

M54 to M6 Link Road

PI Ref TR010054

Comments by Allow Ltd on Applicant responses to Relevant Representations 8.9

Deadline 2 – 17th November 2020

1.0 RR-031c

- 1.1 Allow reserve the right to make representations in relation to the Environmental Mitigation Technical Note 8.11 submitted at Deadline 1.
- 1.2 Allow do not agree with the Applicants comments that the location of mitigation has reflected connectivity to existing habitats and proximity to habitat loss/protected species affected, as the road scheme severs the location of the mitigation area from the existing habitats.
- 1.3 Allow do not agree that the adverse impacts of mitigation have been considered such as the adverse impacts upon locally designated landscapes as the proposed woodland mitigation planting is located upon the locally designated Hilton Park and would cause coalescence with the original tree belt.

2.0 RR-031d & e

- 2.1 Allow reserve the right to comment further on the points raised by the Applicant.

3.0 RR-031f

- 3.1 The Applicant has asked for clarification as to how the fishing business would be adversely affected. This information has been provided in the responses to ExA 1st written Questions. However further information can be provided if required, please can the Applicant confirm.

4.0 RR-031j

- 4.1 The reduction in land area to be acquired for mitigation is considered to be insufficient and the land to be acquired is still excessive for the integration of the scheme into the landscape.

5.0 RR-031k

- 5.1 The response made by the Applicant is contested. Our specialist ecological consultant considers that plot 5/2 is not considered to provide the optimum location for habitats connectivity and in fact the proposal fails to provide an optimum habitat for bat species which would be better place on the East side of the scheme.

6.0 RR-031l & RR-031o

- 6.1 Plots 4/20a 4/20b, 4/20c
Allow welcome the reduction in the area of 4/20c proposed to be acquired, however Allow object to the acquisition of 4/20a, the western part of 4/20 b and the western part of 4/20c. Allow are prepared to grant rights of access over the said areas as appropriate however their

acquisition is not required for the scheme. Ownership needs to be retained for Allow to gain access to their retained land from Dark Lane and the A460.

6.2 The Featherston Junction East Roundabout does not connect to any retained land to the West of the scheme.

7.0 RR-031n

7.1 Allow reserve the right to make representations in relation to the Environmental Mitigation Technical Note 8.11 submitted at Deadline 1.

7.2 Allow reserve the right to make representations in relation to the Historic England SoCG submitted at Deadline 1.

8.0 RR-031aa

8.1 The Applicant's statement that they have provided information in numerous ways including meetings talking through plans and site-specific detailed explanations is simply not correct. The level of engagement and provision of information from the Applicant has been inadequate. Allow have been left to find information on the PINS website in relation to the design and land take on their property without any information from the Applicant. Plans and information have been confused and contradictory and where clarification has been sought by Allow this has not been forthcoming despite repeated requests. Meetings have been repeatedly cancelled.

9.0 RR-031u

9.1 The Applicant states, in relation to 4/20b, that the access is no longer required as access will be provided from Featherstone Junction East Roundabout. Access will not be able to be gained to retained land previously forming part of 4/20c without the access routes 4/20a and 4/20b as it is located on the other side of the motorway to the Featherstone Junction East Roundabout.

10.0 RR-031v

10.1 The Applicant's response is considered to be dismissive and unhelpful to resolving the issues outstanding between the Applicant and Allow. Allow remain of the view that the approach taken by the Application in respect of the ecological mitigation is flawed and the proposed mitigation on Allow's land is unreasonable and unjustified.

11.0 RR-031x

11.1 Allow still contest that the baseline assessment of woodland plantations lost to the scheme is significantly flawed and are awaiting a response from the Applicant as to the information Allow has provided to them in this regard.

12.0 RR-031y

12.1 Whilst we appreciate that the Applicant's analysis of Allow's report relating to woodland lost to the Scheme, issued 23 September 2020, will be provided in a technical note for Deadline 3, we consider the findings of our woodland mapping exercise, which provides a more accurate summation of woodland area lost to the Scheme, as significant and therefore

should not be dismissed so readily by the Applicant. Allow do not consider there to have been a compelling case presented by Applicant in the public interest to take Allow's land for the proposed woodland planting and maintain the view that the approach from the Applicant relating to the environmental mitigation against woodland lost is fundamentally inaccurate.

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Deadline 2 - 17 November 2020

Comments by Allow Ltd on submissions received by Deadline 1 – 3rd November 2020

1.0 4.1 Statement of Reasons - Tracked changes (Version P06)

1.1 Within the submission, there are considerable variances between the Schedule at Annex B and the SoCG (8.8 LIU(A) Draft Statement of Common Ground with Allow Limited (Version 2 (P03))) including entries which are not on the SoCG and vice versa. The entry relating to Allow in the Schedule at Annex B of 24th September 2020, stating '*no comments have been received from landowner following the SoCG issued on 14th April 2020*' is not correct and not agreed.

1.2 Additionally, the Schedule at Annex B refers to plots and their compulsory acquisition status. In relation to the entry for Allow's plots, 4/20f has been incorrectly entered as a Permanent acquisition plot, however we believe and most recent land plans show this to be a Temporary acquisition plot with Permanent Rights sought. On behalf of Allow, we also note plot 5/26 has not been included, which we assume relate to access rights onto plot 5/2.

2.0 Staffordshire County Council - Local Impact Report

2.1 With regard to the mitigation strategy in para. 10.9 of the LIR, the reference to embedded mitigation is interesting. The embedded mitigation within the scheme design is actually the woodland planting and this is mitigation for loss of woodland, not for impacts on the historic environment. As expressed in our previously submitted Historic Landscape Consultants report, their view is that the assessment of impacts on Hilton Park which is presented in the ES deals only with the impact of the road and that there is no assessment of the additional impacts of the mitigation planting.

3.0 8.11 Environmental Mitigation Approach (Version 1)

The following points are supported by Allow's consultants Aspect Ecology.

3.1 General - Broadleaved Woodland planting along the scheme associated with impacts on Ancient Woodland (Section 3.4).

- The scheme acknowledges that there will be no direct loss of Ancient Woodland, however woodland planting and creation is proposed to compensate for 'works' taking place within a 15 m buffer of Ancient Woodland (on a 7:1 ratio) and due to nitrogen deposition (where the scheme passes within 200m of Ancient Woodland, on a ratio of 1:1). Regarding the 'works', as these do not involve the loss of Ancient Woodland, potential effects are associated more with potential 'deterioration' effects, which can often be mitigated by use of appropriate measures.
- Section 3.4.1 states that 0.349 ha of ancient woodland is within a 15m buffer of works at Brookfield Farm (northern end of the route) and Whitgreaves Wood (southern end of the route). As such 2.44 ha of broadleaved woodland planting has been proposed. Section 3.4.2 states that 0.87 ha of broadleaved woodland planting is required to compensate for impacts due to nitrogen deposition.

3.2 It is our consultant's observation that surrounding 'works' only appear to involve habitat creation activities, not physical road construction. In addition, Whitgreaves Wood already sits adjacent to the existing M54, separated from it only by plantation woodland associated with the road. As such, adverse 'effects' are likely to be minimal and the appropriateness of compensating for 'works' is questionable.

3.3 It is our consultant's recommendation that the need for 2.44 ha compensation planting relating to Ancient Woodland is removed. The area of AW01 is appropriate to still be used for woodland planting, as it is a superior location in terms of ecological connectivity than EW08 which will be severed from the existing habitats by the road scheme. The area of mitigation planting on EW08 therefore can be reduced by 2.44 ha.

3.4 Both woodlands are already located within 200m of existing motorways. In addition, the scheme is a link road, facilitating access between two existing motorways, not a newly-created road leading to a new destination and opening up areas of the countryside. As such,

whether the scheme would result in a significant increase in vehicle movements should be considered in relation to how much more nitrogen deposition will actually be experienced due to the creation of the scheme?

- 3.5 Given the presence of two operational motorways within 200m of the areas of Ancient Woodland, the need for and effectiveness of compensation planting should be questioned. Our consultants recommend that the need for 0.87 ha compensation planting relating to Ancient Woodland is removed. The area of AW01 can still be used for woodland planting, to offset the size of EW08 by 0.87 ha, as the location of AW01 offers more beneficial ecological buffering and connectivity than the flawed location of EW08.
- 3.6 The proposed EW08, on Allow Ltd's land, is c.5 ha in size. Using the areas identified for Ancient Woodland compensation, where the need for this is questionable, whilst still planting broadleaved woodland in the areas, could reduce the size of EW08 by 3.31 ha where the ecological improvements would not be as effective or beneficial.
- 3.7 GCN mitigation – the need and appropriateness of GCN mitigation and compensation on Allow Ltd's land, associated with EW08 (specifically EP04 and EP05) has already been detailed in a separate Technical Briefing Note submitted at Deadline 1. Removal and relocation of ponds EP04 and EP05 on ecological grounds has already been proposed.
- 3.8 Compensation Planting for effects at the two SBIs (Lower Pool (Section 4) and Brookfield Farm (Section 5))
- Brookfield Farm – 0.71 ha of woodland lost, 2.54 ha proposed to compensate (ratio 3.5:1)
 - Lower Pool – 2.04 ha of woodland lost, 4.94 ha proposed to compensate (ratio 2.4:1)
- 3.9 It has been observed by our ecology consultant that the ratios used for compensation are different, despite similar habitats being affected. In addition, that although factors for increased compensation areas relative to size of areas lost (e.g. time taken to maturity), the figures appear arbitrary with no metric used for justification.
- 3.10 Based on the ratios used for each, the amount of compensation planting at Brookfield Farm appears excessive. The amount required could be reduced, whilst still planting the same

area, and using the difference in area to reduce the woodland planting required at EW08 (e.g. using the ratio of 2.4:1 like at Lower Pool, 1.7 ha could be planted to compensate for impacts at Brookfield Farm. The remaining 0.84 ha could still be planted, reducing the need for 0.84 ha at EW08). This would still all connect and contribute to the 3.31 ha broadleaved planting mentioned above, creating and maintaining ecological functionality, but reducing the size of planting at EW08, whose size and location to effectively provide ecological benefits has been questioned throughout the review process.

3.11 Lower Pool SBI (Section 4)

- It can be inferred from Section 4 that the measures proposed on Allow's Land are to compensate for impacts at Lower Pool. However, with particular attention to woodland, 2.04 ha is being lost and 4.94 ha of planting is proposed, with no metric or calculation provided to justify this figure. EW08 is proposed on Allow's Land and is identified as being for nature conservation and biodiversity. However, its ability to achieve this given its proposed location is highly questionable (both bat and GCN data used to justify this are questionable and discussed in our previously submitted review). In addition, EW09 (c.0.5 ha) is being planted to the east of the scheme to compensate for some impacts on Lower Pools and it is not clear if this is included in the above figure of 4.94 ha.
- The metric and justification for the ratio of compensation planting needs to be provided for review by interested parties' advisers.

3.12 Overview of Recommendations

- This review of the revised environmental mitigation approach has raised the question of the need and appropriateness of areas of broadleaved woodland creation along the route. It is considered that the majority of areas, with the exception of EW08, could still be planted to adequately compensate for the effects of the scheme and maintain and create ecological functionality in the areas. However, the location and need for EW08 is still questionable and, with these findings, could be significantly reduced or removed all together. It has already been proposed that Ecological Ponds EP04 and EP05 are inappropriately placed and are unlikely to deliver conservation benefits (given their isolation and lack of GCN records in the area). As such, a review should be undertaken to

determine more suitable locations, off Allow's land holdings, where they could contribute to nature conservation.

- If the need for compensatory planting relative to Ancient Woodland is reviewed, as to whether or not this is actually required and would contribute to Ancient Woodland conservation, planting in these areas could be used to compensate for the effects at Lower Pools and reduce the size of EW08 by 3.31 ha whilst still creating buffers around the Ancient Woodland. This would leave c. 1.7 ha of planting required, if the ratio for compensation is actually appropriate and accurate (which needs to be reviewed). It is not clear if the compensation planting figure of 4.94 ha takes into account the 0.5 ha of EW09, to the east of the scheme. If not, this could further reduce the amount of planting required to compensate for impacts at Lower Pool. If it does, it may still be possible to locate the required 1.7 ha of woodland remaining in EW08 off of Allow's Land to other areas of the scheme where it could deliver more effective ecological benefit.
- As woodland planting for Ancient Woodland impacts is not taken into consideration in no net loss calculations, the justification to remove the need for this planting, and replacing it with compensatory planting for Lower Pools, would not reduce the scheme's overall ability to deliver no net loss (it would not affect the outcome at all).

3.13 Supported by our Historical Landscape Consultants RPS, Allow consider the design of the proposed woodland mitigation (plot 5/2) to the west of the Scheme as inappropriate, particularly with regard to the desirability of avoiding any coalescence with the perimeter tree belt along the eastern side of the A460 Cannock Road, for reasons set out in their Written Representations and Appended Report by RPS Consulting Services Ltd.

4.0 8.12 Outline Arboricultural Mitigation Strategy (Version 1)

4.1 Allow reserve the right to comment in relation to this submission

5.0 8.13 Habitats Regulations Assessment - Integrity Matrices (Version 1)

5.1 Allow reserve the right to comment in relation to this submission

6.0 The Applicants responses to ExA's 1st Written Questions

Allow reserve the right to comment in relation to this submission