screening (particularly for residents of Featherstone, Dark Lane and Hilton Lane), landscape integration and ecological habitat; species rich grassland to provide landscape integration and ecological habitat; individual trees to echo the parkland character around Hilton Park.										
Species-rich grassland	EG22	EFE	EFD	EFB	LE1.3	D-L1	Provision of landscape design that includes areas of amenity grassland, grassland with bulbs, species rich grassland and native tree and hedgerow planting. Refer to Environmental Masterplans Figures 2.1 to 2.7 [TR010054/APP/6.2]. Key elements of the landscape design include: areas of woodland to provide visual screening (particularly for residents of Featherstone, Dark Lane and Hilton Lane), landscape integration and ecological habitat; species rich grassland to provide landscape integration and ecological habitat; individual trees to echo the parkland character around Hilton Park.	D-L4	Break out the road surface of the redundant section of the A460 and M6 Junction 11 slip roads for seeding and planting as shown on the Environmental Masterplans (ES Figures 2.1 to 2.7 [TR010054/APP/6.2]).								
Woodland	EW05	EFD	EFB	EFE	LE2.1	D-BIO 12	New woodland planting, new standing water habitats, new marshy and wet grassland and species-rich grassland to be created to mitigate the loss of habitat at Lower Pool LWS and SBI and Brookfield Farm LWS and SBI sites. The created woodland would be managed to have a variety in structure as well as abundant standing and fallen deadwood and hedgerows would be subject to relatively infrequent, rotational management to maximise biodiversity.										
Woodland	SW02	EFA	EFD	EFE	LE2.1	D-L1	Provision of landscape design that includes areas of amenity grassland, grassland with bulbs, species rich grassland and native tree and hedgerow planting. Refer to Environmental Masterplans Figures 2.1 to 2.7 [TR010054/APP/6.2]. Key elements of the landscape design include: areas of woodland to provide visual screening (particularly for residents of Featherstone, Dark Lane and Hilton Lane), landscape integration and ecological habitat; species rich grassland to provide landscape integration and ecological habitat; individual trees to echo the parkland character around Hilton Park.										
Woodland	SW03	EFA	EFD	EFE	LE2.1	D-L1	Provision of landscape design that includes areas of amenity grassland, grassland with bulbs, species rich grassland and native tree and hedgerow planting. Refer to Environmental Masterplans Figures 2.1 to 2.7 [TR010054/APP/6.2]. Key elements of the landscape design include: areas of woodland to provide visual screening (particularly for residents of Featherstone, Dark Lane and Hilton Lane), landscape integration and ecological habitat; species rich grassland to provide landscape integration and ecological habitat; individual trees to echo the parkland character around Hilton Park.	D-L4	Break out the road surface of the redundant section of the A460 and M6 Junction 11 slip roads for seeding and planting as shown on the Environmental Masterplans (ES Figures 2.1 to 2.7 [TR010054/APP/6.2]).								

Proposed mitigation	Master plan Plot	Environmental Functions			Purpose	REAC References and Commitments										
		Primary	Secondary	Other		Ref 1	Commitment 1	Ref 2	Commitment 2	Ref 3	Commitment 3	Ref 4	Commitment 4	Ref 5	Commitment 5	
Woodland	SW04	EFA	EFD	EFE	LE2.1	D-L1	Provision of landscape design that includes areas of amenity grassland, grassland with bulbs, species rich grassland and native tree and hedgerow planting. Refer to Environmental Masterplans Figures 2.1 to 2.7 [TR010054/APP/6.2]. Key elements of the landscape design include: areas of woodland to provide visual screening (particularly for residents of Featherstone, Dark Lane and Hilton Lane), landscape integration and ecological habitat; species rich grassland to provide landscape integration and ecological habitat; individual trees to echo the parkland character around Hilton Park.	D-L4	Break out the road surface of the redundant section of the A460 and M6 Junction 11 slip roads for seeding and planting as shown on the Environmental Masterplans (ES Figures 2.1 to 2.7 [TR010054/APP/6.2]).							
Woodland	SW06	EFA	EFD	EFE	LE2.1	D-L1	Provision of landscape design that includes areas of amenity grassland, grassland with bulbs, species rich grassland and native tree and hedgerow planting. Refer to Environmental Masterplans Figures 2.1 to 2.7 [TR010054/APP/6.2]. Key elements of the landscape design include: areas of woodland to provide visual screening (particularly for residents of Featherstone, Dark Lane and Hilton Lane), landscape integration and ecological habitat; species rich grassland to provide landscape integration and ecological habitat; individual trees to echo the parkland character around Hilton Park.									
Hedgerow	EH06	EFD	EFB	EFE	LE4.3	D-BIO 2	Replacement habitat for breeding and wintering birds includes the creation of hedgerows, woodland, scrub and grassland habitats, which are incorporated into the Scheme design. Bird boxes would be included on retained trees across the Scheme where suitable which is in addition to the habitat creation outlined above to mitigate for lost nesting opportunity.	D-BIO 4	Replacement foraging habitat for badgers includes, the creation and establishment of hedgerows, woodland, scrub and grassland habitats, which are incorporated into the Scheme design.	D-BIO 8	The Scheme shall provide an appropriate lighting design to minimise impacts on bats. The length of the Scheme would be unlit with new lighting limited to the junctions with the M54 and M6, including the associated slip roads. Linear habitat features, including hedgerows, have been incorporated into the landscape design (ES Figures 2.1 to 2.7 [TR010054/APP/6.2]) to mitigate for habitats lost and ensure ecological connectivity within and across the Scheme, and into the wider landscape.	D-BIO 9	Provision of replacement pond habitat at a ratio of 2:1 for those lost as a direct result of the Scheme. Provision of species rich grassland and hedgerows which will provide suitable terrestrial habitat for great crested newts.	D-L4	Break out the road surface of the redundant section of the A460 and M6 Junction 11 slip roads for seeding and planting as shown on the Environmental Masterplans (ES Figures 2.1 to 2.7 [TR010054/APP/6.2]).	
Noise barrier	NB02	EFG			E1.2	D-N4	A reflective noise barrier on the west side of the main line as it passes close to Brookfield Farm.									
Hedgerow	SH03	EFA	EFD	EFB	LE4.3	D-L1	Provision of landscape design that includes areas of amenity grassland, grassland with bulbs, species rich grassland and native tree and hedgerow planting. Refer to Environmental Masterplans Figures 2.1 to 2.7 [TR010054/APP/6.2]. Key elements of the landscape design include: areas of woodland to provide visual screening (particularly for residents of Featherstone, Dark Lane and Hilton Lane), landscape integration and ecological habitat; species rich grassland to provide landscape integration and ecological habitat; individual trees to echo the parkland character around Hilton Park.	D-L4	Break out the road surface of the redundant section of the A460 and M6 Junction 11 slip roads for seeding and planting as shown on the Environmental Masterplans (ES Figures 2.1 to 2.7 [TR010054/APP/6.2]).							

Proposed mitigation	Master plan Plot	Environmental Functions			Purpose	REAC References and Commitments										
		Prim-ary	Sec-ond-ary	Other		Ref 1	Commitment 1	Ref 2	Commitment 2	Ref 3	Commitment 3	Ref 4	Commitment 4	Ref 5	Commitment 5	
Hedgerow	SH04	EFA	EFD	EFB	LE4.3	D-L1	Provision of landscape design that includes areas of amenity grassland, grassland with bulbs, species rich grassland and native tree and hedgerow planting. Refer to Environmental Masterplans Figures 2.1 to 2.7 [TR010054/APP/6.2]. Key elements of the landscape design include: areas of woodland to provide visual screening (particularly for residents of Featherstone, Dark Lane and Hilton Lane), landscape integration and ecological habitat; species rich grassland to provide landscape integration and ecological habitat; individual trees to echo the parkland character around Hilton Park.	D-L4	Break out the road surface of the redundant section of the A460 and M6 Junction 11 slip roads for seeding and planting as shown on the Environmental Masterplans (ES Figures 2.1 to 2.7 [TR010054/APP/6.2].							
False cutting	FC01	EFA	EFE	EFB	LE7	D-L3	Provision of a false cutting to the east of Brookfield Farm to provide visual screening. As shown in General Arrangement and Scheme Layout Plans [TR010054/APP/2.5].									