

**M54 to M6 Link Road  
TR010054**

**8.19 Applicant Responses to Examining  
Authority's Second Written Questions,  
Representations Made at Deadlines 2, 3  
and 3a and Matters Raised During  
Hearings in December 2020**

Planning Act 2008  
Infrastructure Planning (Examination Procedure) Rules 2010

Rules 8 (1)(c)(ii); 10(5); 10(6)(b&c); 10(7) and 17(1)

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

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**Applicant Response to ExA's Second Written Questions, Representations  
Made at Deadlines 2, 3 and 3a and Responses to Issues Raised at  
Hearings in December 2020**

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| <b>Regulation Number</b>                      | Rules 8 (1)(c)(ii); 10(5); 10(6)(b&c); 10(7) and 17(1) |
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## **1. Introduction and Responses to the Examining Authority's Second Written Questions**

- 1.1.1 This document has been prepared by the Applicant to set out its responses to the Examining Authority's (ExA) second Written Questions (WQs). These can be found in Table 1.1 below.
- 1.1.2 The Applicant responds within this document to representations made at Deadlines 2, 3 and 3a, where a response may be useful to the ExA. These responses can be found in sections 2, 3 and 4 of this report.
- 1.1.3 Responses on matters raised at Hearings in December 2020 are provided in section 5 of this report.

**Table 1-1 Applicant's Response to the Examining Authority's Second Written Questions**

| WQ No      | Question to  | Reference (in bold) and Question  | Applicant's Response   |
|------------|--|---|--|
| <b>2.0</b> | <b>General and Cross-topic Questions</b>   |   |  |
| 2.0.1      | Interested Parties   | <p><b>The effects of the Proposed Development</b></p> <p>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.</p> <p>(a) Do the Interested Parties agree with these lists?<br/>(b) If not, please set out what you consider them to be, and provide justification for your view.</p> <p>Please note: This question does not relate to issues of Compulsory Acquisition or Temporary Possession and responses should not address these matters.</p> | N/A  |
| <b>2.1</b> | <b>Green Belt</b>  |   |  |
| 2.1.1      | The Applicant  | <p><b>Proposed Signage</b></p> <p>In its response to ExQ1.1.2 [REP1-036] the Applicant indicates that final location and dimensions of proposed signage is subject to detailed design. However, could the Applicant please provide a standard specification for such signs, that is verge and gantry mounted signs so that the sizes can be estimated.</p>  | <p>All Advance Direction Signage along the new link road will be verge mounted, these are anticipated to have a sign face size in the region of 4 m wide and 5 m tall for portrait orientated signs such as diverges or 8 m wide and 4 m tall for landscape orientated signs such as roundabout directional signs on approach to M6 Junction 11. Verge mounted signs will have a mounting height of 1.8 m above the carriageway level.</p> <p>Lane destination signage at M6 Junction 11 will be gantry mounted, these are anticipated to have a sign face size in the region of 15 m wide to span multiple lanes and up to 5 m tall. Gantry mounted signs will have a minimum mounting height of 5.3 m above the carriageway level to give sufficient head room clearance for vehicles below.</p> |
| <b>2.2</b> | <b>Air Quality and Emissions</b>   |   |  |
| 2.2.1      |  | The ExA has no questions at this time.  | N/A  |
| <b>2.3</b> | <b>Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))</b> |   |  |
| 2.3.1      | The Applicant Allow Limited  | <p><b>Base data</b></p> <p>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.</p>  | An annotated plan and schedule has been produced and is appended to this document (appendix 2.3.1). This will also be appended to a future iteration of the Allow Limited Statement of Common Ground and has been shared with them for comment. However, given that the key issues with Allow Limited remain under discussion, this Statement of Common Ground has not been re-submitted at Deadline 4.  |
| 2.3.2      | The Applicant  | <p><b>Habitat Regulations Assessment</b></p> <p>The Applicant has submitted revised documentation in respect of the Accepted Changes setting out the various effects. However, no new document "Habitats Regulations Assessment: No Significant Effects Report" to update/amend the existing document [APP-216] has been submitted. (a) Can the Applicant please confirm whether it considers the existing document to be up-to-date? (b) If not, can a revised document please be submitted?</p>   | Section 5.2 of application document 8.6 'Environmental Statement Addendum: Proposed Scheme Changes October 2020' considered the impacts of the accepted design changes on the Habitats Regulations Assessment: No Significant Effects Report. This report concluded that the design changes would not change the findings of the Habitats Regulation Assessment: No Significant Effects Report [AS-035/6.9] as both Special Areas of Conservation remain scoped out of further assessment due to the distance of these sites from the Scheme and the ARN. The Applicant considers that the Habitats Regulations Assessment: No Significant Effects Report (Version 2) [AS-035/6.9] does not need to be amended following the acceptance of the design change in October 2020.                      |
| 2.3.3      | Natural England  | <p><b>Effects on ancient woodland from nitrogen deposition</b></p> <p>(a) Do Natural England and the Staffordshire Wildlife Trust consider that the 1:1 ratio for planting of replacement woodland habitat to compensate for the effects on ancient woodland from</p>   | N/A  |

|       |                              |   |   |
|-------|------------------------------|---|---|
|       | Staffordshire Wildlife Trust | nitrogen deposition (see paragraphs 2.4.10 and 2.4.11 of the document entitled Environmental Mitigation Approach [REP1-057]) is appropriate?<br>(b) If not, can you please explain why, and what other metric should be used?   |   |
| 2.3.4 | The Applicant National Trust | <b>Effects on ancient woodland</b><br>It is stated that Highways England and National Trust have entered into an agreement to carry out a woodland scheme. Can Highways England provide a copy of that agreement into the examination.  | A copy of the legal agreement is appended at Appendix 2.3.4.  |
| 2.3.5 | The Applicant                | <b>ES Figure 8.18</b><br>The Guide to the Application [REP3-002/REP3-003] indicates that Environmental Statement Figure 8.18: Bat Baseline - Transect Activity Survey Results (2018 and 2019) [APP-122] has six sheets. However, the submitted document only has three sheets. Could this be clarified?   | This is a minor inconsistency in The Guide to the Application [REP3-002/REP3-003]. Figure 8.18: Bat Baseline - Transect Activity Survey Results (2018 and 2019) [APP-122] should consist of three sheets, not six. The Guide to the Application issued at Deadline 4 has been corrected to reflect this.  |
| 2.3.6 | The Applicant                | <b>Biodiversity metric</b><br>The ExA thanks the Applicant for undertaking the Defra 2.0 Biodiversity metric. It is understood that the final version of the Defra metric is to be published shortly. Could the Applicant please undertake an analysis of the scheme against this metric when it has been published.  | Publication of the Biodiversity Metric 3.0 has been re-scheduled and is not due to be launched until Spring 2021.<br><br>Highways England will review the metric and apply it to Highways England Schemes when the Department for Transport approves a change to this updated metric. This is not expected to occur during the timeframe of the Examination for the M54 to M6 link road scheme.   |
| 2.3.7 | SSC                          | <b>Compliance with NPSNN</b><br>(a) In the draft SoCG with SSC [REP1-059] indicates that SSC considers that the scheme does not reference paragraph 5.33 of the NPSNN, which highlights the need to consider whether biodiversity opportunities have been maximised, including via planning obligations. Could SSC indicate whether it considers biodiversity opportunities have been maximised.<br>(b) If not, what additional measures need to be included? | N/A   |
| 2.3.8 | NE                           | <b>Effects on Priority Habitats</b><br>(a) In the draft SoCG with NE [REP1-028] the Applicant considers that NE is requesting an 'in combination' assessment for Priority habitats. Is this in fact correct?<br>(b) If so, could the NE please explain under what policy indication or legal obligation should such an assessment be made.<br>(c) If not, could NE please indicate in greater detail the concerns that it is seeking to make.                 | N/A   |
| 2.3.9 | The Applicant<br>SSC<br>NE   | <b>Veteran Trees</b><br>Could the parties ensure that agreement or otherwise that all veteran trees are identified in the documentation is recorded in the relevant Statements of Common Ground.  | The following text has been added to the SoCG with Natural England and South Staffordshire Council (SSC):<br>"Seven veteran trees have been identified within the biodiversity study area, five of which are within the Scheme boundary (T137, T227, T221, T214 and 211). T226 is shown on the Environmental Masterplan [AS-086 to 092/6.2] as a veteran tree however as set out in Appendix 7.1: Arboricultural Impact Assessment [AS-101/6.1] this tree is a prominent tree, a particularly large over-mature ash but it is not considered to be a veteran tree.<br><br>A further 12 veteran trees were identified as part of the assessment of impacts from nitrogen deposition. These trees are located within 200 m of the affected road network but are outside the Scheme boundary. Further details of these veteran trees can be found in application document, 'DMRB Updates and the Impact on the DCO Application' [AS-059/8.2]."<br><br>Drafts of these SoCG have been sent to Natural England and SSC to provide comment on this point. SSC has responded on this issue directly to the ExA on 6 January 2021, with these comments incorporated into their stance on the SoCG. Highways England will respond on this point at Deadline 5. |

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| 2.3.10  | The Applicant | <p><b>Dry Swale</b></p> <p>What would be the disadvantages of providing a linear dry swale instead of a pond north of the new road next to the accommodation bridge as has been suggested?</p>  | <p>In order to provide the required volume of surface water runoff attenuation storage required, a pond has been provided at this location. A dry swale is a possible alternative. However, as the depth of a dry swale is less than the pond provided it is a much less efficient method of providing attenuation storage and would therefore require much greater land take to provide the required attenuation volume. Currently the attenuation pond requires an area of around 7000m<sup>2</sup> at a water depth of 1.2m, a dry swale would generally have a maximum water depth of 0.5m therefore increasing the required land take area to around 17,000m<sup>2</sup>. Furthermore, due to the steep topography in the area, the provision of a dry swale would also require more extensive earthworks thus further increasing the land take required. The location, orientation and method of storage at this location has been designed to minimise the land take required and provide the most efficient solution.</p>  |
| <b>2.4 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b> |               |   |  |
| 2.4.1   | The Applicant | <p><b>CA and TP Negotiations</b></p> <p>Can the Applicant please provide an update of the current situation of negotiations with affected landowners and occupiers over potential acquisition by agreement?<br/>Please complete Annex B with this information.</p>  | <p>The Applicant has provided an update on the current situation of negotiations with affected landowners and occupiers over potential acquisition and this is detailed within a revised Annex B found at the end of this document.</p>  |
| 2.4.2   | The Applicant | <p><b>Land surrounded by Plot 4/20c</b></p> <p>(a) Could the Applicant explain how this land is to be accessed by the existing landowner both during the construction period and afterwards?<br/>(b) How is to be secured in the DCO?</p>   | <p>(a) It is proposed that access to plot 4/20c by the landowner both during the construction period and afterwards will be from the existing access from the A460 at point 4/10 (on the Streets, Rights of Way and Access Plans [AS-068/2.7]) and via the existing track that runs to the south east. A gated access will be provided at the end of the track into this land parcel. The item will be discussed at a site meeting with the landowner on 15 January 2021 and it is anticipated that the Streets, Rights of Way and Access Plans [AS-068/2.7] will be updated to reflect this arrangement once agreement is reached with the landowner. This access arrangement will be possible during the construction period and as the existing access is expected to be retained, it is not anticipated that there will be any disruption due to access difficulties.</p> <p>(b) Insofar as the existing access is expected to be retained, it is not anticipated that the DCO will require amendment. The surrounding land comprising Plot 4/20c is to be acquired permanently and the Applicant is therefore able to grant a permanent right of access to the landowner. These arrangements will be reviewed once agreement has been reached with the landowner and any necessary amendments to the Street, Rights of Way and Access Plans have been made.</p> |
| 2.4.3   | The Applicant | <p><b>Plots 5/2</b></p> <p>(a) Could the Applicant explain how this land is to be accessed by the existing landowner at the end of the Temporary Possession period?<br/>(b) How is to be secured in the DCO?</p>  | <p>(a) Plot 5/2 is permanent acquisition for environmental mitigation and access for maintenance will be from the Dark Lane turning head. It is assumed that the Examining Authority is referring to plot 5/25 which is required temporarily and access to this plot will be as per the existing access to this plot from the gated access from the A460.</p> <p>(b) The existing access from the A460 is to be retained, and there is therefore no need for an access to be secured in the DCO. It should be noted that the existing access from the A460 is to be retained and is not one of the private means of access that the Applicant is authorised to stop up pursuant to Article 13 and Schedule 4 Part 6 of the DCO.</p>  |
| 2.4.4   | The Applicant | <p><b>Plot 5/26</b></p> <p>(a) The Land Plans [AS-065] do not show this designation. It is understood that this is a narrow 'L' shaped piece of land between Cannock Road and Plot 5/2. Could this please be clarified?<br/>(b) Further, could the Applicant explain how that the interests, including the Human Rights, of those with an interest of the land are to be protected in this examination process?</p> | <p>(a) Plot 5/26 was previously located to the south east of M6 Junction 11 as indicated on the Land Plans versions P01 and P02 [APP-007/2.2 &amp; AS-007/2.2]. This area was removed as part of the change submission in October 2020 and is therefore no longer required. The 'L' shaped piece of land between Cannock Road and Plot 5/25 is not required for the Scheme so is not identified as a plot in the Land Plans. Plot 5/25 can be accessed during construction through Plot 5/2 and after construction would be returned to the landowner.</p> <p>(b) The Scheme will not affect the 'L' shaped area around Plot 5/25 and no acquisition is proposed of this area. Plot 5/25 has an existing access through the 'L' shaped area that can continue to be utilised to access the plot when the Scheme is operational and Plot 5/25 is returned to the landowner. The rest of this white 'L' shaped area is existing landscaping and boundary treatments and can remain in its current use following construction of the Scheme. Therefore, there are not anticipated to be any impacts on the use of this land or</p>  |

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|       |                                      |  | any impact on the Human Rights of the owners. It should be noted that this area was removed from the areas to be acquired because the landowner requested that all areas of 'retained woodland' (as identified on the previous Environmental Masterplan [AS-086 to AS-092]) were removed from the Land Plans as they were not required. Highways England agreed to this request and the change is shown on the latest Land Plans (see P03 [AS-065] for the latest accepted Land Plans and/ or the next revision (P04) showing the change to the Land Plans affecting Plot 6/25 if this change is accepted by the ExA).   |
| 2.4.5 | The Applicant                        | <p><b>Statutory Undertakers</b></p> <p>(a) Can the latest position of the Utilities be updated and in particular with regard to the protective provisions?</p> <p>(b) Could the Applicant also set out the current progress on Statements of Common Ground?</p>  | <p>(a) The Applicant is in dialogue with the affected Statutory Undertakers. In particular:</p> <p>National Grid – Protective provision wording has been agreed and has been incorporated into the dDCO submitted at Deadline 4 (D4) (8 January 2020)</p> <p>Western Power – Protective provision wording is understood to be in an agreed form and is awaiting final confirmation from WPD.</p> <p>Cadent – The Applicant has been in extended dialogue to agree a standardised approach to protective provisions for Cadent and agreed wording is expected to be resolved within the Examination.</p> <p>Water companies – The Applicant is in contact with the legal representatives for both South Staffordshire Water and Severn Trent Water. The Applicant is confident that the issues of concern to each water company are capable of being resolved.</p> <p>Other utility companies comprise the telecoms companies of BT, Vodafone, Virgin and Zayo. The protective provisions for these companies follow the format in other made DCO's. Copies of the protective provisions have been sent to each of those companies but they haven't made a representation to date and in the absence of an indication to the contrary the protective provisions are expected to be acceptable to them.</p> <p>(b) A full update on the progress of all Statements of Common Ground is provided in the Statement of Commonality (document 8.8) submitted at D4. Where Statements of Common Ground have progressed sufficiently since Deadline 1 (D1), the updated Statements of Common Ground will be made available at D4. Further contact will be made with each Statutory Undertaker to check if comments will be provided on the draft Statement of Common Ground.</p> |
| 2.4.6 | The Applicant<br>Cadent Gas          | <p><b>High Pressure Gas Main (Work 68)</b></p> <p>Should this also be that any redundant equipment be removed, rather than abandoned, so that there is overall no change in effects? (see also question 2.5.4).</p>  | <p>Cadent Gas has confirmed that any redundant sections of the Gas Main would be removed as they would release their wayleave rights and cannot leave behind pipe which would be classed as 'hazardous waste material'. The only exception being where they pass under an existing carriageway that would prohibit their removal in which case they would be grouted and left in-situ. We do not consider it necessary to amend the DCO. The works include the diversion of the gas main and the protective provisions in favour of Cadent Gas set out the extent to which it will be agreed with Cadent as to whether the redundant main will be removed or made safe and left in-situ. To the extent that works are required to remove or make safe, those works would be in connection with work no.68 and would be authorised by the description of other works at the end of Schedule 1.</p>  |
| 2.4.7 | The Applicant<br>Affected<br>Persons | <p><b>Long-term maintenance of mitigation</b></p> <p>(a) Various Affected Persons have made the point that they are being deprived of more land than may be justified on the basis that some of the land sought for Compulsory Acquisition, having been used for mitigation, may be available for return to the original owner under the Crichel Down rules, but with restricted covenants and/or legal agreements to ensure the necessary maintenance of the mitigation. Could the Applicant set out its response to this proposition, both generally and in relation to the specific locations where this may occur.</p> <p>(b) How does this affect consideration of alternatives, and of the compelling case in the public interest?</p> | <p>(a) The general approach adopted by the Applicant has been to acquire all land required to deliver the Scheme including to mitigate its impact. That approach ensures that the Applicant is able to deliver the mitigation required and does not impose a maintenance liability on existing landowners. It is not correct to say that such land would be surplus or available to be handed back to landowners under the Crichel Down Rules. However, some landowners have expressed a desire to have land returned to them on the basis that they would be willing to maintain the mitigation land in the future. The Applicant has indicated that it would be willing to enter into such an arrangement subject to a legal agreement being concluded with landowners covenanting to maintain any permanent mitigation measures on that land and granting the Applicant 'step-in rights' if the land is not appropriately maintained. If suitable agreements can be concluded, which could be after the DCO is made, the Applicant could exercise its powers to complete the necessary works and mitigation measures and enable landowners to retain ownership of land that contains mitigation measures.</p> <p>(b) This approach does not affect the consideration of alternatives nor the compelling case in the public interest because the Applicant is seeking possession of all land required to deliver the Scheme and to mitigate its impact. Should landowners wish to retain ownership of mitigation land and covenant to maintain</p>   |



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|            |  |   | that mitigation instead of the Applicant, those private contractual arrangements do not affect the Applicant's case and the need for the mitigation land.   |
| <b>2.5</b> | <b>Draft Development Consent Order (DCO) [APP-018]</b> |   |   |
| 2.5.1      | The Applicant  | <b>The Draft DCO</b><br>Could the Applicant please ensure that as well as submitting clean and tracked change versions of all future versions of the draft DCO as .pdf they are also submitted as .docx documents as well.  | The Applicant confirms that .docx versions of the dDCO will be provided alongside .pdf versions.  |
| 2.5.2      | The Applicant  | <b>Article 2(1)</b><br>(a) Should 'relevant planning authority' and 'relevant local highway authority' be defined?<br>(b) Is there a particular reason why these terms are used rather than 'local planning authority' and 'local highway authority' respectively?  | a) The Applicant does not consider that defining the terms will provide additional clarity.<br>b) The Scheme crosses multiple local authority administrative boundaries and the terms 'relevant planning authority' and relevant 'local highway authority' are used to ensure that authorities are only to be consulted on matters relating to their function within their administrative boundary. The terms are widely used and understood by the authorities concerned and are consistent with other DCOs made in favour of the Applicant.   |
| 2.5.3      | The Applicant  | <b>Article 15(1)</b><br>Following the deletion at D3 there is an extra comma after "roads" in the third line which should also be deleted.  | This error has been corrected in the version of the dDCO (revision 4) submitted at D4.  |
| 2.5.4      | The Applicant  | <b>Schedule 1, Work 68</b><br>(a) This work would involve the relocation of an existing high pressure gas main. Given the location and the effect on the remaining land holding, should any redundant gas main be removed from the site, rather than abandoned?<br>(b) If so, how is this to be secured?                      | (a) Cadent Gas has confirmed that any redundant sections of the Gas Main would be removed as they would release their wayleave rights and cannot leave behind pipe which would be classed as 'hazardous waste material'. The only exception being where they pass under an existing carriageway that would prohibit their removal in which case they would be grouted and left in-situ.<br><br>(b) We do not consider it necessary to amend the DCO. The works include the diversion of the gas main and the protective provisions in favour of Cadent Gas set out the extent to which it will be agreed with Cadent as to whether the redundant main will be removed or made safe and left in-situ. To the extent that works are required to remove or make safe, those works would be in connection with work no.68 and would be authorised by the description of other works at the end of Schedule 1. |
| 2.5.5      | The Applicant  | <b>Schedule 2- comment on consultation</b><br>In its response to ExQ1.5.37 [REP1-036] the Applicant indicates that details of consultation with various parties, including the British Horse Society, will be provided in the REAC in the OEMP. Could the ExA be directed to precisely where this is secured.                 | The commitment to consult the British Horse Society on the diversion of bridleways during construction, has been added the Version 4 of the OEMP submitted to the ExA at D4. Commitment PW- POH3 in Table 3.2 of the OEMP (Version 4) has been amended to state:<br><i>"The British Horse Society will be consulted on the diversion of bridleways as part of the detailed design of these routes."</i><br>This is secured through Requirement 4 of the draft DCO.  |
| 2.5.6      | Natural England  | <b>Schedule 2, Requirements 4 and 5</b><br>In its response at D2 in relation to ExQ1.5.39 [REP2-009], the Applicant indicates that Natural England is content with the mitigation measures relating to soil storage. Could Natural England confirm its position.  | N/A   |
| 2.5.7      | The Applicant  | <b>Schedule 2, Requirement 6</b><br>The ExA notes the Applicant's response to ExQ1.5.40 [REP1-036] but considers that for certainty "and programme" should be added at the end of paragraph 6(3), and asks the Applicant so to do.  | The Applicant confirms that this wording has been added to the draft DCO (version 4) submitted at D4.   |
| 2.5.8      | The Applicant  | <b>Schedule 2, Requirement 11</b><br>The ExA notes the Applicant's response to ExQ1.5.42 [REP1-036] and accepts a fence will be necessary. However, the ExA has difficulty in understanding why the standard has to be in the Requirement. This does not meet the tests for requirements – in particular that of relevance to | The Applicant confirms that this wording has been amended in the draft DCO (Version 4) and added to the OEMP (Version 4) as D-L6, both submitted at D4.   |

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|            |   | planning. Consequently, it should be deleted from the dDCO and included in the OEMP.   |  |
| 2.5.9      | The Applicant<br>Statutory<br>Undertakers | <b>Schedule 9</b><br>Could the Applicant and all Statutory Undertakers who would have apparatus covered by the Protective Provisions set out their latest understandings of negotiations on any necessary text.  | The Applicant is in dialogue with the affected Statutory Undertakers. In particular:<br>National Grid – Protective provision wording has been agreed and will be incorporated into the next draft DCO to be submitted at D4 (8 January 2020).<br>Western Power – Protective provision wording is understood to be in an agreed form and the Applicant is awaiting final confirmation of this from Western Power.<br>Cadent Gas – The Applicant has been in extended dialogue to agree a standardised approach to protective provisions for Cadent Gas and agreed wording is expected to be resolved within the Examination.<br>Severn Trent Water – Comments on the protective provisions are currently awaited by the Applicant.<br><br>South Staffordshire Water – The Applicant is responding to the points raised by South Staffordshire Water with a view to resolving the areas of identified concern through amendments to the protective provisions or other protections within the draft DCO.<br>Other utility companies comprise the telecoms companies of BT, Vodafone, Virgin and Zayo. The protective provisions for these companies follow the format in other made DCOs. Copies of the protective provisions have been sent to each of those companies but they have not made a representation to date and in the absence of an indication to the contrary the protective provisions are expected to be acceptable to them. |
| 2.5.10     | The Applicant                             | <b>Engineering Section Drawings</b><br>Can an additional drawing be provided showing where the sections are in plan, along with chainage markers (every 50m would be sufficient to avoid clutter)?   | A plan showing where the sections are in plan, along with chainage markers every 50m is provided. This has been added to the Engineering Section Drawings (Version P03) issued at D4. Note that no other details have been amended in the Engineering Section Drawings, which remain as presented in Version P02 [AS-071/2.10].  |
| <b>2.6</b> | <b>Cultural Heritage</b>                  |  |  |
| 2.6.1      | The Applicant                             | <b>Kettle Holes</b><br>Can the applicant confirm whether the potential for kettle holes and sediment/peat accumulations has been considered and the extent to whether investigations/ sampling is required?  | The potential for environmental archaeological deposits to be located within the study area is considered to be limited. The geology of the Scheme, where not previously disturbed, is largely glacial till formed of sand and silty clay with pebbles. A small band of alluvial deposits is recorded around a small watercourse, which runs north-east to south-west across the A460 and M6. This band is narrow and confined to the margins of the river. While there is potential for micro- and macrofossils and other environmental deposits to survive, these are unlikely to be significant in nature and could be recorded through appropriate mitigation. The evaluation trenching will also allow for the collection of appropriate samples, if present, for analysis to determine the potential for significant palaeoenvironmental deposits.<br><br>No peat was identified within the geotechnical investigation and there are no recorded kettle holes.<br><br>Many of the features identified in Appendix 6 of the representation made by Mr Williams [REP2-014] are either former quarry sites, some of which have become infilled with water. or landscape ponds that form part of the historic park at Hilton Hall.   |
| 2.6.2      | The Applicant                             | <b>Portobello Tower</b><br>It is noted that the Applicant is looking for designated funds to undertake an assessment of the Portobello Tower but makes clear that is outside the DCO process. Can the Applicant please explain this position in relation to paragraph 5.130 of the NPSNN which states: “The Secretary of State should take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation can make to sustainable communities – including their economic vitality”? | Portobello Tower is a Grade II listed building and is described within Chapter 6 – Cultural Heritage of the ES [APP-045/6.1] as being “ <i>currently derelict, in a poor state of repair and without a roof.</i> ” The tower is considered by the assessment as being of medium value in line with the methodology in the DMRB.<br><br>It is the Applicant’s position that the Scheme’s impact on the Tower is negligible once constructed and, as a consequence, the significance of this heritage asset is “sustained”. In line with NPSNN Policy 5.130, the Applicant did also give consideration to whether it was ‘appropriate’ to carry out measures to enhance the significance of the Tower, the contribution of its setting and the positive contribution that its conservation can make to sustainable communities. The NPSNN does not provide guidance on when these actions might be ‘appropriate’, but it is presumed that relevant factors would include (though not necessarily limited to) whether   |

|            |                             |   |  |
|------------|-----------------------------|---|--|
|            |                             |   | <p>the Scheme is affecting the asset, whether measures can easily be incorporated into the Scheme to enhance the asset and whether such action would be proportional.</p> <p>The asset is not within the Order limits and no measures were identified to enhance the asset using measures within the Order limits. Enhancement measures discussed with, for example, South Staffordshire Council and Historic England, are direct improvements to the building itself, which are likely to involve significant investment. What exactly these measures should be would need to be determined through a feasibility study so their inclusion would be far from straight-forward and could affect the programme for the Scheme as a whole if included in the Application. Not to mention the fact that repairs may not be possible and costs are unknown.</p> <p>Given that there is no certainty what improvements would be or how they would be implemented, not no more than negligible impact on the Tower as a result of the Scheme, the Applicant does not consider it appropriate or proportionate to include works to improve the Tower into the Scheme.</p> <p>The 2020 application for designated funds for the feasibility study for the asset was unsuccessful as the owner was not known and the asset has no public access, which may limit the public benefits of any improvements. Work will continue to contact the owner and discuss whether public access can be negotiated. If progress can be made on these issues, the application will be revised and re-submitted in 2021.</p> |
| 2.6.3      | The Applicant               | <p><b>Mile Wall</b></p> <p>The Applicant has indicated that part of Mile Wall that is to be demolished will be re-provided in an alternative location. Can the Applicant show where this to be secured?</p>   | <p>The Outline Environmental Management Plan has been updated to secure the reconstruction of Mile Wall, refer to Table 3.4, D-L5 <i>"The stone wall adjacent to the southbound carriageway of the existing A460, 'Mile Wall', will be dismantled and reconstructed along the realigned section of the existing A460."</i></p>   |
| 2.6.4      | Allow Ltd                   | <p><b>Planting in vicinity of Lower Pool</b></p> <p>(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.</p> <p>(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.</p> | <p>b) Please see our response to Question 2.3.1 above. The Applicant can confirm that it continues to work with Allow Limited towards agreeing a Statement of Common Ground, but this has not sufficiently progressed since D3 to warrant submission at D4.</p>  |
| <b>2.7</b> | <b>Landscape and Visual</b> |   |  |
| 2.7.1      | The Applicant               | <p><b>Photomontages and additional visual mitigation</b></p> <p>Additional photomontages have been requested for a southerly view of Dark Lane with additional tree planting to mitigate the impact on views and additional tree planting to the west of the road as it rises to junction 11 of M6 with a photomontage to demonstrate the effect. Can the applicant consider these additional mitigation and representative views and either provide or confirm why they are not necessary/ appropriate?</p>  | <p>Chapter 7: Landscape and Visual of the ES [APP-046/6.1] provides an assessment of the impact looking south towards the Scheme from Dark Lane, Viewpoint 20. Photographic viewpoints are provided as Figure 7.25A to C [APP-108/6.2] which show the existing view from residential properties on Dark Lane. This view is of the existing metal fence adjacent to Dark Lane and it is not considered that a photomontage of this particular view is necessary to determine the impact of the Scheme.</p> <p>A band of woodland is proposed in Plot 4/20c between Dark Lane and the proposed M54 Junction 1 arrangement, this woodland has not been removed from the design of the Scheme and will provide screening for those residential properties on Dark Lane. An area of three ecology ponds and wet grassland was removed from the January submitted design [APP-052/6.2] in the October submitted design [AS-086/6.2] due to additional survey information confirming GCN were absent from adjacent ponds that are to be lost to the Scheme. The wetlands and ponds would not have been visible from properties on Dark Lane and had no screening function.</p>  |

|       |                            |   |   |
|-------|----------------------------|---|---|
|       |                            |   | <p>Chapter 7: Landscape and Visual of the ES [APP046/6.1] assesses views from Shareshill (at the junction with the A460) (VP07) and Little Saredon (VP08 and VP09)- in particular Saredon Hill (VP08). Viewpoints 07 and 09 were not assessed further in the ES due to the limited nature of views towards the Scheme in these locations, viewpoints from these locations are provided as Figure 7.11 and 7.13 of the ES [APP-094 and 096/6.2]. The view from Saredon Hill (VP08) was reproduced as a photomontage to show the proposed landscape mitigation (Figures 7.12C [APP-095/6.2]). On this figure you can see that the strategic planting around Junction 11 has been reinstated to replicate a similar effect to at present. In between Junction 11 and Hilton Lane, the combination of the Scheme being in cutting and proposed hedgerow and woodland planting would reduce the visibility of the road. It was not considered necessary to include additional woodland beyond that proposed, a decision in line with the Staffordshire Landscape Character Assessment for the Settled Plateau Farmlands LCT: 'Large-scale woodlands should be designed to interlock and still allow views through the landscape whilst screening urban edges, power lines, quarries and busy roads'.</p>   |
| 2.7.2 | The Applicant<br>Allow Ltd | <p><b>Replace metal fencing</b><br/>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?</p>             | <p>Consideration has been given to removing/replacing the existing metal fence adjacent to Dark Lane in response to local resident's requests. The fence is under the ownership of Allow Ltd and provides a secure boundary. Discussion are ongoing with Allow Ltd and the local Parish Council to agree a suitable replacement hedge/fence to provide a suitable secure boundary with and improved visual appearance. Subject to agreeing a suitable replacement, this will be provided as part of the Scheme and recorded in the Statement of Common Ground with Allow Ltd [REP1-066/8.8 LIU(A)] and Hilton, Featherstone &amp; Brinsford and Shareshill Parish Councils [REP1-024/8.8 P(D)]</p>  |
| 2.7.3 | The Applicant              | <p><b>Landscape value</b><br/>(a) If the landscape value of the area was considered to be "medium" what would be the outcome for the assessment of effects and impacts and would this significantly change the identified effect?<br/>(b) What impact would this have on the overall conclusions?</p> | <p>a) Value and susceptibility combine to define sensitivity but the way in which they are combined is not set out in LA107 or in GLVIA3. As set out in Chapter 7: Landscape and Visual of the ES, the overall landscape value is low, with Settled Plateau Farmlands Landscape Character Type (LCT) and Settled Heathlands LCT both assigned medium susceptibility to the construction of the Scheme, resulting in an overall 'moderate'/ medium sensitivity. These sensitivity levels are combined with the magnitude of impact to determine the significance of effect. If a medium landscape value was assumed for both LCTs during construction, the overall landscape sensitivity of each LCT would be moderate/ medium as reported in the ES and therefore the significance of effect would remain unaltered.</p> <p>During the operational assessment Settled Plateau Farmlands LCT and Settled Heathlands LCT are assigned a low susceptibility to the operation of the Scheme in Years 1 and 15 of operation, combined with low value landscape this would result in a Low sensitivity. If the landscape value is considered to be medium and the susceptibility to the operation of the Scheme is low, when combined this could result in either a low or medium sensitivity. In this instance it is considered that the sensitivity of both LCTs would remain low as guidance set out in DMRB LA107 defines medium sensitivity of landscapes as "Landscapes of local or regional recognition of importance able to accommodate some change (i.e. features worthy of conservation, some sense of place or value through use/perception)". This is not a justifiable description of the Study Area. However, if sensitivity is assumed to be medium rather than low, when combined with the magnitude of impact the significance of effect would remain as reported in the ES. This is in part because the significance of effects matrix in DMRB LA104 assigns two possible significance of effect categories when a minor impact is combined with a landscape of low sensitivity – these are neutral or slight. The assessment reported in the ES assumed a slight adverse significance of effect which is the same outcome should landscape sensitivity be medium and the impact minor.</p> <p>b) Adopting a medium landscape value would not alter the overall conclusions of the landscape assessment reported in Chapter 7: Landscape and Visual of the ES [APP-046/6.1].</p> |

| 2.8   |               | Noise and Vibration   |  |
|-------|---------------|---|--|
| 2.8.1 | The Applicant | <p><b>Additional noise protection</b></p> <p>It has been suggested that additional acoustic boarding in the vicinity of The Shrubbery and surrounding cottages could reduce the effect of noise on the occupants of those properties. What is the Applicant's response as to the effectiveness and potential for such additional measures?</p>  | <p>The Scheme design includes noise mitigation measures in the form of a low noise surface along the length of the Scheme. In addition, to the west of The Shrubbery (residential unit) the Scheme is located in a cutting which provides an effective barrier to minimise the propagation of traffic noise from the Scheme. As part of the assessment process, a range of additional noise barriers were considered, including an option for a 3.0 m high barrier at the top of the cutting in this area. With regard to The Shrubbery and surrounding cottages, the additional benefit of a 3.0 m barrier at the top of the cutting would be very limited, up to 0.5 dB on the western facades facing the Scheme.</p> <p>Figure 11.4 [AS-098/6.2] visually illustrates the change in traffic noise levels in the opening year across the detailed study area. This demonstrates that on the western and southern sides of the property a minor (1 to &lt; 3 dB) increase in traffic noise levels is anticipated and on the northern and eastern sides a negligible (&lt;1 dB) change is anticipated. A significant adverse operational traffic noise effect at The Shrubbery due to the Scheme is not anticipated. Based on the anticipated noise impact, the mitigation included in the Scheme, and the limited benefit of an additional barrier at the top of the cutting, no further mitigation measures are proposed in this location.</p> |
| 2.9   |               | Geology and Soils   |  |
| 2.9.1 | The Applicant | <p><b>Best and Most Versatile (BMV) Land</b></p> <p>Natural England in its response to ExQ1.9.3 [REP1-012] indicates that the percentage of BMV should be compared with the national breakdown of BMV. In light of this could the Applicant please undertake a review of its analysis utilising this approach?</p>  | <p>A comparison of the loss of BMV against the national proportions of BMV has been provided to Natural England in a technical note. This technical note has been appended to the Natural England SoCG [TR010054/APP/8.8P(B)] submitted at Deadline 4. This SoCG also records the discussions on this topic.</p>   |
| 2.9.2 | The Applicant | <p><b>Use of Soils and Gravel on site</b></p> <p>SCC in its response to ExQ1.12.1 [REP1-006] indicates that "there should be an assessment on whether 1) sand and gravel that would be sterilised could be used within the scheme as construction aggregate (not just as fill material); and 2) the extent of sterilised sand and gravel that could be otherwise extracted from Hilton Park Quarry". Could the Applicant please undertake these analyses.</p> | <p>A response to SCC was provided in the Applicant Responses to Written Question Responses from Interested Parties WQ1.12.1 [REP2-009] as follows:</p> <p>1) Consideration will be given to the use of site won materials during the construction phase, where appropriate, including bedrock sand. This will be considered in greater detail during the detailed design stage.</p> <p>2) As set out in Appendix 10.1 of the ES [APP-193/6.3] Hilton Park has been non-operational for many years, but there remain permitted reserves. Planning permission for bedrock sand and gravel extraction was originally granted in 1955 and expires in 2042. Appendix 10.1 concludes that "<i>it has been demonstrated that the Scheme would not unduly restrict the mineral operations at the Hilton Park site should operations recommence at some point in the future. The requirements of MLP Policy 3 relating to safeguarding mineral infrastructure sites (specifically Policy 3.2 (b) and Policy 3.5 (a)) have been met.</i>" Therefore, the Scheme would not sterilise sand and gravel within Hilton Park Quarry.</p> <p>Figure 1 of Appendix 10.1 [APP-193/6.3] of the ES, which illustrates the location of the Mineral Safeguard Area and site of Hilton Park Quarry, is provided as Appendix 2.9.2 to this report for information.</p>  |
| 2.9.3 | The Applicant | <p><b>Minerals and Waste</b></p> <p>SCC in its LiR it is stated there would be additional demand placed on the provision of construction aggregates and it is difficult to assess the impact on available permitted reserves. It is recommended that a materials audit is provided by the applicant. Can the Applicant please provide such an audit?</p>  | <p>It is considered that information on this topic is already provided in the application, with the position is summarised below. Discussions on this topic are ongoing with SCC to understand what they are looking for and when in the process. Therefore, no audit is provided at Deadline 4. Updates on these discussions will be provided in future updates of the SoCG with SCC.</p> <p>Estimated main types and quantities of material for Scheme construction are provided in Table 10.8 of [APP-049/6.1]. At this stage no decision has been made about the exact sources of aggregates for the project. This decision would be made by the contractor having regard to commercial factors and the target for recycled/secondary aggregates.</p>  |

|                                   |                            |   | <p>Based on the data provided in Table 10.8 of the ES [APP-049/6.1], the quantities of main construction materials and the corresponding quantity of primary aggregate required are as follows.</p> <table border="1"> <thead> <tr> <th></th> <th>Quantity required (tonnes)</th> <th>% aggregate</th> <th>Total aggregate (tonnes)</th> <th>Recycled %</th> <th>Primary aggregate (tonnes)</th> </tr> </thead> <tbody> <tr> <td>Asphalt</td> <td>88,726</td> <td>95%</td> <td>84,290</td> <td>25%</td> <td>63,217</td> </tr> <tr> <td>Unbound aggregate</td> <td>137,999</td> <td>100%</td> <td>137,999</td> <td>50%</td> <td>69,000</td> </tr> <tr> <td>Concrete</td> <td>157,785</td> <td>80%</td> <td>126,228</td> <td>16%</td> <td>106,032</td> </tr> <tr> <td><b>Total:</b></td> <td></td> <td></td> <td><b>348,517</b></td> <td></td> <td><b>238,248</b></td> </tr> </tbody> </table> <p>This is based on typical aggregate contents for asphalt and concrete. The proportion of recycled aggregate is based on the information in Table 10.8 of [APP-049/6.1].</p> <p>Data on mineral sales and permitted reserves in Staffordshire is provided in the most recently published Local Aggregate Assessment (based on 2018 data) which reports permitted reserves of sand and gravel (not including reserves associated with “dormant” sites) of 68.785 million tonnes as of 1 January 2019; and 3-year mean annual average of sand and gravel sales of 4.731 million tonnes per year, over the period 2016 to 2018.</p> <p>Comparing the Scheme’s primary aggregate requirements to the mean annual sales and permitted reserves, this amounts to 5.0% of mean annual sales and 0.3% of permitted reserves within SCC, noting that aggregates could also be supplied from outside Staffordshire.</p> |            | Quantity required (tonnes) | % aggregate | Total aggregate (tonnes) | Recycled % | Primary aggregate (tonnes) | Asphalt | 88,726 | 95% | 84,290 | 25% | 63,217 | Unbound aggregate | 137,999 | 100% | 137,999 | 50% | 69,000 | Concrete | 157,785 | 80% | 126,228 | 16% | 106,032 | <b>Total:</b> |  |  | <b>348,517</b> |  | <b>238,248</b> |
|-----------------------------------|----------------------------|---|---|------------|----------------------------|-------------|--------------------------|------------|----------------------------|---------|--------|-----|--------|-----|--------|-------------------|---------|------|---------|-----|--------|----------|---------|-----|---------|-----|---------|---------------|--|--|----------------|--|----------------|
|                                   | Quantity required (tonnes) | % aggregate   | Total aggregate (tonnes)  | Recycled % | Primary aggregate (tonnes) |             |                          |            |                            |         |        |     |        |     |        |                   |         |      |         |     |        |          |         |     |         |     |         |               |  |  |                |  |                |
| Asphalt                           | 88,726                     | 95%   | 84,290  | 25%        | 63,217                     |             |                          |            |                            |         |        |     |        |     |        |                   |         |      |         |     |        |          |         |     |         |     |         |               |  |  |                |  |                |
| Unbound aggregate                 | 137,999                    | 100%  | 137,999   | 50%        | 69,000                     |             |                          |            |                            |         |        |     |        |     |        |                   |         |      |         |     |        |          |         |     |         |     |         |               |  |  |                |  |                |
| Concrete                          | 157,785                    | 80%   | 126,228   | 16%        | 106,032                    |             |                          |            |                            |         |        |     |        |     |        |                   |         |      |         |     |        |          |         |     |         |     |         |               |  |  |                |  |                |
| <b>Total:</b>                     |                            |   | <b>348,517</b>  |            | <b>238,248</b>             |             |                          |            |                            |         |        |     |        |     |        |                   |         |      |         |     |        |          |         |     |         |     |         |               |  |  |                |  |                |
| 2.9.4                             | The Applicant              | <p><b>Recycled Aggregates</b></p> <p>SSC in its response to EXQ 1.12.12 highlights that more recent data produced by the Mineral Products Association “From Waste To Resource” suggests that 30% of all aggregate demand is now supplied from non-primary sources, mainly recycled sources. It is suggested the availability of recycled waste and secondary material sources within the locality should be assessed as part of the earthworks strategy and materials management plan. Can the applicant update this to reflect this request?</p>   | <p>The contractor will assess the availability of recycled and secondary aggregates as part of their investigations into suitable suppliers of aggregates and will have regard to the target for use of recycled/secondary aggregates [and will seek to exceed this target if technically and commercially practicable]. As outlined in the Applicant Responses to WQ Responses from Interested Parties [REP2-009] WQ 1.12.12 a materials management plan is not required to assess availability of materials, a materials management plan covers reuse of materials from within the scheme.</p>  |            |                            |             |                          |            |                            |         |        |     |        |     |        |                   |         |      |         |     |        |          |         |     |         |     |         |               |  |  |                |  |                |
| <b>2.10 Traffic and Transport</b> |                            |   |   |            |                            |             |                          |            |                            |         |        |     |        |     |        |                   |         |      |         |     |        |          |         |     |         |     |         |               |  |  |                |  |                |
| 2.10.1                            | The Applicant              | <p><b>Transport Assessment Report</b></p> <p>In their response to ExQ1.10.10 [REP1-036] the Applicant asks whether there are any specific queries. Annex A shows information which has been extracted from the Tables 4.9 to 4.17 of the Transport Assessment Report [APP-222]. However, it is displayed by route rather than by time of day. It is appreciated that the Transport Assessment Report have been updated at [REP3-035/REP3-036] but, it is understood that these figures have not changed.</p> <p><u>Route 1 – Southbound</u></p> <p>The figures in 2039 for the 0800-0900, 1800-1900 and ON periods appear potentially anomalous, as these all estimate increases in journey time, when the others are reductions.</p> <p><u>Route 2 Southbound</u></p> <p>In looking at AM1, when compared to the time saving predictions for overnight and AM2 (and the rest of the day) these look anomalous. The issue is that that are no time savings overnight, when traffic would be expected to be lightest, but greatest time savings in the AM1 peak when traffic should be starting to increase from the overnight, but less thereafter.</p> <p><u>Route 4 Eastbound and Westbound</u></p> | <p>Regarding Route 1 – Southbound. This route concerns the A460 Cannock Road between M6 J11 and M54 J1. It should be noted that the comparison is between the A460 pre-scheme and A460 post scheme (i.e. the A460 is not compared to the new link road created as part of the Scheme). The timings are considered correct. It is notable that in 2024 and 2031 there are more journey time increases than in 2039. This reflects the fact that despite the route being relieved of traffic in the ‘with Scheme’ case, the extra roundabouts and local road-links to negotiate at M54 J1 means that the route is longer and more protracted. As the network is forecast to become more congested over time the congestion on the pre-Scheme A460 starts to outweigh the more protracted route and more journey time reductions are observed in the later forecast years.</p> <p>Regarding Route 2 Southbound and Route 4 Eastbound and Route 4 Westbound, the AM1 modelled hour was deemed to be the peak period for demand for some of the junctions proximate to the scheme – so it is not surprising that the greatest time savings would be achieved in this time period.</p> <p>Intuitively, greater time savings should be expected when the network is more congested. Whereas in off peak periods when traffic flows are light, the competing routes will be more similar in terms of journey-time comparisons (i.e. when everyone can travel at free-flow speed).</p>   |            |                            |             |                          |            |                            |         |        |     |        |     |        |                   |         |      |         |     |        |          |         |     |         |     |         |               |  |  |                |  |                |

|  |               | <p>Same query as Route 2 Southbound for the AM1. There are greater time savings in AM1 compared with overnight; this may be anomalous.</p> <p>Could these please be checked and an explanation given if these figures are correct.</p>  |        |        |     |        |  |  |       |       |  |  |       |       |                                 |  |       |        |                                 |  |       |        |   |
|--|---------------|---|--------|--------|-----|--------|--|--|-------|-------|--|--|-------|-------|---------------------------------|--|-------|--------|---------------------------------|--|-------|--------|---|
| 2.10.2                                 | The Applicant | <p><b>Transport Assessment Report</b></p> <p>In his D2 response [REP2-014] Mr Williams sets out various figures which are said to be taken from the Technical Appendix 13.5 – Operational Noise Assessment (TA13.5) information submitted with the application for the West Midlands Interchange Development Consent Order.</p> <p>While it is appreciated that the data in that Report utilises 2016 figures and that in the submitted Transport Assessment Report [AS-113/AS-114] (the TAR) utilises 2015 figures there does appear to be material differences between the figures reported. It is also appreciated that the TAR utilises AADT figures and the TA13.5 utilises AAWT figures and therefore the AAWT would tend to be higher. The ExA does not have any information as to the veracity of the WMI report (Table A13.5.1), notwithstanding this there do appear to be differences between that report and the TAR (Figures 3.13 and 3.15).</p> <table border="1" data-bbox="543 835 1445 1045"> <thead> <tr> <th>Route</th> <th>Source</th> <th>TAR</th> <th>TA13.5</th> </tr> </thead> <tbody> <tr> <td>A449 between A5 and Gravelley Way (NB)</td> <td></td> <td>5,930</td> <td>9,228</td> </tr> <tr> <td>A449 between A5 and Gravelley Way (SB)</td> <td></td> <td>5,910</td> <td>9,695</td> </tr> <tr> <td>A449 north of Jct 2 of M54 (NB)</td> <td></td> <td>9,520</td> <td>11,536</td> </tr> <tr> <td>A449 north of Jct 2 of M54 (SB)</td> <td></td> <td>8,930</td> <td>11,637</td> </tr> </tbody> </table> <p>It is clear these figures are measuring different matters, and the ExA is not reconsidering whether the information in the WMI report is robust. However, the ExA would be grateful if the Applicant could explain these discrepancies as the ExA is interested as to whether the TAR provides a robust assessment in support of the Case for the Proposed Development.</p> | Route  | Source | TAR | TA13.5 | A449 between A5 and Gravelley Way (NB) |  | 5,930 | 9,228 | A449 between A5 and Gravelley Way (SB) |  | 5,910 | 9,695 | A449 north of Jct 2 of M54 (NB) |  | 9,520 | 11,536 | A449 north of Jct 2 of M54 (SB) |  | 8,930 | 11,637 | <p>The TAR figures presented in the table of flows in this question come from the calibrated M54 to M6 Link Road 2015 Base Year Traffic Model. This is the 'Base Year' starting point which represents existing traffic conditions on the local area network for a recent agreed year, in this case 2015.</p> <p>The figures presented in the Operational Noise Assessment for the WMI DCO (TA13.5) are derived from an unknown source but are likely to also be modelled flows (perhaps from an alternative Base Year Traffic Model).</p> <p>The question asks the project team to explain the difference between the presented flows from the TAR and TA13.5. In order to provide some context to the apparent discrepancy, observed count data was interrogated to see which of the modelled flows were closest to what had recently been observed on the ground, if any. The following conclusions were reached after these observations were concluded.</p> <p><u>Comparison to existing Automatic Traffic Counter (ATC) flow data on A449 north of M54 J2.</u></p> <p>An ATC was set-up in July 2014 on the A449 north of M54 Junction 2. Traffic flow data was provided to the Applicant by SCC and subsequently used in the calibration/validation of the 2015 Base Year Traffic Model. The observed average 7-day directional traffic flows, over a period of two weeks, along this link were;<br/>         Northbound = 9,920 vehicles per day<br/>         Southbound = 10,286 vehicles per day</p> <p>Compared to annual average daily (AADT) flows, there could be a 10% to 15% tolerance on these observed flows due to counter measurement error and seasonal variations.</p> <p>In the northbound direction, the observed flow data show that, the flows are similar to the modelled AADT flows presented in the TA report for the M54 to M6 link road [REP3-036].</p> <p>In the southbound direction the modelled AADT flows were 13% less than the observed flows, which is within acceptable tolerance. This difference is acceptable for the purposes of appraising the impacts of the Scheme.</p> <p>As noted by the ExA - the WMI data is AAWT (Annual Average Weekday Traffic) and a 2016 base year, so the WMI data is expected to be higher than the observed ATC data described above.</p> <p><u>Comparison with Manual Classified Count data at A5/A449 Gailey Island (the southern arm of which represents the A5 to Gravelley Way flows)</u></p> <p>A 24-hour turning movement count was collected at the Gailey Island Roundabout on Thursday the 13 July 2017.</p> <p>The counted traffic, in vehicles per weekday, on the A449 Stafford Road south of Gailey Island was as follows;<br/>         Northbound : 8,592;<br/>         Southbound: 7,815</p> <p>It is noted that the counted traffic is 2 years further into the future compared to the M54 to M6 Link Road (2015) Base Year Model. It is also noted that this data is a one-day sample of the 253 working days in the year. An AAWT daily flow would need to be adjusted for day-to-day variations and seasonal variations.</p> |
| Route                                  | Source        | TAR   | TA13.5 |        |     |        |  |  |       |       |  |  |       |       |                                 |  |       |        |                                 |  |       |        |   |
| A449 between A5 and Gravelley Way (NB) |               | 5,930   | 9,228  |        |     |        |  |  |       |       |  |  |       |       |                                 |  |       |        |                                 |  |       |        |   |
| A449 between A5 and Gravelley Way (SB) |               | 5,910   | 9,695  |        |     |        |  |  |       |       |  |  |       |       |                                 |  |       |        |                                 |  |       |        |   |
| A449 north of Jct 2 of M54 (NB)        |               | 9,520   | 11,536 |        |     |        |  |  |       |       |  |  |       |       |                                 |  |       |        |                                 |  |       |        |   |
| A449 north of Jct 2 of M54 (SB)        |               | 8,930   | 11,637 |        |     |        |  |  |       |       |  |  |       |       |                                 |  |       |        |                                 |  |       |        |   |

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|        |               |  | <p>At the level of the modelled hourly periods, the Scheme's traffic model assigns flows onto the A449(T) that are within accepted tolerances. When the modelled hours are expanded and combined to obtain average daily flows, there appears to be a tendency for the Scheme's local traffic model to under-estimate the daily flows on the A449(T). The implication of this is that the Scheme's appraisal may have under-estimated the beneficial effects of reduced flows on the A449(T) once the Scheme is open to traffic.</p> <p>This potential underestimation relates to trips that originate to the north of the Scheme and then head to destinations further north. In this respect, the trips that may be missing from the Scheme's base year AADT flows are not important for the purpose of appraising the Scheme.</p> <p>Note: If the Applicant's objective had been to prepare a local traffic model to appraise the detrimental impacts of the WMI on the A449(T), then the Applicant would be reassured if the local traffic model over-estimated the 2017 daily flows on the A449(T). For the purpose of appraising the benefits of the Scheme it is reassuring that the Scheme's local traffic model underestimates the AADT flows on the A449(T). The two traffic models were developed for different purposes.</p>   |
| 2.10.3 | The Applicant | <p><b>Off-site effects</b></p> <p>In its response to the Local Impact Report (LIR) from Staffordshire County Council at D3 [REP3-037] the applicant does not respond to paragraph 6.6 in the LIR. Could the Applicant please set out its position, particularly into the case that further off- site mitigations may be necessary.</p>     | <p>The points raised by Staffordshire County Council in paragraph 6.6 of the LIR are the same as those raised in its Written Representation [REP1-005]. The Applicant has responded to each of these points in its response to SCC's Written Representation, refer to responses to Issue 9 through to Issue 14 in document [REP3-037].</p>   |
| 2.10.4 | The Applicant | <p><b>Facilities for horse riders around M54 Jct 1</b></p> <p>(a) In the draft SoCG with SCC it is indicated "due to the cross-section restriction through [M54 Jct 1], separate [NMU] facilities have been discounted". Could this please be demonstrated?</p> <p>(b) What would be needed to achieve separate facilities?</p>            | <p>(a) The SoCG with SCC refers to separate on-carriageway facilities for cyclists in addition to the off-carriageway shared cycle/ footway. These would require the structure to be widened by an additional 3.0 m to allow for a 1.5 m cycle lane in either direction. However, on-carriageway facilities have been discounted at this location to avoid the conflict between cyclists and vehicles around the three-roundabout arrangement. Currently there is no provision for horse riders around M54 Junction 1 as there are no identifiable desire routes to the north and south of the M54. It is not proposed to incorporate any specific horse rider facilities as these would need to be away from the carriageway to reduce the risk of spooking horses and are not considered to be suitable at this location.</p> <p>(b) In order to provide separate facilities for horse riders at M54 Junction 1 it would be necessary to provide a crossing facility away from the carriageway on a more direct route. As noted in the Applicant's response to paragraphs 2 to 4 of Cllr Robert Cope's Written Representation at Deadline 3 [REP3-037], consideration has been given to alternative options to provide a more direct link between the north and south of the M54 carriageway however these have been discounted. Please refer to Walking, Cycling and Horse-Riding Routes at Junctions Technical Note [TR010054/APP/8.21] submitted at Deadline 4 for further details.</p> |
| 2.10.5 | The Applicant | <p><b>Facilities for horse riders around M6 Jct 11</b></p> <p>(a) In the draft SoCG with SCC it is indicated "due to the cross-section restriction through [M6 Jct 11], separate [NMU] facilities have been discounted".</p> <p>(b) Could this please be demonstrated?</p> <p>(c) What would be needed to achieve separate facilities?</p> | <p>(a) The SoCG with SCC refers to separate on-carriageway facilities for cyclists in addition to the off-carriageway shared cycle footway. These would require the structure to be widened by an additional 1.5 m to allow for a cycle lane. However, on-carriageway facilities have been discounted at this location due to the busy nature of the junction. Currently there is no provision for horse riders around M6 Junction 11 as there are no identifiable desire routes either side of the junction. It is not proposed to incorporate any specific horse rider facilities as these would need to be away from the carriageway to reduce the risk of spooking horses and are not considered to be suitable at this location.</p> <p>(b) In order to provide separate facilities for horse riders at M6 Junction 11 it would be necessary to provide a crossing facility away from the carriageway. Please refer to Walking, Cycling and Horse-Riding Routes at Junctions Technical Note [TR010054/APP/8.21] submitted at Deadline 4 for further details.</p>  |
| 2.10.6 | The Applicant | <p><b>Diversion of Public Footpath No 8 Saredon</b></p> <p>Could the Applicant please explain how it is intended to link Public Footpath No 8 Saredon with the footway at junction 11 of the M6 given the change in levels and the need to ensure that it is</p>   | <p>Each diversion or new crossing of the road for footways, footpaths and bridleways has been designed according to Equality Act and current standards. Consideration has been given to ramps to improve accessibility where appropriate. Ramps will be provided on Footpath Saredon 8 on the approach to M6</p>   |



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|        |               | accessible for all members of the community at all times. For example, this is not shown on the Indicative Traffic Management Layouts at Appendix E of the Outline Traffic Management Plan [AS-115/AS-115], and pedestrians form part of the 'traffic' of the junction.  | Junction 11. It is noted that the Outline Traffic Management Plan (version P04 [AS-116/7.5] and the revised version, P05, submitted at Deadline 4) does not currently identify diversion routes for footways at M6 Junction 11, however it is stated within the referenced document that all PRoW will be maintained throughout the construction period by the Contractor. Where PRoW will require minor diversions such as at M6 Junction 11 these will be suitable and appropriate where implemented. Further details will be developed by the Applicant in consultation with SCC as part of the Construction Traffic Management Plan secured by Requirement 10 of the draft DCO.  |
| 2.10.7 | The Applicant | <p><b>Diversion of Bridleway No 13 Saredon</b></p> <p>Could the Applicant please explain how it is intended to link Bridleway No 13 Saredon with the carriageway at junction 11 of the M6 given the need to ensure that it is accessible for all members of the community at all times. For example, this is not shown on the Indicative Traffic Management Layouts at Appendix E of the Outline Traffic Management Plan [AS-115/AS-115], and WCH users form part of the 'traffic' of the junction.</p>  | Each diversion or new crossing of the road for footways, footpaths and bridleways has been designed according to Equality Act and current standards. Consideration has been given to ramps to improve accessibility where appropriate. Ramps will be provided on Bridleway Saredon 13 on approach to M6 Junction 11. It is noted that the Outline Traffic Management Plan (version P04 [AS-116/7.5] and the revised version, P05, submitted at Deadline 4) does not currently identify diversion routes for footways at M6 Junction 11, however it is stated within the referenced document that all PRoW will be maintained throughout the construction period by the Contractor. Where PRoW will require minor diversions such as at M6 Junction 11 these will be suitable and appropriate where implemented. Further details will be developed by the Contractor in consultation with SCC as part of the Construction Traffic Management Plan secured by Requirement 10 of the draft DCO..  |
| 2.10.8 | The Applicant | <p><b>Compliance with NPSNN</b></p> <p>Paragraph 3.17 of the NPSNN indicates "The Government also expects applicants to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems, retrofitting the latest solutions and ensuring that it is easy and safe for cyclists to use junctions."</p> <p>In the draft SoCG with SCC it is recorded as stating "Consideration of improved NMU facilities along the existing A460 corridor is supported with the intention to encourage safe sustainable travel along this less traffic dominated corridor. Links to the National Cycle Network are supported. Off-carriageway facilities should be considered where possible."</p> <p>Could the Applicant please explain how it has sought to comply with paragraph 3.17 of the NPSNN given the statement in the draft SoCG that "The scheme does not include proposals to improve NMU facilities along the existing A460 corridor"? The response to this question should consider all corridors which would be affected by the Proposed Development.</p> | <p>The Scheme delivers a motorway grade link between the existing M6 and M54 motorways. Once operational, the amount of traffic using the existing A460 corridor is greatly reduced, particularly the number of HGV's using the route. In this way, the development of a new section of the national network (the M54 to M6 link road) is acting as an enabler for future improvements to the A460, rather than a barrier to traffic. The main barrier to NMUs along the A460 has been the very high level of traffic, including a very large number of HGVs. This has compromised the safety and attractiveness of the route as well as limiting options for improvement. This issue is part addressed by the construction of the new link road. The Scheme also reduces severance for cyclists through the provision of cycle route connections at M54 Junction 1 and the M6 Junction 11. It corrects the historic issues created by these junctions for cyclists, as well as providing a well-lit, safer route for pedestrians.</p> <p>The Scheme therefore corrects historic problems and significantly increases the ease and safety for cyclists using the junctions, complying with NPSNN paragraph 3.17.</p> <p>The installation of cycle or pedestrian routes along the A460 would not be addressing issues caused by the national road network so is not a proposal captured by Paragraph 3.17 of the NPSNN. The A460 is and will continue to be a route managed by the local highway authority.</p> <p>Opportunities were also sought to further address historic problems at the motorway junctions, with a report on options considered presented in document 8.21. This shows that whilst the Applicant sought to identify opportunities to deliver further improvements (particularly to shorten the route provided by the Scheme at M54 Junction 1), no suitable/ better alternatives were identified.</p> <p>Chapter 12: Population and Human Health of the ES [APP-051/6.1] concludes that the Scheme does not result in a significant effect on access for non-motorised users acknowledging the amendments required to existing PRoW's. Such a conclusion is agreed with SCC as set out within the same SoCG.</p> <p>It is the Applicant's opinion that the Scheme is compliant with Paragraph 3.17.</p> |
| 2.10.9 | SCC           | <p><b>Shareshill lay-by</b></p> <p>(a) Could SCC confirm whether there are currently waiting/parking restrictions?</p> <p>(b) If so, what effect have they?</p>  | N/A  |

| 2.10.10  | The Applicant<br>SCC                                | <p><b>Maintenance Plans</b></p> <p>While the ExA appreciates that they are draft, and would not form a certified document, it would ease the ExA's understanding if it could be provided with the draft Maintenance Plans, ie those showing which highways would be the responsibility of Highways England and of SCC.</p>   | Please refer to drawing HE514465-ACM-HGN-M54_SW_PR_Z-DR-CH-1009 provided in Appendix 2.10.10. As the ExA notes, the areas for maintenance remain under discussion with SCC and this document remains indicative at this stage.   |              |     |     |     |  |     |      |  |   |   |
|--|---|--|--|--------------|-----|-----|-----|--|-----|------|--|---|---|
| 2.10.11  | The Applicant                                       | <p><b>Routings</b></p> <p>(a) Could the Applicant please provide information on the distances involved for a NMU both in the existing and proposed situations. If it is anticipated that any class of user, for example equestrians, would be required to use different routing then this should be reported separately. The marks are taken from the Streets, Rights of Way and Access Plans.</p> <table border="1"> <thead> <tr> <th>Start Point</th> <th>Finish Point</th> </tr> </thead> <tbody> <tr> <td>4/2</td> <td>A/4</td> </tr> <tr> <td>4/2</td> <td>Junction of The Avenue with Cannock Road</td> </tr> <tr> <td>4/2</td> <td>4/10</td> </tr> <tr> <td>Junction of Shareshill 5 footpath with Shareshill 3 footpath</td> <td>Junction of Shareshill Footpath 5 with Hilton Lane.</td> </tr> </tbody> </table> <p>(b) Could the Applicant please show these routings on a plan.</p> | Start Point  | Finish Point | 4/2 | A/4 | 4/2 | Junction of The Avenue with Cannock Road | 4/2 | 4/10 | Junction of Shareshill 5 footpath with Shareshill 3 footpath | Junction of Shareshill Footpath 5 with Hilton Lane. | Please refer to Walking, Cycling and Horse-Riding Routes at Junctions Technical Note [TR010054/APP/8.21] submitted at Deadline 4 for further details. |
| Start Point  | Finish Point  |  |  |              |     |     |     |  |     |      |  |   |   |
| 4/2  | A/4   |  |  |              |     |     |     |  |     |      |  |   |   |
| 4/2  | Junction of The Avenue with Cannock Road            |  |  |              |     |     |     |  |     |      |  |   |   |
| 4/2  | 4/10  |  |  |              |     |     |     |  |     |      |  |   |   |
| Junction of Shareshill 5 footpath with Shareshill 3 footpath | Junction of Shareshill Footpath 5 with Hilton Lane. |  |  |              |     |     |     |  |     |      |  |   |   |
| 2.10.12  | Interested Parties                                  | <p><b>Walking speed</b></p> <p>(a) In their response at D3 [REP3-037] to Cllr Cope's Written Representation the Applicant utilises an "average walking speed of 4 mph" for measuring time effects. Do the interested parties consider that this is realistic given the nature of the environment which WCH would be travelling through?</p> <p>(b) If not, what speed should be utilised?</p>  | N/A  |              |     |     |     |  |     |      |  |   |   |
| <b>2.11</b>  | <b>Water Environment and Flood Risk</b>             |  |  |              |     |     |     |  |     |      |  |   |   |
| 2.11.1   | The Applicant                                       | <p><b>Latherford Brook (Watercourse 5)</b></p> <p>In its response to ExQ1.11.2 [REP1-072] the Environment Agency considers that the Latherford Brook should be considered as having a medium/high risk for the reasons set out. Could the Applicant please set out its response to this, if necessary on a without prejudice basis in the alternative, on the basis of medium/high risk was considered by the ExA to be appropriate.</p>   | <p>As set out in the Applicant's Response to WQ Responses from Interested Parties [REP2-009] on WQ 1.11.2, the flood risk has been assessed to be low at Latherford Brook. There is a low flood risk to the Scheme and as an impact from the Scheme.</p> <p>It is acknowledged that the implementation of the Scheme does increase the extent of Flood Zone 3 in the vicinity of Latherford Brook, and in places the depth of flood water, when compared to the baseline scenario. The main receptor in this area of expanded flood plain is woodland, which is considered to be impacted minimally by the increased flood extents. The impact of a high magnitude event (1% AEP) is unlikely to significantly change the nature of the woodland, therefore, the risk to the receptor is low despite the minor increase in floodplain in high magnitude events, and therefore the flood risk is considered to be low.</p> <p>However, if the ExA were to consider that the flood risk regarding the Latherford Brook is medium/high the Applicant's response would be as follows:</p> <p>As stated in Table 13.7 of the Environmental Statement, Watercourse 5 has been assigned a receptor importance of Medium, which experiences localised and temporary impacts of flood risk, resulting in a minor adverse impact which leads to a slight adverse effect. If the ExA were to consider the flood risk as described in the Flood Risk Assessment as medium/high, this would slightly change the "nature of impact and scale" from "Localised and temporary" to "Localised and permanent". However, the conclusion of the Environmental Statement that the Scheme would result in a slight adverse effect on the fluvial flood risk for Watercourse 5,</p> |              |     |     |     |  |     |      |  |   |   |

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|        |               |  | <p>would remain unaltered. This is because the criteria outlined for the magnitude of the impact in Table 13.2 of the Environmental Statement, remains unchanged.</p> <p>It should be noted that the area which is predicted to be affected by this slight adverse effect is to be purchased as part of the Scheme. This means that there will be no detrimental impact to third party land or other receptors.</p> <p>The Environment Agency stated in their response that they have no objections to this slight adverse effect, subject to the land being purchased by the Applicant as proposed, as this would ensure there would be no change or increase in risk to third party land. Therefore, if the ExA were to consider the flood risk regarding the Latherford Brook is medium/high, the Applicant has taken steps to ensure that this flood risk is acceptable to the Environment Agency and no third parties will be affected.</p>   |
| 2.11.2 | The Applicant | <p><b>Cutting under Hilton Lane Overbridge</b></p> <p>In the D2 response to the D1 submission [REP2-009] the Applicant indicates that necessary measures to ensure that there is no flooding impact on the carriageway will be the subject of the detailed designs. Could the Applicant please indicate where this will be secured?</p>  | <p>The Drainage Strategy, Appendix 13.2 of the ES [APP-201/6.3] and commitment D-WAT9 in REAC Table 3.4 of the Outline Environmental Management Plan (Version 04 submitted at Deadline 4), set out the requirement to ensure there is no flooding impact on the carriageway.</p> <p>Requirement 8 of the draft DCO prohibits the commencement of the authorised development until the requisite mitigation measures have been approved by the Secretary of State and requires that those approved measures thereafter be constructed in accordance with the approved details.</p>  |
| 2.11.3 | The Applicant | <p><b>Abstraction rate for borrow pit</b></p> <p>(a) It is suggested that the abstraction rate for dewatering the borrow pit at the M6 junction should be limited to 20 m<sup>3</sup>/d. Is the abstraction rate for dewatering the borrow pit secured?</p> <p>(b) Could the Applicant please explain how and where this is secured?</p> | <p>There is no requirement to limit the abstraction rate to less than 20m<sup>3</sup>/d. It is likely that the abstraction rate for the borrow pit would be greater than 20m<sup>3</sup>/d and therefore an abstraction licence will be required, as set out in the Consents and Agreements Position Statement (Version P03 submitted at D4).</p> <p>Table 3.3 of the OEMP, PW-WAT7 sets out the following commitments relating to dewatering and abstraction:</p> <p><i>“The main works contractor shall adopt construction techniques which will minimise, so far as reasonably practicable, the need for and extent of dewatering and groundwater abstraction. With regards to the borrow pit, water level monitoring shall be required around the site and in Watercourse 3 and Kings Pool Fishery’s (refer to PW-WAT3). Compensatory flows may need to be provided. Compensatory discharges should be for the duration of the works as required and should be sufficiently treated in advance to remove fine sediments and any other chemical pollutants that may be present.</i></p> <p><i>The main works contractor shall be responsible for obtaining the necessary approvals and permits to enable and abstraction and discharge of pumped water in an approved manner. “</i></p> <p>With these measures in place including appropriate groundwater and surface water monitoring during construction period as part of the CEMP, there are unlikely to be any impediments to obtaining the licence.</p> <p>Consultation with the Environment Agency in relation to the abstraction licence will be carried out in 2021 following the results of further groundwater monitoring, to confirm the approach to an application for this consent. It is anticipated that formal pre application submissions will be made in the summer of 2021 and the full application submitted by the end of 2021.</p> |
| 2.11.4 | The Applicant | <p><b>Flood Risk Improvements</b></p> <p>The opportunity to improve flood risk down-stream of the Lower Pool is dependent on pond size and weir design. Can design parameters be provided and secured to ensure such improvement is achieved and demonstrated to be effective through sensitivity testing?</p>                           | <p>The sensitivity testing outlined in the Hydraulic Model Report, Annex B of the Flood Risk Assessment, has shown the benefit of retaining the Lower Pool. Retaining Lower Pool mitigates flood risk, as it is an online storage feature and acts as a mechanism to slow the flows exiting Lower Pool. The modelled result is therefore no out of bank flooding downstream during a 0.1% AEP event.</p> <p>It is highlighted in sections 5.3.4 to 5.3.5 that further analysis would need to be undertaken in 2021 to ensure the design includes a suitable combination of Lower Pool size and weir design. The size of Lower Pool and weir design configuration may change the flow rates exiting Lower Pool, which in turn may show differences in in-channel levels downstream. This will be subject to sensitivity testing in 2021, to ensure the final design</p>   |

|             |                               |  |   |
|-------------|-------------------------------|--|---|
|             |                               |  | does not result in a worse impact than that reported in the Environmental Statement. This is set out in the Outline Environmental Management Plan, commitment D-WAT8, Table 3.4 and secured through Requirement 3 of the draft DCO.   |
| <b>2.12</b> | <b>Socio-economic effects</b> |  |   |
| 2.12.1      | The Applicant                 | <b>Minerals</b><br>In the D2 response to the D1 submission [REP2-009] the Applicant indicates that consideration of site won minerals will take place during the detailed design stage. Could the Applicant please indicate where this will be secured?  | Consideration of site won materials will be included in the Materials Management Plan, Soils Management Strategy and Site Waste Management Plan which are secured at requirement 4 of the draft DCO.  |
| 2.12.2      | Allow Ltd                     | <b>Employment</b><br>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. | N/A   |
| 2.12.3      | SSC                           | <b>ROF Featherstone</b><br>Could the precise allocation be identified, that is the quantum, size, use(s) and associated metrics be provided, as well as location on an Ordnance Survey base map.   | N/A   |
| 2.12.4      | SSC                           | <b>I54</b><br>Could the precise allocation be identified, that is the quantum, size, use(s) and associated metrics be provided, as well as location on an Ordnance Survey base map.  | N/A   |
| 2.12.5      | The Applicant                 | <b>Local Employment Initiatives</b><br>It has been suggested that jobs should be secured for local people via the local jobs club through a legal mechanism has the Applicant considered local employment initiatives?   | The M54 to M6 Link Road provides an excellent opportunity to improve the capacity and capability of the civil engineering industry. As Highways England's Delivery Partner, Linkconnex, together with its supply chain, is committed pursuant to its contract with Highways England to securing local employment opportunities to contribute to local economic growth of the communities served by the Scheme. In particular, it will engage with a number of employment organisations to provide opportunities for jobs. In addition, a Skills and Inclusion Manager will lead the engagement with the local jobs club, as well as other organisations such as Job Centre Plus, Business in the Community (BITC), Women in Construction, the Prince's Trust and ex-Services organisations. Linkconnex also operates an industry-leading apprentice scheme for both Trade and Technical career opportunities that will be promoted through this engagement. |

## 2. Responses to Representations Made at Deadline 2

| Representor     | Topic       | Representation  | Applicant's Response   |
|-----------------|-------------|---|--|
| Daniel Williams | Question 4A | When the applicant's A449 modelling is contrasted with the WMI DCO data (see Table 1), can the applicant account for the 94.05% (22,009 actual) difference in daily vehicle movements in the late 2030s?  | Please refer to Applicant's Response to ExA's Written Question 2.10.2 above  |
|                 | Question 4B | <p>Why are the WMI, 2016 summaries of daily A449 usage significantly larger than the applicant's 'with' and 'without' [the proposed link road] projections for 2039?</p> <p>The applicant was a contributing consultee in the WMI DCO examination and was statutorily obliged by <a href="#">Department for Transport Circular 02/201314</a> – Paragraph 5 to shape and contribute to the analysis of that scheme's transport modelling and provide support or objection where appropriate to its benefits and harm on the strategic road network:</p> <p>"...The Highways Agency will issue advice that seeks to address matters arising from the planning process that have <i>*the potential*</i> to impact on the strategic road network but which may require some <u>particular consideration</u>."</p> <p>It important to note that if the applicant now wishes to question or distance itself from the validity of the WMI DCO transport modelling, they are by extension admitting that they failed in their statutory role during that DCO examination. Their DCO proposal on land 1.6 miles to the south east, will cost £200 million and was developed over the last eight years and yet it has failed to recognise the impact it would have on the strategic road network and the holistic relationship between the two schemes.</p> <p>The WMI applicant/developer had absolutely no interest in exaggerating their likely intensification of vehicular movements and use of the A449. On the contrary is has been observed that the WMI applicant/developer deliberately falsified and lessened their projected utilisation of the A449 and the acoustic harm that was inferred to derive from that usage. As can be noted from the documents in Appendices 3 and 4 of this document, the deliberate falsification of data by Four Ashes Ltd. (the WMI developer/applicant) is the subject of an ongoing internal investigation by the Planning Inspectorate. That investigation is going to be of interest to Highways England, the ExAs for both DCOs and Four Ashes Ltd. when its findings are published in the coming weeks.</p> | Please refer to Applicant's Response to ExA's Written Question 2.10.2 above  |
|                 | Question 6  | Could the applicant clarify the nature and extent of the peer review that its transport modelling and the associated/inferred noise assessment underwent, prior to its submission into this examination?  | All traffic modelling products (including the Transport Data Package, Transport Modelling Package, Transport Forecasting Package and Transport Appraisal Package) are quality assured by the Consultant by both the originator, reviewer and lead verifier for the project, and then peer-reviewed by a designated Traffic Modelling expert at Highways England's Transport Planning Group (TPG). The noise team undertake a similar peer review process with environmental experts within Highways England. |
|                 | Question 8  | In reference to Figures 3.3 and 3.4 of the TA17, can the applicant explain why the A449 between J2 of the M54 and the A5 at Gailey was not subject to any bespoke ATC counts/calibration of the 2015 data in 2017?  | There was no bespoke count undertaken here as the project team were already in receipt of a count from SCC at this location that was within the acceptable timeframe for use in model calibration/validation.  |
|                 | Question 11 | 'Perceived' efficiency does not come across as a ringing endorsement of the scheme's likely effectiveness in relation to the A449. Is the actual difference in travel time improved or worsened when motorists use the proposed M54-M6 link rather than the A449/WMI link road? Yes or no?  | A series of Journey Times were extracted from the 2024 forecast assignments using common start and end points within the M54 to M6 Traffic Model – the start/end points being M54 J2 and M6 J13. Two of the routes used the A449 (one entering the M6 at J12 and the other at J13), and one route used the Scheme link. The route times/distances and speeds are described below.  |

| Representor | Topic       | Representation  | Applicant's Response   |
|-------------|-------------|---|--|
|             |             |   | <p><u>Journey times from M54 J2 to M6 J13</u></p> <p>These comparisons are based on times in the opening year (2024) Do-Something IP model.</p> <p>Northbound, times were from the nose of the EB diverge slip at M54 J2 to the nose of the NB merge slip at M6 J13.</p> <ul style="list-style-type: none"> <li>• Via the Scheme to the M6 at J11, then M6: time 710s, distance 19,127m, average speed 97.1kph</li> <li>• Via A449 to Gailey, then A5 to M6 J12, then M6: time 855s, distance 17,551m, average speed 73.9kph</li> <li>• Via the A449 through Penkridge to M6 J13: time 876s, distance 15,647m, average speed 64.3kph</li> </ul> <p>Southbound, times were from the nose of the SB diverge slip at M6 J13 to the nose of the WB merge slip at M54 J2).</p> <ul style="list-style-type: none"> <li>• Via M6 to J11 and the Scheme: time 789s, distance 19,447m, average speed 88.7kph</li> <li>• Via M6 to J12, A5 and A449: time 938s, distance 17,900m, average speed 68.7kph</li> <li>• Via A449 through Penkridge: time 952s, distance 15,977m, average speed 60.4kph</li> </ul> <p>Therefore, using the M54 to M6 Link Road Scheme between M54 J2 and M6 J13 will be quicker (by more than 2 mins) than using either route involving the A449 in both the northbound and the southbound directions.</p> |
|             | Question 13 | <p>What is the applicant's estimated breakdown of the different journey types made along the A449 at present, in the year of opening and in 2039? i.e. what is the percentage of local traffic movements between A449 villages and Stafford or Wolverhampton; sub-regional traffic movements between Wolverhampton and Stafford (including the % non-WMI HGV movements), regional movements between Shropshire or Mid-Wales and northern Staffordshire/northern England or towns/cities to the east of Cannock (including the % non-WMI HGV movements) and standalone WMI movements (the % of HGVs and other vehicle associated with the facility)?</p>   | <p>The project team does not consider this is relevant to the assessment of the Scheme and does not intend to undertake further work on this.</p>  |
|             | Question 14 | <p>Could the applicant, Staffordshire County Council, The Staffordshire Wildlife Trust and Natural England please give their opinions on this matter? The ExA and other parties may wish to directly consult Dr Warren Eastwood at the University of Birmingham, School of Geography, Earth and Environmental Sciences; he and his research grouping are locally based, world leading experts in this particular research field.</p> <p>Holocene Peat Deposits Aerial satellite imagery (see Appendix 6) shows several potential kettle holes within or immediately adjacent to the proposed scheme. Kettle holes are relatively common across the northern and western Midlands where they were formed at the periphery of Devensian ice sheets during the termination of that Ice Age around 30 – 15 thousand years ago. The possible kettle holes within and adjacent to the Order limits appear to be a separate and distinct collection of small pools and micromeres, in comparison to the typically larger ones found to the north and west . Their location and their southwest-northeast alignment correlates strongly with the south eastern extent of the hypothesised 'Wolverhampton Line' .</p> <p>Kettle holes are not only interesting geologic features in their own right, but also have the potential to hold datable, multi-millennial or even complete Holocene spanning sedimentary and organic (peat) stratigraphies. These stratigraphies can contain multi-proxy records of fossilised tree/plant pollen, micro and macro insect remains, as well as other radio carbon-datable organic materials . These fossilised materials have the potential to be used to infer detailed and unbroken estimations of vegetative, landscape and climatic changes</p> | <p>Please refer to Applicant's Response to ExA's Written Question 2.6.1 above</p>  |

| Representor | Topic | Representation  | Applicant's Response |
|-------------|-------|---|----------------------|
|             |       | <p>and events from as early as 15,000 years before the present day right into the late medieval period . Individual kettle hole proxy records can be cross referenced with other peat stratigraphies from across the British Isles and other regions in the northern hemisphere. Multiple records can then be further combined and contrasted with other paleo-environmental proxies, like speleothems and ice cores straigraphies, as well as the conventional archaeological record, to give incredibly powerful and detailed insights into the past. For these reasons kettle hole deposits are potentially very valuable, but they are completely finite and vulnerable to damage from human activity, particularly development like road building.</p> <p>The study of Holocene peat straigraphies is not a new discipline but it is an ongoing area of academic research on sites near to the proposed scheme<sup>29</sup> . If the features identified in Appendix 6 are kettle holes, sample coring, and where appropriate full coring, should be undertaken in order to capture and analyse any sediments/peat chronologies and the imbedded proxy records before they are damaged or lost during the proposed scheme's construction or its future function (for example by inducing harmful changes to the hydrologic regime of land within and around the Order limits).</p> |                      |

### 3. Responses to Representations Made at Deadline 3

**Table 3-1 Applicant's Response to Representations Made at Deadline 3**

| Representor | Topic  | Representation   | Applicant's Response  |
|-------------|--|--|---|
| Allow Ltd   | Part 5 – Powers of Acquisition and Possession  | <p>Para 23 (1) Compulsory acquisition of rights and imposition of restrictive covenants. If in the consequence of any acquisition of rights over the Order Land the access to Allow Limited's retained land is materially obstructed, the undertaker must provide such alternative rights and means of access as will enable Allow Limited to maintain or use its retained land no less effectively than was possible before such obstruction.</p> <p>Not to allow to pass into the service media serving the retained land any noxious or deleterious effluent or other substance or material which may obstruct or damage the retained land. The undertaker shall not impose any restrictive covenant that will affect the operation or the use of the retained land by Allow Limited in any way whatsoever.</p> <p>The undertaker shall at its own cost prior to starting the execution of any works in, on or under any such land provide and lay alternative service media together with the right for Allow Limited to use such service media together with the right for Allow Limited to enter onto any land acquired by the undertaker to maintain and connect onto at the cost of the undertaker. The undertaker shall at all time maintain the service media so as not to cause any disruption to Allow Limited.</p> <p>If in the consequence of any acquisition of rights over the Order Land any rights granted to or by Allow Limited and referred to in the registers of title of Allow Limited's land are interfered with, the undertaker must provide such alternative rights as will enable Allow Limited or those it grants rights to exercise such rights no less effectively than was possible before such obstruction.</p> | The Applicant is continuing dialogue with Allow to ensure that it is able to continue to access it's retained land.   |
|             | Para 29 – Temporary use of land for carrying out the authorised development              | If the undertaker in consequence of carrying out the authorised development is required whether on a permanent or temporary basis to remove any buildings and vegetation from that land in Allow Limited's ownership it shall replace any building removed and restore the land on which any permanent or temporary works have been constructed. Any dispute arising between the undertaker and Allow Limited must, unless agreed in writing between the undertaker and Allow Limited be determined in arbitration. Any notice served on Allow Limited in accordance with the above must be sent to [details and method to be confirmed].  | Article 29 of the draft DCO regulates how land taken for temporary possession is to be dealt with and, in particular, article 29(4) requires that the Applicant reinstate land before it is returned to the landowner. Compensation is payable to the landowner in respect of any land returned with permanent works and for any building which has been removed. |
|             | General  | The undertaker is required to covenant not to do, permit or authorise anything that would prohibit the on-going use of the Allow Limited's retained land including any occupiers, tenants or licensees of Allow Limited' retained land. The undertaker shall not obstruct any access ways to the retained land or in any other way interfere or disturb of the rights of the access way or similar rights owned by any other person authorised by Allow Limited. Where applicable suitable and appropriate maintenance provisions will be required from the undertaker to Allow Limited.   | The Applicant is continuing dialogue with Allow to ensure that it is able to continue to access it's retained land.   |
|             | Part 6 – Private Means of Access to be Stopped Up and for which a substitute is required | Where Allow's land or private means of access are stopped up adequate provisions as set out at paragraph 1 will be required.   | It is not clear which access is referred to. Some private means of access are to be retained. Others will be removed and replacements provided. The Applicant is in ongoing dialogue with Allow about future accesses.  |



| Representor | Topic                    | Representation  | Applicant's Response   |
|-------------|--------------------------|---|--|
| M6 Diesel   | Weight Restriction       | <p>It is clear from the SCC representation that SCC are wanting the scheme to include a 7.5 tonne environmental weight restriction on the existing A460 south of the M6 Diesel site. The Applicant has, in their draft SoCG with M6 Diesel [REP1-030] stated that "Highways England does not consider the provision of a traffic regulation order to restrict access to HGVs to be necessary. The current traffic model suggests a restriction would be unnecessary."</p> <p>The Applicant has made a more detailed response in their draft SoCG with SCC [REP1-042] which runs from pages 32 to 35 of that document. The Applicant's response to SCC is summarised as follows:</p> <ul style="list-style-type: none"> <li>• There is forecast to be a 90% reduction in HGV use on the existing A460 south of M6 Diesel as a result of the Applicant's scheme;</li> <li>• Under a worst-case scenario there is forecast to be a 79% reduction in HGV use on the existing A460 south of M6 Diesel as a result of the Applicant's scheme;</li> <li>• SCC have not provided any evidence to justify why the residual HGV use would be unacceptable;</li> <li>• SCC have not provided any evidence that a weight restriction as proposed by them (or any alternative) would be effective or that it would not cause unintended adverse effects.</li> </ul> <p>It is clear to us from the Applicant's own analysis that there is no justification for inclusion of an environmental weight limit on the existing A460 to be implemented as either an inherent part of the scheme or as mitigation for an adverse impact. Even under a worst case scenario there will be a significant reduction in HGV use of the existing A460 south of the M6 Diesel site and furthermore, the scheme itself will move traffic on the existing A460 away from the south-eastern part of Featherstone due to the reconfiguration of the existing A460 north M54 J1 as shown on the general arrangement plan sheet 4 [AS-067].</p> <p>Whilst M6 Diesel support the wider objectives of the Applicant's scheme, we see no reason why M6 Diesel's business should be penalised by the implementation of an environmental weight limit on the existing A460 especially when the Applicant does not consider it necessary through their own modelling. We would therefore object to any such restriction if it were to be included within the scheme and draft DCO. As stated in our Written Representation [REP1-080], and mentioned by the Applicant in their draft SoCG with SCC, if SCC wish to implement an environmental weight limit on the existing A460 then they are of course, as highway authority, at liberty to make their own proposals using normal traffic regulation orders and consult with affected parties as required.</p> | Highways England note that M6 Diesel supports their position that there is no need for the weight restriction.   |
|             | Journey time information | <p>SCC have stated in their representation that "We understand from HE that use of the new link road to/from M6 junction 11 to access M6 Diesel is quicker in terms of journey time than utilising the A460". There is no data in the SCC representation to support this and we are unable to find this data in the Applicant's transport assessment [AS-114].</p> <p>M6 Diesel has asked the Applicant to provide the journey time information so we are able to assess this further. This was requested following a review of the SCC representation but at the time of writing the data has not been received from the Applicant.</p> <p>Provision by the Applicant of the following journey time information would enable the journey times between the M54 and M6 Diesel to be properly understood in the with and without scheme scenarios. The same start and end points need to be used in all scenarios.</p>   | M6 Diesel was not modelled as a specific node in the traffic model so this journey time information is not readily available, nor does the Applicant see it as necessary for the assessment of the Scheme. |

| Representor         | Topic              | Representation   | Applicant's Response  |
|---------------------|--------------------|--|---|
|                     | Question 1.10.16   | The Applicant's responses to the first written questions [REP2-009] includes a response to the answer provided by M6 Diesel on Q1.10.6. We note in this response that the Applicant has explained what their figure of 375 movements a day relates to and how has been calculated. They have also explained that using M6 Diesel's own count data, the equivalent calculation would be 395 movements per day. As the Applicant points out the figure will vary slightly from day to day and we agree that the data is comparable.              | Noted.<br>(See also [REP3-039/8.17]: "HGV flows on Existing A460").   |
|                     | Draft DCO          | The latest draft DCO was submitted by the Applicant for Deadline 2 [REP2-006]. In this latest draft Article 16 (Traffic regulation) is unchanged from the previous version. On this basis the concerns set out in our Written Representation [REP1-080] remain i.e. that the Article could be used to implement permanent changes, which have a significant adverse impact on M6 Diesel, that are beyond what is necessary for construction of the M54-M6 scheme.  | The Applicant has confirmed that it does not consider a Traffic Regulation Order to restrict HGVs on the A460 to be necessary (see [REP1-043/8.9]). The Applicant has explained that the power at Article 16 relates to the construction, maintenance and operation of the Scheme and is subject to the same consultation and publicity requirements that would apply if Staffordshire County Council were to make a TRO. Further to the hearing on 8 December 2020, M6 Diesel will be aware that Staffordshire County Council is providing further details at Deadline 4 which will need to be considered. |
|                     | SoCG               | The Applicant has submitted a draft SoCG [REP1-030]. At the time of writing there remain two outstanding matters and we have not received any further information from the Applicant to progress discussions on either of these points. The Applicant has indicated in their draft SoCG that they wish to understand if M6 Diesel have any other comments on the draft DCO. We can confirm that M6 Diesel has no further comments on the draft DCO other than those set out in our Written Representation [REP1-080].                          | An updated SoCG between the Applicant and M6 Diesel has been updated based on the latest correspondence and is submitted for D4.  |
| Ministry of Defence | Safeguarding Areas | This application relates to a site outside of Ministry of Defence safeguarding areas. We can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.   | Noted.  |
| St Francis Group    | ROF Featherstone   | SFG wishes to express overall support for the M54-M6 Improvement Scheme (the Scheme) which will increase the overall attractiveness of the ROF Featherstone site by providing enhanced strategic access from the motorway network. The ROF Featherstone site is allocated in South Staffordshire Council's (SSC) 2018 Site Allocations Document as a key employment development that will deliver a significant level of jobs in an employment cluster, that includes the i54 site, of Strategic significance.                                 | Noted.  |
|                     |                    | St Francis Group recognises that HE followed the appropriate guidance and considered the development to be dependent on the Scheme based upon advice provided to them, through the evidence gathering process, by South Staffordshire DC. The advice provided by SSC was incorrect. St Francis Group was not aware of these requests. Notwithstanding this, St Francis Group (and we understand HE) consider that including the ROF development in the Scheme traffic model would not materially affect the design or appraisal of the Scheme. | Noted.  |
|                     |                    | SFG consider that the ROF Featherstone site is not 'dependent' on the delivery of the link road project (the Scheme) and can proceed without it. . At the time when the ROF Site Allocation was extended and adopted the M54/M6 Link Road was a possibility with no preferred solution but by no means a certainty; hence the fact there is no reference to it being necessary in the Site Allocations Document adopted in September 2018 Policy SAD 5.  | Noted.  |
|                     |                    | The ROF site will add some traffic to the A460 albeit the access Route 7 minimises this. The 'test' for whether this traffic can be accommodated is whether it will have a severe impact as noted by the   | Noted.  |

| Representor | Topic | Representation   | Applicant's Response |
|-------------|-------|--|----------------------|
|             |       | <p>Framework. This is not simply whether the existing network is at capacity. Any assessment of such impacts would also consider whether there are ways of mitigating any impacts eg through specific highway improvement schemes at individual locations. These matters will be addressed in the TA which will accompany the planning application for ROF. The impacts on A460 will be considered by the Local Highway Authority, Staffordshire County Council.</p>   |                      |
|             |       | <p>If, for whatever reason, the Scheme is not delivered then St Francis Group will remain committed to the delivery of the ROF strategic development. Whilst SFG accepts that any impacts identified arising from the proposed ROF strategic development on the M54 J2 as it is today would need to be mitigated, SFG's only concern in relation to the proposed Link Road Scheme is that it cannot afford to have to mitigate over and above this as a result of the M54 Link Road scheme imposing costs or capacity restrictions at M54 Junction 2 .</p> | <p>Noted.</p>        |

## 4. Responses to Representations Made at Deadline 3a

Table 4-1 Applicant's Response to Representations Made at Deadline 3a

| Representor | Topic  | Representation   | Applicant's Response   |
|-------------|--|--|--|
| Allow Ltd   | Plot 4/20c   | 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.   | <p>As set out in the Applicant's Response to RR-0311 and RR-031n [REP1-043] the Scheme changes accepted by the ExA on 29 October 2020 reduced the requirement for compulsory acquisition of land within Plot 4/20c. This reduction in land has been possible due to completion of further ecological surveys and revision of the mitigation strategy. Surveys undertaken in 2020 showed that ponds previously assumed to support great crested newts (GCN) were unlikely to support the species. Standard mitigation measures for GCN include the replacement of ponds on a 2:1 basis for each pond lost, therefore several mitigation ponds were proposed on Allow's land to compensate for those lost. Three ecology ponds and the associated terrestrial habitat previously proposed to mitigate the impacts of the scheme on GCN have been removed from Plot 4/20c based on the 2020 surveys.</p> <p>It is standard practice to adopt a precautionary principle and assume populations of GCN in ponds where survey access has not been possible. This demonstrates that the Scheme is licensable should GCN be found to be present at a later date. The surveys include more ponds than previously surveyed but are no more or less 'accurate' than previous surveys.</p> <p>The remaining woodland planting on plot 4/20c is proposed to provide visual screening for residents on Dark Lane whilst also contributing to visual amenity and biodiversity. If relocated to the east of the Scheme this woodland planting would worsen the impact on the designated and non-designated assets of Hilton Park, would no longer provide its primary function, to screen views of the Scheme from local residents. This would result in a worsening of visual impact, for views south of Dark Lane, VP 20 in Chapter 7: Landscape and Visual of the ES [APP-046/6.1]. The remaining mitigation is both necessary and proportionate.</p> |
|             |  | 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 compulsorily 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 is provides suitable access along both Dark Lane and plots 4/20a and b.   | Please refer to the Applicant's Response to the Examining Authority's Second Written Questions 2.4.2 above.  |
|             | Land between Dark Lane and Allow's Retained Land Within Plot 4/20c | <p>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 2 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</p> <p>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</p> | <p>This narrow strip of land is required to replace the existing metal fence with a new hedge line and fence line. It is noted that these works could be undertaken by new rights and agreement with the landowner rather than permanent acquisition. There is ongoing discussion with the landowner about this matter and, subject to agreement with the landowner, it is proposed that the Land Plans can be updated to reflect this position.</p> <p>Fly tipping has been identified as an issue along Dark Lane; the closure of Dark Lane to traffic is anticipated to reduce this issue. In addition, the retained area of Dark Lane is overlooked by residents therefore further reducing the likelihood of fly tipping. It is anticipated that the replacement for the existing metal fence will be of comparable height but more visually pleasing. It is therefore anticipated that it will provide the same degree of protection from fly tipping as the current scenario. Details of the boundary</p>   |

|  |                                   |   |  |
|--|-----------------------------------|---|--|
|  |                                   | <p>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. 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.</p>   | <p>treatment are to be discussed with the landowner at a site meeting on 15 January 2021. Any replacement boundary features are to be designed to minimise the impact on existing trees along Dark Lane.</p>   |
|  |                                   | <p>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.</p> | <p>The remaining woodland planting on plot 4/20c is proposed to provide visual screening for residents on Dark Lane whilst also contributing to visual amenity and biodiversity. A reduction of this woodland plot would risk it no longer providing its primary function and therefore a worsening of visual impact, for views south of Dark Lane, VP 20 in Chapter 7: Landscape and Visual of the ES [APP-046/6.1].</p> <p>The Environmental Masterplan Figures 2.1 to 2.7 [AS-086 to AS-092/6.2] for the Scheme clearly sets out the Applicant's approach to delivering essential mitigation across the extent of the Scheme, with features such as woodland, grassland, hedgerows and ponds proposed on several other parties' land, not just on land owned by Allow. Mitigation for biodiversity is not and cannot be managed on a plot by plot basis, nor with mitigation always being on the same plot as the loss.</p> |
|  | Plots 4/20a and 4/20b             | <p>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.</p>                                   | <p>Permanent acquisition is required for these plots to allow the Applicant to grant rights to third parties for the use of the existing access from the A460 to access land parcels in this area.</p>   |
|  | Plot 5/25, Plot 5/26 and Plot 5/2 | <p>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 21st September 2020 remain valid, with particular reference to point 4 of section R, being comments upon the rational to Changes to the Environmental Masterplan.</p>  | <p>Responses to representations made in the consultation to Scheme changes made on the 21st September 2020 have been provided in the Statement of Common Ground issued at Deadline 1 and the mitigation explained in [REP3-038/8.16]. Further detail on woodland loss calculations is provided in document 8.20 submitted at Deadline 4. The Applicant considers the mitigation provided is the absolute minimum amount of replacement woodland necessary to mitigate the impacts of the Scheme on Lower Pool LWS/SBI.</p>   |
|  |                                   | <p>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.</p>  | <p>There is no Plot 5/26 on the latest published Land Plans [AS-065] or the version submitted to accompany the Land Plan correction in December 2020. There was a Plot 5/26 in the original Land Plans but this plot was located to the south east of M6 Junction 11 and was not near Plot 5/2. It is therefore unclear which plot Allow is discussing here as plot 5/26.</p> <p>The concern over access to plots 5/2 and 5/25 was raised at the meeting with Allow on the 03/12/2020 and the Applicant will continue to engage with allow on this point. This item will be discussed further with the landowner at a site meeting on the 15 January 2021.</p>   |
|  |                                   | <p>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.</p>  | <p>Please see response above. Commentary regarding the suitability of locating woodland planting to the east has been provided in responses to Allow Relevant Representations 031g, h, i, j, k, [REP1-043/8.9] and the Statement of Common Ground [REP1-066/8.8 LIU(A)]. Further information on this issue, including the assessment of alternatives is provided in document 8.22 submitted at Deadline 4. The Applicant disagrees that mitigation on Plot 5/2 can be reduced or relocated to the east of the carriageway.</p>   |

|              |   |  |   |
|--------------|---|--|---|
|              | Plot 5/4  | 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.   | <p>The Scheme design includes noise mitigation measures in the form of a low noise surface along the length of the Scheme. In addition, to the west of The Shrubbery (residential unit) the Scheme is located in a cutting which provides an effective barrier to minimise the propagation of traffic noise from the Scheme. The additional benefit of a barrier at the top of the cutting would be very limited.</p> <p>The benefits of trees in providing an effective sound 'barrier' are limited (and are generally more in terms of a perceived benefit, due to either reducing/removing the view of the road and/or a masking effect due to leaves rustling in the wind, rather than an actual reduction in traffic noise). Therefore, to ensure a conservative approach the standard UK traffic noise prediction methodology (CRTN) and the standard traffic noise assessment methodology set out in the DMRB, as adopted in the operational traffic noise assessment for the Scheme, do not include any barrier effect for trees. Figure 11.4 [AS-098/6.2] visually illustrates the change in traffic noise levels in the opening year across the detailed study area. This demonstrates that on the western and southern sides of the property a minor (1 to &lt; 3 dB) increase in traffic noise levels is anticipated and on the northern and eastern sides a negligible (&lt;1 dB) change is anticipated. A significant adverse operational traffic noise effect at The Shrubbery due to the Scheme is not anticipated.</p> <p>Based on the anticipated noise impact, the mitigation included in the Scheme and the limited benefit of an additional barrier at the top of the cutting, no further mitigation measures are proposed in this location.</p> |
|              | Woodland Losses   | 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. | <p>The areas of woodland loss quoted in the ES [AS-083/6.1] are based on high level Phase 1 habitat mapping. Areas quoted in Document 8.16 [REP3-038/8.16] are based on more detailed mapping of woodland loss. This exercise has shown the quantum of woodland lost using both methods is comparable.</p> <p>Justification of 5m buffer is included in part 3.1.1 of Document 8.16 and is considered appropriate.</p>  |
| I & A Simkin | Plot 6/25   | We agree with the proposed reduction in order limits at this location, which removes the south eastern section of Messrs Simkin's land, and welcome the removal of Environmental Mitigation species-rich grassland habitat creation, following the review of the extent of mitigation across the scheme. However, we object to and question the necessity for the width of species-rich grassland remaining at EM3 (Formal Scheme Changes Document Plan).  | This issue was discussed with the landowner at a site meeting on 16 December 2020. The Applicant explained that an area of approximately 7 m width is required adjacent to the earthworks required for construction of the junction, to allow for a drainage ditch, maintenance berm and boundary hedge/fencing. This area would be grassed and maintained by Highways England. This area of species rich grassland is not required to mitigate for specific environmental impacts but is provided to maximise the use of land which is being acquired for other purposes, such as to facilitate the construction and maintenance of the Scheme.  |
|              |   | In addition, there appears to be a significant disparity between the 2.2 Land Plans (Sheet 6) and the Formal Scheme Changes Document Plan. The Formal Scheme Changes Document Plan does not reflect the revised 2.2 Land Plan (submitted 25/11/2020) which shows the land at 6/25 to be used temporarily only. It is our unconfirmed assumption that the 2.2 Land Plans (Sheet 6) is incorrect and seek clarity on this from the Applicant.  | This issue was aired during the CAH1 on 10 December 2020 and is the subject of ongoing discussion between the Applicant and the affected landowner. The Applicant's intention is to remove the environmental mitigation on Plot 6/25 as indicated on the Environmental Masterplan [AS-086 to 088], however the Land Plans [AS-065/2.2] contain an error as they indicate the entirety of plot 6/25 to be amended to temporary acquisition. The northern section of plot 6/25 indicated on [AS-065/2.2] is required for construction of the improved M6 Junction 11. The Applicant submitted a request to the ExA to change Plot 6/25 on 17 December 2020 with a corrected land plan, indicating a new plot 6/38 for compulsory acquisition [AS-127/2.2]. This was accepted by the Examining Authority on 7 January 2021.  |
|              | We object to the compulsory acquisition of part of this plot for species-rich grassland habitat creation, to the south east side of Junction 11, as it appears to incorporate part of Messrs Simkin's field parcel, which has been highlighted by both the Applicant and Natural England to be Best and Most Versatile land (BMV). The need for species rich grassland in this location has not been evidenced to us. | This issue was discussed with the landowner at a site meeting on 16 December 2020. The Applicant explained that an area of approximately 7 m width is required adjacent to the earthworks required for construction of the junction, to allow for a drainage ditch, maintenance berm and boundary hedge/fencing. This area would be grassed and maintained by Highways England. This area of species-rich grassed is not required to mitigate for specific environmental impacts but is provided to maximise the use of land which is being acquired for other purposes, such as to facilitate the construction and maintenance of the Scheme.   |   |
|              | Plot 6/31 and 6/23  | Whilst there have been scheme changes made as part of the Accepted Changes at Junction 11, we note Messrs Simkin maintain their objection to acquisition of plot 6/31,   | The bridleway is a PRoW and the Applicant is required by policy and legislation to retain connectivity of PRoW where possible. Lack of use is not sufficient justification by itself to extinguish a PRoW. The Scheme   |

|                           |          |   |   |
|---------------------------|----------|---|---|
|                           |          | for the provision of a bridleway, Saredon BW13 and acquisition of part of plot 6/23. Our objections to these plots are set out in our Written Representations, submitted as part of Deadline 1.   | seeks to maintain existing levels of non-motorised user connectivity as a minimum requirement. The route currently connects into M6 Junction 11 where crossing facilities are provided to enable connectivity over the M6. The Scheme proposes to improve the crossing facilities for non-motorised users at M6 Junction 11. This route provides a connection between M6 Junction 11 and Great Saredon therefore it is anticipated that this route will be required to be re-instated and upgraded, where required, to an acceptable standard to address any safety concerns. This issue was discussed with the landowner at a site meeting on 16 December 2020 and the Statement of Common Ground [REP1-051/8.8 LIU9I]) has been updated to reflect this discussion and is submitted at D4 |
| South Staffordshire Water | Change 1 | This change to the scheme affects an area where we do not have any assets nor are looking to install any diverted assets.   | Noted.  |
|                           | Change 2 | The change to the scheme here will affect our proposals as it relates to the width of the link road. Despite comments in the statement of common ground, this was not discussed in our last review meeting, we noticed the change in subsequent documentation and have asked for further information and an updated CAD proposal. We have received the CAD proposal and incorporated into our design drawing. We have not received a drawing that shows the cross section of the drainage through the verge to determine any clash with our pipeline or if we are required to non-standard cover as a result of the presence of this drainage.                                  | Noted. We will continue to work alongside SSW to develop the detailed design for the scheme. Required information will be provided to inform the design.  |
|                           | Change 3 | This change to the scheme affects an area where we do not have any assets nor are looking to install any diverted assets.   | Noted.  |
|                           | Change 4 | This change to the scheme affects an area where we do not have any assets nor are looking to install any diverted assets.   | Noted.  |
|                           | Change 5 | The change to the scheme here will affect our current proposals as it relates to the alignment of Hilton Lane. Our existing main is located within this section and there are some proposed diversionary works also within this section. Our works will have to be undertaken prior to any of the construction activities at this location so is dependent upon programme alignment to avoid any clashes or delays. Historical option of a diversion route via Hilton Lane overbridge has not been taken forward, as agreed by both HE & SSW, so have been not judged for impact in regard to this change.  | Noted. The historic option to divert the asset via the Hilton Lane overbridge was discounted due to the size of the main being unable to locate this within the bridge deck structure. We will continue to work alongside SSW to develop the programme for the detailed estimate for the scheme.  |
|                           | Change 6 | This change to the scheme affects an area where we do not have any assets nor are looking to install any diverted assets.   | Noted.  |
|                           | Change 7 | The changes found on available plans do not appear to impact upon the position of current assets or proposed diversion works, however confirmation from the HE would ideally like to be sought in this regard. In particular the environmental master plan shows existing woodland remaining that either is a direct clash or very adjacent to our proposed diversion scheme. We require separate dialogue with the HE around the environmental impact of our work, the mitigation works as a consequence of habitat loss caused by the diversion works and future access arrangements that may be impacted by retention of existing habitat/vegetation or the planting of new. | Noted. We will continue to work alongside SSW to develop the detailed design for the Scheme. Required information will be provided to inform the design.  |

## 5. Responses to Matters raised during Hearings

### 5.1 Introduction

5.1.1. Four Hearings were held in December 2020, namely:

- Issue Specific Hearing 1: Biodiversity and Cultural Heritage – Tuesday 8<sup>th</sup> December 2020;
- Issue Specific Hearing 2: Traffic and Transport – Tuesday 8<sup>th</sup> December 2020;
- Issue Specific Hearing 3: Draft Development Consent Order – Wednesday 9<sup>th</sup> December 2020; and
- Compulsory Acquisition Hearing 1: Compulsory Acquisition and Temporary Possession – Thursday 10<sup>th</sup> December 2020.

5.1.2 The Action Points arising from these Hearings were captured by the ExA in 'Action Points from Issue Specific and Compulsory Acquisition Hearings held Tuesday 8, Wednesday 9 and Thursday 10 December 2020' [EV-023]. The table below captures the action points identified for the Applicant to address by Deadline 4 and sets out where the information is provided in this submission. Points that are not addressed in separate documents are then addressed in the remainder of this chapter.

**Table 5-1: Action Points from Hearings in December 2020**

| AP No.  | Action  | Where addressed   |
|---|---|---|
| <b>Tuesday 8 December 2020 – Issue Specific Hearing 1: Biodiversity and Cultural Heritage</b> |   |   |
| 1   | Provision of NE Licencing Policy regarding Great Crested Newts                          | Section 5 below   |
| 2   | Detailed maps of buffers on woodland and approach                                       | 8.20 'Review of Woodland Mapping, Impact Assessment and Compensation – Revised Design.' |
| 3   | Desk Based Assessment of Whitgreaves Woodland North and whether ancient woodland        | 8.23 'Ancient Woodland Map Regression Oxden Leasow/ Whitgreaves Wood North'             |
| 4   | Response to Natural Trust 'benefit' query for Whitgreaves Wood South.                   | Section 5 below   |
| 7   | Provision of Archaeological Written Scheme of Investigation                             | 8.18 Archaeological Written Scheme of Investigation.                                    |
| 8   | Response to comments on balance of planting east or west of proposed Link Road          | 8.22 Assessment of Alternative Locations for Mitigation in plot 5/2                     |
| <b>Tuesday 8 December 2020 – Issue Specific Hearing 2: Traffic and Transport</b>              |   |   |
| 12  | Detailed drawing of turning head at southern end of Cannock Road (proposed cul-de-sac). | See Appendix 5.1 of this report.  |



| AP No.   | Action   | Where addressed  |
|--|--|--|
| 13   | Appraisals of alternative WCH routes around M54 Junction 1 and M6 Junction 11.   | See 8.21 'Walking, Cycling and Horse-riding Routes at Junctions Technical Note'  |
| <b>Wednesday 9 December 2020 – Issue Specific Hearing 3: Draft Development Consent Order</b>                         |  |  |
| 14   | To look at drafting of dDCO so as to ensure maintenance provisions do not apply to highways for which the Applicant would no longer be responsible after transfer to SCC.  | See Section 5 below for an explanation. See 3.1 Draft DCO Article 10(6) for alteration.  |
| 15   | Ensure that any scheme of archaeological investigation is carried out in an agreed manner, and not undertaken outside these provisions. Article 3 and Requirement 9.   | Section 5 below.   |
| 16   | Re-examine Article 8(4) to see whether this could be made more specific to the scheme  | Section 5 below for an explanation. See 3.1 Draft DCO Article 8(4) and Schedule 1 for alteration   |
| 17   | To look at provisions, either in the dDCO or in a certified document, to place a positive obligation on the Applicant to undertake appropriate review to use Article 16 powers in relation to Cannock Road and Dark Lane cul-de-sacs.  | Section 5 below..  |
| 18   | To look at DCO Provisions in relation to publicity for approved documents and as well as details pursuant to Requirements  | Section 5 below for an explanation. See 3.1 Draft DCO Requirement 15(4) for alteration.  |
| 19   | To consider following matters relating to Schedule 2 (Requirements): a) whether additional bodies should be subject to pre-submission consultation in R4, R8, and R9; b) whether highways works ultimately to be subject of SCC maintenance should be subject to additional Requirement. | a) Section 5 below for an explanation. See 3.1 Draft DCO Requirements 4, 8 & 9 for alterations.<br>b) Section 5 below for an explanation.  |
| <b>Thursday 10 December 2020 – Compulsory Acquisition Hearing 1: Compulsory Acquisition and Temporary Possession</b> |  |  |
| 21   | Applicant to arrange discussion and potential site visit with Historic England and Allow Limited to seek to clarify Historic England's views in respect of effects on designated and non-designated heritage assets at Hilton Park with a view to Historic                               | Site visit held with Historic England and Allow on 6 January 2021. Historic England provided a written update on their position to the ExA by e-mail following the site visit on 8 January 2021. |

| AP No. | Action   | Where addressed   |
|--------|--|---|
|        | England submitting further information.  |   |
| 23     | Applicant to address point on whether the CA Regulations are engaged re Plot 6/25 alternations, and, if so, implications thereafter. | The Applicant submitted a request to amend Plot 6/25 in December 2020, with this request being accepted into the Examination on 7 January 2021. See Statement of Common Ground with Ian and Adrian Simkin (document 8.8LIU(I)) for the position on agreement with the landowner over the change. The Applicant has agreed to the change with the landowner but is nevertheless proceeding with processes in line with CA Regulations to err on the side of caution. |

## 5.2 Issue Specific Hearing 1: Biodiversity and Cultural Heritage

### Action 1: Provision of NE Licencing Policy regarding Great Crested Newts

5.2.1 The following bullet points set out the Natural England licencing policies formally approved by the Department for Environment, Food and Rural Affairs (Defra) and adopted by Natural England in December 2016:

- Policy 1: Greater flexibility in excluding and relocating European Protected Species (EPS) from development sites.
- Policy 2: Greater flexibility in the location of newly created habitats that compensate for the habitats that will be lost.
- Policy 3: Allowing EPS to have access to temporary habitats that will be developed at a later date.
- Policy 4: Appropriate and relevant surveys were the impact of development can be confidently predicted.

5.2.2 These policies are published in the 'Proposed New Policies for European Protected Species Licensing' published here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575709/eps-consultation-outcome.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575709/eps-consultation-outcome.pdf)

5.2.3 This document publishes the outcome of public consultation on this matter and provides the final phrasing adopted for the four policies outlined above. A copy of this document is provided as Appendix 5.2 of this report.

<sup>i</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575709/eps-consultation-outcome.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575709/eps-consultation-outcome.pdf)

#### **Action 4: Response to Natural [sic] Trust 'benefit' query for Whitgreaves Wood South**

- 5.2.4 A copy of the legal agreement with the National Trust is attached at Appendix 2.3.4.
- 5.2.5 The agreement between Highways England ("HE") and the National Trust ("NT") was completed on 14 September 2020. NT entered into the agreement in its capacity as the owner and body responsible for maintaining the existing ancient woodland known as Whitgreaves Wood. During consultation on the proposed Link Road, Natural England identified the opportunity for works to be undertaken to improve the existing woodland and NT is content for HE to undertake such improvement works as part of its package of mitigation measures for the proposed Link Road. The agreement requires HE to obtain NT's approval to a detailed scheme of works to improve the woodland and records that those works may comprise measures such as selective thinning. HE covenants to complete the approved works to the satisfaction of NT before the M54 to M6 Link Road is opened to traffic. NT covenants to thereafter maintain the woodland.
- 5.2.6 NT has previously set out in its response to first written question 1.4.3, that pursuant to its powers under the National Trust Act 1907, it is able to maintain and manage land in addition to powers to preserve land. NT is therefore able to satisfy the covenant given in the agreement. NT has further indicated from a practical perspective that the future maintenance of the ancient woodland at Whitgreaves Wood will continue to form part of the arrangements for the maintenance of the outdoor areas at Moseley Old Hall. Both NT and HE are satisfied that no additional mechanism is necessary to supplement the covenants given within the agreement and respectfully suggests that the ExA is able to place substantial weight on the agreement which will secure improvements to the woodland and its continued maintenance thereafter.

### **5.3 Issue Specific Hearing 3: Draft Development Consent Order**

#### **Action Point 14: To look at drafting of dDCO so as to ensure maintenance provisions do not apply to highways for which the Applicant would no longer be responsible after transfer to SCC.**

- 5.3.1 The Applicant has inserted a new Article 10(6) into the draft DCO to make it clear that the Applicant's power to maintain highways and structures which are SCC's responsibility will cease following their handover.

#### **Action Point 15: Ensure that any scheme of archaeological investigation is carried out in an agreed manner, and not undertaken outside these provisions. Article 3 and Requirement 9.**

- 5.3.2 Article 3(3) allows any archaeological investigations to be undertaken to establish if there are any areas of archaeological interest. Requirement 9 prevents works to commence the authorised development unless and until a written scheme of investigation for established areas of archaeological interest has been approved by

the SoS and the approved scheme is then to be adhered to. This approach and the wording used is consistent with other made DCOs.

**Action Point 16: Re-examine Article 8(4) to see whether this could be made more specific to the scheme.**

- 5.3.3. The Applicant has amended the wording in Article 8(4) and the associated works descriptions in Schedule 1 to make this more specific.

**Action Point 17: To look at provisions, either in the dDCO or in a certified document, to place a positive obligation on the Applicant to undertake appropriate review to use Article 16 powers in relation to Cannock Road and Dark Lane cul-de-sacs.**

- 5.3.4 The Applicant will include a commitment within the OEMP, adherence with which is secured in requirement 4 of the dDCO.

**Action Point 18: To look at DCO Provisions in relation to publicity for approved documents and as well as details pursuant to Requirements.**

- 5.3.5 A new Requirement 15(4) has been inserted into the draft DCO to secure this.

**Action Point 19: To consider following matters relating to Schedule 2 (Requirements): a) whether additional bodies should be subject to pre-submission consultation in R4, R8, and R9; b) whether highways works ultimately to be subject of SCC maintenance should be subject to additional Requirement.**

- 5.3.6 (a) The Applicant has undertaken this review and made amendments to the draft DCO where appropriate.

(b) The Applicant has provided draft maintenance plans to SCC for it's review and approval. Subject to the approval of the proposed maintenance plans, the Applicant will be able to determine if an additional requirement is required.

**Whether the term 'adjacent' should be defined in the draft DCO.**

- 5.3.7 This action was not listed in the action points but is an action the Applicant noted from this Hearing. The Applicant has considered the use of the term adjacent in the context of the dDCO. The term is used sparingly but is used in different contexts. For example at Article 3(2) the term refers to enactments which apply to land within or adjacent to the Order Limits but at Article 15(3) the term is used in the context of an exception to a prohibition on vehicles stopping on a clearway unless they are selling or dispensing goods to premises adjacent to that vehicle. The term is also used in the schedules to describe the location of features within the works packages at Schedule 1 and alterations to public rights of way at Schedule 4. The Applicant has previously indicated that in accordance with other made DCOs the term is to be

given its ordinary meaning. If the term was to be defined, its use within the DCO would also need to be revisited to ensure that the meaning did not adversely affect the current usage. The Applicant is concerned that trying to define the term will create more uncertainty than applying the usual every day meaning to the term.

## 5.4 Compulsory Acquisition Hearing 1: Compulsory Acquisition and Temporary Possession

5.4.1 No further comments to that provided in 5.1.

## List of Appendices

- Appendix 2.3.1: Annotated plan and schedule showing areas of agreement/ disagreement between Highways England and Allow Ltd
- Appendix 2.3.4: National Trust Legal Agreement
- Appendix 2.9.2 Copy of Figure 1 of Appendix 10.1 of the ES [APP-193/6.3] for ease of reference
- Appendix 2.10.10: Draft maintenance plans between SCC and HE
- Appendix 5.1: Plan showing turning head for A460 Cannock Road (ISH2)
- Appendix 5.2: Proposed new policies for European Protected Species licensing (ISH1)

## **Appendix 2.3.1: Annotated plan and schedule showing areas of agreement/ disagreement between Highways England and Allow Ltd**

## Appendix 2.3.1: Annotated plan and schedule showing areas of agreement/ disagreement between Highways England and Allow Ltd

| Schedule of locations referred to in Allow SoCG |  |  |          |   |   |
|---|--|--|----------|---|---|
| Plan Number                                     | Description  | Detail   | Status   | Highways England's Position   | Allow Ltd's Position  |
| 2, 6  | Location and extent of mitigation woodland planting in Plot 5/2 and 4/20c. | Calculation of woodland loss area and extent of replacement woodland mitigation. | Disagree | <p>The landscape design for the Scheme provides a package of essential mitigation, to replace habitats lost to the Scheme, provide visual screening and provide landscape integration within existing field boundaries. The approach to mitigation and the mitigation design has been described in the Environmental Statement [TR010054/APP/6.1], the Outline Environmental Management Plan [APP-218/6.11 and subsequent revisions] and 8.11 Environmental Mitigation Approach [REP-057/8.11].</p> <p>A plan showing each area of woodland which will be lost to the Scheme was provided to Allow on 28/07/20. The issue of total woodland loss to the Scheme raised by Allow was substantiated with a report issued to Highways England on 23 September 2020, outlining their assessment of the</p> | The application documents are perceived not to contain adequate information to demonstrate that there is a loss of 20.4ha of woodland planting and by consequence there is no justification that the proposed mitigation (the planting of 25ha of new woodland) is necessary. |



| Schedule of locations referred to in Allow SoCG |             |        |        |   |                      |
|---|-------------|--------|--------|---|----------------------|
| Plan Number                                     | Description | Detail | Status | Highways England's Position   | Allow Ltd's Position |
|   |             |        |        | <p>woodland loss and mitigation requirements.</p> <p>A mapping exercise presented in document 8.16 [REP3-038] has shown that there are some minor discrepancies between the habitats mapped in the original Phase 1 habitat mapping exercise and the habitats on the ground, most notably when mapping habitat mosaics of woodland, grassland and scrub along the carriageways of the A460, M54 and M6. However, even when the loss of woodland is assessed using the revised methodology, there is no significant difference between the woodland loss reported in Table 8.18 of Version 3 of the ES [AS-083/6.1] and application document 6.18 [REP3-038]. The original woodland mapping and calculations of woodland loss were carried out at a higher scale than the analysis undertaken by Allow. This original methodology is consistent with Joint Nature Conservation methodology and it is not considered necessary to</p> |                      |

| Schedule of locations referred to in Allow SoCG |             |        |        |   |                      |
|---|-------------|--------|--------|---|----------------------|
| Plan Number                                     | Description | Detail | Status | Highways England's Position   | Allow Ltd's Position |
|   |             |        |        | <p>map at a smaller scale than this (as the transition to one habitat to another is not obvious nor can it be defined by an accurately mapped boundary).</p> <p>With the greater level of detail of woodland mapping, the calculations of woodland loss have been undertaken to a more detailed level. A buffer has been included to account for loss and damage during construction and extent of tree roots.</p> <p>The areas calculated using the original and more detailed methodology result in similar areas of woodland loss</p> <p>It should be noted that HE initially proposed replacement woodland on Allow Limited's land at Lower Pool at a ratio of 3:1 but, in order to address the concerns of Allow Limited, this has been reduced to approximately 2:1. HE considers this to the absolute minimum amount of replacement woodland necessary to mitigate the</p> |                      |

| Schedule of locations referred to in Allow SoCG |  |   |          |   |  |
|---|--|---|----------|---|--|
| Plan Number                                     | Description  | Detail  | Status   | Highways England's Position   | Allow Ltd's Position   |
|   |  |   |          | impacts of the Scheme on Lower Pool LWS/SBI.  |  |
| 2   | Location of mitigation in plot 5/2 - Planting to west of link road | Siting of woodland to west of link road which is isolated from the SBI to the east. | Disagree | <p>Several factors have been considered when determining the most appropriate location for ecological mitigation, including the needs of local biodiversity but also the historic and landscape character of the local area.</p> <p>Whilst the highway represents a partial barrier between woodland on the east and west sides, the compensatory woodland planting on Allow's land will not be isolated from the retained areas of Lower Pool, nor the woodland blocks to the south and east of the Scheme. The road here will be in a cutting, minimising the risk of collision for bats and birds vulnerable to road traffic deaths such as barn owl. A mammal tunnel to the south will allow safe crossing, as will the vegetated crossing at Hilton Lane to the north.</p> | In terms of the location of mitigation (habitats): fundamental questions exist in terms of the siting of the proposed woodland to the west of the link road. The proposal effectively isolates the new woodland from the retained parts of the SBI and the main areas of woodland in the landscape which are situated to the east of the SBI leading to a sub-optimal ecological outcome and reducing the value of the mitigation very considerably. |

| Schedule of locations referred to in Allow SoCG |  |   |          |   |   |
|---|--|---|----------|---|---|
| Plan Number                                     | Description  | Detail  | Status   | Highways England's Position   | Allow Ltd's Position  |
| 2, 5  | Location of mitigation in plot 5/2 - Planting to east of link road | Potential to re-locate mitigation from Plot 5/2 to the east of the link road  | Disagree | When determining the most suitable location for habitat compensation, several factors must be considered including the needs of biodiversity, landscape integration, and heritage concerns. Considering all potential impacts Plot 5/2 is the best location for woodland and ponds, to compensate for the impacts to biodiversity, provides visual amenity and landscape integration and minimises the impacts to important local heritage features.      | Allow has offered to make land to the east of the proposed alignment available to provide for mitigation. Such land could be used for mitigation without any undue impact on the historic parkland.   |
| 2   | Location of mitigation in plot 5/2 - Bat Activity Surveys          | Species surveys are still being undertaken and therefore expectation that they will result in less land being required. | Disagree | Further surveys to be undertaken in 2020 and 2021 are for the purpose of informing the final European protected species mitigation licences for bats, great crested newt and badger, as well as further determining the activity levels of barn owl that may be roosting/ nesting in trees and buildings within or close to the Scheme boundary. These are pre-construction surveys which will inform licence applications if the scheme is approved, not | Species surveys are still being undertaken on site. It remains unclear how the results of these surveys will be utilised in the environmental mitigation calculations.<br><br>Whilst the need for the link road is understood it must be possible to meet the need without the use of the requested powers of compulsory acquisition and with surveys continuing the extent of the ecological |

| Schedule of locations referred to in Allow SoCG |   |  |          |  |  |
|---|---|--|----------|--|--|
| Plan Number                                     | Description                                     | Detail   | Status   | Highways England's Position  | Allow Ltd's Position   |
|   |   |  |          | <p>surveys required for the Environmental Statement.</p> <p>The results of the surveys would determine the final layout of fencing to facilitate great crested newt removal from the working footprint, the need for replacement bat roosts (boxes on retained trees or retention of sections of felled trees) and the need for closure of badger setts.</p>       | <p>mitigation is likely to support less land sought compulsorily for ecological mitigation in line with Allow's own analysis.</p> <p>Surveys have identified that bat activity levels are greater to the east of the scheme on Allow's land holdings (see Figure 8.18 of the ES). Provision of mitigation to the west of the Link Road is unlikely to be as functionally valuable (as it would not link with the existing habitat resource in the east) and would be isolated by the link road itself.</p> |
| 2   | Location of mitigation in plot 5/2 - Bat Roosts | Limited bat roosting habitat is to be affected consideration of the amount of mitigation habitat to be provided. | Disagree | <p>The levels of bat activity and the number of roosting features within Lower Pool LWS/SBI are not the principal factor for the quantum of woodland planting being created on Allow's land.</p> <p>The scale of the mitigation (providing 4.94ha of woodland planting, and 0.57ha of standing water surrounded by 0.78ha of grassland for the loss of 2.04 ha</p> | <p>Bat roosts were confirmed on Allow's land holdings. Quantum of mitigation: Whilst acknowledging that woodland will be removed around Lower Pool SBI, across Allow's land holdings very little of the potential roosting habitat is being affected and only habitats of low importance for foraging bats are</p>   |

| Schedule of locations referred to in Allow SoCG |  |  |          |  |  |
|---|--|--|----------|--|--|
| Plan Number                                     | Description  | Detail   | Status   | Highways England's Position  | Allow Ltd's Position   |
|   |  |  |          | of woodland and 0.46 ha of standing water within Lower Pool LWS/SBI) is proportionate to the impact, given that the LWS is of county nature conservation importance and new woodland planting will take 30+ years to establish and mature.   | affected. Accordingly, the quantum of proposed mitigation is disproportionate for the effects on bat interests;  |
| 2   | Location of mitigation in plot 5/2 - Bat Roost Isolation/ Collision Risk | Location of proposed bat mitigation will increase collision risk potential for bats. | Disagree | The Scheme in this location will be in cutting. The linear habitat guiding crossing at Hilton Lane will be around 7.7m above the height of the road. Bats were most commonly recorded crossing at heights of 5m+ above ground level. Collision risk during operation is therefore considered minimal. This is true even if bats cross the road at locations other than the crossing at Hilton Lane, as the majority of the road through Lower Pool will be in cutting, so bats will cross above the height of the majority of traffic. | The only identified roosts are present to the east of the proposed scheme on Allow's land holdings (see Figure 8.17 of the ES). Hence, the only way for bats within them to reach the proposed habitats in Plots 5/2 and 4/20c would be to cross the scheme directly or travel to two over bridge locations (Hilton Lane and Accommodation Bridge). This is considerably less likely than the bats continuing to forage in the retained portions of the SBI or foraging further east;<br><br>Collision risk: the result of placing mitigation to the west of the Link road could |

| Schedule of locations referred to in Allow SoCG |                                       |   |          |   |   |
|---|---------------------------------------|---|----------|---|---|
| Plan Number                                     | Description                           | Detail  | Status   | Highways England's Position   | Allow Ltd's Position  |
|   |                                       |   |          |   | be to drive bat commuting to this location, which in turn would generate a collision risk with oncoming traffic. The rate of such fatalities can be high such that the proposals would therefore generate a risk of causing local extinctions of colonies if this were to occur   |
| 3   | Location of mitigation ponds plot 5/2 | Location of mitigation ponds - Extent of Great Crested Newt and pond mitigation | Disagree | The ponds to be created in plot 5/2 are primarily to compensate for the loss of 0.46 ha of standing water in Lower Pool LWS and SBI. All ponds created are being created on 1:1 basis for those lost as a result of the Scheme. The woodland and pond habitat that make up the LWS are a feature of importance in Staffordshire and it is a requirement of national planning policy that the Scheme adequately compensates for effects to this locally designated site. | Loss of 3 ponds on Allow's land none of which are shown to have GCN, however ecological ponds are still proposed to be created within Plot 5/2. GCN presence has only been assumed and pond creation has been on a precautionary basis. The number of ponds which need to be created for the species, dictated by the number of ponds actually supporting GCN lost to the scheme, is not known. |
| 1, 2  | Borrow Pit Plot 5/2 & 5/25            | Consultation with Landowner with regards to borrow pit.                         | Disagree | The proposal for a borrow pit was set out in the Application submitted in January 2020.   | Mention is made for the first time of a borrow pit located within 5/25 however no further   |

| Schedule of locations referred to in Allow SoCG |  |  |          |   |   |
|---|--|--|----------|---|---|
| Plan Number                                     | Description  | Detail   | Status   | Highways England's Position   | Allow Ltd's Position  |
|   |  |  |          | In particular, Annex A of the Statement of Reasons [APP-021/4.1], submitted as part of the Application, identifies the purpose for which the plot 5/2 is required to include Works No.74. "as shown on sheet No. 5 of the Work Plans and being the construction of a borrow pit including the excavation, working and restoration to win material required for the construction of the Scheme". This purpose is unaffected by the Scheme changes. | information has been provided to the Landowner. We are not aware of the design or reinstatement being proposed and information has been requested.  |
| 6   | Location and extent of mitigation woodland planting plot 4/20c | Extent of mitigation woodland - South of Dark Lane | Disagree | <p>The band of trees to the south of Dark Lane is provided to screen views of the proposed dumbbell roundabout and western slip road which forms part of the new M54 Junction 1, from the first floor windows of residential properties on Dark Lane. It also contributes to visual amenity and biodiversity.</p> <p>The trees on the south side of Dark Lane are existing and will be retained as part of the Scheme.</p>                        | <p>Concerns relating to excessive woodland planting mitigation also apply to the proposed woodland planting in Plot 4/20c.</p> <p>The need for the extent of woodland mitigation planting at this location is unclear; the table states that it is to screen views of the scheme however it is unclear from where or whom it is screening a view.</p> |



| Schedule of locations referred to in Allow SoCG |   |  |          |  |  |
|---|---|--|----------|--|--|
| Plan Number                                     | Description   | Detail   | Status   | Highways England's Position  | Allow Ltd's Position   |
|   |   |  |          |  | Planting of individual trees along the south side of Dark Lane is not explained, is unnecessary and should be removed. The retained land will be smaller and more shaded by the proposed woodland planting and further tree planting in that location is unnecessary   |
| 4   | Permanent acquisition of boundary fence south of Dark Lane Plot 4/20c.. | Justification and explanation for why a strip of land to the north of Plot 4/20c is required and concern regarding likelihood of fly tipping if hedgerow provided along Dark Lane. | Disagree | As this land is only required to provide a new fence fronting onto Dark Lane, HE are agreeable to changing it from a permanent acquisition plot to a new rights plot. The new rights would include the right to enter onto the land to carry out works to clear the existing vegetation and remove the boundary treatment and to provide a new fence and hedgerow.<br><br>Details are to be agreed with Allow. | 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.<br><br>Environmental mitigation plans illustrate a proposed hedge SH08 along this boundary, although this was not mentioned by HE |

| Schedule of locations referred to in Allow SoCG |             |        |        |                             |  |
|---|-------------|--------|--------|-----------------------------|--|
| Plan Number                                     | Description | Detail | Status | Highways England's Position | Allow Ltd's Position   |
|   |             |        |        |                             | 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. |



## **Appendix 2.3.4: National Trust Legal Agreement**

DATED 14 SEPTEMBER 2020

---

HIGHWAYS ENGLAND COMPANY LIMITED (1)

and

THE NATIONAL TRUST FOR PLACES OF HISTORIC INTEREST

OR NATURAL BEAUTY (2)

---

**AGREEMENT**  
relating to The M54 to M6 Link Road  
Development Consent Order and land at  
Whitgreave's Wood

---

THIS AGREEMENT is made on

14 SEPTEMBER

2020

**BETWEEN:**

- (1) **HIGHWAYS ENGLAND COMPANY LIMITED** (Company Registration Number 09346363) whose registered offices are c/o Company Secretary, Bridge House, 1 Walnut Tree Close, Guilford, Surrey, GU1 4LZ ("Highways England"); and
- (2) **THE NATIONAL TRUST FOR PLACES OF HISTORIC INTEREST OR NATURAL BEAUTY** (Charity Registration Number 205846) whose principal office is at Heelis, Kemble Drive, Swindon, Wiltshire, SN2 2NA (the "National Trust").

**WHEREAS:**

- (A) Highways England is promoting the Order and has submitted the Application to the Secretary of State for Transport.
- (B) The National Trust is the freehold owner occupier of that part of the Order Land comprising the Property and the charitable body responsible for managing the woodland on the Property as part of its activities to look after places of historic interest or natural beauty permanently for the benefit of the nation across England, Wales and Northern Ireland.
- (C) Highways England has consulted with the National Trust about the Order prior to the application being submitted.
- (D) The National Trust understands that Highways England intends to carry out the Works to the Property as part of the measures to mitigate the impact of the scheme for which the Order is sought.
- (E) The National Trust consents to Highways England carrying out the Works and is supportive of them.
- (F) Highways England has agreed to carry out the Works subject to the Order being made and on the terms set out below.

**NOW THIS AGREEMENT WITNESSES** as follows:

**1 Definitions and Interpretation**

1.1 In this Agreement, the following words shall have the following meanings:

|                   |  |
|-------------------|--|
| "the Application" | means the application for an order granting development consent for the construction, operation and maintenance of the M54 to M6 Link Road made to the Secretary of State for Transport pursuant to section 37 of the Planning Act 2008 and allocated reference TR010054 |
| "the Order"       | means the M54 to M6 Link Road Development Consent Order to be made by the Secretary of State for Transport pursuant to the Application;  |
| "the Order Land"  | means the land shown edged red and shaded pink, blue and green on the Land Plans;  |
| "the Land Plans"  | means application document reference 2.2 to be certified as the land plans as part of the Order;   |
| "the Property"    | means the woodland known as Whitgreave's Wood shown as plots 3/7a, b and c and 4/2 on the Land Plans;  |
| "Woodland Scheme" | means a scheme for the Works including but not limited to: <ul style="list-style-type: none"><li>• a detailed scheme of the Works;</li><li>• a method statement;</li></ul>   |

- details of the access arrangements to be taken to the Property and to be in accordance with the plan at annex 1; and
- a programme for the Works;

"the Works" means works to improve the woodland and may include matters such as selective thinning and associated activities.

- 1.2 The headings appearing in this Agreement are for ease of reference only and shall not affect the construction of this Agreement.
- 1.3 If any provision in this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions will not in any way be deemed thereby to be affected, impaired or called into question.
- 1.4 Where any approval, consent, agreement or the like is required to be given pursuant to the terms of this Agreement it shall be in writing and no party shall unreasonably withhold or delay any such approval, consent, agreement or the like provided that nothing herein shall fetter the statutory rights, powers or duties of Highways England or the National Trust to the extent the law does not allow.
- 1.5 Any obligations of the parties to this Agreement contained in this Agreement which are or may be deemed to be obligations of one or more persons shall be joint and several obligations on the part of those persons unless the context otherwise requires provided that nothing herein shall impose any liability upon either of the parties for the actions of the other.
- 1.6 In this Agreement the expression "Highways England" shall include its agents and contractors and any statutory successor in function.
- 1.7 In this Agreement the expression "the National Trust" shall include successors in title to the Property.

## **2 Legal Effect**

- 2.1 Save for clauses 3.1 and 3.2 which shall have immediate effect, this Agreement shall have effect on the later of:
- (a) the date the Secretary of State for Transport grants the Order; or
  - (b) the date on which any challenge to the granting of the Order is dismissed.
- 2.2 If the Order is not granted or is granted but then subsequently quashed then this Agreement shall forthwith determine but without prejudice to any rights any party may have against the other in respect of any antecedent breaches of this Agreement.

## **3 Covenants of the parties**

### Pre-Order covenants

- 3.1 Highways England covenants with the National Trust:
- (a) not to commence the Works until the Woodland Scheme has been submitted to and approved by the National Trust (such approval not to be unreasonably withheld or delayed and to be deemed approved if not received within 30 working days of submission);
- 3.2 The National Trust covenants with Highways England:

- (a) to allow Highways England access to the Property upon Highways England providing not less than 14 days advance written notice for the purposes of carrying out surveys of the Property to inform the preparation of the Woodland Scheme;
- (b) not to object to the temporary use of the Property to be permitted by the Order for the purposes of facilitating the Works

Post Order Covenants

3.3 Highways England covenants with the National Trust:

- (a) to undertake the Works in accordance with the Woodland Scheme approved or deemed approved by the National Trust at its own cost and to the reasonable satisfaction of the National Trust;
- (b) save as otherwise permitted by clause 3.2(a) to only access the Property for the purposes of carrying out the Works;
- (c) to make good any damage to the Property resulting from the carrying out of the Works to the reasonable satisfaction of the National Trust;
- (d) to complete the Works to the Property before the M54 to M6 Link Road permitted by the Order is opened to traffic.

3.4 The National Trust covenants with Highways England:

- (a) to allow Highways England (which for the purposes of this clause shall include the officers of Highways England, its agents and assigns) access to the Property on foot and with or without vehicles and all necessary plant equipment and machinery required to complete the Works subject to Highways England providing not less than 14 days advance written notice;
- (b) not to challenge the making of the Order on any matter relating to the Works nor the implementation of the Order on any matter relating to the Works;
- (c) upon completion of the Works to the National Trust's reasonable satisfaction to maintain the woodland on the Property.

**4 Entire Agreement**

This Agreement represents the entire agreement between the parties relating to the Property

**5 Dispute Resolution**

5.1 In the event of a dispute between Highways England and the National Trust as to the Woodland Scheme or the nature or extent of the Works it shall, in the first instance, be referred to a representative of each party of appropriate seniority with authority to resolve the nature of the dispute. Those representatives shall meet as soon as possible and shall endeavour in good faith to resolve any dispute or difference amicably.

5.2 In the event that a meeting of the senior representatives of each party has not resolved the dispute pursuant to clause 5.1 the matter shall be escalated to the Chief Executive Officer or a senior management representative nominated by them of Highways England and the National Trust who shall meet within 14 days of a written request from one party to the other and shall endeavour in good faith to resolve any dispute or difference amicably.

5.3 Any dispute which has not been resolved after the completion of the procedure identified in clauses 5.1 and 5.2 may be determined on application by either Highways England or the National Trust to an independent arboriculture expert ('Expert') (acting as an expert and not as an arbitrator) such Expert to be nominated in the absence of agreement by or on behalf of the



President for the time being of the Arboricultural Association on the application of Highways England or the National Trust and in such event:-

- (a) the Expert shall afford Highways England and the National Trust an opportunity to make representations (written and otherwise) to him/her;
- (b) the Expert is to reach a decision within 28 days of the expiry of the period set by the Expert for making representations to him/her or within such longer period (if any) as may be agreed by the parties;
- (c) if the Expert nominated pursuant to this sub clause shall die delay or become unwilling unfit or incapable of acting or if for any reason the President for the time being of the Arboricultural Association or a person acting on his/her behalf shall in his/her absolute discretion think fit, he/she may on the application of either Highways England or the National Trust by writing discharge the Expert and appoint another in his/her place;
- (d) the fees and expenses of the Expert including the cost of his/her nomination shall be borne by the parties equally; and
- (e) the parties agree that the decision of the Expert shall be final and binding on the parties.

**6 Costs**

On the date hereof Highways England shall pay the reasonable legal costs incurred by the National Trust in the negotiation and completion of this Agreement.

**7 Rights of Third Parties**

No party other than Highways England and the National Trust shall be entitled to enforce the provisions of this Agreement by virtue of the Contracts (Rights of Third Parties) Act 1999.

**8 Governing Law and Jurisdiction**

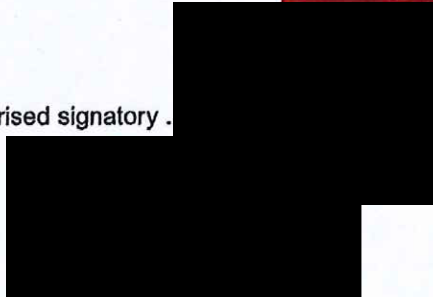
This Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (other than one to be resolved in accordance with clause 5 above) shall be governed by and construed in accordance with the laws of England and the courts of England shall retain exclusive jurisdiction.

**IN WITNESS** of which Highways England and the National Trust have executed this Agreement as a Deed on the date first written above

The **COMMON SEAL** of **HIGHWAYS** )  
**ENGLAND COMPANY LIMITED** )  
was hereunto affixed in the presence of: )



Authorised signatory . . . . .



Signed as a Deed on behalf of )  
**THE NATIONAL TRUST FOR** )  
**PLACES OF HISTORIC INTEREST** )  
**OR NATURAL BEAUTY** acting by two )  
of their number, under an authority )  
conferred pursuant to section 333 of the )  
Charities Act 2011, in the presence of: )

Authorised signatory .....

Authorised signatory .....

Witness (signature) .....  
Name (block capitals).....  
Address .....  
Occupation .....

**ANNEX 1**

Plan depicting proposed access arrangements to be provided as part of the Woodland Scheme

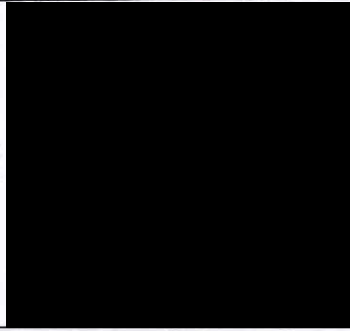


# Moseley Old Hall Licence Plan



## Legend

- NT Ownership (GB)
- NT Leasehold (GB)



1: 1,695

## Notes

This map was automatically generated using the National Trust GIS Browser

This map is a user generated static output from an intranet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

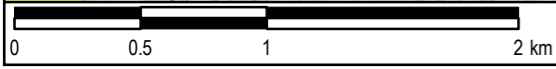
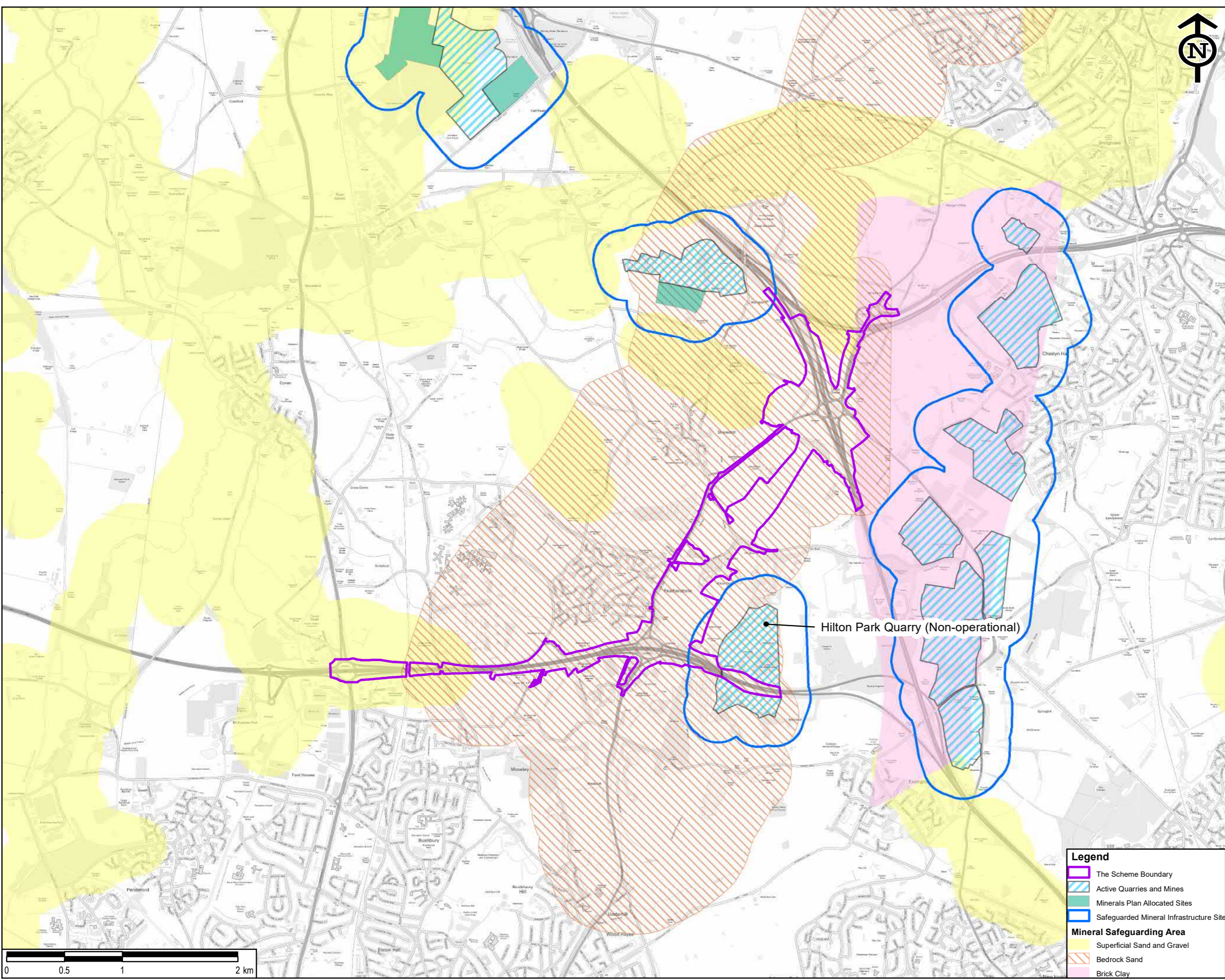
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

67.8 0 33.90 67.8 m

British\_National\_Grid  
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## **Appendix 2.9.2 Copy of Figure 1 of Appendix 10.1 of the ES [APP-193/6.3] for ease of reference**

Plot Date: 21 January 2020 11:02:07  
 File Name: L:\CH\_Waste\_Management\60536736\M54 Minerals Safeguarding\900 CAD GIS\Figure 1 - Mineral Safeguarding Areas 21-01-2020.mxd



**SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION BOX**

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EXCEPTIONAL RISKS RELATING TO THE WORKS ASSOCIATED WITH THIS DRAWING ARE IDENTIFIED BELOW.

**CONSTRUCTION**

**MAINTENANCE / OPERATION / DECOMMISSIONING / DEMOLITION**

**NOTES**

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|                  |    |       |            |        |
|------------------|----|-------|------------|--------|
| Revised Template | EC | AR    | 21/01/2020 | P03    |
| Revised Template | EC | AR    | 03/10/19   | P02    |
| First Issue      | DM | LK    | 24/04/18   | P01    |
| Revision Details | By | Check | Date       | Suffix |

Purpose of issue  
**DCO APPLICATION**

Client  
 Highways England  
 The Cube  
 199 Wharfedale Street  
 Birmingham  
 B1 1RN

Working on behalf of

Development Consent Order Number  
**TR010054**

Project Title  
**M54 TO M6 LINK ROAD**

Drawing Title  
**FIGURE 1  
 MINERAL SAFEGUARDING AREAS**

|          |       |         |          |            |
|----------|-------|---------|----------|------------|
| Designed | Drawn | Checked | Approved | Date       |
| EC       | HW    | IC      | TP       | 21/01/2020 |

Internal Project No.  
 60536736

Suitability  
 S2

Scale @ A3  
 1:30,000

Zone  
 M54 to M6 Link Road

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|                |            |            |        |
|----------------|------------|------------|--------|
| Drawing Number | Originator | Volume     | Rev    |
| HE514465       | -ACM       | -EGN -     | P03    |
| M54_SW_PR_Z    | -DR        | -EG - 0001 |        |
| Location       | Type       | Role       | Number |

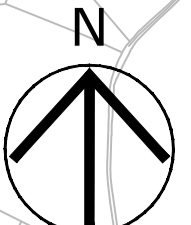
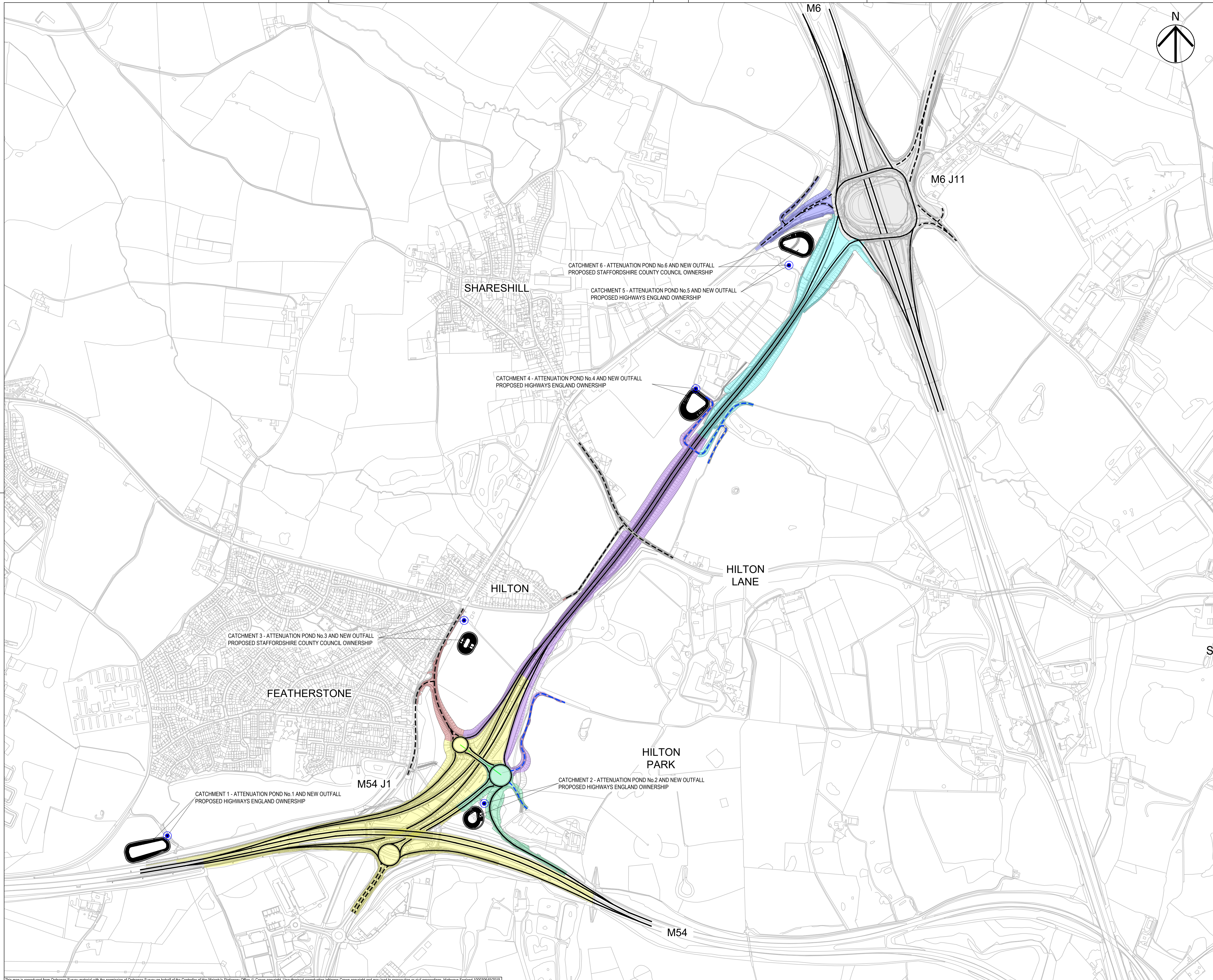
**Legend**

- The Scheme Boundary
- Active Quarries and Mines
- Minerals Plan Allocated Sites
- Safeguarded Mineral Infrastructure Sites

**Mineral Safeguarding Area**

- Superficial Sand and Gravel
- Bedrock Sand
- Brick Clay

## **Appendix 2.10.10: Draft Maintenance Plans between SCC and HE**



**SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION BOX**

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---

**CONSTRUCTION**

---

**MAINTENANCE / OPERATION / DECOMMISSIONING / DEMOLITION**

---

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- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE PROJECT HEALTH & SAFETY FILE FOR ANY IDENTIFIED POTENTIAL RISKS.

---

**KEY**

- PROPOSED HIGHWAYS ENGLAND OWNERSHIP
- - - PROPOSED STAFFORDSHIRE COUNTY COUNCIL OWNERSHIP
- ... PRIVATE OWNERSHIP
- CATCHMENT 1
- CATCHMENT 2
- CATCHMENT 3
- CATCHMENT 4
- CATCHMENT 5
- CATCHMENT 6
- EXISTING

---

| Revision Details                      | By | Check | Date     | Suffix |
|---------------------------------------|----|-------|----------|--------|
| First Issue                           | OR | RR    | 11/12/19 | P01    |
| Dumbell Links changes to HE Ownership | AM | RR    | 22/04/20 | P02    |
| SCC / HE Boundary Updated             | AM | RR    | 11/06/20 | P03    |

---

**SUITABLE FOR REVIEW & COMMENT**

Client  
Highways England  
Floor 5  
Two Colmore Square  
38 Colmore Circus  
Birmingham  
B4 6BN

Development Consent Order Number  
**TR010054**

Project Title  
**M54 to M6 Link Road**

Drawing Title  
**HIGHWAYS MAINTENANCE BOUNDARY**

| Designed | Drawn | Checked | Approved | Date     |
|----------|-------|---------|----------|----------|
| ---      | AM    | RR      | RR       | 11/06/20 |

Internal Project No. 60536736  
Scale @ A1 1:200000H/1:200000V  
Suitability S3  
Zone Highways General

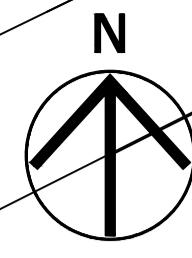
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| Drawing Number | Highways England PIN | 1 Originator | 1 Volume | Rev                    |
|----------------|----------------------|--------------|----------|------------------------|
| HE514465       | -ACM                 | -HGN-        |          | P03                    |
| M54_SW_PR_Z    |                      | -DR-CH-1009  |          |                        |
| Location       |                      |              |          | I Type I Role I Number |

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## **Appendix 5.1: Plan Showing Turning Head for A460 Cannock Road as Requested at Issue Specific Hearing 2**



**SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION BOX**

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EXCEPTIONAL RISKS RELATING TO THE WORKS ASSOCIATED WITH THIS DRAWING ARE IDENTIFIED BELOW.

**CONSTRUCTION**

**MAINTENANCE / OPERATION / DECOMMISSIONING / DEMOLITION**

**NOTES**

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4. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE PROJECT HEALTH & SAFETY FILE FOR ANY IDENTIFIED POTENTIAL RISKS.

EXISTING JUNCTION TO BE RETAINED, SIGNAGE ON APPROACH TO INDICATE 'NO THROUGH ROAD'

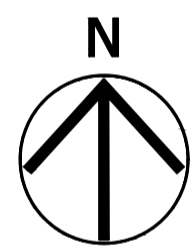
DETAILS OF ADDITIONAL SURPLUS CARRIAGEWAY TO BE CONFIRMED AS PART OF DETAILED DESIGN.

FIELD ACCESS TO BE RETAINED

TURNING HEAD TO SCC STANDARD DIMENSIONS

EXISTING ACCESS TO BE REMOVED

STREET FURNITURE TO INDICATE END OF CARRIAGEWAY AND PREVENT ACCESS TO BE CONFIRMED IN DETAILED DESIGN.



|                  |       |          |        |
|------------------|-------|----------|--------|
| First Issue      | JP    | 28/10/20 | P00    |
| Revision Details | AM    | Date     | Suffix |
|                  | Check |          |        |

**SUITABLE FOR INFORMATION**

Client: Highways England  
 Floor 5  
 Two Colmore Square  
 38 Colmore Circus  
 Birmingham  
 B4 6BN

**Working on behalf of**

Project Title: **M54 to M6 Link Road**

Drawing Title: **TURNING HEAD AND JUNCTION A460**

|                      |                             |         |          |          |
|----------------------|-----------------------------|---------|----------|----------|
| Designed             | Drawn                       | Checked | Approved | Date     |
| ---                  | JP                          | AM      | AM       | 28/10/20 |
| Internal Project No. | Suitability                 |         |          |          |
| 60536736             | S2                          |         |          |          |
| Scale @ A1           | Zone                        |         |          |          |
| NTSH/NTSV            | Side Roads Geometric Layout |         |          |          |

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## **Appendix 5.2: Proposed new policies for European Protected Species licensing**



# **Proposed new policies for European Protected Species licensing**

**Analysis of responses to the public consultation held between 25 February and 7 April 2016**

**December 2016**

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Answers to queries raised by respondents

## Summary

Natural England publicly consulted on 4 proposed new policies for European Protected Species (EPS) mitigation licensing on Defra's behalf between February and April. The proposed policies sought to achieve better outcomes for EPS and reduced unnecessary costs, delays and uncertainty that can be inherent in the current system. Policy 1 proposed greater flexibility in exclusion and relocation activities, where there is investment in habitat provision. Policy 2 proposed greater flexibility in the location of compensatory habitat. Policy 3 proposed greater flexibility on exclusion measures where this will allow EPS to use temporary habitat. Policy 4 proposed a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

A large number (259) of responses were received, many of which were comprehensive. Responses from developers and energy companies indicated that demand to use the new policies will be high if they are adopted. Responses from consultant ecologists gave a very helpful insight into how the policies could be used to maximise benefits to EPS and developers. Responses from environmental NGOs were cautiously optimistic that the policies could achieve better environmental outcomes for EPS. Responses from members of the public and other interested parties were more negative. However, many of these responses did not focus on the new policies, and instead advocated blanket prohibitions on any development on any land containing EPS. Those who submitted comments that were more specifically about the new policies gave a helpful insight into the ecological and other risks involved.

The consultation response suggested that there would be little early demand for their application of the proposed policies PLP1, 2 and 3 for species other than for great crested newt (GCN). This is the species for which most difficulties in licensing have been reported in recent years and for which improved implementation is most sought by the development industry. The proposed policies would provide substantial benefit even if applied only to GCN. Adoption of the policy more broadly would allow Natural England to explore whether it can provide benefits in mitigation licensing for other EPS. Conservation outcomes for these species will continue to be safeguarded by the legal tests in licence determinations. As such there will be no restrictions on which EPS the policies can apply to.

### *Proposed policy 1 (greater flexibility in excluding and relocating EPS from development sites)*

There was strong agreement that this policy had the potential to reduce costs, delays and uncertainty for developers. There was an evenly split response regarding the potential to benefit Great Crested Newts (GCN), with many respondents expressing the view that it could be beneficial in certain circumstances but not in others. This proposed policy would give Natural England as the licensing authority greater flexibility to respond to this variation in circumstances. The conventional approach (that focussed on trapping and relocation of GCN) would remain an option, where it would best serve the licence purpose or the conservation of GCN. The proposed wording has been strengthened slightly to reflect that the benefit that will be sought by Natural England through this policy is that which would arise from using habitat provision in place of trapping and translocation.

### *Proposed policy 2 (greater flexibility in the location of newly created habitats that compensate for habitats that will be lost)*

There was clearer consensus that this policy could benefit GCN, with many respondents recognising the potential to create more habitats that are larger, or better in terms of quality and connectivity. There was slightly less optimism regarding the benefits for developers, with some respondents commenting that although delays and uncertainty could be reduced the overall

costs could in fact be higher. The proposed wording is amended very slightly for the purpose of clarification.

*Proposed policy 3 (allowing EPS to have access to temporary habitats that will be developed at a later date)*

This proposed policy received the most evenly split views on the ecological and financial benefits. Many respondents wanted GCN to be allowed access to habitats in which they would clearly thrive, but many others felt that the risks to GCN whilst they were in those habitats were too high. Some felt that the costs of managing temporary habitats for GCN would be cheaper than excluding them through permanent fencing, whilst others felt the opposite especially if populations were to become very high. This policy would give us the flexibility to vary licensing approaches to suit the circumstances of individual cases, both to reduce costs and increase benefit to EPS. We intend to explore case studies with the minerals sector, and will share the successes and lessons learnt with this sector and consultant ecologists through fora such as our Developer Industry Group and Customer Panel.

We have clarified the wording of the policy in response to concerns regarding the ability of post phased development landscapes to support sufficient populations of GCN, and in response to strong views regarding the necessity of well-prepared management plans.

*Proposed policy 4 (appropriate and relevant surveys where the impacts of development can be confidently predicted)*

This policy generated strong views on the inflexibility of current survey standards and a desire to allow a greater reliance on expert judgement. We also received concerns regarding how we intended to define the circumstances in which it could be used. We have amended the proposed wording to make clearer the factors to be considered in licensing decisions.

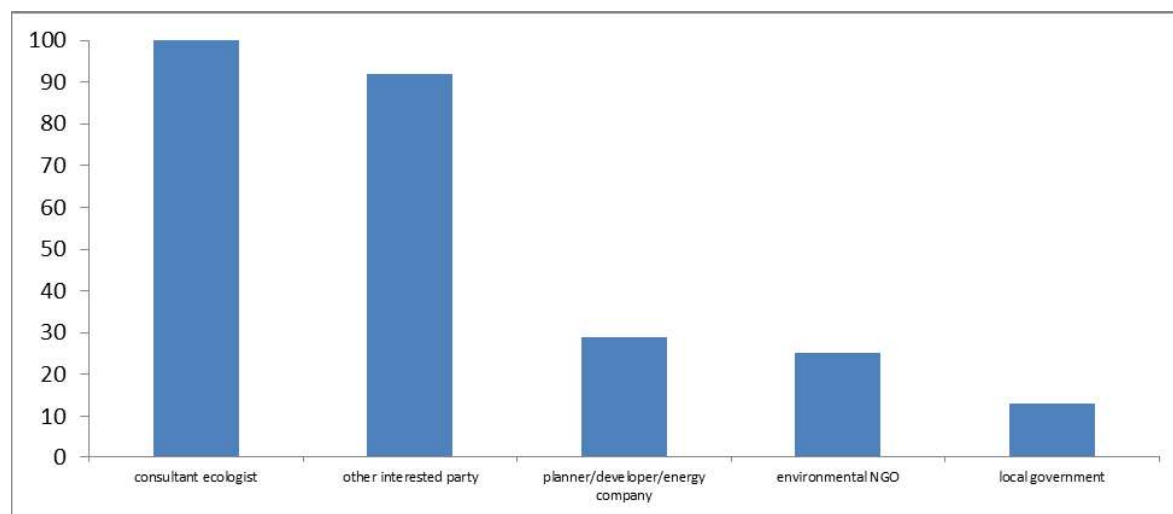
## Introduction

This report analyses the responses we received in relation to our public consultation on proposed new policies for European Protected Species licensing and provides the final wordings of the policies that have been approved by Defra.

The consultation ran from 25 February – 7 April 2016. We received 259 responses. A breakdown of responses by the type of respondent is at Figure 1.

Prior to and during the consultation period we held meetings with our Developer Industry Group and Developer Customer Panel, the Chartered Institute of Ecology and Environmental Management (CIEEM), consultant ecologists, environmental lawyers, and environmental Non-Governmental Organisations (NGOs). We also ran a workshop at the Herpetofauna Workers Conference.

In the following sections we present an analysis of the responses to each of the four proposed policies, and present our recommendations on how the policies should be adopted.



**Figure 1.** Number of responses to the consultation by respondent type. Other interested parties were predominantly members of the public and local community groups.

## Policy 1 – Greater flexibility when excluding and relocating EPS from development sites

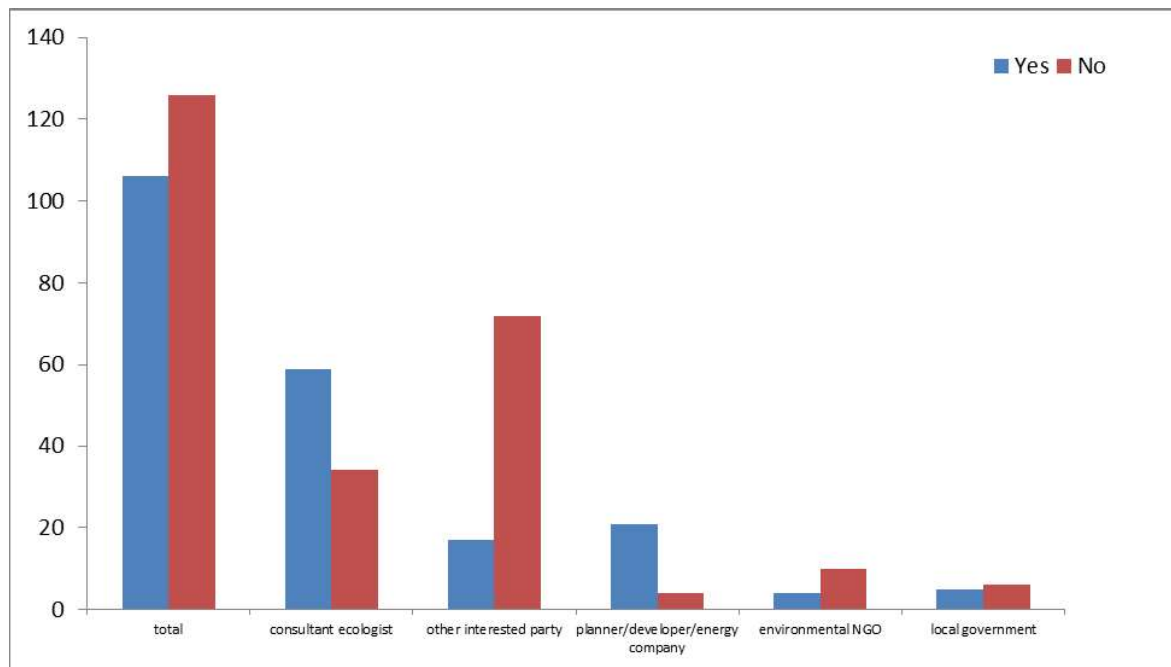
### Background

This policy was proposed to offer the opportunity to reduce investment in excluding and relocating EPS from development sites and increase investment in the provision of compensatory habitat. It was designed to apply in situations where a better outcome for the local EPS population could be achieved by creating good quality and well connected habitats, rather than by excluding and relocating EPS from development sites.

### Question 1 – do you think that this policy could benefit Great Crested Newts?

Overall 46% of respondents felt that this policy could benefit Great Crested Newts (GCN) (Figure 2). Views differed strongly across the respondent types. 84% of planners/developers/energy companies and 63% of consultant ecologists felt that the policy could be beneficial, but this view was shared by only 29% of environmental NGOs and 19% of interested parties. A mixed response was received from local Government.





**Figure 2.** Responses to the question 'do you think this policy could benefit GCN' by respondent type.

Those who felt that this policy could benefit GCN used a wide range of reasons to justify their response. Frequent views were that:

- It will put the focus on populations not individuals
- Greater emphasis on habitat creation versus capture and relocation will improve outcomes for GCN
- GCN are a species that can recover from losses quickly
- GCN are more likely to thrive in good quality rather than sub-optimal habitat
- 'Overcompensation' will lead to an improvement in populations
- It will allow the creation of habitats that are sustainable in the long-term
- It will allow ecologists who know the site best to get the best environmental outcome for it
- Developers will appreciate our efforts to improve the system and will carry out habitat creation to a high standard in return
- The costs of capture and relocation are so high that developers currently spend as little as they can on habitat creation
- It will reduce the negative publicity about GCN delaying and preventing development
- It will allow innovative solutions to be secured at an early stage
- It is a genuine win-win for GCN and developers

Many respondents who answered yes to this question felt that the policy could only be beneficial to GCN in certain circumstances or if applied in certain ways. Frequent views were that:

- It should only be used if there is an adequate evidence base and up to date surveys
- It should only be applied if there is a strategic relocation plan at district level
- It should only be applied to low rather than high populations
- Some exclusion and relocation should always be undertaken; these activities should not be removed entirely
- Whilst fencing and capture can be reduced, other mitigation activities (e.g. destructive searches) should still be undertaken

- It should only be used if the compensatory habitats are protected strongly and in the long-term, with long-term management and monitoring plans
- It should be favoured where colonisation of new habitat is deemed likely and can be supported by transitional management
- The money saved should always be invested in GCN conservation

Many of those who felt that this policy would not benefit GCN explained that this was because they were of the view no development should take place on any land containing GCN. Others provided views that were more specifically about the proposed policy, and frequent views were that:

- Information on the local population will often be insufficient for the policy to work
- Populations of GCN naturally fluctuate but surveys are only undertaken in one season. If single season surveys indicate that a low rather than high population is present, this population could be destroyed
- The risk of death and injury are too high
- Measuring habitat quality is too subjective
- There is no guarantee that GCN will colonise the habitat created for them
- The approach will create isolated areas of high populations and reduce numbers in the wider area, which will decrease genetic diversity
- It is difficult to secure compensatory habitats in the long-term, even with Section 106 agreements which can be difficult to enforce
- It is preferable to integrate wildlife with development so people can enjoy it
- Local Planning Authorities without ecologists will not have the expertise so make this policy work
- Landowners will not want ponds created on their land due to health and safety concerns
- The rules are currently clear but the proposed policy will be vulnerable to misunderstanding, doubt and potential abuse

Other points raised by respondents were:

- The requirement for compensation to provide additional benefits to the local population is unjustified and not required by law. The key issue is whether the level of mitigation and compensation is sufficient to meet the FCS test.
- It would be better to improve mitigation guidelines to ensure mitigation is not too costly
- Off-setting metrics are required

## **Question 2. Do you think this policy could benefit other EPS?**

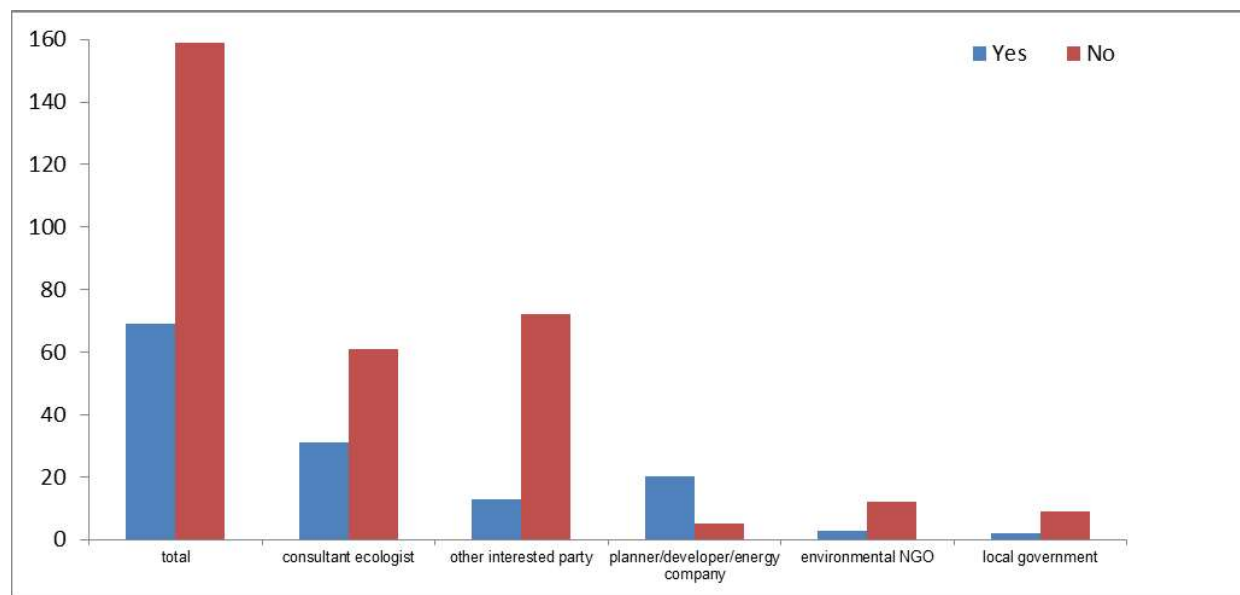
Overall, only 30% of respondents felt that this policy could benefit other EPS (Figure 3). This view was reflected across all respondent types except for developers where the majority considered that the policy would benefit other EPS.

There were mixed views as to whether this policy could benefit other reptile and amphibian EPS (natterjack toads, smooth snakes and sand lizards). Some respondents felt that these species could benefit from greater investment in good quality habitat and have a sufficiently high fecundity to recover from any losses due to reduced mitigation measures. However others felt that these species were too sedentary to find and move to good quality replacement habitat and their habitat requirements were too specific to be easily replicated.

Some respondents felt that the policy could benefit non-EPS reptiles (e.g. adders) and should be extended to include them. We address this point in the Question and Answer section at the end of this document.

Most respondents felt that the policy was inappropriate for mammalian EPS (e.g. bats, dormice and otter). Reasons given included:

- the policy requires knowledge of the origin of populations, and this is more difficult to determine for mammals
- low numbers in a colony can be important for a local population
- reproductive rates of mammals are too low
- mammals live at lower densities, are highly social and territory faithful
- mitigation including exclusion and relocation can provide greater returns for mammals compared to amphibians and reptiles
- they occupy habitats which are hard to replicate and easy to harm
- there is much less confidence that mammals will colonise habitats that have been created for them
- the impacts on genetic diversity are potentially greater for mammals compared to amphibians and reptiles



**Figure 3.** Responses to the question 'do you think this policy could benefit other EPS' by respondent type.

### **Question 3. Do you think this policy will reduce costs, delays and uncertainty for developers?**

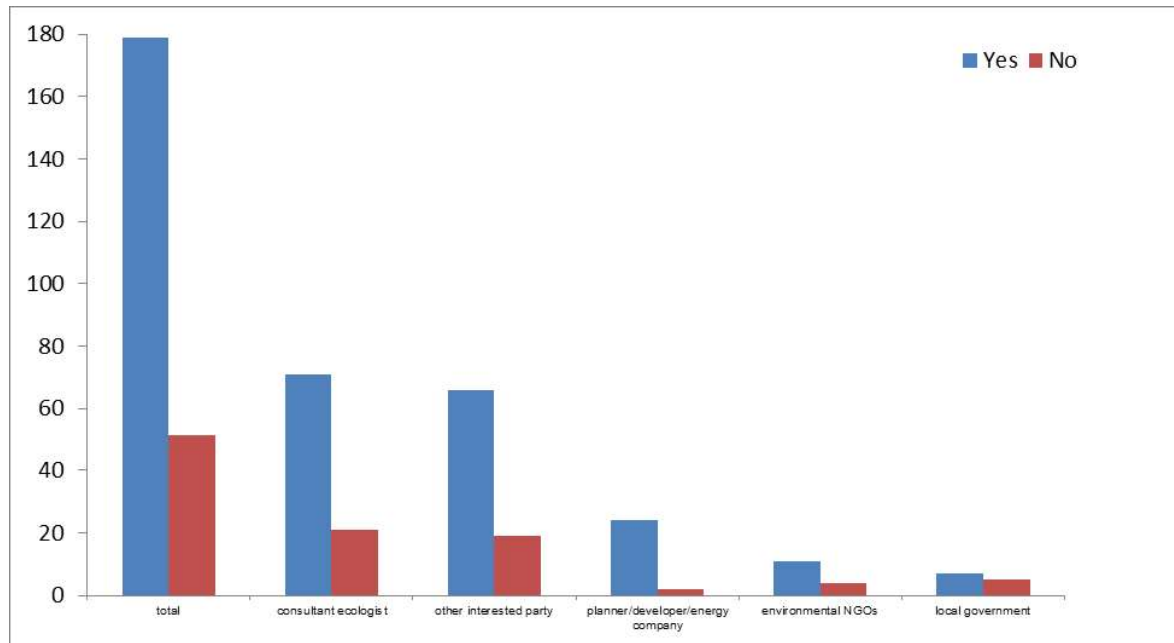
Overall, 78% of respondents felt that this policy had the potential to reduce costs, delays and uncertainty, and this view was shared across all respondent types (Figure 4). However, many respondents who answered yes to this question felt that these benefits would be to the detriment of EPS.

Most respondents felt that the policy had the potential to reduce costs and delays. Many also felt that it could reduce uncertainty, however some felt the opposite and were concerned that increasing the number of options available could in fact increase uncertainty.

Those who felt that the policy would be more expensive for developers said that:

- surveying costs would increase due to the need to survey a wider area
- long-term management measures would be more expensive than short term mitigation
- landowners will increasingly hold developers to ransom when they realise their land is essential to facilitate development
- the risk of legal challenge would increase

- the policy will not speed up decisions on planning and licensing which are the principal source of delay



**Figure 4.** Responses to this question 'do you think this policy will reduce costs, delays and uncertainty for developers' by respondent type

#### **Question 4. Do you have examples of where this policy could have been helpful?**

77 respondents provided examples. We may contact respondents who have submitted case examples to discuss them further.

#### **Conclusions**

There was strong agreement that this policy had the potential to reduce costs, delays and uncertainty for developers. There was a broadly even split in responses regarding the potential to benefit GCN. Many respondents could see the benefit of increasing the focus on habitat provision and the wider local populations, but a number of risks were also identified. Equally importantly, many respondents felt that the policy could be beneficial in certain circumstances but not in others.

Whilst the proposed policy opens the door to greater reliance on habitat provision and less reliance on trapping and relocation of EPS, it does not restrict the latter. It adds flexibility but does not take it away. It introduces the possibility of a sliding scale in which the relative reliance on habitat provision, on the one hand, and trapping and translocation on the other are weighted to maximise benefit and cost effectiveness.

We have amended the wording to clarify that requirements for trapping and translocation will be removed only when greater benefit would arise from focussing investment instead on habitat provision. This is necessary to ensure consistency with the avoid-mitigate-compensate hierarchy and to meet the No Satisfactory Alternatives (NSA) and FCS tests.

Feedback suggested that there will be little initial demand to use this policy for other EPS. Nevertheless we do not want to completely rule out using this policy for other EPS where a solution delivered under this new approach would clearly benefit that species and be cost effective for business. If we receive an application to use this policy for another EPS we will carefully consider it and ensure that the benefits to EPS are clear. The Habitats Regulations

tests remain in place to ensure, amongst other things, that this cannot harm the conservation status of the EPS concerned.

We agree with respondents on the need for good quality and up to date surveys. We also agree that compensation sites should be secured through S106 or NERC agreements, where this is necessary to ensure they receive establishment and maintenance measures and therefore allow the FCS test to be satisfied. We agree on the need for monitoring, and this will be delivered in the same way as our current approach to monitoring EPS mitigation licences through action report forms.

We agree with respondents that whilst the avoid-mitigate-compensate hierarchy should remain in the policy wording, reference to the NPPF is confusing. We have removed this reference.

The following policy has been approved by Defra:

*Defra considers that compensation for EPS impacts can be delivered without the need to relocate or exclude populations, where: exclusion or relocation measures are not necessary to maintain the conservation status of the local population; the NPPF avoid-mitigate-compensate hierarchy is followed; and compensation provides ~~additional~~ **greater** benefits to the local population **than would exclusion and/or relocation**.*

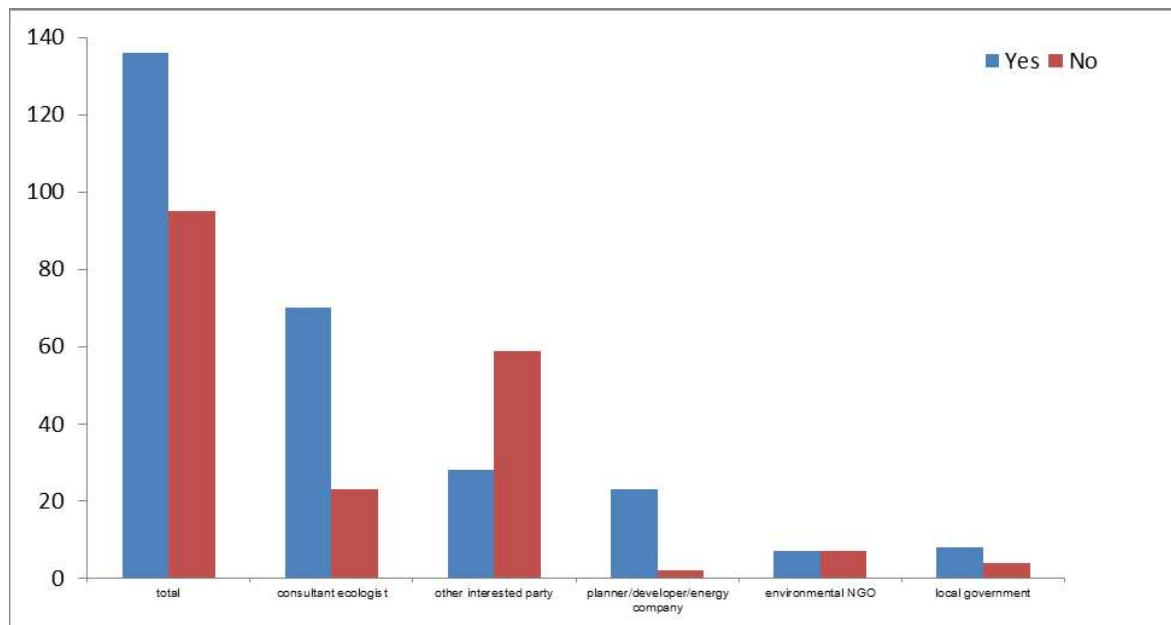
## **Policy 2 - Greater flexibility in the location of newly created habitats that compensate for habitats that will be lost**

### **Background**

This policy was proposed to offer flexibility in the location of compensatory habitat provision. EPS are usually relocated to habitats that are within the boundary of the development site or on land which is adjacent and connected to it. This policy would allow compensatory habitat to be located further away and disconnected from the development where this would be of additional benefit to the local EPS population.

### **Question 5. Do you think this policy could benefit GCN?**

Overall, 59% of respondents felt that this policy could benefit GCN (Figure 5). 92% of planners/developers/energy companies, 75% of ecologists, and 67% of local Government respondents felt that this policy could be beneficial. Only 32% of other interested parties felt that it would be beneficial, and there was an evenly split view from environmental NGOs.



**Figure 5.** Answers to the question 'do you think this policy could benefit GCN' by respondent type

Those who felt the policy would benefit GCN made the following points:

- It allows a landscape scale approach to conservation
- It is consistent with the Lawton principles of more, bigger, better and joined
- It will address the nationwide problem of habitat fragmentation
- Efforts to create compensatory habitats can be consolidated and targeted to areas of conservation gain
- It will allow more flexible, creative, imaginative and innovative solutions. Increasing the number of options available increases the change of a good option being chosen.
- Habitats will be larger, of better quality and better connected
- GCN requirements are well understood and habitats can be created quickly
- The quality of habitats is more important than the location
- It will allow 'outbreeding' to strengthen the gene pool within expanded populations
- It will particularly help populations that are current isolated
- There is often no long term benefit to maintain populations in areas of high development pressure. There is frequently no suitable space for compensatory habitat. Habitat quality is often compromised by having to 'squeeze it in' amongst buildings. Habitats can quickly become degraded and disturbance can be high. Forcing GCN to stay within development sites can lead to their populations becoming isolated.
- Existing large sites (e.g. open spaces) can be used. Local communities will benefit from habitats being in areas where they can enjoy them. The public will view GCN as an asset not a problem.

Many respondents who answered yes to this question felt that the policy would only be beneficial to GCN in certain circumstances or if applied in certain ways. Frequent views were that:

- It should not be introduced until the benefits of off-site compensation are proven
- The avoid-mitigate-compensate hierarchy must always be followed
- It will not work on every site and the traditional route must always remain available
- It should only be used where small already isolated populations will be lost
- It must only be used if on-site compensation will be less beneficial

- It should only be used if there are no alternative closer areas and no ecological dispersal barriers
- There needs to be a detailed knowledge of GCN distribution before judgements can be made about where compensation should be located
- The habitats created must be the same type and size
- Habitats used as compensation must not already contain GCN
- Compensatory habitat must be secure in the long term and sufficient funding must be available for long-term management
- There must always be clarity on monitoring requirements
- Translocation should only be attempted once new habitats have been created and achieved sufficient maturity

Many of those who felt that this policy would not benefit GCN explained that this was because they were of the view that no development should take place on any land containing GCN. Others provided views that were more specifically about the proposed policy, and frequent views were:

- It is better to integrate wildlife into our built environment
- Development sites will become sterile, especially as GCN habitat on development sites also benefited other wildlife
- It undermines the importance of on-site mitigation
- It will encourage more relocation, rather than the protection of existing sites
- It is difficult to judge whether a distant habitat will be sufficient without extensive survey
- There is an increased risk that GCN could be moved to areas that are unsuitable, where they cannot sustain their populations
- GCN will be too remote from areas they naturally colonised. They have a propensity to try to return to their natal ponds and may leave the habitats created for them
- Although population numbers may increase, other important characteristics of a population could be harmed including isolation and range
- Increasing population isolation poses threats to genetic viability and population fluidity, and increased risk of disease
- Section 106 agreements are not sufficiently binding to secure compensatory habitats in the long-term
- Local authorities without in house ecologists will not be able to make informed decisions on where habitats should be located
- Developers don't often own excess land nor the right type of land that will allow the approach to happen in practice

The following additional points were made during answers to this question, some of which were repeated from responses to the proposed policy 1:

- Natural England should establish a layer of favoured compensation areas to be targeted across England, reflecting the ecological need, existing habitat and connectivity. Without targeted direction of compensation the approach risks being piecemeal as it is now with compensation effectively shadowing development rather than being focused on areas of greatest concern or opportunity.
- The requirement for compensation to provide additional benefits to the local population is unjustified and not required by law. The key issue is whether mitigation and compensation is sufficient to meet the FCS test.
- The four components of the concept of conservation status should be used to assess the value of this approach
- Disease testing will be required for relocations over certain distances

- There must be an assurance mechanism to ensure that the quality of the habitat is sufficient
- Offsetting metrics are required

Finally, answers to this question illustrated mixed views on whether compensatory habitats should be managed by and eventually become the responsibility of local conservation organisations. Many respondents felt that this would give the sites greater long-term security, and that these groups would manage them well and be able to monitor their success. However others felt that developers should not rely on their good-will and that they will often be under-resourced.

### **Question 6. Do you think the policy could benefit other EPS?**

Overall, 48% of respondents felt that other EPS could benefit from the proposed approach (Figure 6). Views varied across respondent types – 92% of planners/developers/energy companies, 58% of ecologists, and 53% of environmental NGOs could see potential benefits to other species; but only 33% of local Government respondents and 27% of interested parties shared this view.

Most respondents referred to bats and dormice in their written responses, and there were mixed views about each.

Those who felt that dormice could benefit stated that:

- More habitat could be provided than the current 2:1 recommended ratio
- There would be more opportunities to use a larger well connected wood
- Dormice will be away from the pressures found on development sites such as disturbance
- It would be particularly beneficial where existing populations are at risk of longer term isolation or fragmentation, and would be a better alternative than dormice bridges which are often unsuccessful
- Ecologists have the skills and experience to confirm scenarios where dormice could be relocated further afield successfully

However other respondents felt that:

- Dormice habitats cannot be created quickly
- It would need too much survey to be cost-effective
- Suitable habitats are few and far between
- The carrying capacity of the receptor woodland could be affected

For bats, many respondents who felt the policy could be beneficial stressed that this view was held for the more common generalist species only. They thought that the policy:

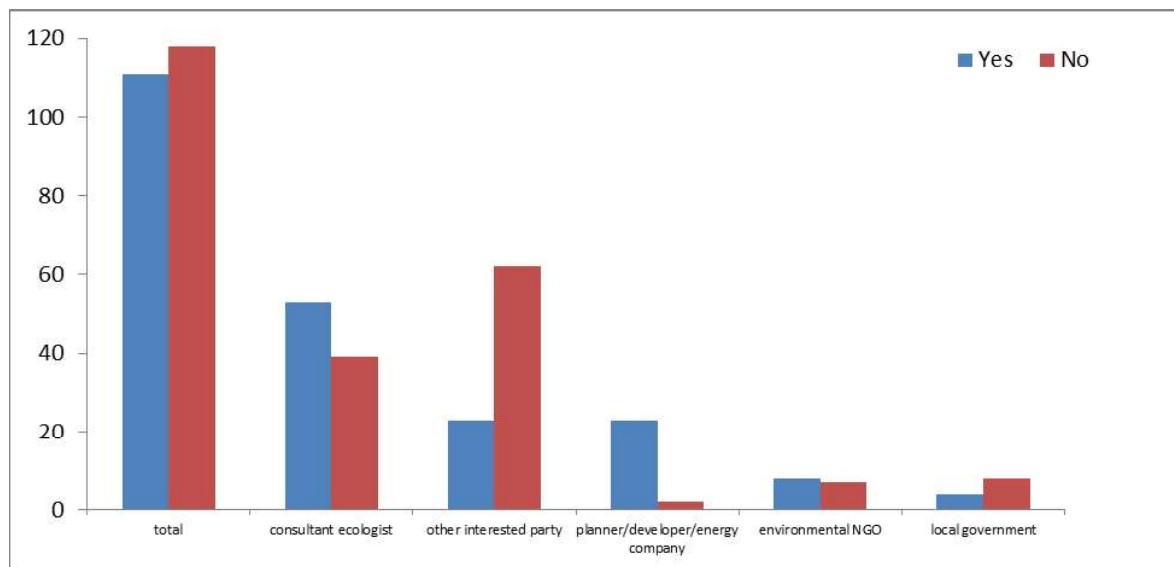
- Would create a good mix of habitats and roosts
- Would allow the strategic creation of habitats at a landscape scale
- Would move bats away from the pressures they face on development sites, such as disturbance, cat predation and harmful lighting

However many respondents did not feel bats would benefit from the policy as:

- We don't know enough about whether the existing approach to compensation works so we should not be increasing risks by placing compensation further away
- Bats have to be encouraged rather than physically relocated, so there is little guarantee that they will use the roosts created for them, especially if they are further away
- It could increase competition if bats were encouraged into the core sustenance zones of other populations



- Bats are faithful to their roost sites
- Bats are faithful to their home ranges and their knowledge of commuting routes passes through generations
- Our knowledge of how bats use different habitats throughout the year is too poor

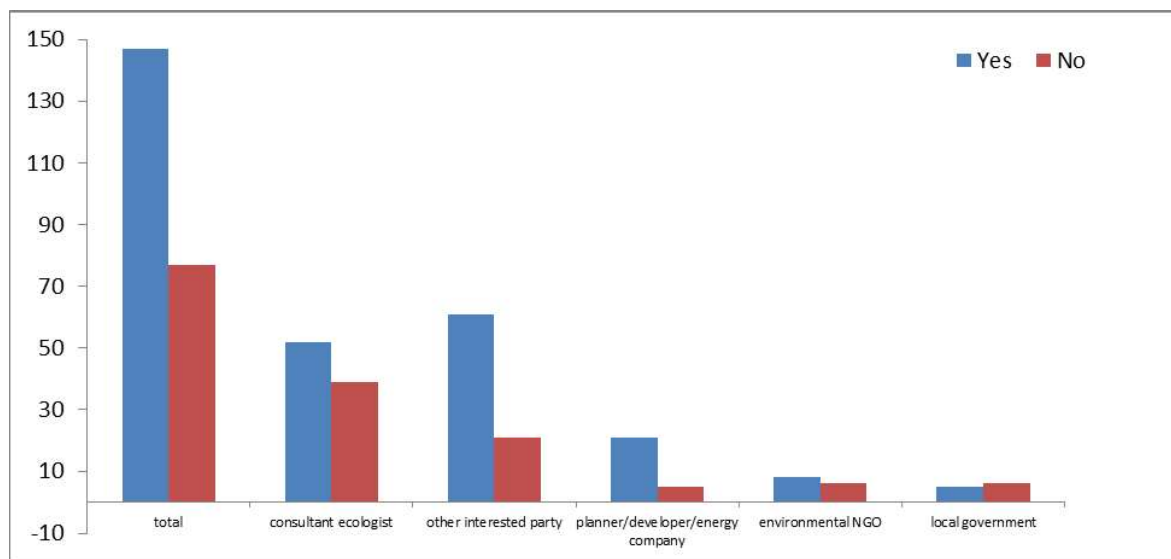


**Figure 6.** Responses to the question 'do you think this policy could benefit other EPS' by respondent type

**Question 7. Do you think this policy could reduce costs, delays and uncertainty for developers?**

Overall, 66% of respondents felt that the policy could be beneficial in this way (Figure 7). The strength of this view varied across respondent types: developers 81%, interested parties 74%, ecologists and environmental NGOs both 57%, local Government 45%. Many respondents who answered yes to this question wished to point out that they felt that these benefits would be to the detriment of EPS. A commonly held view was that the policy has the potential to reduce delays and uncertainty but may in fact be more expensive. Reasons given for this included:

- Additional survey work is required
- Land may need to be purchased
- Additional compensation is required
- Long-term management costs will increase
- Monitoring costs will increase
- There will be more legal challenges
- Developers will be increasingly held to ransom by landowners who realise that their land is essential to facilitate development



**Figure 7.** Answers to the question 'do you think this policy could reduce costs, delays and uncertainty for developers' by respondent type

### Question 8. Do you have any examples of where this policy could have been helpful?

59 respondents provided examples. We may contact respondents to discuss the examples they provided in more detail.

### Conclusions

Compared to policy 1 there was greater optimism that this policy could benefit GCN, with many respondents recognising the potential to create more habitats that are larger and better in terms of quality and connectivity. There was slightly less optimism regarding the benefits for developers, with many respondents commenting that although delays and uncertainty could be reduced the overall costs of delivering a more substantial compensation package further away could in fact be higher.

As for PLP1, indeed all the proposed policies, it should be noted that this proposed policy would not remove the option of the conventional approach. Should on-site habitat provision be adequate for the EPS concerned and preferable to the applicant, it will still be an option. This option is not constrained by the policy, which acts to increase flexibility not decrease it.

Feedback suggested that there will be little demand to use this policy for other EPS. Nevertheless we do not want to completely rule out using this policy for other EPS where a solution delivered under this new approach would clearly benefit that species. If we receive an application to use this policy for another EPS we will carefully consider it and ensure that the benefits to that species are clear. The Habitats Regulations tests remain in place to ensure, amongst other things, that this cannot harm the conservation status of the EPS concerned.

We agree with respondents on the need for good quality and up to date surveys. We also agree that compensation sites should be secured through S106 or NERC Act agreements, where this is necessary to meet the FCS test. We agree on the need for monitoring, and this will be delivered in the same way as our current approach to monitoring EPS mitigation licences through action report forms.

We agree with respondents that whilst the avoid-mitigate-compensate hierarchy should remain in the policy wording, reference to the NPPF is confusing. We have removed this reference. We have also removed repetitious wording.

The following policy has been approved by Defra:

*If the licensing tests are met and the ~~NPPF~~ avoid-mitigate-compensate hierarchy is followed, off-site compensation measures may be preferred to on-site compensation measures, where there are good reasons for maximising development on the site of EPS impacts, and where an off-site solution provides additional **greater** benefit to the local population than an on-site solution. ~~The licensing tests must be satisfied.~~*

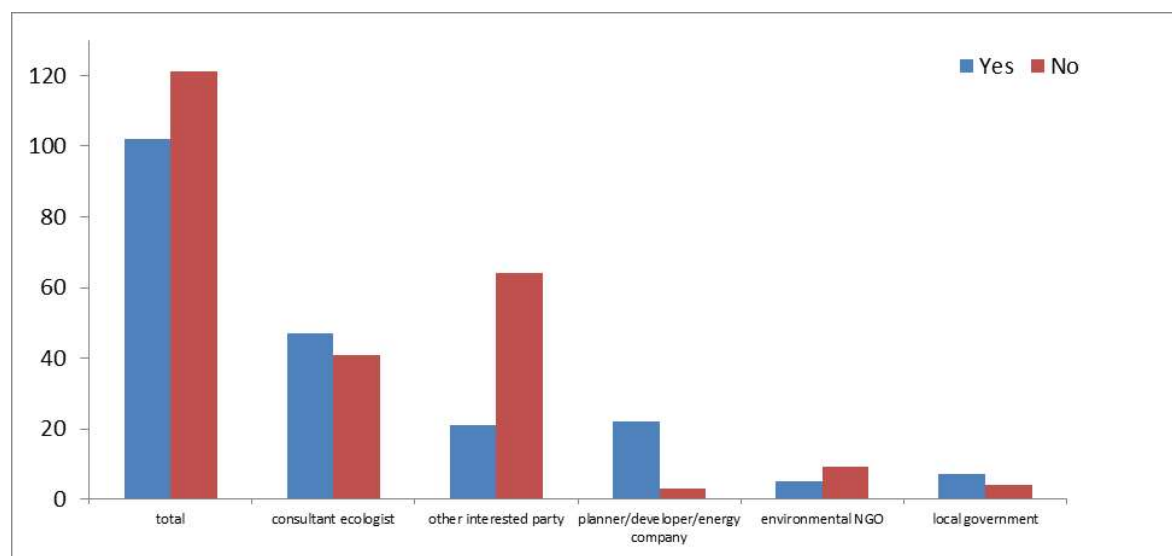
**Policy 3** - Allowing EPS to have access to temporary habitats that will be developed at a later date

## Background

Some EPS can thrive in 'man-made' habitats such as brownfield sites and mineral workings. Currently developers often take steps to exclude EPS from such habitats, fearful that their presence will cause delays and other issues when the land is developed a later date. In the consultation we proposed that EPS should be allowed temporary use of such habitats, provided that steps are taken to ensure their local conservation status is maintained over the life of the project and after it has been completed.

### Question 9. Do you think this policy could benefit GCN?

Overall, 46% of respondents felt that this policy could benefit GCN (Figure 8). Views were mixed across the different respondent types: 88% of planners/developers/energy companies, 64% of local Government respondents, and 53% of ecologists felt that it could be beneficial. However only 36% of environmental NGOs and 25% of other interested parties felt it could be beneficial.



**Figure 8.** Answers to the question 'do you think this policy could benefit GCN' by respondent type

Those who felt the policy could be beneficial to GCN commented that:

- GCN should be allowed to naturally establish on any site, and once established be afforded the same level of protection as anywhere else
- If economic activity is beneficial to protected species it should be encouraged not penalised. We should dis-incentivise the exclusion/deterrence of GCN from habitats that might otherwise be available and suitable.

- Mineral sites often provide the best habitats for GCN. Many important populations owe their creation to old mineral sites. We should not exclude GCN from these areas in which they can thrive.
- Permanent fencing is often ineffective, thus in reality GCN are already present in phased development
- Currently phased sites are often managed to prevent the establishment of habitat that is attractive to GCN. This would allow the opposite – management specifically to benefit GCN.
- The highly damaging practice of applying herbicides will be avoided
- On larger and long running sites there is the potential to retain breeding populations some distance away from active areas. Currently these populations have to be moved out of the way and cannot be returned once development is complete due to double handling rules.
- The approach will arguably have less impact than a translocation, involving gradual progression of movement rather than complete removal
- Habitats that GCN are currently moved to are often worse than the habitats in a quarry, so it is better to let GCN remain in the quarry and use methods to prevent unnecessary death and damage
- It will allow the transient and opportunistic nature of populations to continue and take advantages of sites that would otherwise be excluded
- GCN are very mobile across mineral sites. They are able to colonise temporary habitats and water bodies quickly and build up large populations. They can therefore withstand the loss of some individuals and habitats as locations are worked.
- There will be less antagonism towards the species, generating less negative publicity and more willingness to provide conservation benefits

Many of those who felt that this policy would not benefit GCN explained that this was because they were of the view no development should take place on any land containing GCN. Others provided views that were more specifically about the proposed policy, and frequent views were:

- It is vague and open to misrepresentation. It will lead to confusion, uncertainty and abuse.
- Well maintained permanent exclusion, preventing GCN from colonising and avoiding mortality, would be more beneficial
- This is a high risk approach that presents an unacceptable risk of death and injury
- You can never be sure an area will not be developed. Significant populations of GCN could colonise only to be lost when developed later.
- Habitats could be destroyed prior to populations becoming stable and individuals reaching breeding age
- It risks killing the fittest individuals as they are the ones that first colonise new areas
- There will be too much disturbance and disruption of habitat in this type of environment
- There could be endless relocation and double handling which is stressful to individuals
- The policy only offers time-limited benefits. The focus should be on finding long-term permanent sites not temporary habitats.
- Quarry managers do not have the right skills to manage GCN habitats in the way required by this policy
- Once mineral working ceases it will be impossible to guarantee the same conservation status unless there is massive pond creation on adjacent farmland

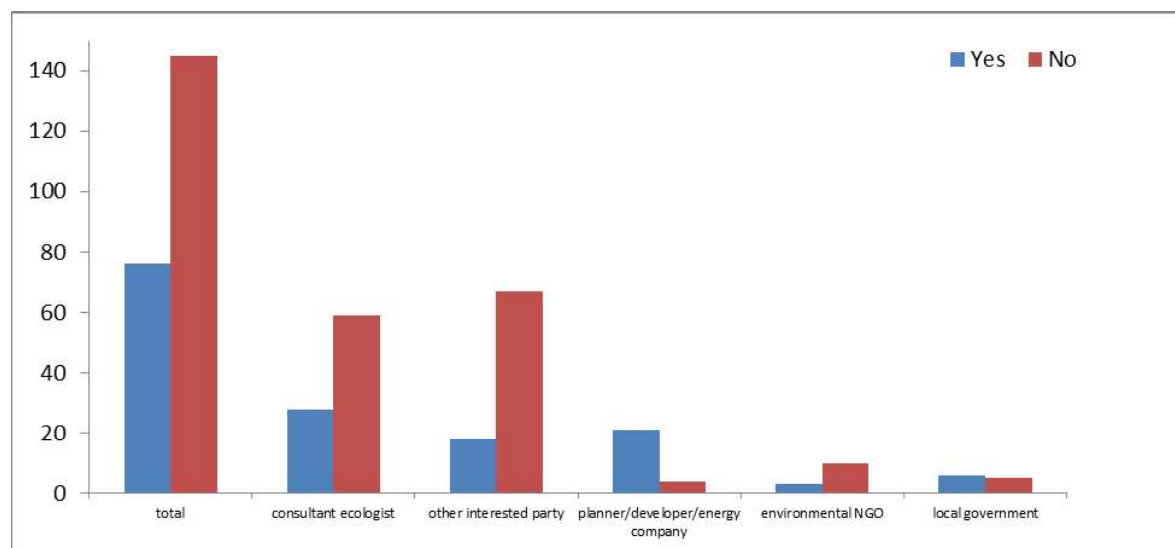
The following additional points were made:

- It is not common for mineral operators to erect permanent amphibian fencing simply to prevent GCN accessing. This would be prohibitively expensive over the long duration that mineral sites operate. Operators only erect fencing if they are aware that GCN are present and after they have obtained a licence to trap and move.
- A conservation plan will be essential for every site on which this policy is used
- Method statements will require rigorous enforcement
- Plans will need to ensure that local populations in the surrounding areas are not overly attracted to the temporary habitats
- It is extremely important to establish a baseline population prior to development starting or access being permitted
- Long term monitoring is essential. Data collection over several years will be necessary to prove whether a population has increased.
- The phrase *On completion of development such sites would be expected to contribute to the conservation status of the local population as much as or more than the land use which preceded development* is too weak. There needs to be greater certainty that the post-development landscape will provide at least the same level of EPS resource.
- It would be better to have two separate policies, one for mineral workings and one for brownfield sites. For the latter, the term brownfield sites needs defining and this policy should only apply to short-term brownfield sites. Long-term brownfield sites should be treated the same as any other habitat.
- A register of sites on which this policy is being used should be created

#### Question 10. Do you think this policy could benefit other EPS?

Overall, only 34% of respondents felt that other EPS could benefit, and this view was reflected by consultant ecologists (32% yes), environmental NGOs (23% yes) and other interested parties (21% yes) (Figure 9). However 84% of planners/developers/energy companies and 55% of local Government respondents could see benefits.

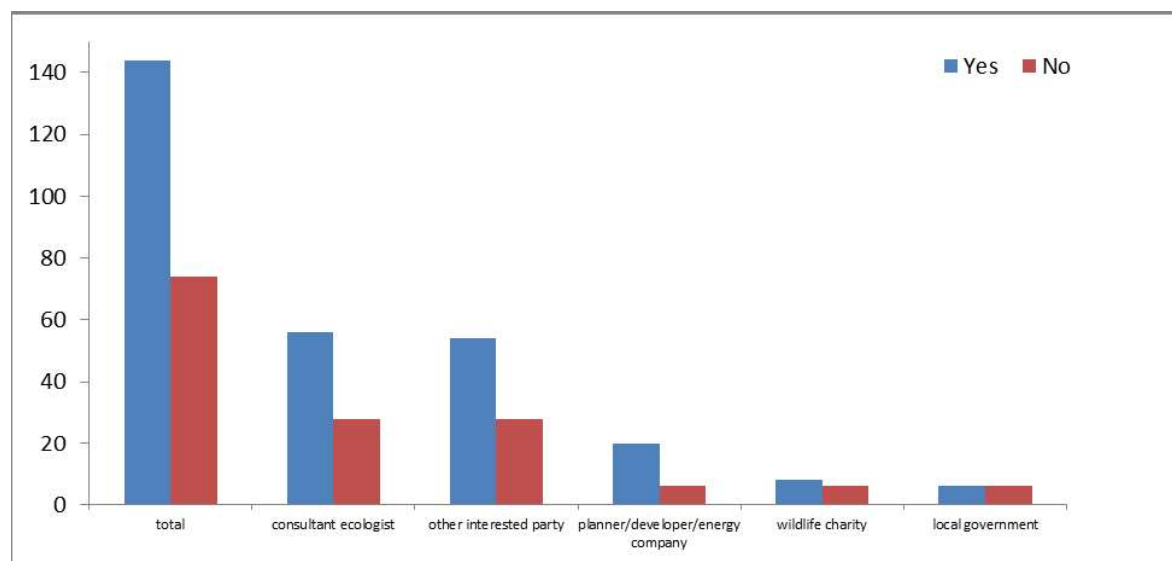
A small number of respondents felt that the policy could also benefit other amphibian and reptile EPS on mineral workings. Some respondents felt that the policy could be beneficial to dormice if it allowed them access to brownfield sites containing early successional stages of woodland. However others cautioned against this as these habitats take years to develop and dormice do not recover from losses quickly.



**Figure 9.** Answers to the question 'do you think this policy could benefit other EPS' by respondent type

### Question 11. Do you think this policy could reduce costs, delays and uncertainty for developers?

Overall, 66% of respondents felt that this policy could be beneficial in this way, and this view was fairly consistent across all respondent types (Figure 10). Many felt that the types of costs would change rather than the amount. In other words, developers would save costs through less investment in permanent exclusion fencing, but this would be off-set by the need to manage habitats and monitor GCN populations. Some respondents felt that uncertainty could increase, as well maintained and permanent exclusion fencing provides a level of certainty that GCN are absent, but developers could never be certain how GCN would use a site once they had colonised.



**Figure 10.** Answers to the question ‘do you think this policy could reduce costs, delays and uncertainty for developers’ by respondent type

### Question 12. Do you have any examples of where this policy could be helpful?

33 respondents provided examples of cases for this proposed policy. We may contact these respondents to discuss these cases in detail.

### Conclusions

This proposed policy received the most evenly split views on both the ecological and financial benefits. Many respondents wanted EPS to be allowed access to habitats in which they would clearly thrive and from which they have hitherto been excluded. However others felt that the risks to EPS whilst they were in those habitats were too high. There were mixed views about whether the costs of managing temporary habitats for EPS would be greater or less than the costs of excluding them, with many of the view that this would depend on the site in question. One point that the vast majority of respondents agreed on was that the policy was most appropriate for GCN within mineral workings. There was very little discussion about applying it to other EPS or other types of temporary habitat.

In the short-medium term we intend to explore case studies with the minerals sector, and will share the successes and lessons learnt with this sector and consultant ecologists through our Developer Industry Group and Customer Panel. We have clarified the wording of the policy in response to concerns regarding the ability of post phased development landscapes to support sufficient populations of GCN. We agree with the many respondents who said that well-

prepared management plans would be essential for this to work, and we have added this requirement to the proposed wording.

The following policy has been approved by Defra:

*Where development (such as mineral extraction) will temporarily create habitat which is likely to attract EPS, Defra favours proposals which enable works to proceed without the exclusion of EPS, where the conservation status of the local population would not be detrimentally affected. On completion of development such sites ~~would be expected to~~ **must** contribute to the conservation status of the local population as much as or more than the land use which preceded development. The measures to achieve this should be **set out in a management plan** and secured by a legal agreement.*

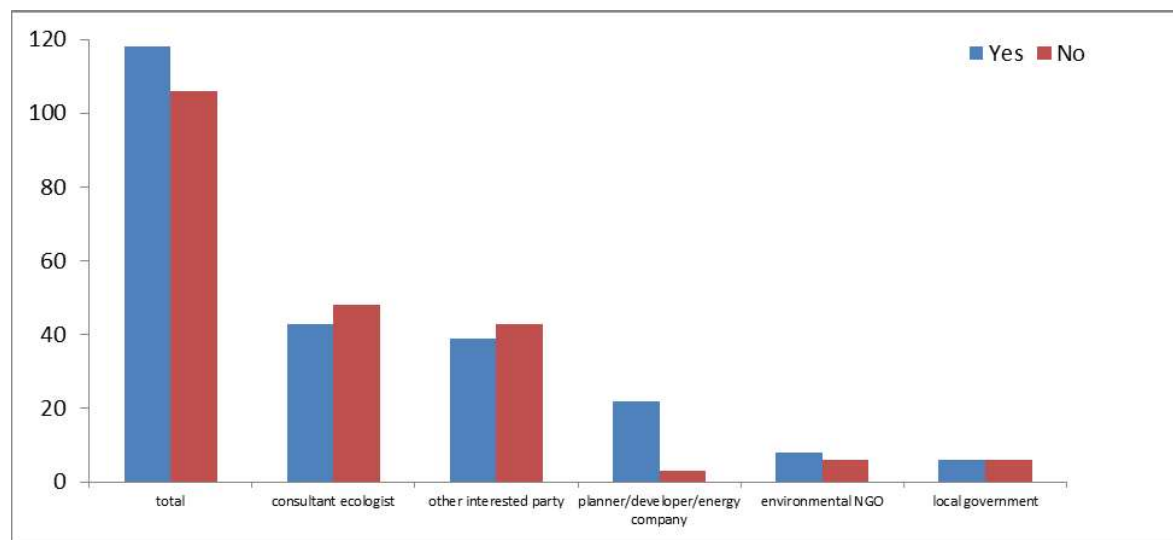
**Policy 4** - Appropriate and relevant surveys where the impacts of development can be confidently predicted

## Background

This policy was intended to allow a reduced survey effort in circumstances where the impacts of development on EPS (predominantly bats and GCN) can be predicted confidently.

### Question 13. Do you think this policy could benefit GCN and bats?

Overall, there were mixed views on whether this policy could benefit GCN and bats, and this was reflected across all respondent types save developers (Figure 11). Some respondents felt that the policy would result in 'overcompensation' that would be beneficial to these two species. However a greater proportion of respondents felt that it was more likely to not cause harm rather than to be beneficial.



**Figure 11.** Answers to the question 'do you think this policy could benefit GCN and bats' by respondent type

Many respondents raised other positive aspects of the proposed approach including:

- It will allow previous survey data to be used
- It will allow surveys to be programmed and undertaken at the appropriate and optimal time of year
- In many cases impacts can be confidently predicted without the need for extensive surveys

- Current survey guidelines are too rigid and there needs to be more flexibility
- In many instances information gained in surveys is not material to impact assessment. These unnecessary surveys need to cease.
- There will be more reliance on experts in their field
- It allows discretion unlike the current approach
- It will allow judgement and discretion to be applied rather than the current 'tick-box' approach which almost demands delay and costs which are of no benefit to EPS
- We should trust qualified and experienced ecologists to determine when enough survey has been undertaken for judgements to be made
- If the costs of surveying were made more proportionate it would reduce the perception of EPS as barriers to development, and developers would be less tempted to get away with doing no survey
- For bat surveys, the number of required visits is often too high, especially in low risk casework. Often multiple visits are made and the same information is obtained. Experienced consultants often only need one visit to predict an outcome.
- Developers are often happy to provide habitats and make a contribution towards biodiversity. What really frustrates them is the excessive time and cost of survey work which can be of no benefit to EPS.
- Reduced bureaucracy will reduce crimes against EPS

Those who did not support this policy felt that:

- Appropriate and relevant surveys are already being carried out. This policy does not appear to change the current position.
- Reduced surveys will become the new standard because every project will be considered urgent
- There is already too much confusion over surveying, mitigation and compensation; and this will make things worse
- There will be an unacceptable lack of evidence to inform action
- It is seldom possible to make these types of prediction confidently
- The less information you have the worse decisions will be
- We are still learning the ecology of EPS, and there are many variables and inconsistencies
- Surveys outside the breeding season of bats and GCN are difficult
- It will be possible to miss important bat roosts / GCN ponds
- Signs of bats are often hidden
- It weakens the role and value of surveying information in the process of impact assessment and mitigation/compensation design
- Works will proceed without knowing the true extent of populations
- It could result in poor mitigation and compensation
- It could increase unforeseen/unintended consequences of development
- It removes the ability to accurately monitor the impacts of development
- It removes the ability to accurately monitor the failure or success of mitigation/compensation
- Developers will engineer the use of this policy by delaying contacting an ecologist until late in the season
- Large developers will use the 'genuine need' clause to bully their way to getting licences

Respondents made the following additional comments when answering this question:

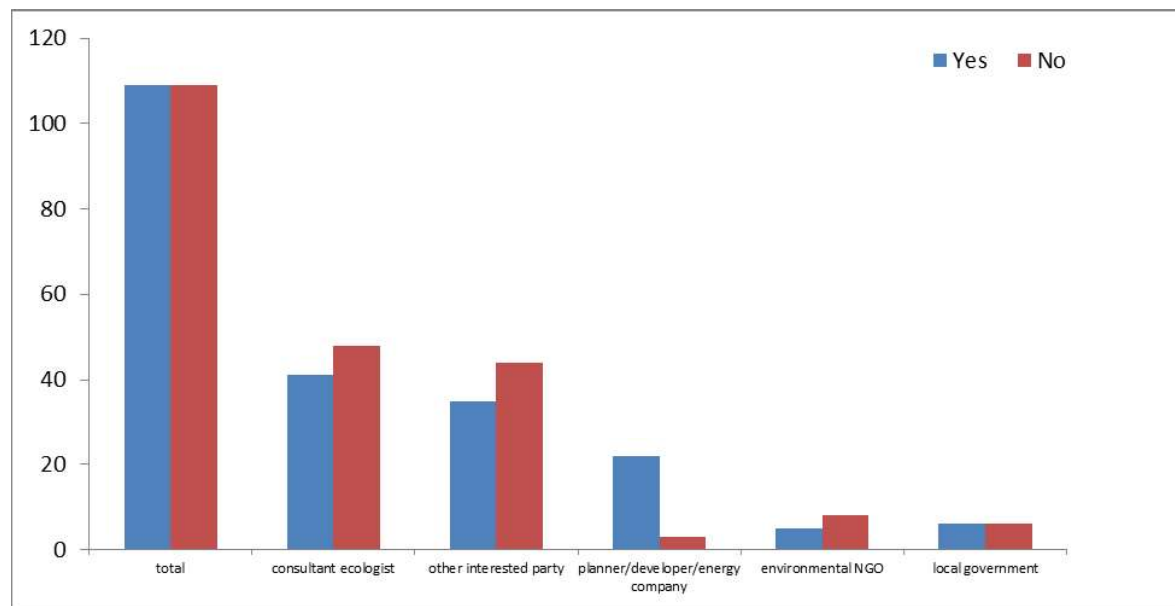
- This policy should adopt the precautionary principle and refer to it by name
- This policy should refer to the avoid-mitigate-compensate hierarchy, as the other policies do. Justification for decreased surveying is not the same as justification for bypassing avoidance and mitigation.
- The phrase sufficient certainty should be replaced with a high level of certainty



- Surveys could be reduced but never abandoned altogether
- Reduced surveys will always need to be backed up with local knowledge and a desk study of the evidence. Good background information will be required e.g. that held by Local Records Centres
- The policy will need key principles and thresholds (whilst acknowledging that cases vary greatly to the extent that set criteria are impossible).
- It is more difficult to predict the impacts on GCN compared to bats
- For bats, it will be more appropriate for small roosts of species that roost openly and leave obvious signs, it will be less appropriate if evidence of bats is hidden in inaccessible places
- For bats, further research is needed on the extent that emergence and dawn surveys iteratively provide further information over and above preliminary roost assessments. This could establish whether subsequent surveys add value in proportion to costs.
- The mitigation/compensation should guarantee a benefit to the conservation status of the EPS, not simply maintenance
- It is not necessary to demonstrate a genuine need for development to proceed to a particular timescale. This policy should be available whenever the other bulleted circumstances apply as they enable the licensing tests to be satisfied.

#### Question 14. Do you think this policy could benefit other EPS?

Overall there was a mixed response to this question (Figure 12) and this was reflected across all respondent types save planners/developers/energy companies. In the written responses, very few respondents put forward arguments that it should be opened out to other EPS, although a small number mentioned that it was possible to accurately predict the mitigation/compensation required when development impacts on dormouse habitat.

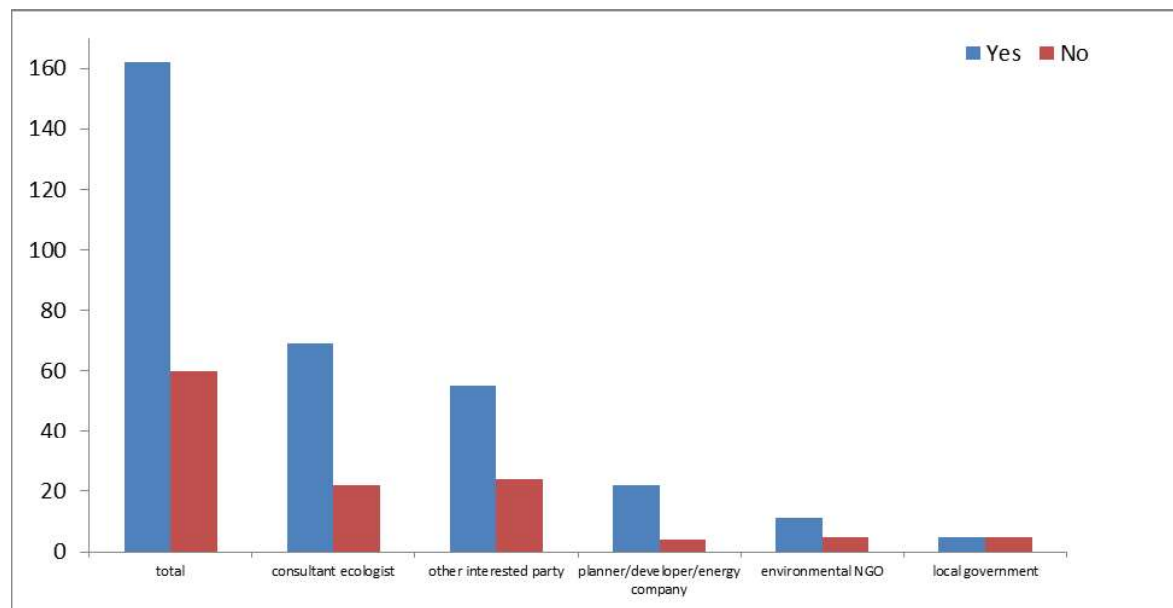


**Figure 12.** Answers to the question 'do you think this policy could benefit other EPS' by respondent type

#### Question 15. Do you think this policy could reduce costs, delays and uncertainty for developers?

Overall, 73% of respondents felt that the policy could be beneficial in this way (Figure 13). This view was reflected across all respondent types although the views of local Government respondents were more mixed. Many respondents felt that the cost savings through more

proportionate surveys could be considerable, and that the policy had significant scope to reduce the delays associated with EPS being unexpectedly discovered towards the end of the survey season. However others felt that the costs saved through reduced surveys would be off-set by the need to undertake more mitigation/compensation. Many respondents felt that uncertainty would increase through a reliance on professional opinion rather than survey data.



**Figure 13.** Answers to the question 'do you think this policy could reduce costs, delays and uncertainty for developers' by respondent type

### Question 16. Do you have any examples of where this policy could have been helpful?

57 of respondents provided examples. We may contact these respondents to discuss these cases.

### Conclusions

The overriding messages we received from respondents (particularly consultant ecologists) were a high level of frustration regarding the inflexibility of current survey standards and a desire to place greater reliance on expert judgement.

We already exercise a level of flexibility in survey effort, where departure from published standards is justifiable. We would encourage ecologists to consult the current survey guidelines carefully before planning how surveys will be carried out.

We recognise that this policy offers the opportunity to allow further flexibility in surveying, but we must do this in a way that does not result in an unacceptable dilution of survey standards, nor poor quality surveys, nor unacceptable risks to EPS. Good survey information must remain the cornerstone of our decision making. We feel that this proposed policy nevertheless offers further scope to increase flexibility and pragmatism to survey standards where safeguards can be provided in the form of precautionary mitigation or compensation measures. We recognise the risks of relying on expert judgement but if we use this policy in a way which will reward expertise and good judgement this could help to drive up standards.

In the consultation we proposed that this policy could be used if 5 circumstances applied. One of these was "Where there is a genuine need for development to proceed to a particular timescale". Respondents raised serious concerns with this requirement. Many felt that it would be impossible to define and enforce consistently. Others felt that it could encourage poor

planning and deliberate delay in instructing surveys. Others felt that those undertaking large scale and important development projects (e.g. Nationally Significant Infrastructure Projects) would always try to rely on it. We agree with these concerns and have removed it from the final policy wording.

The other circumstances were:

- standard survey requirements are not necessary to inform the mitigation and compensation that is required to maintain the conservation status of the local population
- the cost of carrying out standard survey requirements would be disproportionate to the additional certainty that it would bring
- there is confidence that the mitigation and compensation offered would maintain (or preferably enhance) the conservation status of any EPS population likely to be affected
- the developer agrees to implement that level of mitigation or compensation irrespective of what is subsequently found unless Natural England agrees that there is a high degree of certainty that the level of mitigation or compensation can be safely reduced

These were supported by respondents to a much greater degree.

Taking all of the above into consideration the following policy has been approved by Defra:

Original:

*Natural England as the licensing authority is entitled to rely on a reduced surveying effort in setting licence conditions where: there is a lack of survey information to remove uncertainty as to the level or type of impact; it is necessary to enable development to proceed to a particular timescale for which there is a demonstrated need; the ecological impacts of development can be predicted with sufficient certainty; and the mitigation or compensation will ensure that development does not damage the conservation status of the local population of any EPS concerned.*

Final:

*Natural England will be expected to ensure that licensing decisions are properly supported by survey information, taking into account industry standards and guidelines. It may, however, accept a lower than standard survey effort where: the costs or delays associated with carrying out standard survey requirements would be disproportionate to the additional certainty that it would bring; the ecological impacts of development can be predicted with sufficient certainty; and mitigation or compensation will ensure that the licensed activity does not detrimentally affect the conservation status of the local population of any EPS.*

### **Additional points raised by respondents that are applicable to all policies**

During responses, the following points were raised that are applicable to more than one of the proposed policies:

- The optional nature of these policies needs to be emphasised, as does the continued need to stress that they are only available if the three licensing tests are met
- The policies change a clear and well understood process which applies to all circumstances. Applying additional options to certain circumstances will increase uncertainty.
- It is unrealistic to expect local planning authorities without access to in house ecological expertise (60% of all authorities) to apply these policies at the planning stage.
- There needs to be more guidance on the survey requirements of each of the proposed policies. The proposed policies (particularly 1 and 2) require surveys to be undertaken beyond development sites. This will potentially be very costly to the extent that it could make use the policies not cost-effective. Whilst current survey standards should continue

to be applied within development sites, cheaper alternatives should be considered in off-site areas, e.g. eDNA and Habitat Suitability Indexes for GCN.

- The policies place greater reliance on compensation to off-set impacts on EPS and to meet the FCS test. It is essential that compensation measures must be secured in advance of any impacts on EPS.
- Compensatory habitats created under these policies should be considered as replacements rather than additions. They must not be counted towards international, European, national or local policy targets for habitat creation. This would be double-counting.
- If these policies are to be applied to EPS other than GCN or bats a further consultation should be undertaken
- Application of these policies needs to take the social context into account. The policies increase scope for biodiversity and green-spaces to be moved away from where people live.
- The increasing flexibility the policies provide increases the urgency to identify Favourable Reference Values for EPS. Without them there will always be doubt about positive outcomes.
- The policies will increase the level of regulatory risk that will be taken on by Natural England and local planning authorities, and decrease this level of risk for developers
- These policies increase the need to bring decision making forward in the regulatory process
- 1200 licence applications represents only 0.32% of the 369,000 developments that were granted planning permission in England in 2015. We query whether licensing is really a substantial cause of delay at national level.

### **Answers to queries raised by respondents**

Respondents raised a number of questions in their consultation responses. We have answered those that were most frequently asked below.

#### **Queries relating to more than one policy**

Will applications be assessed by national or area teams?

- Area teams, but our escalation procedures will continue to apply. A selection of applications that use the new policies will be quality assured by national senior wildlife advisers.

Can I apply to use the policies when making amendments or re-submissions?

- Yes

Can I apply to use the policies when registering sites under the low impact class licence?

- No, they are not appropriate for cases that fall within the current bat low impact class licence nor the forthcoming GCN low impact class licence

Can the policies be used in combination with each other?

- Yes they are not mutually exclusive and are available in combination where they are compatible.

Will it be mandatory to use the Discretionary Advice Service (DAS) or Pre-Submission Screening Service (PSS) prior to submitting an application?

- The opportunities which are offered by the PLPs are best considered early in the planning process because they may affect the type and timing of surveys required, the design and layout of development, and the design and location of measures to protect EPS. We are able to provide advice before a licence application is submitted, through our discretionary advice service (pre-planning application) or through pre submission screening (pre-licence application). In the early period after introduction of these policies, as the industry gets used to them, it is especially likely that these forms of advice from NE will help to secure cost effective outcomes and avoid delay. We will not be providing any detailed advice on application of the PLPs in our determination of licence applications.

How should I avoid the inconsistencies that may arise if the traditional approach is required at the planning stage but the new approach is available at the licensing stage?

- The best way of alleviating this potential issue will be to use our DAS service at an early stage in the planning process and to convey our advice to the planning authority.

Many of the policies refer to the local population of EPS. How is local population defined in this context?

- A group of individuals of the same species that live in a geographic area at the same time and are (potentially) interbreeding (i.e. sharing a common gene pool) . This is an ecological definition, which includes the potential to interbreed, rather than simply meaning the collection of individuals of a species in a given area. In line with European Commission guidance, we consider the definition of 'population' to include 'metapopulations'. A metapopulation is a group of spatially separated populations of the same species which interact at some level. Metapopulations can be thought of as a network of populations of the same species (i.e. they are linked and interact).

Many of the policies refer to the conservation status of the local population? How is conservation status defined in this context?

- We are exploring the formulation of local definitions of FCS but it will be some considerable time before they can be expected for all species in all geographical areas. In the interim we will consider applications in relation to the parameters of FCS provided by the Habitats Directive.

Do the new policies require biodiversity offsetting metrics?

- No. These are not required under the current approach and the new policies do not change this.

How will these policies be monitored?

- For policies 1, 2 and 4 there will be no change to the current approach i.e. licence holders will be required to submit action report forms and carry out the monitoring that these forms require. For policy 3 a dedicated monitoring plan will need to be agreed. Given that there has been a great deal of recent change in licencing practice, we expect in the near future to review our approach to licence monitoring.

Are the policies compliant with the Habitats Directive and transposing Regulations?

- Natural England considers that it can lawfully apply these policies in its licensing decisions. The policies do not remove the need to apply for a licence where the offences are engaged. Each licensing application will be considered on its own merits and licences will only be issued where the three licensing tests are satisfied.

Are the policies compliant with the aspects of the Wildlife and Countryside Act that also protect EPS?

- The position in the Wildlife and Countryside Act 1981, as amended, (“WCA”) does not change as a result of these licensing policies. Some of the protections in the WCA for EPS are for specific forms of disturbance and although they do not directly align with the disturbance offence in the Conservation of Habitats and Species Regulations 2010, as amended, (the “Habitats Regulations”), there is some duplication. The WCA does not allow licences to be granted by Natural England for development purposes in order to derogate from the offences. As they do currently, developers will need to consider, and if necessary take advice, on whether the offences in the WCA will be engaged and whether the statutory defence is available depending on the particular circumstances.

Will there be a review of the effectiveness of these proposed policies if they are implemented?

- Yes they will be subject to ongoing review

### **Queries on policy 1**

How will this policy affect surveying requirements?

- Impacts and compensation proposals will need to be considered in the context of surrounding populations. This is likely to require a different range of information. Survey requirements will need to be considered on a site by site basis.

What ‘exclusion’ methods can be reduced or removed?

- This policy relates to all forms of exclusion and relocation. This includes ‘hard’ exclusion measures such as exclusion fencing and pitfall trapping and we anticipate many applicants will wish to focus on reducing or removing these activities. The policy provides that these can only be reduced or removed where they are not necessary to maintain the conservation status of the local population. It will also include ‘softer’ exclusion measures such as hand searches, destructive searches, capture from ponds using netting or bottle trapping, draining down ponds in winter, using ramps during excavation works, and rescue of GCN found whilst works are underway. The policy will allow a reduction or removal in these activities again only where they are not necessary to maintain the conservation status of the local population. We anticipate that some developers will wish to undertake a selection of these soft exclusion measures as they are likely to be a more cost effective way of contributing to the FCS test than the provision of compensation. Some measures may also be needed to address legal requirements where there are other species protected under domestic legislation (see below).

Can the policy be applied if other protected wildlife is present on the development site?

- The policy can be applied in respect of EPS where the three licensing tests and policy constraints are satisfied. Where there are other domestically protected wild animals on the same site, the policy does not apply to those species. The consultation was deliberately focused on EPS. It was not intended to cover wild animals protected only by the WCA. These species do not have the benefit of the wider protections under the Habitats Regulations and the WCA does not allow licences to be granted for development purposes in order to derogate from offences in section 9 WCA. These species must be considered separately under the relevant legislation.

How much additional compensation is required?

- The conventional approach, focussed on trapping and translocation, is seen as mitigation. In order to rely instead on compensation, whilst remaining in line with the avoid-mitigate-compensate hierarchy, habitat compensation will be favoured, through PLP1, only where it provides greater benefit to the conservation status of the species, than would the trapping and translocation. This could be delivered through creating larger, better quality or better connected compensatory habitats, but other factors could be considered such as longer term security, or locating habitats in areas subject to less disturbance. At this stage we are not intending to place standardised quantitative measures on these factors.

## Queries on Policy 2

This policy can only be used when there are 'good reasons for maximising development on a site'. What is meant by this?

- Examples we envisage include:
  - where developing a whole site and placing compensation outside it would provide a better outcome for the EPS
  - where it is particularly difficult to accommodate GCN habitats within the development site
  - where there is a lot of development pressure in the area, and it may be beneficial to take newts away from it and into areas where they are more likely to be secure in the long term
  - where there is ongoing phased development which could result in many movements of newts, and as such it may be better to put them further away in one movement
  - where the development need can only be delivered in a very specific location (e.g. a school or community building for a specific catchment)
  - where there is very little land available for development but many potential areas in which compensatory habitats could be located
  - where delivering the development need in one site would avoid the need to spread it out over multiple development sites

How will this policy alter surveying requirements?

- If applicants wish to place compensation further away from development sites they will inevitably need to extend surveys into this wider area to gain a greater understanding of the wider population. It will be necessary to understand the relationship between the population on the site to be lost and the wider population, especially if compensation is to

be located beyond the dispersal limit of the population to be lost. Survey data should demonstrate why an off-site solution is better than an on-site solution.

How much additional compensation is required?

- The conventional approach has been for licensing to require habitat compensation to be located on the impact site or as close as possible. This is because as a rule, the greater the distance between impact and compensation, the greater the risk to distribution and therefore the conservation status of the species. PLP2 provides greater flexibility for licenced solutions to offset against the risk arising from the greater distance by providing increased benefit, in terms of the scale or quality of habitat compensation. Thus NE will consider licensing more distant habitat compensation solutions when greater benefit can be achieved at distance than would be possible through habitat compensation on site. This could be delivered through creating larger, better quality or better connected compensatory habitats, but other factors could be considered such as longer term security, or locating habitats in areas subject to less disturbance. At this stage we are not intending to place standardised quantitative measures on these factors.

What is the maximum distance that a compensation site can be located away from the site being developed?

- Compensation will need to be located within the area used by the local population as defined above.

Can one compensation site be used to compensate for more than one development?

- This would be possible subject to the avoid-mitigate-compensate hierarchy, the three licensing tests and the other limbs of this policy being met. It does risk increasing population isolation and range but it could also be an effective way to address piecemeal impacts through the strategic location and large and good quality compensation sites.

What would happen if the development site is in one local authority district but the compensatory habitat is in another?

- There is no ecological reason why this should be an issue but it is recognised that this may require the involvement and agreement of both local authorities

### **Queries on Policy 3**

A wide range of views on the pros and cons of this policy were submitted, but no significant queries were raised about how it should operate

### **Queries on Policy 4**

Have you reversed your position on not mitigating for a worst case scenario and on over-compensation being unacceptable?

- Only in the circumstances in which this policy applies. We have always sought to ensure that survey requirements are proportionate and focussed on informing the decisions that need to be made. We have sought to avoid over-precautionary licensing, in which greater measures are required than are likely to be needed. We have listened to stakeholders who have made clear that this approach is insufficiently flexible because in some cases delay is far more expensive than the establishment of additional mitigation and



compensation measures. Thus where the ecological information does not make the real impact scenario clear but narrows down the possibilities clearly, we will offer applicants a choice of how to address the residual uncertainty, either by providing more information or by providing more mitigation/compensation.

What are the circumstances in which this policy can be applied?

- When all of the following apply: *the costs or delays associated with carrying out standard survey requirements would be disproportionate to the additional certainty that it would bring; the ecological impacts of development can be predicted with sufficient certainty; and mitigation or compensation will ensure that the licensed activity does not detrimentally affect the conservation status of the local population of any EPS.*

How will you determine whether the ecological impacts of development can be predicted with sufficient certainty?

- This will often depend on what alternative information is available. For bats this could be information held by local bat groups and local records centres on the species that are known to use the area, DNA analysis of droppings found in the building, and a thorough inspection of the building to allow an expert judgement on the type of roost, what species are likely to use it and maximum occupancy. For GCN an alternative approach could involve eDNA tests plus habitat survey to enable a judgement about the extent of occupied habitat and its likely importance

How will you determine whether the mitigation and compensation offered would maintain/enhance the conservation status of the local population?

- There needs to be the same level of confidence that the three licensing tests are met as there would be if standard surveys were carried out. This policy is about using alternative information to surveys, not about lowering the level of confidence required to make decisions.

How much additional mitigation and compensation is required?

- Enough to mitigate and compensate for the 'worst case scenario'. For example, if an eDNA test plus habitat survey suggests that an absolute maximum of three ponds may be affected and they may all be breeding ponds, this is what needs to be compensated for. If an ecologist judges that it is possible that a maternity roost is potentially used by three species of bat, compensation would need to deliver the maternity roost needs of all three species.

How will this policy align with surveys required for planning permission applications? Will the local authority be expected to accept reduced survey requirements in these cases?

- We will seek to secure through the licensing process only the survey and other measures necessary to satisfy the three licensing tests, albeit that this might sometimes need to reflect a worst case scenario. It is possible that a local authority may not wish to accept the same information and other measures. The local authority is able to take our licensing decisions and advice into account. Applicants and potential applicants may therefore wish to proactively share information from NE with the local authority.

## **Annex B: List of all objections to the grant of Compulsory Acquisition or Temporary Possession powers (EXQ2: Question [2.4.1])**

| Obj No: <sup>1</sup> | Name/Organisation:                 | IP/AP Ref No <sup>2</sup> | RR Ref No <sup>3</sup>     | WR Ref No <sup>4</sup>                 | Other Doc Ref No <sup>5</sup> | Interest: <sup>6</sup> | Permanent/Temporary: <sup>7</sup>  | Plot(s):  | CA <sup>8</sup> (Y/N):   | Status of objection:  |
|----------------------|------------------------------------|---------------------------|----------------------------|--|-------------------------------|------------------------|--|---|--|---|
| 1                    | Allow Limited                      | 1                         | RR-031                     | REP1-082, 084, 085, 086, 088, 091, 092 | 8.8/LIU (A)                   | Owner                  | 1) Permanent<br>2) Permanent<br>3) Permanent<br>4) Permanent<br>5) Temporary and Permanent Rights<br>6) Permanent<br>7) Permanent<br>8) Temporary<br>9) Permanent<br>10) Temporary<br>11) Permanent<br>12) Temporary | 1)4/20a<br>2) 4/20b<br>3) 4/20c<br>4) 4/20f<br>5) 4/20g<br>6) 5/2<br>7) 5/4<br>8) 6/13<br>9) 6/16<br>10) 6/20<br>11) 6/21<br>12) 5/25 | 1)Y<br>2) Y<br>3) Y<br>4) Y<br>5) N<br>6) Y<br>7) Y<br>8) N<br>9) Y<br>10) N<br>11) Y<br>12) N | A significant amount of engagement has taken place with Allow Ltd. The landowner strongly objects to the acquisition of land for Environmental Mitigation and as a result it has been challenging to reach any common ground to date.<br><br>Notwithstanding this, recent discussions have been more productive. Allow has provided detailed challenge to various aspects of environmental mitigation provision, which has enabled HE to provide informed responses. As a result, negotiations on land parcels for Environmental Mitigation, the potential for Allow Ltd to retain ownership of environmental mitigation land and detailed accommodation works have recently progressed. These are still in discussion and are recorded within SoCG.<br><br>A site meeting is planned for 15 January 2021 to discuss detailed access arrangements and accommodation work. |
| 2                    | Barry Jones & Valerie Jones        | 2                         | RR-020<br>RR-021<br>RR-035 | -                                      | 8.8/LIU (H)                   | Owner                  | 1) Permanent   | 1) 6/9  | 1) Y   | SOCG comments received by Landowner's representative on 10/12/2020, in response to Land By Agreement Letters sent by HE on 03/10/2019 and 15/09/2020 advising that their client is in strong opposition to the scheme and do not wish to give up any of their land. Progressing in a positive direction.  |
| 3                    | Crest Nicholson Properties Limited | 3                         | -                          | -                                      | -                             | Owner                  | 1) Temporary<br>2) Permanent   | 1) 4/9a<br>2) 4/9b  | 1) N<br>2) Y   | All consultation material provided – no objection or correspondence received.   |
| 4                    | Danielle Leigh Killingworth        | 4                         | RR-022                     | -                                      | -                             | Owner                  | 1) Permanent   | 1) 6/15   | 1) Y   | Heads of terms issued. 11/08/2020. Ongoing dialogue with Landowner's representatives discussing land values, compensation and planning history/status relating to the holding.  |
| 5                    | D.S Whitehouse                     | 5                         | -                          | -                                      | -                             | Owner                  | 1) Temporary   | 1) 6/18   | 1) N   | All consultation material provided – no objection or correspondence received. No objection. Wishes to meet and agree accommodation works following detailed design.   |
| 6                    | Elizabeth Stella Whitehouse        | 6                         | RR-016                     | -                                      | 8.8/LIU (J)                   | Owner                  | 1) Permanent<br>2) Permanent<br>3) Temporary   | 1) 5/23<br>2) 6/6<br>3) 6/32a   | 1) Y<br>2) Y<br>3) N   | SOCG comments received by Landowner's representative on 10/12/2020, in response to Land By Agreement Letters sent by HE on 03/10/2019 and 15/09/2020 advising that their client in in strong opposition to the scheme and do not wish to give up any of their land.   |

<sup>1</sup> Obj No = objection number. All objections listed in this table should be given a unique number in sequence

<sup>2</sup> Reference number assigned to each Interested Party (IP) and Affected Person (AP)

<sup>3</sup> Reference number assigned to each Relevant Representation (RR) in the Examination library

<sup>4</sup> Reference number assigned to each Written Representation (WR) in the Examination library

<sup>5</sup> Reference number assigned to any other document in the Examination library

<sup>6</sup> This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order Land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who "would or might" be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

<sup>7</sup> This column indicates whether the Applicant is seeking compulsory acquisition or temporary possession of land/rights

<sup>8</sup> CA = compulsory acquisition. The answer is 'yes' if the land is in parts 1 or 3 of the Book of Reference and Highways England are seeking compulsory acquisition of lands/rights.

| Obj No: <sup>1</sup> | Name/Organisation:                                 | IP/AP Ref No <sup>2</sup> | RR Ref No <sup>3</sup> | WR Ref No <sup>4</sup> | Other Doc Ref No <sup>5</sup> | Interest: <sup>6</sup> | Permanent/Temporary: <sup>7</sup>   | Plot(s):  | CA <sup>8</sup> (Y/N):                               | Status of objection:   |
|----------------------|--|---------------------------|------------------------|------------------------|-------------------------------|------------------------|---|---|--|--|
|                      |  |                           | RR-036                 |                        |                               |                        | 4) Permanent<br>5) Permanent<br>6) Temporary  | 4) 6/32b<br>5) 6/32c<br>6) 6/36   | 4) Y<br>5) Y<br>6) N                                 |  |
| 7                    | Graham Christopher Hughes and Joanne Louise Hughes | 7                         | -                      | -                      | -                             | Owner                  | 1) Permanent  | 1) 4/6a   | 1) Y   | Heads of terms issued 11/08/2020. Dialogue continues between HE and Landowner's representatives regarding land values and compensation relating potential losses. Progressing in a positive direction.   |
| 8                    | Ian Simkin and Adrian Simkin                       | 8                         | RR-033                 | REP1-020               | 8.8/LIU (I)                   | Owner                  | 3) Temporary<br>4) Permanent<br>5) Temporary<br>6) Permanent<br>7) Permanent<br>8) Temporary and Permanent Rights<br>9) Permanent | 3) 6/37<br>4) 6/23<br>5) 6/25<br>6) 6/29<br>7) 6/30<br>8) 6/31<br>9) 6/38 | 3) N<br>4) Y<br>5) N<br>6) Y<br>7) Y<br>8) N<br>9) Y | Extended dialogue and liaison to agree outstanding issues, all of which are recorded within the SoCG. Initial objection to the amount of land being taken for Environmental Mitigation, however following scheme changes submitted in October 2020, this opposition is reduced. A number of accommodation works have been agreed such as fencing specifications and access provisions and a number are still in discussion, all of which are recorded within SoCG and under continued discussion.<br><br>Following a site meeting in December 2020, the landowner and HE have engaged positively and the landowner has agreed to the land plan change at plot 6/25. Progressing in a positive direction. |
| 9                    | James Simkin                                       | 9                         | -                      | -                      | -                             | Owner                  | 1) Temporary<br>2) Permanent  | 1) 6/22a<br>2) 6/22b  | 1) N<br>2) Y   | All consultation material provided – no objection or correspondence received.  |
| 10                   | Mann & Hummel (UK) Limited                         | 10                        | -                      | REP1-017               | -                             | Owner                  | 1) Permanent  | 1) 4/4  | 1) Y   | Raised a concern regarding a parcel of land affecting the operational ability of the site. This plot has now subsequently been removed. A number of accommodations works to be agreed such as fencing specifications, all of which to be recorded within SoCG and under continued discussion   |
| 11                   | Mark Commins & Tracy Claire Commins                | 11                        | RR-023                 | -                      | 8.8/LIU (E)                   | Owner                  | 1) Temporary and Permanent Rights<br>2) Temporary and Permanent Rights<br>3) Permanent<br>4) Permanent<br>5) Permanent            | 1) 5/16<br>2) 5/17<br>3) 5/19<br>4) 5/20<br>5) 6/3                        | 1) N<br>2) N<br>3) Y<br>4) Y<br>5) Y                 | No objection - a number of accommodation works to be agreed such as fencing specifications, all of which to recorded within SoCG and under continued discussion. Progressing in a positive direction.  |
| 12                   | M.A Whitehouse                                     | 12                        | -                      | -                      | -                             | Owner                  | 1) Temporary  | 1) 6/18   | 1) N   | All consultation material provided – no objection. Wishes to meet and agree accommodation works following detailed design.   |
| 13                   | Michael John Alfred Byard                          | 13                        | RR-026                 | -                      | 8.8/LIU (G)                   | Owner                  | 1) Permanent  | 1) 6/10   | 1) Y   | Request to retain ownership following change of use to Environmental Mitigation. HE are in agreement in principle subject to heads of terms and progression of legal agreement. Heads of terms are in the process of being drafted. Progressing in a positive direction.   |
| 14                   | Nigel Barry George Swift                           | 14                        | -                      | -                      | -                             | Owner                  | 1) Temporary<br>2) Permanent<br>3) Permanent<br>4) Temporary  | 1) 6/32a<br>2) 6/32b<br>3) 6/32c<br>4) 6/36                               | 1) N<br>2) Y<br>3) Y<br>4) N                         | All consultation material provided – no objection. Wishes to meet and agree accommodation works following detailed design.   |
| 15                   | Nigel Simkin & Paul Simkin                         | 15                        | RR-027                 | -                      | 8.8/LIU (D)                   | Owner                  | 1) Temporary<br>2) Temporary and Permanent Rights   | 1) 5/6<br>2) 5/7<br>3) 5/8  | 1) N<br>2) N<br>3) Y                                 | Extended dialogue and liaison to agree outstanding issues, all of which are recorded within the SoCG. Objection to the amount of land being taken for Environmental Mitigation. A number of accommodation  |

| Obj No: <sup>1</sup> | Name/Organisation:                | IP/AP Ref No <sup>2</sup> | RR Ref No <sup>3</sup> | WR Ref No <sup>4</sup> | Other Doc Ref No <sup>5</sup> | Interest: <sup>6</sup> | Permanent/Temporary: <sup>7</sup>   | Plot(s):   | CA <sup>8</sup> (Y/N):   | Status of objection:   |
|----------------------|-----------------------------------|---------------------------|------------------------|------------------------|-------------------------------|------------------------|---|--|--|--|
|                      |                                   |                           | RR-034                 |                        |                               |                        | 3) Permanent<br>4) Temporary<br>5) Temporary<br>6) Permanent<br>7) Permanent<br>8) Permanent<br>9) Temporary and Permanent Rights<br>10) Temporary and Permanent Rights<br>11) Temporary<br><br>13) Permanent<br>14) Permanent<br>15) Permanent<br>16) Permanent<br>17) Temporary and Permanent Rights<br>18) Temporary<br>19) Permanent<br>20) Permanent<br>21) Permanent<br>22) Permanent<br>23) Permanent<br>24) Permanent | 4) 5/10<br>5) 5/11a<br>6) 5/11b<br>7) 5/11c<br>8) 5/11d<br>9) 5/11e<br>10) 5/11f<br>11)<br>5/11g<br>13)<br>5/11h<br>14) 5/11i<br>15) 5/11j<br>16) 5/12<br>17) 5/13<br>18) 5/14<br>19) 5/15<br>20) 5/18<br>21) 5/20<br>22) 5/22<br>23) 6/4<br>24) 6/5 | 4) N<br>5) N<br>6) Y<br>7) Y<br>8) Y<br>9) N<br>10) Y<br>11) N<br>13) Y<br>14) Y<br>15) Y<br>16) Y<br>17) N<br>18) N<br>19) Y<br>20) Y<br>21) Y<br>22) Y<br>23) Y<br>24) Y | works to be agreed such as fencing specifications and access provisions, all of which are recorded within SoCG and under continued discussion.   |
| 16                   | Peter Stephen Burke & Norma Burke | 16                        | -                      | -                      | -                             | Owner                  | 1) Temporary  | 1) 6/19  | 1) N   | All consultation material provided – no objection received.  |
| 17                   | Robert Edward Rowe                | 17                        | -                      | -                      | 8.8/LIU (C)                   | Owner                  | 1) Temporary<br>3) Temporary<br>4) Permanent<br>5) Permanent<br>6) Permanent<br>7) Permanent<br>8) Temporary<br>9) Permanent<br>10) Permanent<br>11) Permanent<br>12) Permanent<br>13) Permanent<br>14) Permanent   | 1) 4/14a<br>3) 4/14c<br>4) 4/14d<br>5) 4/14e<br>6) 4/14f<br>7) 4/14h<br>8) 4/14i<br>9) 4/15<br>10) 6/1b<br>11) 6/1c<br>12) 6/1d<br>13) 6/1e<br>14) 6/8   | 1) N<br>3) N<br>4) Y<br>5) Y<br>6) Y<br>7) Y<br>8) N<br>9) Y<br>10) Y<br>11) Y<br>12) Y<br>13) Y<br>14) Y  | Heads of Terms issued to agree relocation of Environmental Mitigation and retention of freehold ownership. A number of accommodation works to be agreed such as fencing specifications and access provisions, all of which are recorded within SoCG and under continued discussion. Progressing in a positive direction. |
| 18                   | Secretary of State for Transport  | 18                        | -                      | -                      | -                             | Owner                  | 1) Permanent<br>2) Permanent<br>3) Permanent<br>4) Permanent<br>5) Permanent<br>6) Temporary  | 1) 6/17a<br>2) 6/17b<br>3) 6/17c<br>4) 6/17d<br>5) 6/17e   | 1) Y<br>2) Y<br>3) Y<br>4) Y<br>5) Y   | No objection   |

| Obj No: <sup>1</sup> | Name/Organisation:           | IP/AP Ref No <sup>2</sup> | RR Ref No <sup>3</sup> | WR Ref No <sup>4</sup> | Other Doc Ref No <sup>5</sup> | Interest: <sup>6</sup> | Permanent/Temporary: <sup>7</sup>   | Plot(s):  | CA <sup>8</sup> (Y/N):  | Status of objection:   |
|----------------------|------------------------------|---------------------------|------------------------|------------------------|-------------------------------|------------------------|---|---|---|--|
|                      |                              |                           |                        |                        |                               |                        | 7) Temporary<br>8) Temporary<br>9) Temporary<br>10) Temporary<br>11) Temporary<br>12) Permanent<br>13) Temporary<br>14) Permanent<br>15) Permanent<br>16) Permanent<br>17) Temporary<br>18) Temporary<br>19) Permanent<br>20) Temporary<br>21) Permanent<br>22) Permanent<br>23) Permanent<br>24) Permanent<br>25) Permanent<br>26) Permanent | 6) 6/17f<br>7) 6/17g<br>8) 6/17h<br>9) 6/17i<br>10) 6/17j<br>11)<br>6/17k<br>12) 6/17l<br>13)<br>6/17m<br>14)<br>6/17n<br>15)<br>6/17o<br>16)<br>6/17p<br>17)<br>6/17q<br>18) 6/17r<br>19)<br>6/17s<br>20)<br>6/32a<br>21)<br>6/32b<br>22)<br>6/32c<br>23) 7/2a<br>24) 7/2b<br>25) 7/3<br>26) 7/4 | 6) N<br>7) N<br>8) N<br>9) N<br>10) N<br>11) N<br>12) Y<br>13) N<br>14) Y<br>15) Y<br>16) Y<br>17) N<br>18) N<br>19) Y<br>20) N<br>21) Y<br>22) Y<br>23) Y<br>24) Y<br>24) Y<br>25) Y |  |
| 19                   | Severn Trent Water Limited   | 19                        | RR-002                 | -                      | 8.8/LIU (O)                   | Owner                  | 1) Permanent  | 1) 1/2  | 1) Y  | No objection received to land take, land affected is an existing road verge and not operational.             |
| 20                   | South Staffordshire Council  | 20                        | RR-019                 | -                      | 8.8/LA (B)                    | Owner                  | 1) Permanent  | 1) 4/3  | 1) Y  | All consultation material provided – no objection or correspondence received in relation to land negotiation |
| 21                   | Staffordshire County Council | 21                        | RR-006                 | REP1-005               | 8.8/LA (A)                    | Owner                  | 1) Permanent<br>2) Temporary<br>3) Permanent<br>4) Temporary<br>5) Permanent<br>6) Permanent<br><br>9) Permanent<br>10) Temporary<br>11) Permanent<br>12) Temporary   | 1) 1/3<br>2) 4/8<br>3) 4/24<br>4) 5/1<br>5) 5/3<br>6) 5/9<br>9) 6/7<br>10) 6/12<br>11) 6/14<br>12) 4/22   | 1) Y<br>2) N<br>3) Y<br>4) N<br>5) Y<br>6) Y<br><br>9) Y<br>10) N   | All consultation material provided – no objection or correspondence received in relation to land negotiation |

| Obj No: <sup>1</sup> | Name/Organisation:   | IP/AP Ref No <sup>2</sup> | RR Ref No <sup>3</sup> | WR Ref No <sup>4</sup> | Other Doc Ref No <sup>5</sup> | Interest: <sup>6</sup> | Permanent/Temporary: <sup>7</sup>   | Plot(s):   | CA <sup>8</sup> (Y/N):                               | Status of objection:  |
|----------------------|--|---------------------------|------------------------|------------------------|-------------------------------|------------------------|---|--|--|---|
|                      |  |                           |                        |                        |                               |                        |   |  | 11) Y<br>12) N                                       |   |
| 22                   | Stella Arblaster   | 22                        | RR-036                 | -                      | 8.8/LIU (J)                   | Owner                  | 1) Permanent<br>2) Permanent  | 1) 5/23<br>2) 6/6  | 1) Y<br>2) Y   | SOCG comments received by Landowner's representative on 10/12/2020, in response to Land By Agreement Letters sent by HE on 03/10/2019 and 15/09/2020 advising that their client is in strong opposition to the scheme and do not wish to give up any of their land.                                 |
| 23                   | The National Trust for Places of Historic Interest or Natural Beauty | 23                        | -                      | -                      | 8.8/LIU (L)                   | Owner                  | 1) Temporary<br>2) Temporary<br>3) Temporary<br>4) Temporary  | 1) 3/7a<br>2) 3/7b<br>3) 3/7c<br>4) 4/2                                    | 1) N<br>2) N<br>3) N<br>4) N                         | No objection – legal agreement complete 14/09/2020  |
| 24                   | Thomas Malcom Gilbert & Joan Gilbert                                 | 24                        | -                      | -                      | -                             | Owner                  | 1) Permanent  | 6/34   | 1) Y   | No objection – continued dialogue discussing drainage and boundary fencing specification on completion of the works.  |
| 25                   | Victoria Jane Ellis  | 25                        | -                      | -                      | -                             | Owner                  | 1) Temporary<br>2) Permanent<br>3) Permanent<br>4) Temporary  | 1) 6/32a<br>2) 6/32b<br>3) 6/32c<br>4) 6/36                                | 1) N<br>2) Y<br>3) Y<br>4) N                         | All consultation material provided – no objection. Wishes to meet and agree accommodation works following detailed design.  |
| 26                   | William Bibbey   | 26                        | RR-024                 | -                      | 8.8/LIU (B)                   | Owner                  | 1) Permanent<br>2) Temporary and Permanent Rights<br>3) Temporary and Permanent Rights<br>4) Temporary and Permanent Rights<br>5) Temporary and Permanent Rights<br>6) Temporary and Permanent Rights<br>7) Temporary<br>8) Temporary | 1) 3/2b<br>2) 3/2c<br>3) 3/2d<br>5) 3/6<br>6) 4/17a<br>7) 4/17b<br>8) 4/18 | 1) Y<br>2) N<br>3) N<br>5) N<br>6) N<br>7) Y<br>8) Y | Concerns at future allocation for the site to be used for residential development, therefore the amount of land taken for the scheme. Land is subject to an Option Agreement. All recorded within SoCG. Relocation of attenuation pond to reduce impact on holding as requested during consultation |