

Application by Highways England for M54 to M6 Link Road

The Examining Authority's further written questions and requests for information (ExQ)

Issued on 29 January 2021

The following table sets out the Examining Authority's (ExA's) written questions and requests for information – ExQ3. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ4.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 3 (indicating that it is from ExQ3) and then has an issue number and a question number. For example, the first question on Green Belt issues is identified as Q3.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact M54toM6LinkRoad@planninginspectorate.gov.uk and include 'M54 to M6 Link Road ExQ3' in the subject line of your email.

A date for responses is **Deadline 6** (Friday 12 February 2021).

Abbreviations used

PA2008	<i>The Planning Act 2008</i>	NE	<i>Natural England</i>
Art	<i>Article</i>	NPPF	<i>National Planning Policy Framework</i>
ALA 1981	<i>Acquisition of Land Act 1981</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
BoR	<i>Book of Reference</i>	NPSNN	<i>National Policy Statement for National Networks</i>
BMV	<i>Best and Most Versatile Land</i>	PA2008	<i>Planning Act 2008 (as amended)</i>
CA	<i>Compulsory Acquisition</i>	PRoW	<i>Public Right of Way</i>
CPO	<i>Compulsory purchase order</i>	R	<i>Requirement</i>
dDCO	<i>Draft DCO</i>	RCHME	<i>Royal Commission on the Historical Monuments of England (commonly known as Historic England)</i>
EA	<i>Environment Agency</i>	SI	<i>Statutory Instrument</i>
EM	<i>Explanatory Memorandum</i>	SCC	<i>Staffordshire County Council</i>
ES	<i>Environmental Statement</i>	ShC	<i>Shropshire Council</i>
ExA	<i>Examining authority</i>	SSC	<i>South Staffordshire Council</i>
LIR	<i>Local Impact Report</i>	SSW	<i>South Staffordshire Water</i>
LPA	<i>Local planning authority</i>	SoS	<i>Secretary of State</i>
NMU	<i>Non-Motorised User</i>	TP	<i>Temporary Possession</i>
		WCC	<i>Wolverhampton City Council</i>
		WCH	<i>Walker, Cyclist, Horse rider</i>

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained at this [link](#).

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ3.1.1 – refers to question 1 in this table.

ExQ3	Question to:	Question:
3.0	General and Cross-topic Questions	
3.0.1	The Applicant	<p>Consents and Agreements Position Statement The latest version of the Consents and Agreements Position Statement [REP4-008/REP4-009] in Appendix A in the reference to the Badger Licence refers to Letter of No Impediment from 2020, when it was issued in 2019. Could this please be amended.</p>
3.0.2	The Applicant	<p>Site Inspection When arranging the 360° photography, can the Applicant please ensure photography additionally to that set out in Annex A of the ExA's letter dated 18 January 2021 [PD-020] includes:</p> <ul style="list-style-type: none"> (a) Site 5 on HE514465-ACM-EGN- M54_SW_PR_Z-DR-EG-0048P01 WQ2.3.1: Areas of Disagreement/Agreement between the Applicant and Allow Ltd as found in Response to The Examining Authority's Further Written Questions and requests for information (ExQ2) issued on 4 December 2020 from Allow Ltd [REP4-045], including clearly the two veteran trees; (b) the locations identified as existing and proposed bat crossing points in the Lower Pool area; and (c) along the western section of the Shareshill 5 PRow including its junction with Hilton Lane.
3.0.3	The Applicant	<p>Site Inspection Could the Applicant arrange for video footage of the M6 Diesel site is captured of the operation of the site to assist the ExA in its understanding of the activity at the site. Given the previous comments regarding drone footage this may best be achieved by video camera. To capture the access and egress of the site for at least 30 minutes during the working day.</p>
3.0.4	The Applicant Interested Parties	<p>Statements of Common Ground Could the Applicant please ensure that the latest versions of all the draft or finalised Statements of Common Ground are submitted at D6 to assist the ExA in determining whether the Hearings scheduled for March 2021 are required.</p>

ExQ3	Question to:	Question:
3.0.4	The Applicant	<p>Annotations on Plans Comments have been raised with regard to a no scale disclaimer that is included on the suite of plans for which Development Consent is sought. Can the Applicant please confirm its view as to whether the plans, with such a disclaimer, are in accordance with the requirements of the 2008 Planning Act and any subsidiary Regulations.</p>
3.1.	Green Belt	
3.1.1.	The Applicant Interested Parties	<p>Whether inappropriate development Can the parties please give their analysis as to whether the proposed development may be covered by the exception to inappropriate development set out in paragraph 146 c) of the National Planning Policy Framework, "local transport infrastructure which can demonstrate a requirement for a Green Belt location".</p>
3.2.	Air Quality and Emissions	
3.2.1.		The ExA has no questions at this time.
3.3.	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))	
3.3.1.	The Applicant National Trust	<p>Whitgreaves Wood The ExA notes the Agreement between the National Trust and the Applicant provided at Appendix 2.3.4 of Applicant Responses to the ExA's Second Written Questions and Representations Received at Deadlines 2, 3 and 3a and Responses to Issues Raised at Hearings December 2020 [REP4-033]. The ExA also notes the response to Action 4 in that document.</p> <p>The ExA understands the Applicant's case as follows. While there will be no direct loss of ancient woodland from the Proposed Development there will be development within 15m of ancient woodland which needs to be compensated for. The proposal is to provide this at Whitgreaves Wood, being secured in the dDCO and by the Agreement between the National Trust and the Applicant.</p>

ExQ3	Question to:	Question:
		<p>Whitgreaves Wood is itself ancient woodland, and therefore any compensation needs to result in a 'benefit' to the existing condition. This is proposed to be undertaken in a ratio of 7:1 from that loss, a ratio that has been agreed with Natural England. It is also clear that this benefit needs be maintained in perpetuity.</p> <p>In its response to ExQ1 1.4.2 [REP1-014] the National Trust has confirmed that Plot 3/7b as set out in the Land Plans [AS-127] is held inalienably and the Plots 3/7a, 3/7c and 4/2 are currently alienable, although it is the National Trust's intention to take them through the inalienability process at some point in the future.</p> <p>Through the Agreement the National Trust also confirms that it would "maintain the woodland on the Property".</p> <p>The general purposes of the National Trust, as set in the National Trust Act 1907 (as amended) include: "the purposes of promoting the permanent preservation for the benefit of the nation of lands and tenements (including buildings) of beauty or historic interest and as regards lands for the preservation (so far as practicable) of their natural aspect features and animal and plant life."</p> <p>The Courts in <i>South Lakeland District Council v SSE</i> held that "preserve" means "keeping safe from harm". Keeping safe from harm is not the same as "benefit".</p> <p>(a) How do the parties reconcile a requirement that the compensation works must provide a 'benefit' when the statutory obligation on the National Trust is only to 'preserve'?</p> <p>(b) Does the National Trust's statutory purpose relate to the condition of the land upon which is received or in any other condition?</p>

ExQ3	Question to:	Question:
		<p>(c) How is the SoS to be sure that the necessary works will be maintained (in the beneficial state) in perpetuity, given that three of the parcels are not held inalienably?</p> <p>(d) Is the solution to the above for the parties to enter a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the in perpetuity maintenance of the land in its beneficial state?</p>
3.3.2.	<p>The Applicant SCC SSC Allow Limited Nurton Development (Hilton) Ltd</p>	<p>Biodiversity net gain While not a requirement of NPSNN, and thus not part of CA/TP, this does not mean that Biodiversity net gain could not be delivered as part of the project on land that is required in any event – ie up-grading biodiversity on this land beyond the minimum. The Applicant’s approach has been to show that the CA land is needed holistically, ie to ensure that the development best-fits the many facets of the scheme.</p> <p>What is there to prevent the upgrading in terms of biodiversity of land which is required in any event, for example, the verges, cuttings, so as to meet the Government’s overall aim of enhancement to ecology and biodiversity?</p>
3.3.3.	<p>The Applicant</p>	<p>Potential Woodland Loss Allow Limited have set out its critique of the Applicant's "Review of Woodland Mapping, Impact Assessment and Compensation – Revised Design" at D5 [REP5-007].</p> <p>Could the Applicant please:</p> <p>(a) Set out its response to this critique?</p> <p>(b) If the Applicant does not consider the criticisms valid, on a 'without prejudice' basis, undertake a revised analysis of the position in case the ExA were to find some or all of Allow Limited’s criticisms valid?</p>

ExQ3	Question to:	Question:
3.3.4.	Allow Limited	<p>Alternatives to Plot 5/2 In its response to 'Assessment of Alternative Locations for Mitigation in Plot 5/2' submitted at D5 [REP5-008] in relation to Section 3 of the original report Allow Limited states:</p> <p>The proposed planting layout drawn up by Allow following the site visit with Historic England of 6th January is much better than either of the two options for planting to the east of the road as shown in this TN and reflects views shared with Historic England at the site meeting.</p> <p>Could Allow Limited please provide the ExA with a copy of this proposed planting plan, and also provide, as early as possible, a copy to RCHME so that it can use that in its response to ExQ3.6.4(c)?</p>
3.3.5.	The Applicant Natural England	<p>Habitats Regulations Assessment The D4 draft SoCG with NE [REP4-031] records that NE's concern about air quality impacts on the Cannock Chase Canal SAC are still outstanding but highly likely to be agreed. NE have submitted a letter at D4 to confirm that they agree with the conclusions of the HRA No Significant Effects Report (NSER) [APP-216] so the next version of the SoCG should presumably reflect that all HRA matters have been agreed. The Applicant considers on the basis of the information provided at D2 [REP2-009] that conclusions of the NSER [APP-216] are correct. Both parties consider the likelihood of agreement on this remaining issue is high (as indicated in Table 3.2).</p> <p>Could the Applicant and Natural England please provide an update on the outstanding matters in this SOCG?</p>
3.3.6.	The Applicant	<p>Habitats Regulations Assessment In its letter dated 8 January 2021 submitted at D4 [REP4-040] NE states it "has seen the draft revised Highways England Habitats Regulation Assessment Report dated December 2020".</p>

ExQ3	Question to:	Question:
		<p>This seems to contradict the statement in response to ExQ2.3.2 from the Applicant submitted at D4 [REP4-033] "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".</p> <p>Could this situation be clarified and if a revised Report does exist, please could this be submitted, in both 'clean' and 'tracked change' from the last version submitted [APP-216]?</p>
3.3.7.	<p>The Applicant Natural England Allow Limited SSC SCC Staffordshire Wildlife Trust</p>	<p>Veteran Trees Allow Limited proposal is that mitigation planting should be located to the east of the proposal.</p> <p>Could the parties set out their positions as to the effects of this planting, were it to occur, on the special interest of the two veteran trees in this field (trees T-178 and T-182) as shown on Environmental Statement Figure 2.5 (Ver P15) [AS-090]?</p>
3.4.	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
3.4.1.	The Applicant	<p>Land surrounded by Plot 4/20c In its response to ExQ2.4.2 the Applicant indicates "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". Ability is not the same as ensuring the owners of this have access at all times during and after the development.</p> <p>The ExA asks that such provision for access at all times should be made explicit, and requests the Applicant makes appropriate provision for this.</p>
3.4.2.	The Applicant	<p>Various Plots Various Interested parties have suggested that land required for mitigation should be subject to Temporary Possession and then the Imposition of Rights rather than being subject to Compulsory Acquisition.</p>

ExQ3	Question to:	Question:
		<p>In its response to the points made at D3a [REP3A-001] in respect of Plots 4/20a and 4/20b Allow Limited indicates that "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> <p>Can the Applicant please explain why this cannot be achieved by temporary possession and the permanent imposition of rights for all the plots in this situation? This should be done both generally and specifically to the individual plots.</p>
3.4.3.	The Applicant	<p>Plot 5/25 (a) Would it be possible to arrange a one-way system through this plot, so that there was egress to Hilton Lane? (b) If not, why not?</p>
3.4.4.	The Applicant	<p>Borrow Pit Could the Applicant please explain why it believes a borrow pit is necessary, the extent required, in both area and volume, and why it considers that the current soils in the identified area would be appropriate for the purpose(s) identified so as to represent a compelling case in the public interest for the land to be acquired? (Please see comment at paragraph 2.1.7 of Allow Limited's D5 response to 'Assessment of Alternative Locations for Mitigation in Plot 5/2' [REP5-008].)</p>
3.5.	Draft Development Consent Order (DCO) [REP4-005/REP5-006]	
3.5.1.	The Applicant	<p>Explanatory Memorandum Could the Applicant please go through the Explanatory Memorandum to ensure that it is fully compatible with the draft DCO as currently submitted?</p>
3.5.2.	The Applicant SCC	<p>Article 16 In its representations at D5 M6 Diesel [REP5-010] request that the provisions of Article 16 of the dDCO should be time limited. (a) If the Applicant considers this appropriate could it provide such provisions within the dDCO?</p>

ExQ3	Question to:	Question:
		<p>(b) If the Applicant does not consider this appropriate could it explain why, and also provide, on a without prejudice basis, draft provisions for possible inclusion in the dDCO?</p> <p>(c) Could SCC provide its response to M6 Diesel's representation?</p>
3.5.3.	The Applicant	<p>Schedule 2, Requirement 4 Could the Applicant please look at the drafting of Requirement 4 in relation to the proposed change from a singular to plural and whether "its" needs to be replaced?</p>
3.5.4.	The Applicant	<p>Schedule 2, Requirement 11 Following the change at D4 included in the response to ExQ2.5.8, could the Applicant replace "that manual" with "the OEMP" to resolve the English.</p>
3.5.5.	The Applicant	<p>Schedule 2, Requirement 15 In the Applicant's response at D4 [REP4-033], at paragraph 5.3.5 it is stated "A new Requirement 15(4) has been inserted into the draft DCO to secure this." However, no such provision exists. Could this please be included?</p>
3.5.6.	The Applicant SCC	<p>Protective Provisions/Design Involvement Could the parties please provide information as to the latest situation on negotiations as to whether there should be protective provisions in favour of SCC or alternative arrangements so that SCC has a greater involvement in design approval?</p>
3.5.7.	The Applicant Cadent Gas Ltd	<p>Protective Provisions/Cadent Gas Could the Applicant please confirm the latest position in respect of the Protective Provisions sought by Cadent Gas and the likelihood that any outstanding issues will be resolved.</p>
3.5.8.	The Applicant South Staffordshire Water Plc	<p>Protective Provisions/SSW Could the Applicant please confirm the latest position in respect of the Protective Provisions sought by SSW and the likelihood that any outstanding issues will be resolved.</p>
3.5.9.	The Applicant	<p>Draft Protective Provisions in favour of M6 Diesel Could the Applicant please respond on a 'without prejudice' basis to the draft Protective Provision as set out by M6 Diesel at [REP4-055]?</p>

ExQ3	Question to:	Question:
3.6.	Cultural Heritage	
3.6.1.	SCC SSC RCHME	<p>Archaeological WSI</p> <p>(a) Do the parties consider that the proposed Written Scheme of Investigation [REP4-032] is a robust approach to dealing with this matter?</p> <p>(b) How is this to be secured within the draft DCO?</p>
3.6.2.	The Applicant SCC SSC RCHME Allow Limited	<p>Less than substantial harm</p> <p>The parties have made various comments effectively relating to a 'spectrum' of harm that would represent 'less than substantial harm'. Could the parties please provide their representations as to how that should be considered in the light of the High Court judgement of <i>Shimble v City of Bradford MBC</i> [2018] EWHC 195 (Admin).</p>
3.6.3.	The Applicant SCC SSC RCHME Allow Limited	<p>Hilton Park</p> <p>In its paper on Assessment of Alternative Locations for Mitigation in Plot 5/2 submitted at D4 [REP4-036] the Applicant appears to accept that Hilton Park was designed by Humphrey Repton.</p> <p>(a) Is this a fair summation of the Applicant's view?</p> <p>(b) If Hilton Park was designed by Humphrey Repton does this make any difference to the consideration of the Proposed Development?</p>
3.6.4.	RCHME	<p>Hilton Park – settings of listed buildings</p> <p>(a) Could RCHME please set out its position in respect of each of the listed buildings at Hilton Park as to the degree of harm, if any, that the proposals may have on their settings and thus their historic significances.</p> <p>(b) Can RCHME undertake the same analysis for each of the four Options set out in the 'Assessments of Alternative Locations for Mitigation in Plot 5/2' submitted by the Applicant at D4 [REP4-046] by listed building?</p> <p>(c) Can RCHME undertake the same analysis for the proposed planting plan prepared by Allow Limited and referred to in ExQ3.3.4?</p>

ExQ3	Question to:	Question:
3.6.5.	Applicant	<p>Kettle Holes</p> <p>(a) Could the Applicant confirm the basis of the information which it has relied on to reach its conclusions that Kettle hole features are unlikely to be significant and the investigations which show there are no recorded kettle holes?</p> <p>(b) Can the Applicant confirm why it considers it unlikely that other environmental deposits have not survived across the site.</p>
3.7.	Landscape and Visual	
3.7.1.	Allow Limited SSC	<p>Dark Lane Fence and fly-tipping</p> <p>Could Allow Limited and SSC provide any records they may have of fly-tipping, as to when and precisely where such fly-tipping occurred, and nature and quantity tipped?</p>
3.7.2.	The Applicant Allow Limited SSC SCC	<p>Dark Lane Fence</p> <p>It is indicated that the existing Dark Lane fence is to be removed to be replaced by a hedgerow and fence. The fence being of similar height to that existing.</p> <p>(a) Could it be clarified whether the hedgerow or fence is to be on the highway side?</p> <p>(b) If it is the fence, could it please be explained why this is appropriate given the effect on the landscape?</p> <p>(c) Could SSC and SCC give their comments on the appropriateness of this design approach?</p>
3.7.3.	The Applicant	<p>Landscaping between Dark Lane and Featherstone roundabouts</p> <p>Allow Limited have indicated [REP4-045] that it considers that the landscaping proposed in this location would have a greater depth than is necessary to provide the necessary mitigation of view from the properties in Dark Lane towards the Featherstone roundabouts.</p> <p>Could the Applicant please set out why it believes the landscaping as proposed needs to be that depth, and why that suggested by Allow Limited would be insufficient to provide the necessary mitigation?</p>

ExQ3	Question to:	Question:
3.8.	Noise and Vibration	
3.8.1.		The ExA has no questions at this time.
3.9.	Geology and Soils	
3.9.1.	The Applicant	Please refer to question ExQ3.3.4
3.10.	Traffic and Transport	
3.10.1.	The Applicant	<p>Construction Period The Indicative construction programme shown at Plate 1.3 of the OEMP [REP4-010/REP4-011] indicates a two-and-a-half-year construction programme. Part of the rationale for the change accepted on 29 October 2020 [PD-015] was to shorten the construction period by six months. Could Plate 1.3 please be updated, or further information provided on the construction period to explain why the previously promoted period of two years cannot be achieved.</p>
3.10.2.	The Applicant SCC	<p>Junction of Cannock Road/The Avenue The ExA notes that the proposal is to leave the priorities as at present, that is with the main carriageway along Cannock Road. However, only a very small proportion of traffic would use this route as it would only to serve 10 properties. It is indicated that this the main flow from traffic between Cannock Road and The Avenue will be advised by traffic signs, which must add to visual clutter.</p> <p>Could the Applicant and SCC please relook at this junction with a view to rearranging it so that the main flow is between Cannock Road and The Avenue.</p>
3.10.3.	The Applicant SCC	<p>Tie in with existing A460 The draft SoCG between the Applicant and SCC [REP4-026] notes discussions between the parties in relation to the land between the proposed carriageway and adjacent properties that need to be considered. Could the parties please set out the latest position.</p>

ExQ3	Question to:	Question:
3.10.4.	The Applicant SCC	<p>Speed Limit on Hilton Lane The draft SoCG between the Applicant and SCC [REP4-026] notes discussions between the parties over the appropriate speed limit for Hilton Lane. Could the parties please set out the latest position.</p>
3.10.5.	The Applicant SCC	<p>Signage on SCC network The draft SoCG between the Applicant and SCC [REP4-026] notes SCC has confirmed that they are content to amend signs on their own network using their existing powers, where this is necessary following construction of the Scheme. SCC has suggested this should be subject to funding from the Applicant.</p> <p>(a) If the Applicant does not consider this appropriate, can the Applicant explain why this should not be the case, given that the need for this would be caused by the Proposed Development?</p> <p>(b) If the Applicant accepts this, could relevant provision be made in the dDCO or other certified document for this, or could it be explained how this funding is to be provided?</p>
3.10.6.	The Applicant	<p>Transport Assessment Report The ExA thanks the Applicant for its response to ExQ2.10.1 given at [REP4-033]. For clarity, could the timings for Route 1 be re-run for the same end points, but by travelling along the new link road rather than via the existing A460?</p>
3.10.7.	The Applicant SCC	<p>Maintenance Plans In its response at D4 SCC [REP4-042] in response to ExQ2.10.10 indicated that there are issues in the vicinity of works 6 and 7 both over private accesses, the extent of the public highway after the development and an embankment.</p> <p>The Applicant and SCC are asked to provide a detailed analysis of the issues and their preference methods of resolution.</p>
3.10.8.	The Applicant Interested persons in respect of (d) and (e)	<p>WCH route between Cannock Road and Featherstone Roundabouts In its Walking, Cycling and Horse-riding Routes at Junctions Technical Note submitted at D4 [REP4-035] the Applicant sets out why it considers neither of the</p>

ExQ3	Question to:	Question:
		<p>'short-cuts' between Cannock Road the proposed Featherstone roundabouts is suitable.</p> <p>The ExA understands the reasoning in biodiversity terms from not creating route E1 but notes that in relation to route E2 that is not as strong since over half of the route is currently open on one side and thus such a route would have less of an effect.</p> <p>(a) Could the Applicant please undertake an analysis in similar form to that undertaken in [REP4-035] of utilising a route from the point that E2 joins with Cannock Road, along the line of the existing Hilton Lane, and then adjacent to the carriageway to the Featherstone roundabouts.</p> <p>(b) Could the Applicant please explain what measures would be in place to stop an able-bodied person from climbing the fences and walking through this area on either route E1 or E2 and, over time creating a desire line short-cut?</p> <p>(c) Could the Applicant please provide, if necessary on a without prejudice basis, wording for the dDCO to require the delivery of a route both (but independently):</p> <p>(i) along the route of E2 open to all pedestrians; and</p> <p>(ii) along the route set out in this question at (a).</p> <p>Both sets of provisions should allow for each route for all pedestrians, including those using wheelchairs or pushing buggies, and alternatively for cyclists in addition to pedestrians?</p> <p>(d) Should the ExA consider that a route should be provided then could Interested Parties please provide their opinions as to which of the two routes set out in (c) is to be preferred?</p> <p>(e) What effects would either of these two routes have?</p>
3.10.9.	The Applicant	<p>PRoW Hilton Lane</p> <p>In relation to the change in the PRoW on Hilton Lane this currently runs through the side of a residential property and a commercial business (Majestic Travels) and then</p>

ExQ3	Question to:	Question:
		<p>continues onto the field. On the original plan published Jan 2020 (see attachment bubble 5/2 on TR010054-000115-TR010054 M54 2.7 Streets, Rights of Way and Access Plans_EXTRACT) stated that this will be removed from the domestic and commercial business and a new footway was proposed; however, the latest plan has this modified and gone back to the current PRoW i.e. running through the domestic and commercial business (see attachment Published Oct 2020 TR010054-000534-TR010054 M54 2.7 P03 Streets, Rights of Way and Access Plans_EXTRACT).</p> <p>(a) Can the Applicant explain the reason for this change and confirm its position in respect of any safety risk?</p> <p>(b) Are there any proposed maintenance arrangements to address any concerns if these are valid?</p>
3.11.	Water Environment and Flood risk	
3.11.1.	The Applicant SCC Environment Agency	<p>Proposed Pond to southwest of Junction 11 of M6</p> <p>The draft SoCG between the Applicant and SCC indicates that the attenuation pond close to Junction 11 of the M6 (Work 60) is proposed to be split to serve the maintenance authorities. The ExA notes that this is described in the dDCO as “a balancing pond” in the singular.</p> <p>(a) Could the parties explain why this is necessary, other than convenience for maintenance purposes?</p> <p>(b) If formally proposed, could the Applicant undertake a full assessment of this, dealing with the effects in landscape, biodiversity and water environment terms?</p> <p>(c) If necessary, all appropriate drawings, reports and other matters will need to be updated to take account of any changes?</p> <p>(d) The Applicant should also set out how this is to be examined within the Examination Timetable?</p>

ExQ3	Question to:	Question:
		(e) Both SCC as Local Lead Flood Authority and the Environment Agency are asked for their comments on the effectiveness and efficiency to there being two waterbodies rather than one with respect to their areas of concern.
3.12.	Socio-economic effects	
3.12.1.	The Applicant	<p>Climate Change The Committee on Climate Change (“CCC”) published its Sixth Carbon Budget Report on 9 December 2020, with recommendations for the 2033 to 2037 period. The CCC recommended a net reduction of 78% between 1990 and 2035, therefore bringing forward the previous 80% target by nearly 15 years.</p> <p>Could the Applicant make an assessment of the change in greenhouse gas emissions from the development in respect of the third, fourth and fifth carbon budgets, and comment on what effect, if any, that this might have on the Government’s ability to meet any revised target set by Parliament.</p>
3.12.2.	Allow Limited	<p>Employment In its response at D4 Allow Ltd [REP4-45] indicates “the total number of full time equivalent workers affected by the proposed development is 8.5”. Could Allow Limited please indicate, as best as it is able, to estimate how many of these FTEs would be lost should the development be implemented, and justify this answer?</p>