

Dear Sirs,

The Applicant has refused to acknowledge or answer my Deadline 2 – Questions 9 and 10. Why has it done this? This is completely unacceptable.

Question 3 of my Deadline 2 submission was erroneously put to the Examining Authority (ExA). Could the Applicant please also now answer this question?

This Deadline 5 document possesses 13 numbered questions for the applicant to respond to.

Benefits for the A449

Questions 4A and 4B of my Deadline 2 submission have not been directly answered. The Applicant has advocated that the answer to ExA question 2.10.2 deals with the matters raised at Deadline 2. It is patently clear the Applicant's 2015 traffic counts and the levels of future use extrapolated from them, along with the inferred levels of roadside acoustic harm is highly likely to be inaccurate. I think it is quite inappropriate for a scheme of this magnitude and cost to predicate its effects on such limited, flimsy data. I am not satisfied that the full effects of the traffic associated with the West Midlands Interchange (WMI) have been fully considered within the advocated future traffic levels of the A449 and the associated nuisance noise. I will reserve further comment until the ExA have made their comments on this matter in the next round of ExA questions.

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.
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Question 1 (D5): Who is the third party consultant being referred to in response to my D2–Q6?

Question 2 (D5): Why has HE chosen not to put this information into the public domain?

Question 3 (D5): Why are the forward parts of the submitted transport documents not overtly stating the names, qualifications and the roles being played by those who are contributing to the document reviews taking place?

The Applicant must appreciate that the examination does not have any specialist transport consultees examining the submission and that it is a submission that is being advocated by an organisation whose ultimate overseer (the Transport Secretary) is also the final arbitrator on its acceptability after review by the ExA. Given the extent of that possible conflict of interest, absolute clarity would be greatly appreciated.

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 Galley 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.
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Question 4 (D5): Could the Applicant please provide the Staffordshire County Council data it refers to in a usable form so that it can be reviewed objectively by the examination?

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.
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JOURNEY TIMES FROM M54 J2 TO M6 J13

These comparisons are based on times in the opening year (2024) Do-Something IP model.

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.

- Via the Scheme to the M6 at J11, then M6: time 710s, distance 19,127m, average speed 97.1kph
- Via A449 to Gailey, then A5 to M6 J12, then M6: time 855s, distance 17,551m, average speed 73.9kph
- Via the A449 through Penkridge to M6 J13: time 876s, distance 15,647m, average speed 64.3kph

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).

- Via M6 to J11 and the Scheme: time 789s, distance 19,447m, average speed 88.7kph
- Via M6 to J12, A5 and A449: time 938s, distance 17,900m, average speed 68.7kph
- Via A449 through Penkridge: time 952s, distance 15,977m, average speed 60.4kph

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.

I find the assertion that the average motorist travels at 45 mph (79.3 kph) along the A449 (60 mph), A5 (50 mph – 1.9 km in length) and the M6 (70mph) somewhat dubious even when they are compelled to slow down or stop entirely at intersecting junctions.

Question 5 (D5): Could the Applicant please identify the average amount of time it believes motorists sit stationary at the intersecting A449 and A5 Junctions? I would like to test the theory.

Question 6 (D5): What percentage of motorists does the Applicant believe drive in excess of the existing speed limit along the A449 given its motorway appearance and a former speed limit of 70 mph?

Question 7 (D5): Could the Applicant please provide journey time estimations for just the M54-J2 to M6-J12 (and vice-versa) in the year of opening and 15 years after opening without the irrelevant and frankly exaggerating inclusion of the M6-12 to M6-J13 section of road?

Question 8 (D5): Could the Applicant confirm that the effect of the consented WMI A5-A449 (Class A) link road¹ has been factored into the journey time estimations?

Question 9 (D5): Does the average journey times given to date include nocturnal and weekends trips?

Question 10 (D5): Could the Applicant please provide 24 hour breakdowns for typical trip times over the course of an average week day?

The Applicant's answer to D2 question 13 makes it perfectly clear that it does not have any robust grasp of how the proposed link road and one of the two existing links (The A449) works at present and how they will both work in the future. The proposed scheme's stated objective of getting "the right traffic, on the right roads, at the right levels" is based on nothing more than the blind hope that doing something is better than doing nothing, so long as that something does not involve thinking about or altering the A449's strategic role, its physical layout, its speed limits or the wellbeing of the communities that live alongside it in respect of the World Health Organisation Environmental Noise

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR050005/TR050005-000281-Doc%202.13%20-%20Highway%20Classification%20Plans%20Key%20Plan.pdf>

Guidance (paragraph 11.3.42) recommendation that noise from road traffic should be reduced below 53dB Lden.

Kettle Holes & Holocene Peat Deposits

2.6 Cultural Heritage		
2.6.1	The Applicant	<p>Kettle Holes 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?</p> <p>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.</p> <p>No peat was identified within the geotechnical investigation and there are no recorded kettle holes.</p> <p>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.</p>

The presence of a small band of alluvial deposits in one tiny part of the site adjacent to a running body of water is not evidence that larger deposits do not exist within 'traditional' kettle holes, either inside or adjacent to the Order limits. Identifying the limited presence of a proxy containing Holocene sediments and then extrapolating out wider conclusions from that to make this issue go away is incredibly poor science.

Question 11 (D5): Why is it unlikely that other 'environmental deposits' have not survived across this site?

The Kings Pool paleo-proxy record chronology² was found in the centre of Stafford in 1990 adjacent to and under what is now the A34- Queensway bypass in the town centre (see Figure 1). The fact that this record lasted so long in the centre of a dense urban settlement, relatively undisturbed for millennia until the bypass was built, is a situation that should be given considerable regard within the context of this application.



Figure 1: The red line in the image shows the approximate location of the Kings Pool peat/sediment accumulation which is intersected by the A34 Queensway bypass in the centre of Stafford.

² <https://nph.onlinelibrary.wiley.com/doi/epdf/10.1111/j.1469-8137.1990.tb00522.x>

Question 12 (D5): How has the Applicant's conclusion that the kettle hole features (and associated peats) within and adjacent to its Order limits are 'unlikely to be significant' been reached? Without knowing what features are present and the extent of them, how can that conclusion possibly be reached with any degree of certainty?

The analysis of Holocene paleo peat/sediment accumulation in kettle hole deposits whether they be fully or partly vegetated meres or open bodies of water at surface level is almost always undertaken using a gouge auger (the 'Russian') technique³. The concept of using 'evaluation trenching' is completely inappropriate and flies in the face of several decades of best practise and scientific consensus on how these deposits are analysed.

Question 13 (D5): Where is the 'geotechnical investigation' methodology and analysis which shows the process that demonstrated that there are no 'recorded' kettle holes?

As the applicant has stated 'many' of the kettle hole features is not the same as saying 'all', there is the suggestion that some of these features are kettle holes and therefore may contain Holocene spanning peats. Any peat accumulations which do persist without significant human disturbance are worthy of comprehensive analysis so that the information they may contain is retained for future generations and research.

If something is not recorded that does not mean it does not exist, especially where robust hypothesis⁴ and modern, detailed satellite images suggest otherwise. I agree that it is likely that some, if not many, of the features may not be kettle holes or that they may have been kettle holes which were incorporated into the historic parkland of Hilton Hall. A preliminary screening of what features in the affected landscape may be 'new' artificial ponds or modified kettle holes would have been much more easily facilitated had the applicant taken the time to fully investigate the role of landscape gardener Humphrey Repton at Hilton Hall in the late 18th and early 19th centuries. There is a very real possibility that an unknown 'red book' design⁶ for Hilton Hall may still be held by the descendants of the hall's historic owners. The opportunity to combine the historic record (a Repton red book) and modern scientific techniques (coring and proxy palaeoecological analysis) is a missed opportunity to the detriment of all.

It would have been helpful if the ExA had sought the advice of a palaeoecological specialist not currently contributing to the examination or broadened out the discussion on this matter to other contributing parties in the way that I advocated at Deadline 2.

Plan Reliability & DCO Compliance with the 2008 Planning Act

In my Deadline 2 submission⁷ the ExA were explicitly asked at Question 15⁸ to confirm that they were content to allow the Applicant to retain the scale disclaimer on the scheme's entire suite of submitted plans.

³ https://www.geomorphology.org.uk/sites/default/files/geom_tech_chapters/4.1.1_Coring.pdf

⁴ <https://royalsocietypublishing.org/doi/pdf/10.1098/rstb.1973.0029>

⁵ <https://eprints.whiterose.ac.uk/915/1/clarkcd2.pdf> (see Figure 1 of that document)

⁶ <https://www.nationaltrust.org.uk/features/what-were-humphry-reptons-red-books>

⁷ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010054/TR010054-000692-Daniel%20Williams.pdf>

⁸ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010054/TR010054-000692-Daniel%20Williams.pdf>

The ExA have not responded to this question; instead they have chosen to stay completely silent on the matter. It is a simple yes or no question; I find it quite discourteous to be ignored given the ease with which this matter could be clarified.

As the ExA of this proposed DCO are well aware, the WMI ExA is the subject of a painfully slow internal Planning Inspectorate investigation because of its failure to recognise that scheme's lack of un-aggregated sound data on the A449. This ExA have been consistently copied into the correspondence relation to these matters. This ExA should heed the lessons of that saga and take the view that it is prudent to deal with reasonable and pertinent questions from interested parties, rather than just ignore them or pretend that they are being answered or dealt with satisfactorily.

The existence of un-scalable plans is pertinent to this examination because Sections 37 (3) (d)⁹, 55 (3) (f)¹⁰ and 55 (A) of the 2008 Planning Act require it to be. Sections 37 (3) (d) explicitly says:

"An application for an order granting development consent must, so far as necessary to secure that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.

d) be accompanied by documents and information of a PRESCRIBED description.

HE has shown itself, time and time again, to be incapable of being trusted with complex socio-environmental matters in DCO development and it is institutionally intransigent to its mistakes, both in the case of the WMI DCO, where it acted as a consultee, and within this proposed DCO where it is the Applicant.

As the ExA will be well aware, the A303 Stonehenge DCO¹¹ is currently before the courts in the form of a judicial review. Given the relative comparability of the two schemes (minus the obvious tunnelling and the World Heritage Site elements) the EXA may find it helpful to note that all of HE's plans in the A303 application/DCO possessed no scaling disclaimers^{12 13}.

Based on all of the above, the ExA cannot claim that it is not fully aware of this issue. A failure to act could leave this examination open to judicial challenge on the grounds that the stipulations of the 2008 Planning Act are patently not being met.

⁹ <https://www.legislation.gov.uk/ukpga/2008/29/section/37>

¹⁰ <https://www.legislation.gov.uk/ukpga/2008/29/section/55>

¹¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-002180-STON%20-%20Secretary%20of%20State%20Decision%20Letter.pdf>

¹² <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a303-stonehenge/?ipcsection=docs&stage=app&filter1=Plans>

¹³ <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a303-stonehenge/?ipcsection=docs&stage=app&filter1=Drawings>