

**Application by Highways England for M54 to M6 Link Road
Response to The Examining Authority's 2nd Written Questions and requests for information (ExQ2)
Issued on 4 Dec 2020**

**Response Deadline D4 8th Jan 2021
Responses From: Allow Ltd**

2.0.1 The effects of the Proposed Development

In its response to ExQ1.0.6 [REP1-036] the Applicant has set out what it considers to be the main benefits and adverse effects of the Proposed Development.

(a) Do the Interested Parties agree with these lists?

(b) If not, please set out what you consider them to be, and provide justification for your view.

Please note: This question does not relate to issues of Compulsory Acquisition or Temporary Possession and responses should not address these matters

The main adverse impacts of the Scheme are identified in the Applicant's response as a) Impacts on habitats and ecology - although it should be noted that these are all being mitigated as far as possible so that the Scheme delivers no net loss in biodiversity.

To be more accurate we would question the point that the Applicant has left the impact described as 'impacts on habitats and ecology'. We are questioning the *effectiveness* of mitigation and compensation to remove/offset the impacts. Similarly, 'no net loss' of biodiversity is not the same as adequate and appropriate mitigation. It means, in the sense of this project, that habitat created will equal the amount of habitat lost. However, this does not mean that all ecological effects are mitigated. Take bats for example, it is accepted that habitat is being created, but it is on the wrong side of the scheme and an unsuitable crossing structure is proposed to enable bats to reach it. Therefore, those bats will still be adversely affected and the effects are not properly mitigated. However, there will be 'no net loss' of habitat.

2.3.1 Biodiversity, Ecology and Natural Environment

Could the Applicant and Allow Limited please include as part of their Statement of Common Ground information as to the areas of the various habitats and species. This should be provided on drawings based on survey or Ordnance Survey data, setting out clearly the areas where there is agreement and the areas where there is disagreement. This should be accompanied with a schedule explaining the differences and why the parties hold the view they do.

Comments provided in Document to be appended to SOGC.

2.6.4 Planting in Vicinity of Lower Pool

Planting in vicinity of Lower Pool

(a) In their representations at D3A [REP3A-001] Allow Limited state "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." Could Allow Limited please evidence this assertion, taking into account that the Applicant is of the view that the reasoning for the mitigation is multi-faceted and not just for ecological or cultural heritage reasons.

(b) Could Allow Limited and the Applicant in their joint draft Statement of Common Ground please set out the differences between the two parties both described and in drawings.

4/20C

Plot SW06 on Environmental Masterplan Mitigation Breakdown, is proposed to screen views from Dark Lane. This is to address the distant views of the double roundabout and slip roads to the south of the scheme, near J1. There will be screening immediately adjoining the base of the embankments at those locations with EW 10, 11, 12 & 13. It is assumed therefore the purpose of SW06 is to offer some near distance screening for the residences of Dark Lane. We would pose the question of whether a woodland strip of 22m to 25m in width, (widening to approximately 65m in the south eastern corner adjoining the motorway,) is necessary to achieve this. It is suggested, and more conventional for, the screening planting to be a narrower width of approximately 10m which should still provide the required level of screening. It is proposed that a new hedge EH 14 would also be planted along the southern edge of the track that runs from Lower Lodge, and another along Dark Lane itself at SH08, therefore these would also afford some additional screening at a lower height level.

We have not seen any ecological justification for planting on 4/20C, therefore would suggest that this middle distance planting could be reduced in width to 10 m to reduce the area of productive agricultural land taken from Allow Ltd.

Plan 1 attached illustrates an alternative 10m width of planting alongside the Lower Lodge driveway.

2.7.3 Replace metal fencing

Residents have requested that action is taken to remove/replace the existing metal fence in the vicinity of Lower Pool and Dark Lane. Has this been considered and assessed and any impediments identified to improve the appearance of the area?

Allow have confirmed that they are open to suggestions to alter the fence provided that a replacement adequately addresses concerns regarding fly tipping and trespass. This is due to be discussed at a site meeting rescheduled for January 2021.

2.12.2 Employment

In their Written Representations [REP1-091] paragraph 8.1 to 8.16 Allow Limited have set out what it considers to be the effects on employment. While it has made various comments, it is not clear how many full-time equivalent workers would be affected by the Proposed Development. The ExA requests a precise number, described by where they are employed.

Allow Limited's business is at a time of transition as there has been a restructuring of management responsibilities from the previous managing director to his son, in early 2020. The directors had planned for this period of reinvestment, expansion and improvement before the road scheme became a certainty and the road scheme will have a significant detrimental impact upon not only the physical property but also the business proposals and future enterprises of the estate business.

Allow's business comprises a number of elements:

- 1) A farming business mostly produces a grass crop which is harvested for hay or sold for grazing. The hay is sold within the equestrian centre. Additionally, straw is traded through the agricultural yard at Hilton Park, including some haulage to Isle of Man based buyers.
- 2) An equestrian centre with extensive stabling and indoor arena. The enterprise includes horse livery including DIY as well as full and part-time livery (where horse owners pay Allow for their staff to look after their horses on owners' behalf.) The arena is hired out on an hourly basis or for whole day shows and events. Some shows /competitions are hosted and run by Allow.

Equestrian centre is undergoing a period of improvement with an increase in horse numbers, events held and the proposed reopening of the café and bar at the arena.

In previous years the equestrian centre also had an equestrian cross country course around the estate where they would run horse trial events and course hire. Allow has plans to rebuild its cross country course and business of horse trials in the near future and to include farm rides along with horse trials and clinics, which would provide further employment opportunities as well as services that would benefit the local population. The land around the pools and forestry trails are where these activities used to take place and they are required to make the rebuilt business successful again. The loss of land to the scheme will restrict the scale of the enterprise.

- 3) The business has 3 fishing pools which are let annually to 3 fishing clubs/syndicates with a wide membership of around 300 members in total. Each club/syndicate is responsible for the running of the syndicate so we estimate that the loss of the Lower Pool will result in the loss of approximately one half of a full-time equivalent worker.
- 4) A regular car boot sale is held on plot 5/2 (and 5/25) throughout the Spring to Autumn months. Dark Lane Car Boot is operated under licence by a company called Market Promotions Limited. Each day of a car boot event, it provides employment for at least 10 local people, with 6 permanent employees and more part time. Typically, the event has 300 – 400 sellers and trade stands such as mobile butchers, with 2500 to 4000 visiting cars through the gates. Each event also provides work for 10 catering vendors on site, such as burger vans and donut vans. This all provides a valuable income for the sellers as well as for the employees working on site.

The cessation of the car boot events (on the 14 days of the year) would result in the loss of the equivalent of approximately two full time equivalent workers across the employees of the events company, catering vendors and Allow.

The loss of the car boot field will result in Allow having to assess the feasibility of running the car boot events within remaining Hilton Park land or having to cease the event in the locality, which would result in both financial losses to the local economy and Allow limited and also loss of local employment associated with the car boot events. The land to be acquired as a result of the scheme is revenue generating for the business and the loss of the car boot sales income would have a significantly detrimental impact upon the scope for reinvestment of Allow's wider business.

- 5) The estate also has a number of woods for timber production and recreation. The impact of the scheme will force Allow to look at all options available to them including utilising their retained land for commercial timber crops.

Employees.

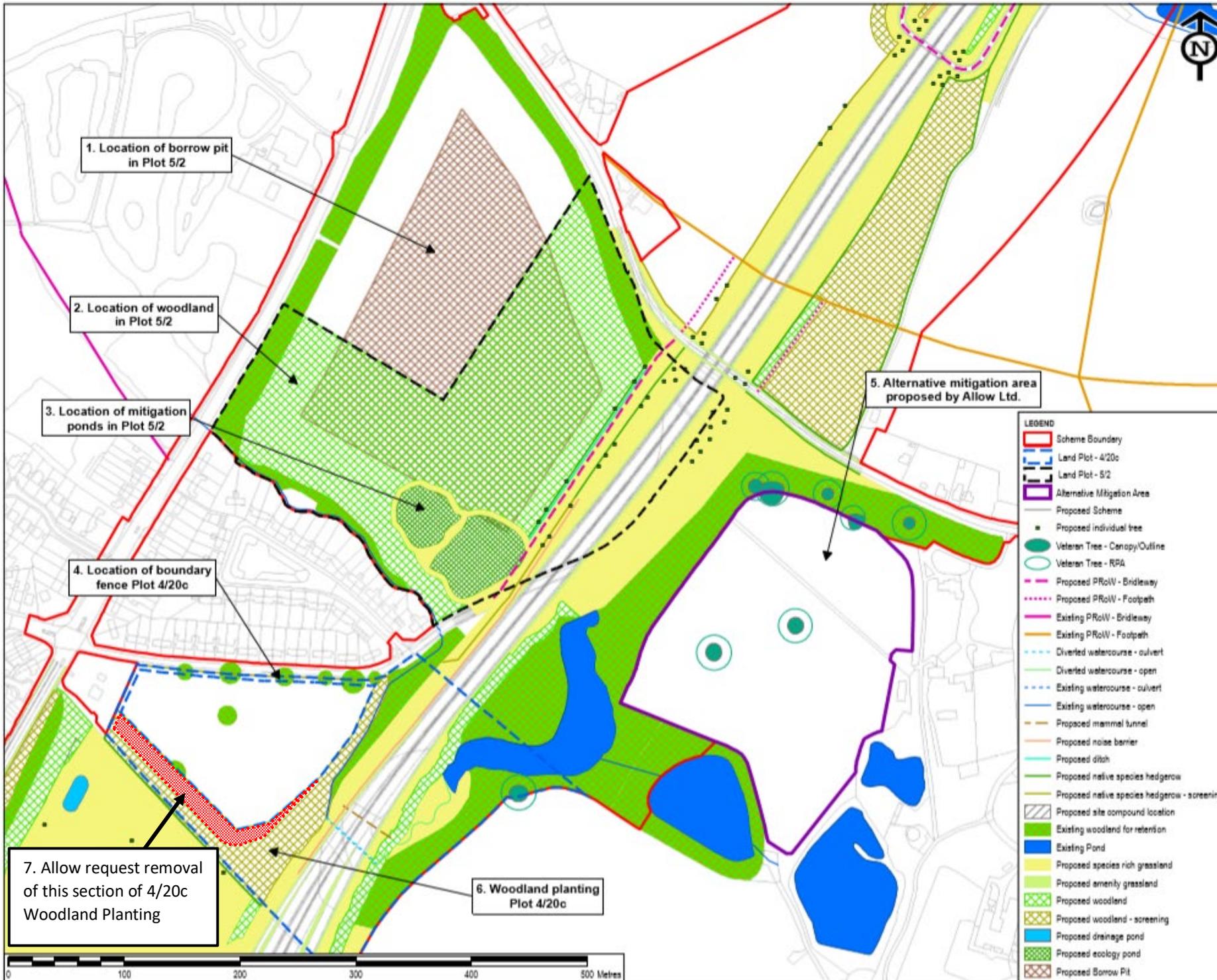
Allow currently employ 3 full time employees in the equestrian centre plus part time volunteers. Additionally, there is a full time farm worker and two of the Allow directors are occupied full time in the estate. The fishing pools and car boot facilities have direct oversight by the Allow director on site to maintain and run all facilities, as well as farming and the management of the equestrian centre.

It is envisaged that as the business plan is implemented, additional employees will be taken on including a full time groundsman and more part time employees in the equestrian centre. The curtailment of the business not being able to utilise the whole estate and to continue use of its existing facilities including the car boot field and Lower Pool will result in fewer employment opportunities which would otherwise have been created. The revenue generated from those elements of the business would have been directly reinvested into the expansion of the wider business. The amount of land being lost to the road scheme is a high percentage of Allow's total land and will result in a complete re-evaluation of the business as a whole, once the extent of land losses are clear.

The business activities of Allow add indirect benefits to the wider local economy through fishing supplies, local retailers benefitting from increased passing trade generated by Allow's activities and retailers at the car boot events. Consequently, the impact of the land losses to Allow has a much wider economic impact upon the local economy.

The businesses on Allow Limited's land provide recreational facilities to the general public, which would be seriously diminished if the current size of land purchase is approved. Both the car boot and fishing pools are community activities and perform a vital function for the local area which cannot just be measured in financial terms.

The total number of full time equivalent workers affected by the proposed development is 8.5.



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Revision	Date	By	For

Purpose of Issue

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 100 The Caxo Drive
 Birmingham
 B1 4PL

Working on behalf of

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 TR010054

Project Title
 M54 TO M6 LINK ROAD

Drawing Title
 WQ 2.3.1: AREAS OF
 DISAGREEMENT/ AGREEMENT
 BETWEEN THE APPLICANT AND
 ALLOW LTD

Design	Drawn	Checked	Approved	Date
LC	LC	AS	MP	04/01/2021
Project No:		Drawn by:		Scale:
01038738		DB		1:3,000
Scale 1:3,000		Date		Use in M54 Link Road
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