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Your Ref TR010054  
Our Ref AAC ljp M-00831838  
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Dear Sirs

## **NURTON DEVELOPMENTS (HILTON) LIMITED PROPOSED LINK ROAD BETWEEN M54 JUNCTION 1 AND M6 JUNCTION 11 SUMMARY REPRESENTATIONS**

Further to our representations during the recent DCO hearing sessions, we write to confirm the content of those representations. Our client, Nurton, has a category 2 interest in the land as per our original representations which were submitted in May 2020. There was some confusion on Highway England's ("HE") part as to the land being promoted by Nurton and this became apparent when HE issued the draft SOCG to Nurton on 7<sup>th</sup> October 2020. HE believed that Nurton was promoting a significantly smaller site than that which is actually being promoted, despite the extent of the land being promoted had been previously discussed at meetings with HE, including the meeting in December 2019.

HE has now accepted that the land being promoted by Nurton is the larger area and this is reflected in the latest SOCG. The book of reference was updated to reflect this towards the end of November 2020, although despite being an interested party, we were only made aware of this during the DCO session itself.

One of our main issues has been the lack of engagement and meaningful progress in respect of the principal concerns raised by Nurton. In our view, Nurton's main concern is very capable of being dealt with quickly by Highways England. This relates to an assurance in relation to a further bridge being provided at some point in the future in order to allow the redevelopment of the site that Nurton is promoting. This would not connect directly with the link road being promoted by HE and clearly this is a key point for our client. We have now received the draft SOCG back from HE and the bridge assurance is still missing, despite having been discussed at meetings with HE (please refer to the SOCG for further details).

In terms of engagement, Nurton had been formally been requesting sight of a draft statement of common ground since at least 6<sup>th</sup> February 2020, believing that the release of this document could assist in terms of narrowing the issues. The landowners of the site received a draft SOCG on 24<sup>th</sup> January 2020 (Nurton has an option over the land) and it would have made sense for the Nurton draft SOCG to have been released simultaneously with the landowners SOCG. We have made it clear throughout that further engagement was needed and have made representatives available for any meetings offered by HE.

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The draft SOCG was released to Nurton in draft on 7th October 2020. Nurton then had a meeting with HE on 16th October. The draft SOCG was returned to HE on 28th October 2020 with the expectation that we would at least have had comments in advance of the hearings. The current position is that points of principle are outstanding. The table at section 2 of the SOCG details the number of times that the draft SOCG has been requested on behalf of Nurton and we would draw this to the attention of the examiners.

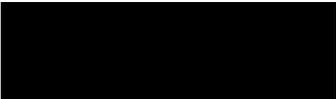
In terms of engagement, Nurton has been seeking an assurance from HE that there is no policy or in principle constraint to us providing a bridge across the road in the future. Nurton's position has been consistent throughout engagement with HE and in terms of the contents of the Relevant Representations. The masterplan for our site envisages access to the A460. The proposed link road scheme runs through and completely separates the majority of the site from the A460. We accept it is not appropriate for the DCO scheme to directly provide access to the site over the new road and that if allocated / developed the Nurton site will need to make provision for the construction of a new bridge.

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 assurance regarding the same. The minutes of this meeting are appended to the draft SOCG dated 7th October (at the inclusion of HE). This was discussed at some length during the meeting with HE on 16th October 2020. To be clear, we are not asking for comment on any detailed design or indeed planning application that may come forward in the future. Nurton fully recognises that any future detailed design would have to be considered by HE and other statutory consultees through the planning process. We have confirmed that we are willing to caveat any assurance and Nurton has been entirely consistent on this point.

It is entirely 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.

As an alternative proposition, as part of our comments in terms of the draft SOCG (as sent to HE on 28th October 2020), we proposed alternative wording on this point whereby "HE can however confirm that there is no policy in CO2.13, or other relevant published guidance, that would prevent the provision of such a bridge provided it was designed in accordance with the DMRB". This proposal follows on directly from our discussions on 16th October and is a pragmatic solution. HE has resisted this wording in the latest draft of the SOCG, again by referencing the planning application process. We have repeatedly made it clear that we are not in any way seeking to circumvent due process and consultation.

Yours faithfully



**SHOOSMITHS LLP**