

## Comments on Accepted Changes

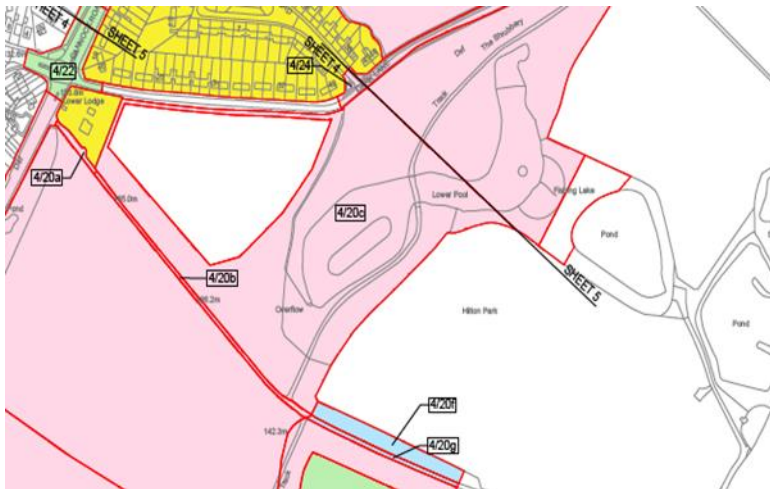
On behalf of

Allow Ltd ('Allow')

Deadline 3A – 1<sup>st</sup> Dec 2020

### 1. Plot 4/20c

1.1. The removal of land to be acquired compulsorily from plot 4/20c and shown on drawing number HE514465 -GHX -LLO Z1\_SW\_PR\_Z -DR-LR-1004 ('Dwg 1004') supports Allow's position that the extent of land required for ecological mitigation is excessive. An extract from Dwg 1004 is shown below. Allow's Ecologist, Aspect, identified that the Great Crested Newt assessment in the Applicant's Environmental Statement was excessive. It is noted that the removal of the triangular area from plot 4/20c has been removed because the Applicant has this year carried out more recent and accurate Great Crested Newt surveys resulting in less land to be acquired compulsorily for Great Crested Newt ponds. Allow's view remains that the extent of land currently required permanently from plot 4/20c is not necessary or proportionate and in event can be placed on land owned by Allow to the east of the proposed link road.



1.2. Allow's retained land within plot 4/20c shown coloured white within plot 4/20c on Dwg 1004 ('Allow's Retained Land Within Plot 4/20c') has no access. The Applicant seek permanent compulsory purchase powers in respect of all the land within plot 4/20c that abuts Allow's Retained Land Within Plot 4/20c. The consequence is that if the compulsory purchase powers are granted by the Examining Authority Allow will have no access to Allow's Retained Land Within Plot 4/20c. Allow ask that the Examining Authority modify plot 4.20c so that it provides suitable access along both Dark Lane and plots 4/20a and b.

#### Land between Dark Lane and Allow's Retained Land Within Plot 4/20c

1.3. No adequate reasons have been provided to explain why the land to the north of Allow's Retained Land Within Plot 4/20c that fronts Dark Lane is required compulsorily. There is no indication that this strip of land will provide ecological mitigation or the purpose for which the Applicant wishes to acquire this strip of land permanently using compulsory purchase powers. If it is the case that the Applicant wishes to upgrade existing fencing along Dark Lane

it is not necessary for such land to be acquired compulsorily. The environmental mitigation plans show 6 existing trees and a proposed new hedge along the boundary of Dark Lane. The Examining Authority should note that 5 of the 6 trees are located on Dark Lane and not within the strip of land in Allow's ownership the Applicant wishes to acquire compulsorily.

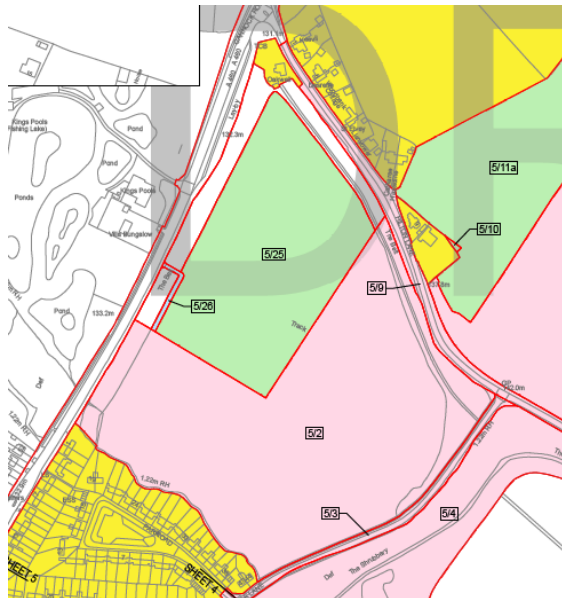
- 1.4. The boundary currently has a high fence to combat fly tipping which is a problem within the locality. The Applicant notified Allow in a meeting on 24.9.20 that they had received requests from the Parish Council to alter the existing metal fence to something more visually acceptable. Allow confirmed we would be receptive to suggestions but that fly tipping is a problem. Changes to this fence would need to be addressed by the Applicant and agreed with Allow to prevent fly tipping issues being a problem in future. This can be achieved by negotiation and freehold acquisition is not considered necessary.
- 1.5. Environmental mitigation plans illustrate a proposed hedge SH08 along this boundary, although this was not mentioned by HE in the meeting on the 24.9.20. A new hedge is likely to be an inadequate barrier to the anti-social behaviour, such as fly tipping, ongoing in the vicinity. The inadequacy of a hedge to address fly tipping is illustrated on the ground by the existing hedge on the car boot field (plot 5/2) along Dark Lane, which suffers from fly tipping.
- 1.6. The revised ES and 8.16 Review of woodland mapping, Impact Assessment and Compensation state that the impact of the woodland losses at the Lower Pool SBI is met by the proposed mitigation planting at plot 5/2. If the losses to Lower Pool SBI are addressed by 5/2, then what is the requirement for the additional woodland planting (extending to approximately 1 ha) proposed in 4/20c? It is asserted that visual screening can be achieved with less planting in 4/20c and that the area of woodland mitigation on plot 4/20c should be reduced. It is not reasonable and equitable that Allow's land should be utilised for offsetting woodland losses elsewhere on the scheme. If this is not the case, then the area of woodland planting positioned within 5/2 should be reduced to reflect the woodland planting at 4/20c.

## **2. Plots 4/20a and 4/20b**

- 2.1. It is not necessary for plots 4/20a and 4/20b to be acquired compulsorily for the construction of the road or to facilitate the construction of the highway. Insofar as it is established that it is necessary for the Applicant to retain a right of access for construction or maintenance, temporary or permanent rights would suffice. The acquisition of plots 4/20a and 4/20b would prevent Allow from gaining access to its land including Allow's Retained Land Within Plot 4.20c from the A460. It is Allow's case that plots 4/20 a, 4/20 b and the western part of 4/20 C should not be acquired compulsorily. Should the Applicant require access it should seek rights rather than permanent acquisition this will ensure that Allow continue to have access to all of its retained land.

### 3. Plot 5/25, Plot 5/26 and Plot 5/2

3.1 The reduction of land taken from plot 5/2, to form 5/25 (to be acquired temporarily) shown on drawing number Drawing Number HE514465 -GHX –LLO Z1\_SW\_PR\_Z -DR-LR-1005 (Dwg 1005) and below.



3.2 It is considered that the Approved Changes have not gone far enough and the extent of plot 5/2 required permanently should and can be reduced further. Representations have been made at deadline 3 in this regard. Additional representations made in the consultation to scheme changes made on the 21<sup>st</sup> September 2020 remain valid, with particular reference to point 4 of section R, being comments upon the rational to Changes to the Environmental Masterplan.

3.3 The field that is comprised in 5/2, 5/25 and 5/26 currently has an entry gateway onto the A460 and exit gateway onto Dark Lane to facilitate the car boot sales which take place on the land. Entry from A460 and exit access provisions from Hilton Lane and the A460 are required for continued use of 5/25 as a car boot field and potential future uses. As part of the Approved Changes there is no longer any provision for any vehicular exit from Dark Lane. This will have a detrimental impact on the car boot sales and any future business activity on plot 5/25. We propose that the Applicant provide provision for exit from Hilton Lane to enable existing and future business activities from plot 5/25 and where applicable plot 5/26 to continue unhindered.

3.4 Allow also consider that plot 5/25 could be extended further given that the extent of ecological mitigation on plot 5/2 remains excessive and in any event more mitigation could be placed on land to the east which has not been assessed correctly for the reasons provided by Allow's Ecologist and Historic Landscape Consultant.

#### **4 Plot 5/4**

- 4.1 The additional areas to be felled from the Shrubbery as a consequence of the Accepted Changes reduces the woodland buffer between the new motorway and the residences at Hilton Park. Noise abatement measures should therefore be put in place to address the different situation brought about by the Approved Changes. The Applicant has not addressed this despite The Shrubbery being an occupied residential unit.

#### **5 Environmental Statement (ES)**

Document 8.16 - Review of woodland mapping, Impact Assessment and Compensation uploaded to PINS on 25<sup>th</sup> November 2020 (Document 8.16).

- 5.1 The areas of woodland losses quoted in the revised ES vary from those in Document 8.16. The woodland loss calculations appear to be on a new basis of assessment and a 5 m buffer against existing established woodland across the scheme is now introduced within the area required to be mitigated which was previously not allowed for. Upon an initial review of the length of the buffer, the areas seem excessive. Allow reserve their position to make additional representations in respect of Document 8.16 once there has been the opportunity to review it and consequently its impact upon the revised ES and the extent of Allow's land the Applicant wishes to acquire compulsorily.