

**M54 to M6 Link Road**

**TR010054**

**8.25 Applicant Responses to Examining  
Authority's Further Written Questions  
and Representations Made at Deadline 5**

Planning Act 2008

Rule 8 (1) (c)(ii)

Infrastructure Planning (Examination Procedure) Rules 2010

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**The Infrastructure Planning  
(Examination Procedure) Rules 2010**

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

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**Applicant Response to ExA's Further Written Questions  
and Representations Made at Deadline 5**

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# **1 Introduction and Responses to the Examining Authority's Third Written Questions**

- 1.1.1 This document has been prepared by the Applicant to set out its responses to the Examining Authority's (ExA) third 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 Deadline 5 where a response may be useful to the ExA. These responses can be found in Section 2 of this report.



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

WQ No	Question to	Reference (in bold) and Question	Applicant's Response
<b>3.0 General and Cross-topic Questions</b>			
3.0.1	The Applicant	<b>Consents and Agreements Position Statement</b> 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.	This has been updated in version P04 of the Consents and Agreements Position Statement issued at Deadline 6.
3.0.2	The Applicant	<b>Site Inspection</b> 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: (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.	These additional sites will be added to the 360° photography however further clarification in response to point (b) is provided below. As explained in Section 2 (response to Allow's comments on paragraphs 4.2.7, 4.2.8, 4.2.10 and 4.2.12 of Document 8.22), none of the surveyed potential crossing points at Lower pool are important for bats and no specific crossing locations for bats have been included as mitigation. Also Hilton lane bridge has not been designed as a bat crossing point rather its presence in the design for other purposes provides bats an opportunity to cross the road given that it will be 6m above the height of the road and vegetation could be planted up to the edge of the structure. Notwithstanding this, photographs will be provided at locations C, D and E as shown on Figure 8.15 [APP-120/6.2].
3.0.3	The Applicant	<b>Site Inspection</b> 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.	Video footage of the M6 Diesel site will be provided as requested and will be provided to the ExA at the same time as the 360° photography at Deadline 6A.
3.0.4	The Applicant Interested Parties	<b>Statements of Common Ground</b> 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.	Statements of Common Ground have been submitted as requested where they have been updated since the previous submitted versions. The Statement of Commonality (document 8.8) summarises the status of negotiation, including explaining where revised SoCG have not been submitted at Deadline 6.
3.0.5	The Applicant	<b>Annotations on Plans</b> 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.	The submitted plans have all been prepared to satisfy the requirements in the Planning Act 2008 and in particular the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009/2264. Regulation 5(3) simply requires plans to be no larger than A0, drawn to an identified scale and show the direction of North. All the submitted plans comply with these requirements. The plans do contain a 'do not scale' disclaimer which is standard practice and primarily to ensure plans are not printed at an incorrect size and scaled inaccurately.
<b>3.1 Green Belt</b>			
3.1.1	The Applicant Interested Parties	<b>Whether inappropriate development</b> 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 145 c) of the National Planning Policy Framework, "local transport infrastructure which can demonstrate a requirement for a Green Belt location".	The Applicant is of the view that the project is not covered by this exception. The term in paragraph 145 c) uses the term 'local' transport infrastructure so suggesting that there are forms of 'non-local' transport infrastructure that would not be included in the definition. The question therefore is to what extent the Scheme could be defined as 'local'.

WQ No	Question to	Reference (in bold) and Question	Applicant's Response
			<p>The M54 to M6 link road will be part of the strategic highway network being delivered and maintained by Highways England. The project is therefore not part of the defined 'local' highway network or being developed by a 'local' highways authority.</p> <p>The link will provide a strategic link between the M54 Junction 1 and the M6 Junction 11, which are two motorways, designed to carry long distance, strategic traffic. Two of the Scheme objectives are to relieve traffic congestion of the A460, A449 and A5 and keep the right traffic on the right roads by separating local community traffic from long distance and business traffic. The Scheme is therefore designed primarily to cater for long-distance traffic. The Scheme is therefore also not aiming to cater for vehicles making local journeys.</p> <p>The Scheme will lead to local benefits, including economic benefits to the area, relieving traffic on the local network and facilitating delivery of local projects, however, in our view this is not sufficient to argue that the project constitutes local transport infrastructure.</p>
<b>3.2 Air Quality and Emissions</b>			
3.2.1		The ExA has no questions at this time.	N/A
<b>3.3 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))</b>			
3.3.1	The Applicant National Trust	<p><b>Whitgreaves Wood</b></p> <p>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> <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 <i>"maintain the woodland on the Property"</i>.</p>	<p>(a) As the ExA acknowledges from the previous written responses provided by the Applicant and the National Trust, the Applicant will undertake the works to enhance the existing woodland. The impact of the scheme is limited to development within 15m of ancient woodland with no direct loss. The works to Whitgreaves Wood are therefore expected to comprise selective thinning and associated activities rather than replacement planting at a ratio of 7:1. These works will enhance the overall condition of the Whitgreaves Wood thereby providing a benefit to the ancient woodland.</p> <p>(b) The National Trust has confirmed that under the National Trust Act 1907 it is able to exercise full powers of ownership to allow it to maintain land and may act and take all appropriate steps as may be beneficial or desirable for the property. It follows that the National Trust's statutory purpose is understood to apply to land generally and is not limited to the condition of the land when it is received.</p> <p>(c) The National Trust covenant within the Agreement to maintain the Whitgreaves Wood post completion of the enhancement works by the Applicant. The National Trust has not indicated that Whitgreaves Wood is surplus to its requirements nor that it has any intention to dispose of the woodland. Rather the National Trust have indicated positively that it always intended Whitgreaves Wood to be held inalienably but a review of their records in connection with engagement with the Applicant has revealed that technically Whitgreaves Wood is not held inalienably. Now that the National Trust is aware of this, it has stated that it shall take the necessary steps to confirm Whitgreaves Wood is held inalienably.</p> <p>(d) The Applicant considers that due to the nature of the covenanting bodies, a section 106 Agreement would add little in this instance. If the ExA is not satisfied with the current contractual commitment between the National Trust and the Applicant, the Applicant would be willing to review with the National Trust the commitment to address the ExA's concerns.</p>

WQ No	Question to	Reference (in bold) and Question	Applicant's Response
		<p>The general purposes of the National Trust, as set in the National Trust Act 1907 (as amended) include:  <i>"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."</i></p> <p>The Courts in South Lakeland District Council v SSE 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> <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	The Applicant SCC SSC Allow Ltd Nurton Development (Hilton) Ltd	<p><b>Biodiversity net gain</b></p> <p>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>	<p>There is nothing to prevent the delivery of biodiversity enhancements on land required for other purposes and the Applicant has taken every opportunity to secure these benefits as part of the Scheme.</p> <p>The Scheme design maximises enhancements for biodiversity where possible to do so. The road verges, islands and junctions would be seeded with a wildflower seed mix which would benefit invertebrates, in particular pollinators which are in significant national decline, or planted with native broadleaved woodland, rather than amenity grassland which is of little value to biodiversity. New hedgerow planting, the majority of which is native species-rich, has been included along the length of the Scheme and along boundaries of land parcels taken for other means. This would result in a net increase in length of hedgerows of over 4km. Retained watercourses within the Scheme boundary would also be enhanced. Appendix 8.2 [AS-031/8.2] shows that these measures would result in 2% gain of area-based biodiversity units, 26% gain of linear based units and 2% gain of river-based biodiversity units. Whether this constitutes a "net gain" or a "no net loss" for biodiversity in the context of the DEFRA metric is subjective at the current time without specific guidance, but it does show that the Scheme would result in an overall benefit to biodiversity when measured in units.</p> <p>Should the ExA or other parties identify further opportunities to deliver biodiversity benefits within areas to be acquired for other purposes that have not yet been realised, the Applicant would welcome those suggestions and will consider whether they can be implemented.</p>
3.3.3	The Applicant	<p><b>Potential Woodland Loss</b></p> <p>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>The Applicant would emphasise that the woodland calculations discussed here have been carried out on a without prejudice basis. Applicant is not aware that the approach taken by Allow Ltd to calculating habitat loss and compensatory planting has ever been taken before on a major infrastructure project. The methodology in the ES is the industry standard methodology and is the method used to determine environmental mitigation as set out in the Environmental Masterplan.</p> <p>a) Allow comment 8 refers to potential overlapping and therefore duplication of buffer areas. Highways England has reviewed the woodland mapping polygons and can confirm that there are no overlapping areas of buffer and therefore there is no duplication of loss. The buffer between IDs 17 and 19 was split in half with half of the buffer areas</p>

WQ No	Question to	Reference (in bold) and Question	Applicant's Response								
		(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>assigned to each ID. The polygons are shown in isolation in the technical note to avoid confusion, however they were not produced in isolation.</p> <p>It is understood that the Allow comments 5 to 7 all refer to mapped 'Other habitats (non-woodland) within 5m of woodland lost' (purple hatch). This buffer was used to estimate the volume of soil that below ground tree roots spread outside of the extent of the above ground canopy, acknowledging that woodlands are not simply the parts of the trees that can be seen. Any replacement woodland would also require a buffer outside of the canopy extent to allow roots to grow and to prevent impacts by other land use activities such as farming from damaging the replacement woodland. The extent of these additional impact zones was found to be 2.88 ha into areas of soft estate (non woodland). On further consideration, we recognise the non woodland buffer area should be excluded from the woodland loss total on the basis of it not representing woodland to be lost. The text shown in response to point b below amends the text in the woodland Technical Note [REP4-036/8.22] to take account of this change.</p> <p>The County ecologist has confirmed in the SCC SoCG [TR010054/APP/8.8 LA(A), version 4 submitted at Deadline 6] that woodland mitigation as shown on the Masterplan should not be reduced. The following text has been agreed with SCC in the SoCG (see [TR010054/APP/8.8LA(A)] submitted at Deadline 6): <i>'SCC and HE consider provision of woodland mitigation as shown in the Environmental Masterplan [AS-086 to AS-092/6.2] to be the minimum required to mitigate the impacts of the Scheme. Further reduction would not sufficiently mitigate the impacts of the scheme on woodland habitats and SCC would object to the removal of further areas of mitigation planting from the Scheme.'</i></p> <p>b) Should the area totalling 2.88 ha be excluded from the total area of woodland loss calculated, Highways England would not propose any reduction in the woodland planting shown on the masterplan. All woodland planting shown on the masterplan serves multiple functions as set out in the Environmental Mitigation Approach [REP01-057/8.11] and has been included as direct mitigation or compensation for impacts to Ancient Woodland, SBI's and for visual screening and landscape integration purposes. It should be noted that none of the non-woodland buffer area of 2.88 ha is situated within Lower Pool Site of Biological Importance (SBI). Amendments to the 8.22 Technical Note would be as shown below:</p> <p>'3.4.1 The Scheme would result in the total loss of <del>21.300 ha</del> <u>18.42 ha</u> of non-ancient woodland, as follows:</p> <ul style="list-style-type: none"> <li>• 2.126 ha of direct loss of woodland within Lower Pool LWS/SBI.</li> <li>• 0.450 ha of loss of woodland within the impact zone, 5m buffer within Lower Pool LWS/SBI.</li> <li>• 12.77 ha of direct loss of woodland across the rest of the Scheme.</li> <li>• <del>5.954 ha</del> <u>3.074 ha</u> of loss within impact zone within the 5m buffer across the rest of the Scheme.</li> </ul> <p>3.4.2 The woodland loss reported in Table 8.18 of Version 3 of Chapter 8: Biodiversity of the ES [AS-083/6.1] was 20.67 ha. This consisted of 2.04 ha loss within Lower Pool and 18.63 ha across the rest of the Scheme. The revised woodland loss (direct loss and impact zone loss) for the Scheme as revised at 29 October 2020 is <del>0.63 ha more</del> <u>2.25 ha less</u> than reported in Version 3 of the ES.</p> <p><b>Table 1: Summary of Woodland Loss Calculations</b></p> <table> <tr> <th>Woodland loss reported in the ES (version 1)</th><th>Woodland loss reported in the ES (version 3)</th><th>Woodland loss reported by Allow (based on the ES version 1 submission)</th><th>Woodland loss reported in this TN</th></tr> <tr> <td>20.45 ha</td><td>20.67 ha</td><td>14.03 ha</td><td><del>21.30 ha</del> <u>18.42 ha</u></td></tr> </table> <p>5.1.6 Although the loss of woodland reported in this TN is <del>0.63 ha greater</del> <u>2.25 ha less</u> than the loss reported in Table 8.18 of Version 3 of the ES [AS-083/6.1], no changes to the Environmental Masterplan or the compensatory habitat are proposed. Specific ratios have not been used to determine the quantum of ecological compensation required. Instead, the ecological importance of the feature requiring compensation, in combination with other factors such as its difficulty</p>	Woodland loss reported in the ES (version 1)	Woodland loss reported in the ES (version 3)	Woodland loss reported by Allow (based on the ES version 1 submission)	Woodland loss reported in this TN	20.45 ha	20.67 ha	14.03 ha	<del>21.30 ha</del> <u>18.42 ha</u>
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20.45 ha	20.67 ha	14.03 ha	<del>21.30 ha</del> <u>18.42 ha</u>								



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			<p>to recreate have informed the compensation proposals for the Scheme in its entirety. New woodland planting across the Scheme would have several functions including biodiversity, landscape integration and visual screening and is required regardless of the total loss of woodland. The exceptions to this are blocks of woodland planting to compensate for impacts to Lower Pool LWS and Brookfield Farm LWS. Impacts to these two sites have not significantly altered, therefore the proposals for woodland planting to compensate for the impacts to these two sites have not changed following the review detailed in this TN.'</p> <p>Should the ExA determine that the woodland loss calculations for areas outside the Local Wildlife Sites are lower than the Applicant's, this would make no difference to the environmental mitigation proposed because:</p> <ul style="list-style-type: none"> <li>The mitigation is proposed based on standard methodology in the ES, not the approach taken by Allow Ltd;</li> <li>Even if it were based on Allow's methodology, all woodland to be created is for the purpose of ancient woodland mitigation, local wildlife site mitigation or also proposed for another purpose (e.g. visual screening). Therefore, the reduction in amount of woodland loss outside designated sites would not result in an alteration to the proposed woodland planting.</li> </ul>
3.3.4	Allow Ltd	<p><b>Alternatives to Plot 5/2</b></p> <p>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><i>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.</i></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>	N/A
3.3.5	The Applicant Natural England	<p><b>Habitat Regulations Assessment</b></p> <p>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>	This matter has been resolved between Highways England and Natural England as shown in the SoCG submitted at Deadline 6 [TR010054/APP/8.8P(B)].
3.3.6	The Applicant	<p><b>Habitats Regulations Assessment</b></p> <p>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>	<p>The Habitats Regulations Assessment: No Significant Effects Report (Version 2) [AS-035/6.9] was unaffected by the design change in October 2020. The matter regarding potential effects to the Cannock Extension Canal SAC from nitrogen deposition as a result of the scheme has been resolved with Natural England and reported within the SoCG submitted at Deadline 6.</p> <p>On the basis of the information provided to the ExA at deadline 2, 17 November 2020 [REP2-009/8.14] and further information included in the Natural England SoCG we consider the conclusions of the HRA No Significant Effects Report [APP-216/6.9] to be correct and no update to the report is necessary.</p>

WQ No	Question to	Reference (in bold) and Question	Applicant's Response
		<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	The Applicant Natural England Allow Ltd SSC SCC Staffordshire Wildlife Trust	<p><b>Veteran Trees</b></p> <p>Allow Limited proposal is that mitigation planting should be located to the east of the proposal. 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>	<p>Impacts to the two veteran trees (T-178 and T-182) could occur during the preparation works and subsequent planting of the woodland and the creation of the ponds. To prevent such impacts occurring, during construction a buffer zone of no planting would need to be implemented around the base of the veteran trees to protect the trees and their roots. This buffer zone would be at least 15 times larger than the diameter at breast height of each tree. The buffer zone would need to be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. Given these exclusion zones, compensatory planting would need to extend closer to Hilton Hall and the Conservatory than it would otherwise.</p> <p>In relation to the biodiversity interest of the veteran trees, no effects on the trees during operation different to those already assessed in the ES are predicted to occur as a result of moving the woodland and pond creation to the east of the road from plot 5/2.</p> <p>With reference to the heritage interest of the Veteran Trees, while the proposals would involve the retention of the veteran trees, they would no longer be seen in isolation, but would be encompassed within the larger woodland block. This, and the loss of open views, would have a detrimental impact on the historic parkland, with a direct impact on key elements of the original design.</p>
3.4.1	The Applicant	<p><b>Land surrounded by Plot 4/20c</b></p> <p>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>	<p>Provision has been made in Article 13 and Schedule 4 Part 7 of the dDCO submitted at Deadline 6 for the grant of a means of access for the landowner to their retained land. The proposed access is also shown on the revised Streets, Rights of Way and Access Plan submitted at Deadline 6 [TR010054/APP/2.7].</p>
3.4.2	The Applicant	<p><b>Various Plots</b></p> <p>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> <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>	<p>The land required for mitigation is an essential part of the proposed Scheme and is required to minimise its impact. The Applicant has applied to acquire the land permanently to ensure this essential mitigation can be delivered and maintained as required. The Applicant has previously explained that it did not seek to rely on temporary acquisition powers with the imposition of rights because the mitigation is likely to sterilise the land and create a maintenance liability for landowners.</p> <p>Notwithstanding that position, some landowners have during the examination process indicated a desire to retain their land and a willingness to consider taking on such maintenance liabilities. In response, the Applicant has expressed a willingness to enter into a suitable form of legal agreement to allow land to be returned to landowners with the mitigation measures in place. Such agreements will be subject to the landowner covenanting to maintain the mitigation measures on their land and subject to providing the Applicant with the power to 'step in' should the maintenance regime not be completed as required. The precise details of the mitigation and the maintenance regime will of course, only be conclusively established if the DCO is made and the final scheme details have been approved. It will not be possible therefore for a landowner to enter into an agreement cognisant of the final details of the mitigation and maintenance regime required and the sums of compensation payable until after the DCO is made and the mitigation is in place.</p>

WQ No	Question to	Reference (in bold) and Question	Applicant's Response
			<p>Furthermore, it is important that the Applicant safeguards against a scenario where a landowner initially willing to take on the burden of the mitigation land subsequently changes its mind. Without a legal agreement in place, the commitment cannot be demonstrated and guaranteed. For example, if mitigation measures were removed by a landowner the Applicant may have inadequate powers to secure their replacement and/ or incur significant additional costs in reinstating it. Whilst the Applicant hopes that this type of difficulty can be avoided, it requires the ability to deliver the Scheme and its essential mitigation by use of permanent rights of acquisition. The Applicant must emphasise that the presence of a power of permanent acquisition does not mean that the Applicant must use those powers and its preference remains to reach agreement with landowners, which may include arrangements to return land to landowners and permit them to maintain the mitigation installed on their land, if that remains their desired option.</p> <p>Plots 4/20a and 4/20b comprise the current access track from the A460. That track may need to be altered to accommodate the proposed mitigation works adjacent to and surrounding the track. The landowner has made its desire to retain the track known but has also requested that the Applicant consider the creation of a passing point at an undesignated point, which will extend beyond the confines of plots 4/20a and or 4/20b. The Applicant requires the power to acquire the track permanently to ensure the surrounding essential mitigation works and any consequential alterations to the track can be accommodated appropriately. The Applicant remains in dialogue with the landowner regarding the potential for land to be returned following the completion of the works should the landowner wish to take on responsibility for maintaining the altered track and mitigation planting.</p>
3.4.3	The Applicant	<p><b>Plot 5/25</b></p> <p>(a) Would it be possible to arrange a one-way system through this plot, so that there was egress to Hilton Lane?</p> <p>(b) If not, why not?</p>	<p>(a) It is considered unnecessary to arrange a one-way system through this plot. The area covered by Plot 5/2 and Plot 5/25 is accessed from both Cannock Road and Dark Lane. This will remain the case following construction of the Scheme, albeit that plot 5/2 would be owned by Highways England (and accessed from the stopped up end of Dark Lane) and Plot 5/25 by Allow Ltd. Plot 5/25 will be significantly smaller than the area covered by both Plot 5.25 and 5/2, and one access is considered sufficient.</p> <p>It is anticipated that the existing access along Cannock Road is suitable for two-way traffic and could be used for both entry and egress from Plot 5/25. Whilst not impossible, provision of a secondary access along Hilton Lane would require the removal of established woodland to create the access and it is considered that Hilton Lane is not suitable to locate an access due to its rural nature and narrow geometry making a site access potentially unsafe. It is considered that it would be preferable for vehicles to exit onto Cannock Road as this is a suitable road type with good visibility for vehicles to safely exit the site.</p> <p>(b) See above</p>
3.4.4	The Applicant	<p><b>Borrow Pit</b></p> <p>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>	<p>The borrow pit is planned to be sited on Plot 5/2 and Plot 5/25. Plot 5/25 is subject to temporary possession as its primary purpose is for the borrow pit and the land is not required permanently. The primary purpose of Plot 5/2 is not however to provide a borrow pit but for environmental mitigation and it is therefore required to be acquired permanently. Together the land is required temporarily for a borrow pit to minimise the requirement to import and export material off-site. The borrow pit will reduce the number of deliveries to site and from the Scheme and therefore minimise disruption to the road network and local community. It would also reduce the material exported to landfill and therefore waste from the site. Maximum dimensions of the borrow pit are shown on Figure 2.9 [AS-093/6.2], detailed design of borrow pit dimensions will be undertaken following ground investigations in the location. The Applicant accordingly considers that the appropriate powers of acquisition are sought in respect of these plots and that the benefits of a borrow pit provide sufficient justification to demonstrate a compelling case in the public interest for the temporary possession of Plot 5/25 and the permanent acquisition of Plot 5/2.</p> <p>The borrow pit is located in an area of glacial deposits, as shown in Figure 9.2: Geology Baseline of the ES [APP-140/6.2] and Appendix 9.1, Ground Investigation Report [APP-187 to 191/6.3]. These glacial deposits (glacial clay and glacial sand and gravels) have been extensively studied along the length of the Scheme. Though no ground investigation has been undertaken within the area of the proposed borrow pit, similar geology across the Scheme indicates that the glacial deposits would be suitable for their intended purpose as 'fill' material. All site-won and imported material will comply with the geotechnical and geo-chemical acceptability criteria that will be specified in a Remediation Strategy produced by the preliminary works contractor as set out in Table 3.2 of the OEMP, PW-GEO2.</p>



WQ No	Question to	Reference (in bold) and Question	Applicant's Response
3.5.1	The Applicant	<b>Explanatory Memorandum</b> Could the Applicant please go through the Explanatory Memorandum to ensure that it is fully compatible with the draft DCO as currently submitted?	An updated Explanatory Memorandum is provided with the Applicant's submissions at Deadline 6.
3.5.2	The Applicant SCC	<b>Article 16</b> 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? (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? (c) Could SCC provide its response to M6 Diesel's representation?	(a) The power conferred by Article 16 is already time limited (see 16(3)) and expires 12 months after the authorised development is open to traffic. This ensures that the power is only exercisable in relation to the construction or initial maintenance and operation of the scheme. (b) N/A (c) N/A
3.5.3	The Applicant	<b>Schedule 2, Requirement 4</b> 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?	Requirement 4 has been amended in the dDCO provided with the Applicant's submissions at Deadline 6.
3.5.4	The Applicant	<b>Schedule 2, Requirement 11</b> 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.	Requirement 11 has been amended in the dDCO provided with the Applicant's submissions at Deadline 6.
3.5.5	The Applicant	<b>Schedule 2, Requirement 15</b> 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?	The reference was in error. The provision was included at Article 40(4) of the draft DCO rather than as a new Requirement 15(4).
3.5.6	The Applicant SCC	<b>Protective Provisions/Design Involvement</b> 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?	Highways England maintains that there is no need for protective provisions and the current draft DCO provides sufficient involvement for SCC given the relationship between the two parties and that Highways England is a highway authority accustomed to delivering highways to standard. However, this issue remains under discussion between the two parties as recorded in the SoCG submitted at Deadline 6 [TR010054/APP/8.8LA(A)].
3.5.7	The Applicant Cadent Gas Ltd	<b>Protective Provisions/Cadent Gas</b> 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.	Cadent and the Applicant are continuing to finalise a form of protective provisions acceptable to both parties. The final form of those provisions is subject to final reviews but agreement is expected to be reached.
3.5.8	The Applicant South Staffordshire Water Plc	<b>Protective Provisions/SSW</b> 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.	The Applicant has reviewed the current protective provisions in favour of the water companies and provided a response and detailed suggestions to address all areas of concern identified by SSW. The Applicant considers that the response provided will allow a final form of the protective provisions to be prepared and expects to be able to resolve any outstanding issues.
3.5.9	The Applicant	<b>Draft Protective Provisions in favour of M6 Diesel</b> Could the Applicant please respond on a 'without prejudice' basis to the draft Protective Provision as set out by M6 Diesel at [REP4-055]?	The Applicant remains of the view that protective provisions in favour of M6 Diesel are not necessary or appropriate. If the ExA were minded to require such signage to be provided as part of the Scheme then the Applicant does not consider the protective provisions proposed by M6 Diesel to be appropriate. Instead, the Applicant considers that the signage would more appropriately be secured through the inclusion of a new works description within Schedule 1 of the draft DCO (with appropriate changes to the Works Plans to show the proposed location of the signage) or the inclusion of a new requirement within Schedule 2 of the draft DCO.



WQ No	Question to	Reference (in bold) and Question	Applicant's Response
			<p>In either case, the Applicant considers that the scope, extent and design of the signage should be in accordance with the terms of the draft DCO or as approved by the Secretary of State following consultation with the local highway authority. It should not be subject to approval by M6 Diesel as a private company.</p> <p>Similarly, the Applicant does not agree that the signage should be maintained for such time as the filling station continues to operate. The need for signage is subject to ongoing review and should only be retained where is necessary.</p>
<b>3.6 Cultural Heritage</b>			
3.6.1	SCC SSC RCHME	<b>Archaeological WSI</b> (a) Do the parties consider that the proposed Written Scheme of Investigation [REP4-032] is a robust approach to dealing with this matter? (b) How is this to be secured within the draft DCO?	N/A
3.6.2	The Applicant SCC SSC RCHME Allow Ltd	<b>Less than substantial harm</b> 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 Shimbles v City of Bradford MBC [2018] EWHC 195 (Admin).	<p>It is the Applicant's view that the need to further consider the extent of harm within the 'less than substantial harm' category is supported by relevant case law which postdates Shimbles. For example, in the High Court judgment of Hall (R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899 (Admin)), Her Honour Judge Belcher stated that 'There are no other grades or categories of harm, and it is inevitable that each of the categories of substantial harm, and less than substantial harm will cover a broad range of harm'.</p> <p>HHJ Belcher also concluded that (our emphasis) <i>'There is no intermediate bracket at the bottom end of the less than substantial category of harm for something which is limited, or even negligible, but nevertheless has a harmful impact. The fact that the harm may be limited or negligible will plainly go to the weight to be given to it as recognised in Paragraph 193 NPPF'...</i>. Whilst concluding that there were three categories of harm, Her Honour noted that understanding the extent of harm within the less than substantial bracket is essential for undertaking the balancing exercise in NPSNN paragraph 5.1131/ NPPF paragraph 193. This case was also interestingly in the City of Bradford and more recent than the Shimbles case.</p> <p>The Applicant would also draw the ExA's attention to the Catesby Estates Court of Appeal judgement (Catesby Estates v Peter Steer v Historic England [2018] EWCA Civ 1697). In this case Lindblom LJ, cited and endorsed the appeal Inspector's approach which considered there to be a range of harm within the less than substantial category. Paragraph 19 of that judgement records the Inspector's approach and in particular noted that <i>'The term 'less than substantial' does, however, cover a wide range of harm – and the question is just how great that harm would be.'</i> The Inspector went on to look in detail at the extent and nature of the harm before concluding that: <i>'In terms of the significance of the Park and Conservation Area, though, the harm would be at the lower end of 'less than substantial'.</i> The Inspector in the case discussed the impact on the significance of Kedleston Hall using EIA terminology, describing the impact as no more than negligible, taking the same approach as the Applicant in considering both whether the impact was substantial, and the extent/ nature of the impact within the category of 'less than substantial'. In paragraphs 44 and 46, Lindblom LJ confirms the lawfulness of the Inspector's approach and his conclusion that the potential effect was no more than negligible and that the harm was at the lower end of less than substantial. The approach taken by the Applicant to consider whether the magnitude of impact is negligible, minor or moderate within the ES and the assessment of alternative options for plot 5/2 takes the same approach as taken by the Inspector, endorsed by LJ Lindblom; to consider the extent of harm within the less than substantial category.</p> <p>The Applicant's assessment of the mitigation options and the compliance of different options with policy is presented in [REP4-036/8.22] and in the Applicant's response to REP4-038 presented on page 14 of [REP5-004/8.24]. Additional information is provided below to assist the ExA's consideration of the arguments put forward by the Applicant and other parties on the impact of the Scheme on Hilton Hall and the Conservatory, particularly in the context of Allow Ltd's request to relocate environmental mitigation to the east of the link road.</p> <p>The Scheme is an EIA development and cultural heritage was scoped into the EIA. To address the requirements of the EIA Regulations the ES presents the description of the likely significant effects of the Scheme. The significance of an environmental effect is typically a function of the 'value' or 'sensitivity' of the receptor and the 'magnitude' or 'scale' of</p>

WQ No	Question to	Reference (in bold) and Question	Applicant's Response
			<p>the impact. In the ES, the sensitivity of a receptor is assessed and described as very high, high, medium, low or negligible; the magnitude of charges as major, moderate, minor or negligible; and the resultant significance of effect as very large, large, moderate, slight or neutral. Further detail on the EIA methodology is set out in Chapter 4 of the ES [APP-043/6.1]. The methodology and descriptions of significance are in line with DMRB LA Series.</p> <p>As set out in DMRB LA 104, environmental assessment and design shall incorporate mitigation measures using a hierarchical system, of which the first is design and mitigation measures to avoid or prevent the significant effect; the second is reduction of the effect and the third is remediation. The current Scheme design avoids the significant effect on the two Grade I listed buildings through a number of measures, including careful design and location of environmental mitigation, in line with DMRB LA 104. An approach that amended the design such that new significant effects are introduced without good justification would conflict with the approach to environmental assessment as set out in DMRB. DMRB LA 104 emphasises that environmental mitigation measures themselves can produce adverse as well as beneficial effects and the significance of effect shall be reported after an assessment of the effectiveness of the design and mitigation measures has been undertaken. The approach the Applicant has taken to the ES and the assessment of alternative mitigation measures at Plot 5/2 is in line with DMRB.</p> <p>Chapter 6: Cultural Heritage of the ES [APP-045/6.1] assesses the impact of the Scheme on heritage assets, including the Grade I listed assets of Hilton Hall and the Conservatory. The same methodology was then used to assess the Scheme as would be amended by four options to relocate environmental mitigation from plot 5/2 to the east of the new link road. This provided information on how the magnitude of impact and significance of effect would change with each of the options, showing how the changes would affect the outcome reported in the ES. When considering any change to a Scheme subject to a DCO application, it is vital to consider the impact of the change on the outcome reported in the ES and consider whether the change would result in any materially new or different environmental effects. To undertake this assessment, the same methodology should be applied to proposed changes as to the original Scheme. It is therefore not only correct, but essential, that an assessment is carried out of the proposed changes to environmental mitigation as was carried out by the Applicant and presented in [REP4-036/8.22]. This report concluded that the magnitude of impact and significance of effect for both Grade I listed assets would increase such that the effects would become 'significant' in EIA terms.</p> <p>The Cultural Heritage Chapter of the ES [APP-045/6.1], paragraph 6.3.20 states that:  <i>'Moderate, large and very large effects are considered to be significant. Within the NPPF, impacts affecting the value of heritage assets are considered in terms of harm and there is a requirement to determine whether the level of harm amounts to 'substantial harm' or 'less than substantial harm'. There is no direct correlation between the significance of effect as reported in this ES and the level of harm caused to heritage significance. A major (significant) effect on a heritage asset would, however, more often be the basis by which to determine that the level of harm to the significance of the asset would be substantial. A moderate (significant) effect is unlikely to meet the test of substantial harm and would therefore more often be the basis by which to determine that the level of harm to the significance of the asset would be less than substantial. A minor or negligible (not significant) effect would still amount to a less than substantial harm, which triggers the statutory presumptions against development within s.66 of the Listed Buildings Act 1990; however, a neutral effect is classified as no harm.'</i></p> <p>What the above means is that there are two parallel interrelated assessments of the impact on designated heritage assets. The first is the EIA assessment focused on sensitivity, magnitude of effect and significance of effect; and the second on whether the harm is less than substantial or substantial. In NPSNN and NPPF terms, there are three categories of harm; substantial harm; less than substantial harm and no harm. The judgement of which category harm falls into is important because where harm is substantial, consent should be refused unless there are <i>'substantial public benefits'</i> that outweigh the harm (NPSNN paragraph 5.133); whereas where harm is less than substantial, there is the lesser requirement that <i>'harm should be weighed against the public benefits of the proposal'</i> (NPSNN paragraph 5.134). Where harm is not substantial, there is no need to demonstrate 'substantial public benefits'.</p>

WQ No	Question to	Reference (in bold) and Question	Applicant's Response						
			<p>However, the planning balance cannot be properly carried out without understanding the nature and extent of harm caused and the category of 'less than substantial' alone is not sufficient to carry out this exercise. NPSNN paragraph 5.132 states that:</p> <p><i>'Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset, the greater the justification that will be needed for any loss.'</i></p> <p>Paragraph 5.134 states that:</p> <p><i>'Where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'</i></p> <p>There is therefore a need to understand the nature and extent of the harm to undertake this balancing exercise beyond the simple categorisation of harm in terms of whether it is or is not substantial. The assessment in the ES is crucial in understanding this harm and is consistent with the approach endorsed in the case law provided above.</p>						
3.6.3	The Applicant SCC SSC RCHME Allow Ltd	<b>Hilton Park</b> 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. (a) Is this a fair summation of the Applicant's view? (b) If Hilton Park was designed by Humphrey Repton does this make any difference to the consideration of the Proposed Development?	a) The applicant accepts a possible association of Hilton Park with the landscape designer Humphrey Repton. This is based on the documentary evidence. This assumption was outlined within Chapter 6 of the ES and repeated within the assessment submitted at Deadline 4 [REP4-036/8.22]. b) As the association with Repton has been maintained during the production of the ES and subsequent assessments, the Applicant's consideration of the Proposed Development has not changed.						
3.6.4	RCHME	<b>Hilton Park – settings of listed buildings</b> (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. (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? (c) Can RCHME undertake the same analysis for the proposed planting plan prepared by Allow Limited and referred to in ExQ3.3.4?	N/A						
3.6.5	The Applicant	<b>Kettle Holes</b> (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? (b) Can the Applicant confirm why it considers it unlikely that other environmental deposits have not survived across the site.	<p>(a) The information used to reach this conclusion is the BGS geological map [Ref 01] and Memoirs [Refs 02 and 03], and ground investigations including the 1987 GI for the Birmingham Northern Relief Road (logs available on the BGS website [Ref 04]) and the recent 2019 GI [Refs 05 and 06].</p> <table><tr><td>Ref 01</td><td>British Geological Survey (2001) Wolverhampton. England and Wales Sheet 153. Solid and Drift Geology. 1:50 000</td></tr><tr><td>Ref 02</td><td>Bridge and Hough (2002). Geology of the Wolverhampton and Telford district – a brief explanation of the geological map. Sheet Explanation of the British Geological Survey. 1:50 000 Sheet 153 (England and Wales).</td></tr><tr><td>Ref 03</td><td>Bridge and Hough (2002). Geology of the Wolverhampton and Telford district. Sheet description of the British Geological Survey. 1:50 000 Sheet 153 (England and Wales).</td></tr></table>	Ref 01	British Geological Survey (2001) Wolverhampton. England and Wales Sheet 153. Solid and Drift Geology. 1:50 000	Ref 02	Bridge and Hough (2002). Geology of the Wolverhampton and Telford district – a brief explanation of the geological map. Sheet Explanation of the British Geological Survey. 1:50 000 Sheet 153 (England and Wales).	Ref 03	Bridge and Hough (2002). Geology of the Wolverhampton and Telford district. Sheet description of the British Geological Survey. 1:50 000 Sheet 153 (England and Wales).
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WQ No	Question to	Reference (in bold) and Question	Applicant's Response
			<div> <div>Ref 04</div> <div>British Geological Survey (2020) GeoIndex Onshore  <a href="https://mapapps2.bgs.ac.uk/geoindex/home.html?_ga=2.236295873.1912213011.1612800024-302965395.1610968747">https://mapapps2.bgs.ac.uk/geoindex/home.html?_ga=2.236295873.1912213011.1612800024-302965395.1610968747</a>. Last accessed (10/02/2021)</div> </div> <div> <div>Ref 05</div> <div>BAM Ritchies, (2019). M54-M6/M6 Toll Link Road. Ground Investigation Report – Factual Report. HE514465-BAM-EGT-ZZ-RP-WM-0001. HAGDMS Ref: 31536.</div> </div> <div> <div>Ref 06</div> <div>Highways England (2020) M54 to M6 Link Road. Ground Investigation Report (GIR) HE514465-ACM-HGT-M54_SW_PR_Z-RP-GE-0001. HA GDMS ref.: 31536</div> </div> <p>(b) The potential for environmental archaeological deposits to be located within the Scheme boundary is considered to be limited. The geology underlying 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 (Latherford Brook), which runs north-east to south-west across the A460 and M6. This band is narrow and confined to the margins of the river. The alluvial deposits identified are the only deposits that could contain palaeoenvironmental information. The rest of the geology underlying the scheme is made up of glacial till formed of sand and silty clay with pebbles. Palaeoenvironmental remains (such as pollen, seeds, molluscs etc) do not typically survive in these geology types. Distinct burial conditions are needed for this to survive. Other deposits that could contain palaeoenvironmental remains, such as peat and other alluvial deposits, have not been recorded, either from existing geological information or the geotechnical investigations undertaken across the Scheme.</p>
<b>3.7 Landscape and Visual</b>			
3.7.1	Allow Ltd SSC	<b>Dark Lane Fence and fly-tipping</b> 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?	N/A
3.7.2	The Applicant Allow Ltd SSC SCC	<b>Dark Lane Fence</b> 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. (a) Could it be clarified whether the hedgerow or fence is to be on the highway side? (b) If it is the fence, could it please be explained why this is appropriate given the effect on the landscape? (c) Could SSC and SCC give their comments on the appropriateness of this design approach?	<p>(a) Feedback from the landowner, SCC and Parish Council's indicates differing views on this and further discussion is needed to confirm this. The Applicant does not have a strong view.</p> <p>(b) The existing fence is opaque and presents a visual screen to views from Dark Lane. The proposed fence is to be a weld mesh type fence (or similar) which will allow visibility to the landscape beyond. If the fence is to be provided on the highway side of the hedgerow it would still be considered to improve views.</p> <p>(c) N/A</p> <p>Discussions on the boundary treatments along Dark Lane have progressed significantly with all parties. It has been agreed with Allow Ltd that the land where the Dark Lane fence is located will no longer be acquired permanently. Instead, the Applicant will take temporary possession of the land in order to carry out the works to provide the new boundary treatment. The Land Plans, Book of Reference and Statement of Reasons have been updated to reflect this and they will be submitted at Deadline 6. It is also the Applicant's understanding that the fence type has been agreed with Allow Ltd and the Parish Councils, with the proposed solution being the one appended to the Parish Council SoCG.</p>
3.7.3	The Applicant	<b>Landscaping between Dark Lane and Featherstone roundabouts</b> 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.	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 worsening visual impacts, for views south of Dark Lane, VP 20 in Chapter 7: Landscape and Visual of the ES [APP-046/6.1]. As set out in the Environmental Mitigation Approach [REP01-057/8.11] SW06 also provides part of a mosaic of habitat (species rich grassland, hedgerows and woodland) proposed



WQ No	Question to	Reference (in bold) and Question	Applicant's Response
		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?	to the south of Dark Lane to provide optimal foraging habitat for bats and provide connectivity between woodland plots. As with all woodland planting proposed as part of the Scheme it also provides replacement habitat for woodland lost during the construction of the Scheme. Woodland replacement outside of the compensation measures for the impact on Local Wildlife Sites and ancient woodland is currently provided at a ratio of less than 1:1. The County Ecologist is of the view that the planting proposed is the minimum necessary to mitigate the impacts of the Scheme (see SCC SoCG [TR010054/APP/8.8LA(A)]).
<b>3.8 Noise and Vibration</b>			
3.8.1		The ExA has no questions at this time.	N/A
<b>3.9 Geology and Soils</b>			
3.9.1	The Applicant	Please refer to question Ex Q3.3.4	The Applicant assumes the cross reference here should be to WQ3.4.4 in relation to the Borrow Pit. Please see applicant's response to WQ3.4.4.
<b>3.10 Traffic and Transport</b>			
3.10.1	The Applicant	<b>Construction Period</b> 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.	The original scheme promoted had a three year construction programme, as indicated on Plate 1.3 of the OEMP [APP-218/6.11] submitted with the DCO Application in January 2020. Version 3 of the OEMP [AS-112/6.11] (submitted with the scheme changes on 9 October 2020 and accepted on 29 October 2020), and all subsequent versions indicate the reduced construction period of two-and-a half-years.
3.10.2	The Applicant SCC	<b>Junction of Cannock Road/The Avenue</b> 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.  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.	At this location the existing priority arrangement has been proposed to be retained due to the limited space available within the existing highways boundary to change the priority. Given the small peak hour traffic flows forecast on The Avenue, the capacity of the existing priority-controlled junction arrangement is not expected to be an issue. A Design Manual for Roads and Bridges compliant alignment between Cannock Road and The Avenue would require a minimum radius of 64m which would require the compulsory purchase of the Methodist church and the frontage of a number of properties to deliver and therefore this option was discounted. The Manual for Streets Guidance allows the provision of much tighter corner radius on the basis that it will encourage lower vehicle speeds. This guidance is generally used on new residential development areas where low vehicle speeds are expected. An alignment that would accommodate 20mph vehicle speeds could be achieved within the existing Highways boundary. Both alignments are indicated on the drawing in Appendix WQ 3.10.2. This was discussed with SCC on 12 February 2021. SCC agree with the principle and details will be agreed as part of further discussions.
3.10.3	The Applicant SCC	<b>Tie in with existing A460</b> 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.	A revised proposal for the land between the proposed carriageway and adjacent properties in the vicinity of the existing Cannock Road has been provided to SCC. This was discussed with SCC on 12 February 2021 and discussions are ongoing to seek to resolve this.
3.10.4	The Applicant SCC	<b>Speed Limit on Hilton Lane</b> 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.	As part of the Scheme it is proposed to reduce the speed limit along Hilton Lane within the order limits to 30mph up to the junction with Cannock Road. SCC agrees with this approach but has requested that the speed limit is stepped down from national speed limit to 30mph with a 'buffer zone' of 40mph carriageway to encourage compliance. This 'buffer zone' would need to be in advance of the proposed 30mph for a minimum length of 600m therefore would fall outside of the Order limits to the east along Hilton Lane. Discussions are ongoing with SCC as to the proposed length of reduction and how this could be delivered as part of the DCO.
3.10.5	The Applicant	<b>Signage on SCC network</b>	(a) The Applicant agrees that the request to update signs to reflect the amended road network signage is reasonable, provided that the scope and extent is of such signage is clearly defined and agreed.

WQ No	Question to	Reference (in bold) and Question	Applicant's Response
	SCC	<p>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>	<p>Upon reviewing the existing signage, it is considered that the following signs would need to be updated:</p> <ul style="list-style-type: none"> <li>All directions signs in the vicinity of M54 Junction 1 and M6 Junction 11. These will be replaced/amended as part of the Scheme, therefore no changes to provisions would be required.</li> <li>Signs on the existing A460 between M54 Junction 1 and M6 Junction 11. These will require minor amendments to reflect the new road status and will be replaced/ amended as required as part of the Scheme, therefore no changes to provisions would be required.</li> <li>One directional sign on New Road, Featherstone, that requires the text 'A460' removing. This sign is located outside of the Order Limits and the Applicant does not intend to change any part of the current DCO application to facilitate such works.</li> </ul> <p>(b) The Applicant and SCC are in discussions regarding this matter and how it might be secured. The Applicant has expressed a willingness to enter into a suitable form of agreement with SCC to allow for funding to be provided. SCC agrees with the principle of this approach.</p>
3.10.6	The Applicant	<p><b>Transport Assessment Report</b></p> <p>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>	<p>Tables have been added to this document at Appendix 3.10.6.</p> <p>The start and end points for Journey Time 'Route 1' remain as documented in the Transport Assessment [REP3-036] in section 4.9 "from A460 (Stafford Street) to M6 Toll Junction T8" and therefore includes predicted time delay effects on links beyond the Order limits.</p> <p>The predicted travel times for 'Route 1' have been tabulated for the 'Do-Minimum' case along the A460, for the 'Do-Something' case along the existing (bypassed) A460, and for the 'Do-Something' case along the new Link Road. Journey time differences are compared against the 'Do-Minimum' case.</p> <p>Also included at Appendix 3.10.6 is a Table of Journey distances, which vary from the 'Do-Minimum' case because the Scheme would reconfigure M54 Junction 1.</p>
3.10.7	The Applicant SCC	<p><b>Maintenance Plans</b></p> <p>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>	<p>It is the Applicant's understanding that SCC is referring to works 18 &amp; 19 rather than works 6 &amp; 7. This is the same area referred to as the Tie in with existing A460 in WQ 3.10.3, see answer to that question.</p> <p>The alternative layout currently proposed removes the requirement for 'long' private accesses and proposes to retain the existing highway boundary to the west of the existing A460. There is no embankment proposed at this location. Further details will be submitted to the Examining Authority once these are agreed with SCC.</p>
3.10.8	The Applicant Interested persons in respect of (d) and (e)	<p><b>WCH route between Cannock Road and Featherstone Roundabouts</b></p> <p>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 '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</p>	<p>Further assessment has been undertaken on Option E2 and it is considered that this route could be delivered without significant additional woodland loss. Option E1 is closer to the desire line for users and offers the maximum benefit in terms of route length reduction. However, this route would require a new footway / cycleway to be constructed through approximately 75m of established woodland resulting in the loss of around 400m<sup>2</sup> of woodland. It is anticipated that the route selection though the woodland and construction of the footway could be designed to minimise the loss of established trees and without causing a loss of visual screening. This route is slightly longer than previously reported as the alignment has been altered to avoid the removal of a number of veteran trees.</p> <p>(a) A route as described has been included in the assessment. It is assumed that the ExA is referring to the existing access track to Tower House Farm rather than Hilton Lane. An additional route E3 has been identified at the request of the ExA which runs along the existing Tower House Farm access track which would eliminate the need for additional tree loss. This would result in a total distance of 950m between point 4/2 and the Junction of The Avenue with Cannock Road (90m shorter than the current design), which is only a minor reduction when compared to the current proposal. This route would also be isolated making it off putting to users. By comparison Option E1 and Option E2 would result in a total distance of 750m and 840m respectively (note that the total distance in the 'Proposed Scenario' column of Table 2 (for Option E2) in REP4-035/8.21 incorrectly states the distance to be 1040m, this should state 840m). This equates to the distance between point 4/2 and the Junction of The Avenue with Cannock Road being reduced to 290m</p>

WQ No	Question to	Reference (in bold) and Question	Applicant’s Response								
		<p>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). 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>	<p>and 200m shorter than the current design respectively. Refer to Appendix WQ 3.10.8 for a plan of alternative route options.</p> <p>(b) The existing post and 3 rail wooden fencing with ‘danger keep out’ signs would be retained in this location. In addition, the woodland is very dense making the establishment of a desire line unlikely. However, no additional measures are currently proposed to reduce the risk of users shortcutting through the woodland as part of the scheme.</p> <p>(c) If the ExA are minded to create the new rights of way proposed in this question, the draft DCO would need to be updated at Schedule 3 Part 6. Suggested example drafting on how this could be achieved is set out below (please note this reflects the draft DCO submitted at Deadline 6 and would need to be checked at the point of drafting):</p> <p style="text-align: center;"><b>PART 6</b> <b>PUBLIC RIGHTS OF WAY</b></p> <table><tr><th><i>(1)</i>  <i>Public right of way</i></th><th><i>(2)</i>  <i>Extent</i></th></tr><tr><td>Dark Lane (proposed Bridleway)</td><td>Between point 4/4 on sheet 4 and point 5/1 on sheet 5 of the streets, rights of way and access plans</td></tr><tr><td>Cannock Road (proposed footpath)  [A new footpath open to all pedestrians shown with reference [E2] on the streets, rights of way and access plans]</td><td>Between point [X/X] and point [X/X] on sheet 4 of the streets, rights of way and access plans</td></tr><tr><td>Cannock Road (proposed footpath and cycleway)  [A new footpath and cycleway open to all pedestrians and cyclists shown with reference [E2] on the streets, rights of way and access plans]</td><td>Between point [X/X] and point [X/X] on sheet 4 of the streets, rights of way and access plans</td></tr></table> <p>(d) N/A</p> <p>(e) N/A</p>	<i>(1)</i>  <i>Public right of way</i>	<i>(2)</i>  <i>Extent</i>	Dark Lane (proposed Bridleway)	Between point 4/4 on sheet 4 and point 5/1 on sheet 5 of the streets, rights of way and access plans	Cannock Road (proposed footpath)  [A new footpath open to all pedestrians shown with reference [E2] on the streets, rights of way and access plans]	Between point [X/X] and point [X/X] on sheet 4 of the streets, rights of way and access plans	Cannock Road (proposed footpath and cycleway)  [A new footpath and cycleway open to all pedestrians and cyclists shown with reference [E2] on the streets, rights of way and access plans]	Between point [X/X] and point [X/X] on sheet 4 of the streets, rights of way and access plans
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3.10.9	The Applicant	<p><b>PRoW Hilton Lane</b></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 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</p>	<p>The Public Right of Way (PRoW) [Shareshill 5] was previously proposed to be re-located along Hilton Lane, but this was changed as a result of Change 5 requested by the Applicant in October 2020. Following Scheme changes Hilton Lane bridge has been moved to the north of its previous location. The current proposal retains more of the existing route of the PRoW Shareshill 5 across nearby land and meant that there was no longer a need to move Hilton Lane approximately 2 metres to the south. This avoided the removal of mature vegetation to the south of Hilton Lane for a length of approximately 200 metres and avoided the need for the temporary closure of Hilton Lane while the road is relocated to build the footway and the bridge. Instead, there would only be very short closures when the road is connected to the bridge.</p>								



WQ No	Question to	Reference (in bold) and Question	Applicant's Response
		<p>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>	<p>The issue with the condition of the existing PRoW in this location has been passed on to the Local Highways Authority who are responsible for the maintenance of the PRoW network. They are aware of the situation and may be able to provide further clarification to the respondent.</p>
<b>3.11 Water Environment and Flood Risk</b>			
3.11.1	The Applicant SCC Environment Agency	<p><b>Proposed Pond to southwest of Junction 11 of M6</b></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> <p>(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.</p>	<p>(a) In discussions relating to maintenance of highway assets between the Applicant and SCC, an issue was raised with the balancing pond identified (Work 60), as it is proposed to receive surface water runoff from a portion of the new link road (strategic road network) and part of the realigned existing A460 (local road network). Sharing maintenance responsibility for the maintenance of highway assets is undesirable as it does not provide certainty on how the respective bodies share such duties. Further if a spillage were to occur on the highway draining to this pond, both parties would potentially be responsible for any pollution incidents, which has the potential to cause dispute.</p> <p>An interim solution of splitting the pond into two separate ponds (each to be maintained by the authority that maintains the highway draining to it) was discussed between the Applicant and SCC. However, a more practical and manageable solution has been identified which involves:</p> <ul style="list-style-type: none"> <li>The Applicant retaining maintenance responsibility of the entire pond and outfall</li> <li>SCC maintaining all drainage pipes up to the highway boundary, with a pollution control device at the extent of SCC's network to collect any spillages</li> </ul> <p>The details of such an arrangement are to be discussed between the Applicant and SCC, however it is not anticipated that any changes would be required to the application documentation as this option would involve creation of one pond as shown on the plans.</p> <p>(b) N/A</p> <p>(c) N/A</p> <p>(d) N/A</p> <p>(e) N/A</p>
<b>3.12 Socio-economic effects</b>			
3.12.1	The Applicant	<p><b>Climate Change</b></p> <p>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>	<p>As outlined in Paragraph 14.9.18 of the ES [APP-053/6.1], greenhouse gas (GHG) emissions from the Scheme represent 0.0013%, 0.0048% and 0.0043% of the UK's 3rd, 4th and 5th carbon budgets, respectively. As the 3rd, 4th and 5th carbon budgets have remained the same following publication of the 6th carbon budget, the percentage contribution from the Scheme remains the same for these periods despite the Government's more ambitious carbon reduction target.</p> <p>When compared against the 6th carbon budget (1,000 MtCO<sub>2</sub>e), GHG emissions from the Scheme represent 0.0079%, which is higher than for the previous budgets, but still well below the significance threshold of 1% of a given carbon budget.</p> <p>Therefore, the conclusion that "the GHG impact of the Scheme would not have a material impact on carbon reduction targets as set by the UK government" remains applicable following publication of the Sixth Carbon Budget Report in line with the Government's more ambitious carbon reduction targets.</p>
3.12.2	Allow Ltd	<p><b>Employment</b></p> <p>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".</p> <p>Could Allow Limited please indicate, as best as it is able, to estimate how</p>	N/A



WQ No	Question to	Reference (in bold) and Question	Applicant's Response
		many of these FTEs would be lost should the development be implemented, and justify this answer?	

## 2 Responses to Representations Made at Deadline 5

Representor	Topic	Representation	Applicant's Response
Allow Limited	Comments on Applicants 8.22 Technical Note	Para 1.1.5 – whilst habitat creation to the east of the route would 'introduce new ponds and landscaping into an open area' it should be noted that our proposals involve expanding existing areas of standing water and broadleaved woodland (e.g. Lower Pool SBI/LWS, Middle Pool and Upper Pool). This would be in-keeping with the current habitats on site. We aren't proposing to create new areas which would be 'out of place'.	The Applicant disagrees that the proposed habitats would be in keeping with the current open parkland landscape, particularly given its association with Repton.
		Para 1.1.6 – We reserve the right to comment further once assessment methods are reviewed.	Noted.
		Para 1.1.7 –The text here discusses heritage assets and impacts that are considered 'less than substantial'. Historic England concluded that all 4 options would result in 'less than substantial' harm in their representation. As such, impacts would be permissible/acceptable if the project could prove the public benefits of the scheme (which must have been demonstrated for the scheme to have progressed this far).	<p>The Applicant disagrees.</p> <p>The Assessment of Alternative Locations for Mitigation in Plot 5/2 [REP4-036/8.22] reports that Option 2-4 would conflict with policy. Less than substantial harm encompasses a large spectrum of harm. It is considered that the options represent different levels of harm within this category. Where the harm would be significant in EIA terms there is also a requirement in DMRB (LA 104 Environmental Assessment Methodology; LA 106: Cultural Heritage Assessment) to identify measures to avoid or reduce environmental effects to less than significant. A change that introduces new likely significant environmental effects with no clear justification and a clear alternative would conflict with the approach to EIA as set out in DMRB.</p> <p>NPSNN paragraph 5.131 states that when considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. Altering the Scheme such that it increases the level of harm to designated assets without demonstrable public benefits would not be affording great weight to their conservation. The public benefits required to overcome the harm to heritage assets will be greater, the greater the harm. It is not simply the case that any harm that is less than substantial can be overcome with the same level of public benefits.</p> <p>See also the Applicant's response to WQ 3.6.2.</p>
		Para 1.1.9 – This again mentions 'significant effects' on listed buildings but this was not echoed by Historic England in their response.	Historic England did not comment on the significance of effects in their written representation submitted at Deadline 4. However, the written representation from Historic England submitted to the Examining Authority on 22 January 2021 (to be published on M54 scheme page on Planning Inspectorate website under 'Deadline 6') has since set out their agreement with the assessment of effects reported in the Assessment of Alternative Locations for Mitigation in Plot 5/2 [REP4-036/8.22] submitted by the Applicant at Deadline 4. It should be noted that Historic England refer to harm to listed buildings, in accordance with the NPPF/ NPSNN. Historic England does not assess 'significant effects', this term is used solely by EIA methodology.
		Para 1.1.10 – Whilst we agree with some of the remarks on Option 1 from a biodiversity perspective, splitting the woodland planting between 5/2 and 4/20c would not deliver more benefits for biodiversity, and would likely have a greater impact on the species affected. The comment about the new road not being in cutting adjacent to Plot 4/20 and therefore less optimal for bats (crossing over the road) is misleading, as it is not in a cutting adjacent to Lower Pool and that is the Applicant's proposed crossing point to 5/2.	Noted. Assessment of impacts on the SBI and bats. Covered by specific questions below.
		Para 1.1.12 – Allow are unclear what point Highways England are making at 1.1.12. The land at 4/20c was only 'required to provide great crested newt mitigation measures' on a precautionary basis as HE hadn't completed their surveys. Now that they have, and obtained negative results, the land is not required for GCN mitigation; the results showing that it was never actually required.	Highways England has previously explained why the GCN mitigation was needed (for example, refer to Table 4-1 of REP4-033/8.19). Para 1.1.12 described why Option 1 was not considered earlier as there was mitigation proposed in that area previously that would have prevented woodland planting.
		Para 2.1.2 – This issue was raised significantly ahead of ISH1 rather than at ISH1 as stated here.	Highways England does not assert this, the note states in Para 2.2.1 that these issues were discussed with Allow prior to ISH1 and a cross reference to the SoCG is included.
		Para 2.1.3 - The listed buildings named here are not 'within the setting of Hilton Park' as stated, they are within the historic park which thus forms part of the setting of the listed buildings.	Noted.

Representor	Topic	Representation	Applicant's Response
		Para 2.1.4 – The statement suggesting that Allow stated at the ISH1 that “providing this mitigation to the east of the new link road rather than the west would not result in any undue impact on the historic parkland” misrepresents what Allow were saying at ISH1. Allow consider that putting the mitigation to the east would result in a slightly greater level of harm to the historic park, but that this is outweighed by the increased efficacy of the environmental mitigation.	Noted
		Para 2.1.6 – The point about having the change the Order limits is irrelevant – the issue the mitigation in the optimum location when all concerns are taken into account.	Highways England agree that the location of Allow's proposed alternative mitigation outside the Order limits is not relevant for an assessment of alternatives. However, it is relevant for considerations of how such a change would be secured.
		Para 2.1.7 – the Environmental representative from Highways England was unsure at the site meeting of 6th January whether or not this borrow pit would actually be required the Applicant's representatives were still unable to provide any information about what material was likely to be borrowed from here and what would replace this as reinstatement. It seems that the borrow pit is a 'maybe' which the Applicant has identified as a fall-back in case there is a shortage of suitable material for construction, rather than a definite part of the scheme. As above, any issue of potential cost increases would need to look at more than just the areas of permanent and temporary land-take.	The Applicant has always maintained that the borrow pit will reduce environmental impacts of the Scheme and it is in the public interest that it is included. As Allow Ltd is aware, due to the Covid pandemic only two representatives from Highways England could attend this meeting and the representatives were selected for their understanding of heritage and ecology issues not construction or geology/ soils. The borrow pit is definitely part of the Scheme and is not a 'maybe'.
		Para 2.2.3 – The SoCG with Historic England has been substantially changed, but it must be noted that the comments to date have been made prior to their inspection of Hilton Park. Their note subsequent to their site visit assesses the level of harm of the subject mitigation options as less than substantial. It is interesting to note here that there is no mention, as claimed in the oral submission by the Applicant at ISH1, of Historic England's view that they would actually object to the scheme if the planting was moved to the east.	The SoCG has not been substantially changed. The text reported in the technical note is as per the SoCG submitted at Deadline 1 in November 2020. Refer to Highways England's response to Allow Ltd's comment on Para. 1.1.9 above.  The oral representation made by the Applicant at the Issue Specific Hearing was based on the Applicant's understanding of Historic England's position. As Allow Ltd is aware, the Applicant worked with Historic England to secure an early site visit and has encouraged Historic England to provide further clarity on their position. The SoCG and position of parties evolves over time, with the version submitted at Deadline 6 documenting the current position of agreement between the parties [TR010054/APP/8.8P(C)].
		Para 2.2.4 – despite, it is interesting to note that this TN details all of Historic England's previous concerns but doesn't detail the outcome of Historic England's most recent written representation following the site inspection which, we believe, is much less concerned and suggests they would be open to review options to the east.	Historic England submitted their written representation at Deadline 4 at the same time that the Applicant submitted the Technical Note. Historic England did not comment on the significance of effects in their written representation submitted at Deadline 4. However, the written representation from Historic England submitted to the Examining Authority on 22 <sup>nd</sup> January 2021 has since set out their agreement with the assessment of effects reported in the Assessment of Alternative Locations for Mitigation in Plot 5/2 [REP4-036/8.22] submitted by the Applicant at Deadline 4. It should be noted that Historic England refer to harm to listed buildings, in accordance with the NPPF/ NPSNN. Historic England to not assess 'significant effects', this term is used solely by EIA methodology.
		Para 2.2.5 – Allow's proposed option would still contain all the views mentioned here including open vistas, lone sporadic trees, water features and a backdrop of woodland.  It is not known whether the Conservation Officer has ever been to the site. It should be noted that these comments from the Conservation Officer predate the advice given by Historic England in their e-mail of 8th January, so the Conservation Officer is agreeing with advice provided before Historic England had visited the site.	As noted in the SoCG with SSC, the Conservation Officer will seek to further clarify their view for Deadline 6A.  The Applicant would note that Historic England's position did not significantly change following the site visit. Historic England remain of the view that the harm to listed buildings would increase with all changes to mitigation proposed by Allow Ltd and has agreed with the Applicant's assessment presented in [REP4-036/8.22]. This is evidenced in the submissions by Historic England and the SoCG submitted at Deadline 6.
		Section 3 - 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.	The proposed planting layout drawn up by Allow and submitted to Highways England on 13 January 2021 would involve the compensatory planting being positioned mainly to the east of the proposed carriageway, thickening up areas of existing vegetation. The proposal is similar to Option 2 assessed by Highways England but with a greater area of woodland planting and the two ecology ponds located to the east of the Scheme. The required ecology ponds in this proposal would be located to the south of Lower Pool and west of the Grade I listed Conservatory adjacent to the fishing ponds built in the 1960s.  To the west of the proposed link road, the proposals would partially infill the area of open park with woodland. However, the existing tree belt which forms the western boundary of the park would be retained in full, alongside the northern return in part. To the east of the link road, the woodland which

Representor	Topic	Representation	Applicant's Response
			<p>currently forms the Shrubbery would be extended into the parkland, obscuring the boundary of the historic feature which survives to the north, noting more recent planting to the south. The magnitude of impact of eroding these open areas on the historic park would be moderate adverse due to the partial loss of/ damage to key characteristics, resulting in a moderate (significant) adverse effect on Hilton Park.</p> <p>By incorporating the majority of planting to the east of the new carriageway, Allow Ltd's proposal would introduce new impacts on the Grade I listed Hilton Hall and the Grade I listed Conservatory. At present, this open area to the east of the Shrubbery forms an important part of the setting of both structures, providing a separation from the tree belts which characterise Repton's aesthetic. Such belts were deliberately designed as part of a scenic parkland setting for the hall, in contrast to the designed gardens in close proximity. By bringing the woodland planting closer to the hall, this distinction is eroded, and the appreciation of the naturalistic setting degraded. The proposed planting and the new pond adjacent to the existing man-made fishing pools would take away any association of the Conservatory with the parkland. The impact on both assets of high value would be moderate adverse, resulting in a moderate (significant) adverse effect.</p>
		<p>Section 4 - The thrust of the Applicant's argument is that planting to the east of the road (their Options 2-4) would increase the magnitude of impact on the Grade I listed buildings from Minor (current Scheme) to Moderate, resulting in the significance of effect in each case being Moderate (and therefore significant in EIA terms). This is looking at the significance of the Grade I listed buildings, not the significance of their settings. In their methodology (Table 4.2 in chapter 4 of the ES and based on DMRB), magnitude of impact is measured on a 5 point scale – Major/Moderate/Minor/Negligible/No Change. Moderate is defined as '<i>Loss of resource, but not adversely affecting the integrity; partial loss of/damage to key characteristics, features or elements</i>'. As there would be no loss of resource (i.e. the buildings would remain intact), the reassessment suggests that the Applicant regards planting on the east side of the new road as representing '<i>partial loss of/damage to key characteristics, features or elements</i>'. Is this really the case? A Moderate magnitude of impact is only one step lower than Major, which would be the result of total demolition of the buildings, whereas what is proposed in Options 2-4 is a modest change within the setting of the buildings. The view of Allow's Historic Landscape Consultant is that Options 2-4 would result in a Minor magnitude of impact in each case, resulting in a Slight level of effect (and therefore not significant in EIA terms).</p>	<p>The setting of an asset contributes to the significance of an asset, it is not separate from it in accordance with the NPPF and Historic England guidance. Any impact to the setting of an asset is, therefore, an impact on its significance. Thus the loss of key characteristics referred to within the methodology table refers to the loss of key characteristics of the asset's setting which form part of its significance. There would be a loss of resource in the loss of part of the setting of the listed structures.</p> <p>The definition of a major magnitude of impact is 'Loss of resource and/or quality and integrity of resource; severe damage to key characteristics, features or elements.'</p> <p>Allow Ltd is incorrect in suggesting that a major impact can only be achieved through total demolition of a building. A major impact on the significance of a building can occur solely through development within the setting of a designated asset and does not necessarily need to involve physical alterations to the building. The Applicant has not suggested that the Scheme would have a major impact on the listed buildings with or without alternative locations for environmental mitigation proposed by Allow Ltd.</p> <p>Historic England agree with Highways England's assessment methodology as set out within the Environmental Statement and, therefore, the assessment of setting. This is confirmed within the SoCG with Historic England [REP4-029].</p>
		<p>Para 4.1.26 – it should be noted that, under Allow's proposals, the isolated veteran trees would not be absorbed into the woodland planting.</p>	<p>Noted.</p>
		<p>Para 4.1.27 - The TN suggests that planting to the east would result in harm (to the significance of the Grade listed buildings) which would remain less than substantial but 'at the upper levels of substantial harm' - compare this with the Historic England e-mail (8th January) which merely states that the harm would be 'less than substantial' for all 4 options.</p> <p>Please note that it is not possible to see much of the northern portion of the Shrubbery from the Hall or the Conservatory.</p> <p>Para 4.2.2 – The statement 'Plot 5/2 is located immediately adjacent to the retained woodland and pond within Lower Pool LWS' continues to ignore that the scheme (a dual carriageway) will ultimately separate the retained habitats in the LWS from planting in 5/2. As such, the planting is unlikely to provide 'long-term habitat for biodiversity affected in this location'.</p>	<p>Historic England's written representation states "We assess that the level of harm progressively increases from option 1 to option 4." Their opinion that all 4 options would cause less than substantial harm to the designated buildings has not changed. The TN continues to accurately represent Historic England's view as understood by the Applicant.</p> <p>An impact to the setting of an asset is not purely visual. The fact that the Shrubbery is not visible does not diminish its contribution to significance.</p> <p>Highways England undertook bat activity surveys (crossing points) to support the assessment of the impacts of the Scheme on bats, following methodology detailed in DEFRA research project WC1060 (A.Berthinussen and J.Altringham). A total of three crossing points (C, D and E) were located within Lower Pool. Figure 8.15 [APP-119/6.2] submitted as part of the ES shows the locations of these crossing points, but in summary C was located at the northern point of Lower Pool along Dark Lane, D at the southernmost point of Lower Pool and E adjacent to the two ponds which the Scheme would remove part of.</p>





Representor	Topic	Representation	Applicant's Response
		<p>Para 4.2.7 – Please see our written evidence for Issue Specific Hearing 1. There is no evidence to suggest that bats will change commuting routes and use a poorly-sited, unvegetated structure to 'safely' cross the scheme at Hilton Lane.</p> <p>Para 4.2.8 – Bats will still be able to use habitats to the east of Lower Pool, but it needs to be acknowledged that they are losing 39% of the habitat within Lower Pool and that at 5/2 this is not being compensated for in an accessible location.</p> <p>Para 4.2.10 – Please see our written evidence for Issue Specific Hearing 1. We contest this assessment of impact on bats. Given the location and nature of the crossing structure, there is no evidence to suggest it will be used by bats in the future. As such, they are still losing a significant proportion of their habitat at Lower Pool without it being adequately compensated. There is also a collision risk with cars as the road is at 'ground-level' where it passes Lower Pool.</p> <p>Para 4.2.12 – The document states that bats would find woodland south of Dark Lane 'harder to access' as the road is not in a cutting at this location. However, regardless of possible compensation planting option, the scheme still maintains that the original option is sufficient for bats, despite bats currently crossing at this location (into the south-eastern corner of Plot 5/2). We have maintained that bats may still continue to use this area/route once the scheme is developed, instead of using the Hilton Lane Overbridge. It would be useful to understand why Highways England think woodland at Dark lane would be 'harder to access' and why this is due to the scheme not being in a cutting in this location. If it is, as we have suggested, because bats will be at risk of collision with vehicles, then any planting to the west of the scheme is likely to put bats at risk of collision (as was discussed at the Hearing). Planting to the east would remove this risk.</p>	<p>As per the methodology, preliminary surveys at each of these locations were undertaken, which recorded the following:</p> <ul style="list-style-type: none"> <li>• C – peak count of 9 bats. 15 out of the 18 bats recorded were noctule, and 65% of bats were flying at a height of at least 5m above ground level;</li> <li>• D – peak count of 9 bats. 7 out of the 18 bats recorded were noctule, and 78% of bats were flying at a height of at least 5m above ground level;</li> <li>• E – peak count of 22 bats. 13 out of the 36 bats recorded were noctule, and 64% of bats were flying at a height of at least 5m above ground level.</li> </ul> <p>Noctule are a large, fast-flying bat species, adapted to foraging in the open, and appear from most studies to be less affected by roads (e.g. Kerth &amp; Melber 2009, Abbott <i>et al.</i> 2012a, Berthinussen &amp; Altringham 2012a), since they typically fly high above the ground. Approximately 50% (35/72) of the total number of bats recorded during the crossing point surveys were noctule bats, and one of two roosts recorded in Lower Pool is a noctule roost.</p> <p>As per the methodology, a minimum peak count of 10 bats needs to be recorded during one of the preliminary surveys for further surveys to be required. Where less than 10 bats are recorded at a location, no further surveys are required, and it can be concluded that the location is not an important crossing point for bats.</p> <p>Therefore, locations C and D are not important crossing points for bats as the 10 bat threshold was never met. Although location E recorded more than 10 bats, the increased number was down to a small number of individual bats foraging and recorded repeatedly rather than an increased number of individual bats commuting. Location E is therefore also not considered to be an important crossing point.</p> <p>Given that there are no important commuting routes near to Lower Pool, bat species recorded (common pipistrelle, soprano pipistrelle and noctule) are all common (in the context of other bat species) and widespread, and the total number of bats recorded is small, it is not necessary nor proportionate to the potential impact for the Scheme to provide specific crossing locations for bats.</p> <p>Hilton Lane overbridge has not been designed specifically for the purpose of facilitating bats crossing the road, and it has not been stated in the assessment that this is the case. Rather its presence in the design for other purposes provides bats an opportunity to cross the road given that it will be 6m above the height of the road and vegetation would be planted up to the edge of the structure.</p> <p>Noctule bats would be able to cross the road and access woodland in Plot 5/2. Some individual pipistrelle bats may cross the road at traffic height, given that pipistrelles are a semi-clutter adapted species (i.e. they fly and forage both along vegetation such as woodland and hedgerows but also in more open areas). Other individual bats are likely to cross the road at the height of the surrounding ground level where the road is in cutting or along the crossing of the new road at Dark Lane. This is further evidenced by the fact that there is no specific crossing point for bats in this locality. Therefore, only a very small number of bats would be impacted by the road, which as stated above does not require mitigating.</p> <p>The purpose of the woodland planting in Plot 5/2 is to compensate for the loss of habitat within Lower Pool LWS. The woodland is used by bats, but also provides habitat for other species or species groups such as badger and birds. As well as bats being able to access plot 5/2, a mammal tunnel would allow passage underneath the road and most bird species would be unaffected by the presence of the road.</p> <p>For all of the reasons stated above Highways England has not ignored that the Scheme will ultimately separate the retained habitats in the LWS from planting in 5/2 and disagrees that the planting is unlikely to provide 'long-term habitat for biodiversity affected in this location'.</p>


Representor	Topic	Representation	Applicant's Response
		<p>Para 4.2.14 – We would like to see evidence of how Highways England have reached this conclusion. Area and nature of planting is discussed, although location and strategic significance is not. The same area overall is being planted, but planting to the east would bolster the existing portions of the LWS and have a positive contribution to integrity of the LWS above planting in Plot 5/2. How has this been taken into consideration and why is it not considered to alter the effect. Furthermore, how can a 'neutral effect' be achieved when 39% of the LWS is being lost to construction? Whilst acknowledging that compensation is being provided, this will not recreate or restore those habitats being lost.</p>	<p>Full details of the impact assessment on Lower Pool LWS is provided in paragraph 8.9.15 of the ES [AS-082/6.1].</p> <p>This states that taking into account the proposed habitats would take some time (functioning well developed scrub within 15 years and mature woodland within 30 + years) to establish, the Scheme is considered to have a moderate adverse impact on the LWS (effects of slight significance) in the medium term (10- 30 years years), reducing to an effect of neutral significance in the long term (beyond 30 years) once habitats are established.</p> <p>In terms of how moving the compensatory planting to the east of the road would affect the significance compared to plot 5/2, the impact assessment assesses the effects of the Scheme against the baseline scenario, which in this case is no road. It is not the case that losing habitat within the LWS and planting it to the east of the road would have a beneficial effect on the LWS in the context of impact assessment.</p>
		<p>Para 4.2.15 - We would like to see evidence of how Highways England have reached this conclusion. We question how creating new habitat next to known bat roosts, avoiding the need for them to cross the scheme plus the likelihood that they won't access/find it in Plot 5/2, is not considered to constitute a 'beneficial impact'.</p>	<p>See above response. There is a difference between comparing different options for the compensatory planting with each other and stating that one is more favourable than the other, to whether any options would result in a beneficial effect compared to one which has a neutral effect in the context of an Environmental Impact Assessment.</p> <p>Whilst locating the compensation planting to the east of the road is more favourable for biodiversity than planting in plot 5/2, in the context of the impact assessment it cannot be concluded that removing existing woodland within Lower Pool LWS and replanting it to the east of the road would be a beneficial effect on the local bat population.</p>
		<p>Para 4.2.17 – As with paragraph 4.2.14, we question how the effects at Lower Pool are considered neutral. We also question how woodland and standing water creation (the habitats for which the LWS is designated) would not benefit and complement the LWS.</p>	<p>See above responses.</p>
		<p>Para 4.2.18 – whilst we agree that bats are less likely to use woodland south of Dark Lane (in plot 4/20c), why is it considered that bolstering woodland around the Shrubbery and Lower Pool, plus creating more areas of open water (next to know roosts), will not benefit bats (leading to an overall conclusion 'slight adverse' significance)? This is the same conclusion as Option 1, but with better planting and habitat creation to the east for bats. Therefore, we question how the same conclusion as that for Option 1 has been reached.</p>	<p>Our conclusion is based on the premise that bats would be able to access the woodland planting in plot 5/2 as described above and therefore the difference between planting to the west or east of the road is not enough to warrant a different conclusion of significance of effect.</p> <p>Highways England has not stated that planting to the east of the road would not be a more favourable option for bats (this is reflected in our TN 8.22 [REP4-036/8.22]), but as stated above the comparison between options is not directly comparable to whether that difference results in a change of significance of effect.</p> <p>Our conclusions are based on professional judgement and evidence gained from the surveys undertaken to assess the impact of the Scheme.</p>
		<p>Para 4.2.21 - We would like to see evidence of how Highways England have reached this conclusion. How can creating all these habitats next to known bat roosts, avoiding the need to cross the scheme, not be considered to result in a beneficial impact?</p>	<p>See above responses.</p>
		<p>Para 4.2.23 – This text, as with similar text before, completely ignores the location of new planting when determining its significance. It is not just area and type that are important considerations.</p>	<p>See above responses.</p>
		<p>Para 5.3.1 – same comment as for paragraph 4.2.21</p>	<p>See above responses.</p>
		<p>Para 5.3.3 – the key point here is whether the scheme has maximised opportunities for biodiversity, which habitat creation to the west of the scheme will not do.</p>	<p>The Applicant's view is that the Scheme has maximised opportunities for biodiversity throughout the development of the Scheme. Paragraph 5.3.3 states that "The NPSNN (paragraph 5.33) goes on to say that: 'Development proposals potentially provide many opportunities for building in beneficial biodiversity or geological features as part of good design. When considering proposals, the Secretary of State should consider whether the applicant has maximised such opportunities in and around developments. The Secretary of State may use requirements or planning obligations where appropriate in order to ensure that such beneficial features are delivered.' The current Scheme is the most appropriate design for the proposed mitigation measures which balances the impacts to biodiversity and heritage assets. It would not be considered 'good design' to design environmental mitigation that</p>

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			leads to significant adverse effects on Grade I listed assets.
		Para 5.3.5 - Please see our written evidence for Issue Specific Hearing 1. There has been no evidence provided by the applicant that the measures provided will safely ensure that the bats will locate and benefit from planting in 5/2. On the contrary, evidence from Defra states that bats are unlikely to use unvegetated structures not located on a known bat flight path.	See above responses.
		Para 5.3.7 - Please see our written evidence for Issue Specific Hearing 1. A Letter of No Impediment is not an 'agreement' of the mitigation, it is stating that there is no obvious impediment to why a licence for the scheme would not be granted. They are two different things. In addition, just because a mitigation strategy is approved (at some stage) does not mean that better alternatives do not exist.	By issuing a letter of no impediment, Natural England has confirmed that based on the mitigation proposed, the three licensing tests would be met, one of which is maintenance of the favourable conservation status of the species concerned, and a licence would be granted for the Scheme. To meet this test mitigation needs to be appropriate to the impact that would likely occur.  Environmental Impact Assessment does not involve maximising biodiversity benefit in isolation of any other factors. All other environmental factors need to be considered to determine the most appropriate mitigation for the scheme in its entirety, which Highways England has done.
		Para 5.6.4 – The TN states that until recently, Allow Ltd has consistently opposed the acquisition of their land for any purpose ..... Any change to the Scheme to take forward Options 1-4 would therefore currently require compulsory acquisition of additional land and would be subject to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. Options 2, 3 and 4 would also require land outside the Order limits. This is not the case and Allow have offered to enter into negotiations for the sale of land to the East of the scheme to the Applicant since 2019. The land under discussion to the East of the scheme was within the order limits in 2019 until it was later removed by the Applicant. Allow have offered to enter into agreement for the Applicant to acquire the finally negotiated areas, or to enter into long term management arrangements, to avoid compulsory acquisition of additional land.	The Scheme Order Limits were drafted wider than their current position in advance of the Statutory Consultation which ran between 24 May 2019 and 5 July 2019 to provide sufficient flexibility to enable comments received during the consultation to be addressed and to enable the Environmental Impact Assessment to be completed to confirm where mitigation is required. Following completion of this exercise, the Order Limits were reduced to only take land that is required for the purposes of the DCO application.  At a site meeting on 28 August 2019, Allow expressed a preference for mitigation to be provided to the east of the scheme and objected to the proposed woodland planting to the west of the scheme. Highways England considered this and determined that the land to the east was not appropriate. This was articulated to Allow in subsequent meetings and is still the subject of discussion. Allow has indicated that it would be prepared to enter into long term management arrangements, and this is, again, still the subject of discussion.
		Para 6.1.3 – The applicant appears to not be including the potential benefit to bats provided by the proportion of woodland planted to the east of the scheme in Option 3. They are just focusing on the section of woodland in 4/20c.	See above responses.
		Para 6.1.6 – we disagree that the current scheme design would result in the least harm to those receptors impacted by the scheme. It also does not deliver the most potential benefits	The Applicant maintains that the current Scheme is the most appropriate design for the proposed mitigation measures which balances the impacts to biodiversity and heritage assets.
Allow Ltd	Allow response to the Applicants 8.20 Review of Woodland Mapping, Impact Assessment and Compensation – Revised Design - Issued on 12 Jan 2021	Appendix A of TN8.20 shows there has been an inaccurate application of buffers to several areas, including woodland being clear felled, land comprising tarmacked pavements, open grassland and land comprising other non-woodland habitats, examples of which are evidenced at Appendix 1 of this document. This is not in accordance with the aforementioned methodology for the buffer mitigating potential losses along edges of remaining woodland. The inclusion of other non-woodland habitats is not mentioned in the body of TN8.20, but only in the Appendix table.  5. The areas clear felled (for the avoidance of doubt, they no longer adjoin any woodland being retained), such as ID 4, 6, and 9, will not leave an unprotected woodland interior through loss of a woodland edge, as no area of woodland is proposed to remain in these locations, which might need to be mitigated against.  6. Where woodland areas lost adjoin areas of tarmacked pavement, stone tracks and open farmland, it is erroneous to apply buffers, as the woodland is proposed to be completely cleared, therefore there are no trees present that could suffer any damage. The reasoning for the 5m buffer referred to Root Protection Areas, however the absence of any trees in the buffer area will in turn mean absence of roots and consequently no reasoning to include such areas as buffers for mitigation from damage to tree roots.	See Applicant's response to WQ 3.3.3.



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		<p>7. In addition to the Applicant's mapping of 'Woodland within 5 m of woodland lost' (orange hatch), the Applicant has also mapped 'Other habitats (non-woodland) within 5m of woodland lost' (purple hatch). Allow Ltd consider the purple hatching to be erroneous as many of the 'Other habitats', mapped at Appendix A of TN8.20, are not habitats which will be negatively impacted through the loss of neighbouring woodland, and they include mown grass verges, productive agricultural land and stone tracks. This is repeated multiple times across the scheme illustrated in TN8.20 and totals 2.88 ha, a significant area.</p>	
		<p>8. The use of multiple polygons on a desk-top mapping exercise has resulted in duplication of areas, for example to the southern end of Lower Pool at ID 17 and 19 on the table in TN8.20, adjoining areas of woodland will be felled but overlapping areas of buffer have been allowed around the exterior of each polygon as they have been assessed in isolation.</p>	<p>Highways England has reviewed the woodland mapping polygons and can confirm that there are no overlapping areas of buffer and therefore there is no duplication of loss. The buffer between IDs 17 and 19 was split in half with half of the buffer areas assigned to each ID. The polygons are shown in isolation in the technical note to avoid confusion, however they were not produced in isolation.</p> <p>ID 17 direct loss and buffers (Green hatch – Woodland loss, Orange hatch – Impact zone – Woodland within 5 m buffer, Purple hatch – Impact zone - Other habitats (non-woodland) within 5 m buffer, Turquoise line – Lower Pool SBI).</p>  <p>ID 19 Direct loss and buffers:</p>  <p>Plan showing ID 17 and ID19:</p>



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	Draft DCO	If the Examining Authority is minded to grant the DCO, Allow request that the Applicant is granted powers for the temporary use of land for carrying out the authorised development over powers of compulsory acquisition. Allow would then manage and maintain the ecological mitigation long term.	The Applicant's position is that permanent powers of acquisition are necessary to deliver the Scheme, the essential mitigation and secure its future maintenance. A full response is enclosed at ExA 3rdWQ 3.4.2. Should agreement be reached with the landowner it may be possible to return the mitigation land to the landowner but, as they record, that agreement is not currently in place. The Applicant will therefore require the powers sought in the Order to ensure the works and mitigation can be delivered and can thereafter be retained, managed and maintained in accordance with the terms of the DCO.
		Allow have offered to enter into maintenance agreements with the Applicant and these negotiations are ongoing and as such powers for the compulsory acquisition of land should not be granted until such time as those negotiations have fully concluded.	As indicated above, the Applicant is willing to continue to have dialogue with a view to concluding an agreement with Allow Ltd to allow them to retain and maintain the mitigation land. However, in the absence of such an agreement, it would be premature to remove the compulsory purchase powers and removal of the powers would in fact render the Scheme undeliverable unless and until Allow Ltd agreed to enter into an agreement.
		Compulsory acquisition is a measure of last resort and should not be granted in respect of Allow's land because it has and continues to offer alternative land in its ownership. There remains no compelling case in the public interest in securing land Allow's land compulsorily and the powers should not be granted because they do not meet the necessary legal tests.	The Applicant agrees that compulsory acquisition is a measure of last resort. This means that an acquiring authority must endeavour to acquire land by agreement. It does not mean that an acquiring authority is prevented from acquiring land if the landowner is offering alternative land for sale. The Applicant has been in dialogue with Allow Ltd since 2019 with a view to acquiring the land needed to deliver the Scheme by agreement. Government guidance on compulsory purchase recognises that it is appropriate to initiate the processes to acquire compulsory purchase powers alongside private treaty negotiations. As such, whilst the Applicant intends to continue discussions with Allow Ltd, it is appropriate for the processes to secure compulsory purchase powers be continued. For the reasons set out in earlier responses to Allow Ltd's representations, the Applicant is content that there is a compelling case in the public interest for the acquisition of Allow Ltd's land and that the powers do meet the necessary legal tests.
Cllr Cope	Loss of car boot field	Allow comment on the loss of the car boot field 5/2, 5/25 and 5/26 and quote "Having to cease the event in the locality would result in both financial losses to the local economy and a loss of local employment associated with the car boot events" I should point out that there are SEVEN other car boot fields in the locality all run by the same operator who also operates the car boot in the field under Allow's ownership, the independent operator GOCARBOOTING runs a website where these other locations are advertised, so there would be no loss to the local economy and employment as the demand would switch to other sites.	Noted
	Access onto Hilton Lane	I also note Allow's comments on car boot field 5/25 and they propose that the applicant provides provision for an exit into Hilton Lane, this should not be allowed as it will directly impact on the amenity of the residents who live on Hilton Lane, presently the existing exit on Dark Lane does not impact on any housing.	Refer to the Applicant's response to WQ 3.4.3 above.
	Historic Parkland	Allow is offering to relocate land from plot 5/2 to the east of the link road and they acknowledge that mitigation to the east side of the link road would result in SOME HARM to the historic parkland, the local parish councils from the outset requested that the new link road should be located closer to Hilton Hall to prevent environmental impacts on the local residents of Hilton village, the applicant said this would not be acceptable to Historic England due to the major impact on the setting of Hilton Hall and its historic parkland,	Noted

Representor	Topic	Representation	Applicant's Response
		therefore in my view if the harm to the historic landscape is predominant then the alternative offer of land east of the link road should also not be considered acceptable.	
	Dark Lane Fence	The residents of Dark Lane Hilton are also disappointed that Allow will not accept the offer to change the old corrugated boundary fence to a new environmentally friendly green hedge south of Dark Land, reference is made to fly tipping and anti-social behaviour, the only fly tipping in the area occurs at the rear of the car boot site well away from the housing in Dark Lane, due to the presence of the housing opposite the fence and the surveillance of the residents we feel the point about fly tipping and anti-social behaviour is unfounded and should not be accepted for not cooperating with the applicant's good will offer in attempting to improve the visual amenity for the residents and the area.	Noted
	Nurton Development Footbridge	Highways England have NOT given a written assurance that it will not object to a future bridge over the link road in order to future proof access to Nurton's development interests and on behalf of my local community I support this position, it is obvious Nurton would like the inspectors to instruct the applicant to change their position regards issuing a bridge assurance statement, I don't feel this is an outcome that the inspectors should consider as it is not within the remit of this enquiry, any proposals for employment land release within greenbelt will be decided by the local authority when it considers its future employment land needs in its local plan review, South Staffs District Council presently has an excess of employment land due to the grant of permission for the West Midlands Interchange and is presently awaiting further policy emulating from the latest government white paper therefore any assurance given at this enquiry would be premature.	Noted
	Weight restriction on the A460	Together with the District and County Council I and my community support a weight restriction on the A460 beyond the M6 Diesel Station, ROF Featherstone in the area is a strategic employment site which will provide 4000 jobs, all the HGV traffic heading to this employment hub which is part of the Midland Growth Engine needs to remain on the link road and by enforcing a weight restriction on the A460 this will ensure that the right traffic is kept on the right roads thus protecting the local communities, cyclists and horse riders from unnecessary HGV impacts, there are several large Horse stables in the area and they are looking forward to the day when they can cross the A460 without concern about heavy HGV's travelling along the A460.	Noted. Highways England does not consider that a weight restriction is required in order to achieve the Scheme objectives and as such, the Scheme does not include a weight restriction on the existing A460. Refer to Applicant's response to SCC's Written Representation Issue 3 in REP3-037.
	Alternative footpath route	<p>It can be seen from the bus route of the No 70 in figure 7.5 that the applicants preferred route is a much longer journey for residential walkers and wheelchair users to negotiate, In 2.10.12 [interested parties] I was asked if I consider an average walking speed of 4 mph to be realistic, my answer to that is No, the ramblers association states that 4 KM per hour is a realistic average walking speed, speed will vary between a fit 20 year old to a 60 plus less mobile person and wheelchair users also need to be considered, I note the applicant has considered this group when dismissing an overhead bridge over the M54 link workings.</p> <p>I suggested using 4 KM per hour at the hearing in December but the applicant chose to ignore my comments preferring to use a walking speed of 4 mph and stating that their route would only take 13 minutes and 30 seconds to walk their proposed route, having to cross an un-controlled carriageway crossing which is acknowledged by the applicant as a MAJOR IMPACT under the design manual for roads and bridges LA 112 [para 2.2.6 applicants response] under my proposed 4 KM per hour calculation the journey referred to above would take 21 minutes using the applicants previously stated distances and times which the applicant has stated as being undesirable [2.4.6] and is far too long compared with the present journey time of 8 to 10 minutes and it could well be reduced once the M54 slip roads onto the A460 are removed when the scheme is implemented.</p> <p>I am confused that the applicant persists in comparing their preferred route with the existing situation on the A460 route, when if my proposal for a direct route using</p>	<p>The typical walking speed of 1.4 metres per second (5.0 km/h; 3.1 mph; 4.6 ft/s) is recommended by design guides including the Design Manual for Roads and Bridges. For the purpose of route assessment an average walking speed of between 3-4 mph has been used in the Walking, Cycling and Horse-riding Routes at Junctions Technical Note [REP4-035/8.2] therefore it is considered that the assessment is a realistic representation of journey times.</p> <p>Further clarification was provided at the meeting with the Parish Council regarding the engineering constraints at M54 junction 1 that govern why 3 underpasses cannot be provided and a single underpass of 100m in length would be required. A long section of the proposed underpass route has been included in Appendix 3.10.8 to aid understanding. Based on the Parish Council meeting it is considered that this has been communicated and understood.</p> <p>Leading on from the Parish Council meeting two additional route options at M54 Junction 1 have been assessed at the request of Cllr Cope; Option F and Option G, which would be to provide an underpass or overbridge on the eastern side of M54 Junction 1 to cross the free flow slip roads and local connector road. Refer to Appendix 3.10.8 for further details on proposed route alignment.</p> <p><u>Option F</u></p> <p>This route would pass to the east of the junction rather than the west to allow additional space for the structure. It would require a structure length in excess of 80m, crossing both the north and southbound free flow link roads. It would require approach ramps each 140m long, resulting in a total increase of</p>

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		<p>underpasses would eliminate having to cross the M54 slip roads because they would no longer be in existence once the scheme is built and therefore would have NO MAJOR effect. My proposal should include a well-lit walking and cycling path and access for wheelchair users in order to access the employment facilities at Hilton Cross, it would be the shortest journey time of 8 minutes and prevent having to use a motor car in order to travel the applicants alternative route of 21 minutes.</p> <p>I note the applicant says that an underpass would be 100 M in length however the walkway would have to pass under two connecting roads to the scheme together with and the main M54 above which is what pedestrians have to negotiate at the moment, I would therefore like to request a digital virtual design showing how the three underpasses could work in my proposal and the 100 M underpass suggested by the applicant so that the designs can be scrutinised.</p>	<p>280m over the structures in addition to the longer route around the east of the roundabout (total distance from point 4/2 and the Junction of The Avenue with Cannock Road would be 880m). As previously noted, pedestrian bridges over the carriageway are undesirable for users as they are linked to antisocial behaviour due to their isolated nature and are not considered pleasant to use. The new pedestrian bridges and connecting routes would be away from the carriageway in its entirety and would not be overlooked by any adjacent properties, even though the route would be lit, it is anticipated that this route would be undesirable to certain vulnerable users especially at night due to concerns with personal security, leading to a high degree of social isolation and community severance.</p> <p>The structure would also provide steps which would reduce the proposed distance. Using the stepped approach, this would only increase the distance by a total of approximately 150m. However, in accordance with inclusive design guidance the route suitable for all users (including cyclists and wheelchair users) has been assessed. This demonstrates that once the approach ramps are taken into account then the increase in distance is greater than that of alternative options which may be more desirable to users (such as Option E1 - total distance from point 4/2 and the Junction of The Avenue with Cannock Road would be 750m). Overall, the reduction in length for walking users able to navigate steps is not anticipated to out-weigh the reduction in route length for certain users against alternative options as well as the risks associated with isolated sections of the network and the visual impacts of the introduction of new structures.</p> <p><u>Option G</u></p> <p>This option has been discounted as it would require an exceptionally long underpass, over 100m in length, which would be below the existing ground level resulting in drainage issues as well as the high likelihood of antisocial behaviour.</p>
Daniel Williams	Deadline Questions 2	<p>The Applicant has refused to acknowledge or answer my Deadline 2 – Questions 9 and 10. Why has it done this? This is completely unacceptable.</p> <p>Question 3 of my Deadline 2 submission was erroneously put to the Examining Authority (ExA). Could the Applicant please also now answer this question?</p>	See responses below.
	Deadline Question 3	<p>Why is the 1.8km section of A449 immediately to the north of J2-M54 missing from the applicant's Appendix 11.5 data/analysis? The applicant's Figure 11.2 – Noise affected routes visually demonstrates this particular omission.</p> <p>The applicant goes on to state in response to my registration as an interested party:</p> <p><i>“...The SoS for Transport considered that there is a clear justification for authorising the Proposed West Midlands Interchange (WMI) Development in the Department's letter dated 4th May 2020.</i></p> <p><i>In anticipation of this approval, Highways England considered that this proposed development at the WMI was 'more than likely' to be delivered and therefore specifically represented this site as approximately 743,000 sq m of mixed use industry and storage, and this was included as a modelled zone within the “Core” local traffic forecasts for the Scheme. Because this site was specifically represented within the local traffic model forecasts, the national trip end growth factors for other areas within the planning district were reduced to avoid the double-counting of economic growth.</i></p> <p><i>As a specifically represented local development site, the trip generations, trip distributions and highway infrastructure improvements associated with the WMI development site were included in the local traffic forecasting process. These forecast trip demands were then assigned onto both the 'Do-Minimum' (no scheme,</i></p>	<p>As described in response to Daniel Williams RR-032a in [REP1-043/8.9] submitted at Deadline 1, the operational traffic noise assessment has been completed based on the standard UK assessment methodology for road schemes set out in DMRB LA 111.</p> <p>Road links that are predicted to experience a potentially significant change in traffic noise level (i.e. a change due to the Scheme of 1.0 dB(A) or more in the short term, or 3.0 dB(A) or more in the long term) are referred to in Chapter 11: Noise and Vibration of the ES [AS-084] as 'affected routes'. The assessment was carried out for all links in the traffic model to determine which links meet these criteria. Links meeting the criteria, i.e. 'affected routes', are illustrated on Figure 11.2 [AS-096]. Appendix 11.5 [AS-053] reports the results for affected routes which are outside the main 600m calculation area. Road links which form the 1.8 km section of the A449 extending northwards from M54 J2 to the junction with Brewood Road are predicted to experience change in traffic noise levels due to the Scheme of less than 1.0 dB(A) in the short term and less than 3.0 dB(A) in the long term. These links therefore do not meet the criteria for 'affected routes' and are not illustrated on Figure 11.2 [AS-096] or reported in Appendix 11.5 [AS-053].</p> <p>The Applicant has confirmed in numerous responses that the West Midlands Interchange has been included within the traffic forecasts for the M54 to M6 Link Scheme. The Transport Assessment [APP-222/7.4 and all subsequent revisions to REP3-036] also notes at Para 4.3.11 that 'Amongst these development sites, notable generators of trips included within the Core growth scenario traffic forecasts were: the West Midlands Rail Interchange, ....etc.'</p>



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		<p><i>but including the WMI roads) highway network and onto the 'Do Something' (with Scheme and including WMI roads) highway network."</i></p> <p>The applicant's single reference to the West Midlands Interchange (WMI) in the entire 97 page Transport Assessment (TA), where it merely quotes a 2017 observation by Staffordshire County Council (Paragraph 1.6.15 – page 8), strongly adds to the impression that the WMI scheme has not been given full and considered regard by the applicant.</p> <p>Furthermore, the applicant's highly evasive response to ExA question 1.10.1 has been noted. Why the applicant is unable to provide two simple tallies showing the A499's vehicle usage with and without the WMI variable in the event of this DCO being approved is baffling. I am in no doubt that the ExA will ask the applicant again to explain why they are obfuscating on matters of critical planning consideration, when they should be explaining and convincing in equal measure.</p> <p>From comparing the applicant's A449 vehicle movement projections with those of the WMI applicant's DCO consent it is clear that the applicant has not taken account of the full effects of the WMI on the A499, either with or without the proposed scheme (M54-M6 Link) modelling projections. Table 1 (given at the very end of this document) has tabulated this data for comparison. Extracts from the original data are presented in Appendices 2 and 5 of this document. The primary sources can be found via the footnote referencing.</p>	<p>The appraisal of the Scheme follows the DfT's Transport Appraisal Guidance (TAG). The approach is to assess the impacts of the Scheme (i.e. compare 'Do-Minimum' with the 'Do-Something') based upon a single 'Core' traffic forecast scenario.</p> <p>Refer to the Applicant's response to Written Question 2.10.2 [REP4-033/8.19] in response to queries on noted differences in traffic figures.</p>
	Deadline Question 9	<p>2 In reference to Figure 3.6 of the TA, why has no journey time survey analysis been undertaken to understand journey times on the A449 between J2 of the M54 and J12 of the M6 (and vice versa), both with and without the effect of the approved WMI link road being accounted for in the timings? Could the applicant please provide the existing and proposed north and southbound A449-A5 and A449-WMI link road trip times? Could data for the different hours of the day be provided rather than just 'sweeping' daily averages or selective 'peak hours'?</p> <p><i>"...The A449 (T) is not only a trunk road but is also a signed primary route that carries north-south traffic movements from primary origins such as Wolverhampton to primary destinations such as Stafford. The route would therefore not only need to be de-trunked but also declassified by the Department of Transport and adopted by Staffordshire County Council."</i></p>	<p>The WMI link between A5 and A449 is expected to be delivered in 2026. Scheme traffic forecasts prior to this year do not include the WMI link and Scheme traffic forecasts after this year do include the WMI link.</p> <p>The journey time routes, in the TA at Figure 3.6, were chosen because these represent potential route choices for long-distance trips. The A449 north-south journey times were reviewed as part of 'JT Route 2' and the A5 east-west journey times were reviewed as part of 'JT Route 4'. The DfT provides transport analysis guidance (TAG) regarding the acceptable tolerance on journey times for a strategic traffic model and provides the guideline that modelled journey times should be of within 15% of observed journey times. On both 'JT Route 2' and 'JT Route 4' the base year model reproduced observed journey times along both the A5 and the A449 that were within the acceptable guideline. In the inter-peak period, the traffic model was within 4% of observed journey times along 'Route 4' (A5) and within 10% of observed journey times along 'Route 2' (A449).</p> <p>Journey times for trips between M54 West (at J2) and M6 North (at J13) were compared in the Applicant's response document [REP4-033/8.19] Daniel William's Question 11. These times were extracted from the 2024 inter-peak (10:00-16:00) weekday traffic forecast assignments because this modelled period represents the road conditions in which the largest proportion of the road-based trips occur.</p> <p>The traffic model's forecast assignments show reductions in traffic flows on the length of the A449 between the M54 and the A5 after the Scheme has been opened to traffic.</p>
	Deadline Question 10	<p>2 Why does the need to work with the Department for Transport and Staffordshire County Council to de-trunk or modify the A449 appear to be so problematic for the applicant? Have any informal or formal pre-submission discussions taken place to hypothesise the costs and benefits of de-trunking/physically modifying the A449? If they have, can written transcripts and minutes of meetings be placed into the examination for review?</p>	<p>De trunking A449 is outside the scope of the Scheme.</p> <p>There are no formal minutes or written transcripts to share in relation to the de-trunking of the A449 nor would they be relevant to the Examination of this DCO application. Highways England Operations Division is the maintainer and operator of the network and constantly reviews how the network operates as part of our ongoing commitment to making sure our customers have safe and reliable journeys. We have an ongoing relationship with SCC and if we believe there is a clear strategic case for de-trunking</p>

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		<p>The National Policy Statement for National Networks<sup>18</sup> (NPSNN) at paragraph 5.195 instructs that:</p> <p><i>“The Secretary of State should not grant development consent unless satisfied that the proposals would meet, the following aims [AIM] within the context of Government policy on sustainable development:</i></p> <ul style="list-style-type: none"> <li><i>- Contribute to improvements to health and quality of life through the effective management and control of noise, where possible.”</i></li> </ul> <p>In a scheme of this size and cost (£200 million plus) with the specific relieving objectives that it has set itself, it is not unreasonable to expect discussions to have occurred between the local highway authority (Staffordshire County Council) and the applicant, to explore the feasibility, costs and benefits of de-trunking and/or modifying the A449. The onus is on the applicant to provide a substantive case as to why it is not possible for them to significantly relieve the A449, else the ExA and TS will be forced to refuse the DCO.</p> <p><i>“...It is noted that a trip between M54 Junction 2 and M6 junction 12 is 1.6 km shorter following a route via A449(T) and A5(T) than it would be following a route via the new M54 to M6 link road and the M6. Some trips would choose to use the latter route if there are perceived travel time benefits. However, if strategic trips to Primary origins and destinations were to be actively discouraged from using the A449(T) then this would result in longer journey lengths and a less transport economic efficient road network.”</i></p>	<p>the A449 and A5 in the future, we will work with SCC to understand the benefits and risks before any future decisions are made.</p> <p>Highways England is also currently developing the next round of Route Strategies to inform future network plans and investment options. It will set out the long-term strategic role and purpose of the Strategic Road Network, including its geographic scope. During 2021 we intend to launch a public consultation with stakeholders and customers to understand their future aspirations and requirements for the network, including capturing views on network extent. Once the consultation launches, interested parties will be able to comment on the A449 and A5.</p> <p>There is no evidence to suggest that by not de-trunking the A449 and A5 the Scheme will not achieve the Scheme objectives and deliver significant local and regional benefits</p>
	Benefits for the A449	<p>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.</p>	<p>The Applicant's response to Written Question 2.10.2 [REP4-033/8.19] set out its position in response to queries on noted differences in traffic figures. It is noted that no further questions have been raised in relation to this matter in the Third Written Questions.</p>
	Deadline 2, Question 6	<p>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?</p> <p>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.</p>	<p>The consultant referred to is AECOM, who are part of the M54 to M6 Link project team. Highways England employs a number of consultants to contribute to the delivery of its projects and all outputs produced are on behalf of Highways England. Highways England is the promoter for this scheme and all outputs are branded as such. All documents are subject to quality control processes with suitably qualified individuals to check, verify and approve documentation.</p>
	Deadline 2, Question 8	<p>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?</p>	<p>This data is owned by Staffordshire County Council (and the Applicant is not permitted to provide data owned by external bodies).</p>
	Deadline 2, Question 11	<p>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.</p>	<p>The average light vehicle speed extracted from the traffic model was 73.9kph (i.e. not 79.3kph), which converts to 45mph.</p> <p>This average speed was extracted from the traffic forecast of the 2024 inter-peak (10:00-16:00) weekday period and included a representation of the slowing of light vehicles at junctions.</p>

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		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.	<p>If we assume for the purposes of this response that all light vehicles could travel at the permitted speed limit along road links and through junctions, then on the A449-A5 route between M54 J2 and M6 J12, a vehicle could travel for 1.6km at 40mph, for 1.9km at 50mph, and for 6.1km at 60mph. Changes in a vehicle's speed are assumed to be instantaneous. These lengths produce a theoretical maximum overall travel speed for light vehicles of 86kph (53mph).</p> <p>However, the traffic model represented the speed reduction that occurs at junctions such as at M54 J2, at M6 J12 and at roundabouts and at traffic signalled junctions along the A5 and A449. As noted in the Applicant's response to Deadline 2 Question 9 above, the model has been validated against observed light vehicle average journey times along these routes.</p> <p>Extracting a truncated light vehicle journey between M54 J2 and M6 J12 from the 2024 inter-peak traffic model on a route along the A449 and A5, the 9.6km trip takes 585s, which is an average speed of 59kph (37mph).</p> <p>In conclusion the traffic model has reduced the overall light vehicle speeds on the A5 and A449 (37mph) by 30% below the theoretical maximum speed (53mph that was solely based upon a consideration of the permitted speed limits).</p> <p>The Applicant considers that journey times along the A5 and along the A449 are being accurately represented in the Scheme's traffic model.</p>
		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?	The traffic model contains assumptions about free flow speeds based upon the characteristics of each link. The traffic model was then validated against the observed average travel times of light vehicles. Therefore, it is not possible (nor is it necessary for the purpose of assessing the Scheme) to deduce the proportion of drivers that exceed the speed limit from the traffic model's outputs.
		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?	See Applicant's response to Deadline 2 Question 11 above where the average light vehicle speed for a truncated journey is described.
		Question 8 (D5) Could the Applicant confirm that the effect of the consented WMI A5-A449 (Class A) <a href="#">link road</a> has been factored into the journey time estimations?	The WMI (A5-A449) Link Road is not coded into the M54-M6 Traffic Model in the Opening Year but is represented in the forecast years from 2026 onwards. Therefore, if journey times along the A449/A5 (for example) were extracted from the 2039 traffic forecast model, then any delays caused by WMI Link Road would be represented in terms of the new intersections proposed on the A449 and on the A5.
		Question 9 (D5) Does the average journey times given to date include nocturnal and weekends trips?	We have provided average outputs from the inter-peak (10:00 to 16:00) weekday model. Journey times extracted from the off-peak models would indicate similar results to the inter-peak journey times described above.
		Question 10 (D5) Could the Applicant please provide 24 hour breakdowns for typical trip times over the course of an average week day?	No, we have provided inter-peak weekday journey times, which is the modelled time period that represents the conditions for most of the journeys throughout 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 Guidance (paragraph 11.3.42) recommendation that noise from road traffic should be reduced below 53dB Lden.	Noted.
	Kettle Holes & Holocene Deposits	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?	<p>There are no kettle holes recorded in the study area.</p> <p>The BGS geological map (Sheet 153) and Memoirs for Sheet 153 reviewed indicate there are glaciogenic deposits at outcrop in parts of the district which are attributed to the Late Devensian ice sheet in the region. Locally within the vicinity of the route, aerial satellite imagery shows there are several small ponds, which at first sight could be interpreted as potential kettle holes in the absence of direct ground investigation.</p>





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		relatively undisturbed for millennia until the bypass was built, is a situation that should be given considerable regard within the context of this application.	could be undisturbed and contain relevant palaeoenvironmental information. No peat has been identified within the Scheme boundary. No kettle hole features have been identified.
		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') <a href="#">technique</a> . 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.	<p>There are no recorded kettle holes.</p> <p>The trial trenching methodology is contained within 8.18 Written Scheme of Investigation for Archaeological Trial Trenching Evaluation (TR010054). The purpose of the archaeological trenching is to:</p> <ul style="list-style-type: none"> <li>a) to confirm the presence or absence of surviving archaeological remains;</li> <li>b) to determine the location, nature, extent, date, condition, state of preservation, significance and complexity of any archaeological remains;</li> <li>c) to determine the likely range, quality and quantity of artefactual and environmental evidence present;</li> <li>d) to provide an interpretation of the results and place them in their local, regional and national archaeological context;</li> <li>e) to assess the potential for palaeoenvironmental deposits to be present and to take appropriate samples that will be used to inform any requirement for further, specialist recording; and to produce a report on the findings of the fieldwork and to inform the development of further archaeological mitigation strategies for the Proposed Scheme.</li> </ul> <p>As stated in objective e, samples of any deposits suitable for palaeoenvironmental remains will be taken. This is detailed in Section 4.9. Coring has not been proposed as there are no appropriate geological deposits to suggest that this is warranted. As previously stated, the band of alluvial deposits is narrow and confined to the margins of the watercourse (Latherford Brook). While there is potential for micro- and macrofossils and other environmental deposits to survive, these are unlikely to be significant in nature.</p>
		Question 13 (D5) Where is the 'geotechnical investigation' methodology and analysis which shows the process that demonstrated that there are no 'recorded' kettle holes?	<p>There are several exploratory holes (boreholes and trial pits) advanced along the route of the Scheme during previous ground investigations (GIs). The previous investigations include the 1987 GI for the Birmingham Northern Relief Road (logs available on the BGS GeoIndex website and the recent 2019 GI carried out by Highways England (Ground Investigation Report, Appendix 9.1 of the ES [APP-187 to 191] for the Scheme. These previous ground investigations along the route of the Scheme did not identify any Glaciofluvial Sheet Deposits or any significant organic deposits indicative of kettle hole sediments. Localised Peat was identified in historical BGS boreholes SJ90NE217 and SJ90NE218 both located in the woodland immediate south of Hilton Lane and east of Dark Lane. Both boreholes were 20m deep and the Peat identified was only present between ground level and 0.1m below ground level.</p> <p>The historical OS Maps (1883 to date) reviewed indicates that majority of the features which the enquirer suggests are potential kettle holes are either former man-made clay pits or recent man-made features or are outside the Order Limits of the Scheme.</p>
		<p>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.</p> <p>If something is not recorded that does not mean it does not exist, especially where robust <a href="#">hypothesis and</a> 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</p>	<p>None of the features identified as possible kettle holes by Mr Williams are kettle holes. As stated previously, these features represent former quarries which have since been infilled, or are not ponds at all, but rather locations of scattered parkland trees or gaps in woodland areas.</p> <p>The former quarries can be seen on historic Ordnance Survey maps in Figures 6.9 and 6.10. These maps also show that features, such as the pond to the west of Home Farm and north of the M54, were not present, with this area formerly representing an area of woodland.</p> <p>The locations identified to the west of Hilton Hall are located within woodland planting created in the early 19<sup>th</sup> century (between 1897 and 1916). This is the area named as Lower Pool. There are no landscape features located on mapping of 1796 (see Figure 6.7), so it seems unlikely that an earlier feature was used to base the pond location on. It is not known if a Repton Red Book exists. The report produced by Tarmac (1989) included research by Cherry Ann Knott, and she reviewed available documentary sources</p>



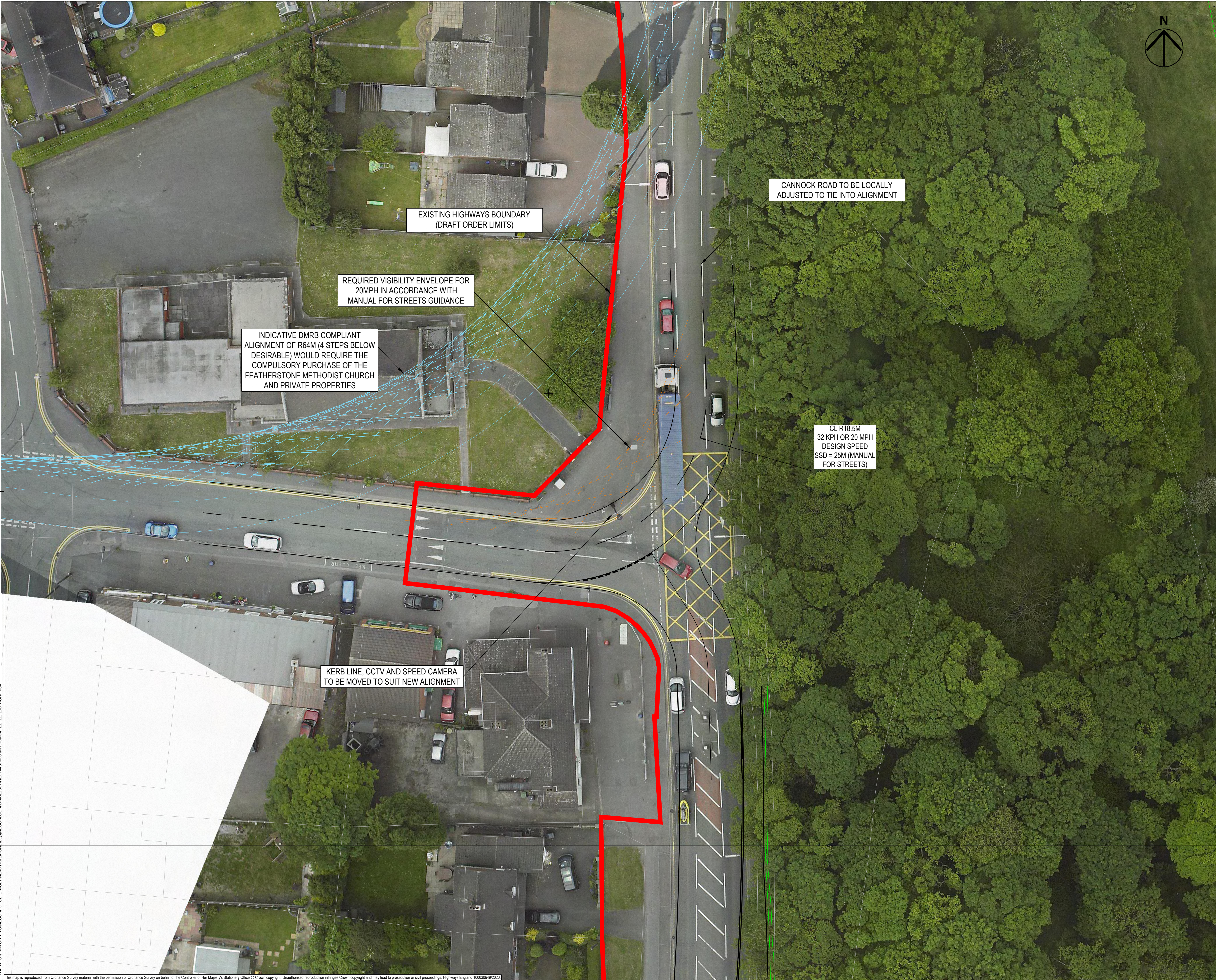
Representor	Topic	Representation	Applicant's Response
		<p>modified kettle holes would have been much more easily facilitated had the applicant taken the time to fully investigate the role of landscape gardener Humphrey Repton at Hilton Hall in the late 18th and early 19th centuries. There is a very real possibility that an unknown 'red book' design 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.</p> <p>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.</p>	<p>held by the family. Despite representation from Allow Ltd, there is no mention of a Red Book in this document. Notwithstanding this, there is no evidence for a kettle hole here previously. The <u>Glaciofluvial Sheet Deposits</u> generally associated with kettle holes are also not identified in the area on the <u>geology maps</u>.</p> <p>Further north, the indicated features are ponds shown on the first and second edition Ordnance Survey maps. Most are in locations that will not be impacted by the Scheme.</p>
	Plan Reliability & DCO Compliance with the 2008 Planning Act	<p>In my Deadline 2 submission the ExA were explicitly asked at Question 15 to confirm that they were content to allow the Applicant to retain the scale disclaimer on the scheme's entire suite of submitted plans.</p> <p>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.</p>	Refer to the Applicant's response to WQ3.0.4 above.
	Noise impact	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 unaggregated 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) , 55 (3) (f) 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."	Refer to the Applicant's response to WQ3.0.4 above.
	Socio-economics	HE has shown itself, time and time again, to be incapable of being trusted with complex socioenvironmental 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.	N/A
	Judicial Review	<p>As the ExA will be well aware, the A303 Stonehenge DCO 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.</p> <p>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.</p>	Refer to the Applicant's response to WQ3.0.4 above.
Pramesh Chandra	PRoW Hilton Lane	My query is related to the change in the PRoW on Hilton Lane. Currently this runs through the side of a residential property and a commercial business (Majestic Travels) and then continues onto the field. 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	See Applicant's response to WQ 3.10.9.

Representor	Topic	Representation	Applicant's Response
		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) . I do not understand the reason for this change and strongly object as this is not often maintained and poses a safety risk where walkers have to tread on.	
I & A Simkin	Plot 6/23	<p>The extent of land to be permanently acquired on the land plans AS-065 extends beyond the area that is anticipated to be required for the scheme works, having reviewed the area on site with HE. No land can be acquired that is excessive to this scheme.</p> <p>The land to be permanently acquired as part of plot 6/23, which lies beyond the area required for works should not be acquired. All the area that is currently within the title of Highways around the gateway area which was acquired from A &amp; I Simkin in previous schemes, and is not required as part of this scheme, should be transferred back to them.</p>	<p>As explained in the draft Statement of Common Ground [TR010054/APP/8.8LIU(I)] and discussed on site with the landowner, some flexibility is required in the extent of areas indicated as permanent acquisition on the Land Plans [TR010054/APP/2.2] to enable the detailed design to be provided within the Limits of Deviation. Once the detailed design is completed, the Applicant will only seek to exercise acquisition rights to enable acquisition of land to undertake works as necessary. Therefore, no land will be acquired that is excessive to the Scheme.</p> <p>The area that is currently in the title of the Secretary of State for Transport that Ian and Adrian Simkin are claiming ownership of is currently under consideration following discussion between the Applicant and landowner. The Land Plans have been updated to show this area as a new plot (Plot 6/39), and the Book of Reference [TR010054/APP/4.3] updated to indicate Ian and Adrian Simkin as occupiers of this plot. These updated documents are issued at Deadline 6.</p>
M6 Diesel	SCC's justification for weight limit	M6 Diesel have set out their concerns relating to SCCs proposal for a weight restriction	The Applicant agrees with the points raised.
	Comments on Draft DCO	<p>The latest draft DCO was submitted by the Applicant for Deadline 4 [REP4-005]. In this latest draft Article 16 (Traffic regulation) is unchanged from the previous version.</p> <p>The Applicant has, in their document 8.19 [REP4-033], stated in response to our Deadline 3 submission that "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".</p> <p>As stated in our Written Representation [REP1-080], any use of Article 16 to make permanent changes to the road network should be clearly stated and we remain of the view that the powers sought could be used to implement a permanent change that was not assessed as part of the scheme.</p> <p>We do not agree that M6 Diesel would be afforded the same protection if a permanent weight restriction were proposed to be implemented under Article 16 as if it were proposed, by SCC, using standard procedures under the Road Traffic Regulation Act 1984.</p> <p>Hence our point remains that Article 16 should be limited in scope to only being used for express purposes of construction of the link road as stated in the Explanatory Memorandum [REP2-008] and that the Article should be amended so that the powers sought are limited accordingly.</p>	<p>M6 Diesel does not say why it considers that the Article 16 powers in the draft DCO do not afford the same protection as a permanent weight restriction proposed under the Road Traffic Regulation Act 1984 would.</p> <p>The Applicant has previously confirmed that a weight restriction is not included in the Scheme. The powers in Article 16 are already expressed and limited to for "the purposes of the authorised development". No changes to Article 16 are therefore necessary.</p>
SSC	Community request for the shortest direct route from junction with the Avenue to join the north and	South Staffordshire Council has reviewed the document 'Walking, Cycling and Horse-riding Routes at Junctions Technical Note' dated January 2021. The District Council supports the comments made by Councillor Cope that the applicants preferred route would provide a much longer journey for residential walkers and wheelchair users to negotiate. The Council questions whether the average walking speed applied by the applicant is a realistic median walking speed for the population as a whole, given that this can vary considerably depending on age and mobility. Clearly the proposed route would provide an	Refer to the response to Cllr Cope's comments, titled 'Alternative footpath route' above.

Representor	Topic	Representation	Applicant's Response
	south of the existing A460	<p>important link to employment opportunities at Hilton Cross for residents of Featherstone who will be of varying ages/mobility.</p> <p>As pointed out in the representations made by Councillor Cope, the Ramblers Association considers that the average walking speed for most adults is 2.5mph or 4km per hour (see attached document). It is also noteworthy that paragraph 4.4.1 of Manual for Streets (see link below) refers to walkable neighbourhoods as being typically characterised by having 'a range of facilities within 10 minute (up to 800m) walking distance of residential areas which residents may access comfortably on foot'.</p> <p><a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf</a></p> <p>The District Council would therefore question whether the applicants estimation of average journey times of 13 minutes and 30 seconds based on walking speeds of 4mph, or 17 minutes 54 seconds for pedestrians travelling at 3mph for the duration of the proposed 1440m route is accurate, with the longer journey time suggested by Councillor Cope of 21 minutes more likely based on the average walking speed set out above. These journey times could be further impacted on by users having to negotiate an un-controlled carriageway crossing which is acknowledged by the applicant as a MAJOR IMPACT under the design manual for roads and bridges LA 112 (para 2.2.6 applicants response).</p> <p>South Staffordshire Council supports Councillor Cope's suggested route using underpasses which would eliminate having to cross the M54 slip roads which would no longer be in existence once the scheme is built out and therefore would have NO MAJOR effect. This route(s) could include a well-lit walking and cycling path and access for wheelchair users and provide the shortest journey time to Hilton Cross. As suggested by Councillor Cope, further design detailing of how the underpasses could work would be helpful to fully consider these options.</p>	
	Weight Restriction on the A460	The District Council reiterates its support for a weight restriction on the A460 beyond the M6 Diesel Station, given the level of HGV traffic in the area which will be associated with the ROF Featherstone strategic employment site and other commitments. This would ensure that the right traffic is kept on the right roads, thus protecting the local communities, cyclists and horse riders from unnecessary HGV impacts.	Noted. Highways England does not consider that a weight restriction is required in order to achieve the Scheme objectives and as such, the Scheme does not include a weight restriction on the existing A460. Refer to Applicant's response to SCC's Written Representation Issue 3 in REP3-037.
SCC	Draft DCO	In reference to the updated DCO submitted at Deadline 4 we would like to note that this does not address the concerns we have raised in previous submissions and at the Issue Specific Hearing in relation to the undertaking of highway works on the County Council road network. We have met with Highways England post Deadline 4 to continue a dialogue with a view to amending the DCO accordingly. In summary our concerns relate to agreeing the specifications, detailed design and how any highway works will be undertaken; the process by which when completed the new infrastructure is to be handed over to the County Council and what would constitute an acceptable standard; and provision for a 12 months defect period covering any local highway works whereby the developer would be responsible for any defects arising as a result of workmanship and/or failure of materials. As we are in dialogue with Highways England we will not go into further detail here on the hope that agreement can be reached between us but we would reserve the right to set out to the ExA our position in detail later in the Examination should we be unable to reach agreement with Highways England on the provisions.	Refer to the Applicant's response to WQ3.5.6 above.
	Traffic Regulation Orders	Matters pertaining to Traffic Regulation Orders have already been presented to the ExA so again we will not revisit those at this juncture, but remain an issue in the revised dDCO.	Noted

## **APPENDIX 3.10.2: Alignments at Cannock Road/ The Avenue**





SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION BOX

IT IS ASSUMED THAT ALL WORKS ON THIS DRAWING WILL BE CARRIED OUT BY A COMPETENT CONTRACTOR WORKING, WHERE APPROPRIATE, TO AN APPROPRIATE METHOD STATEMENT.

THIS DRAWING IS TO BE USED ONLY FOR THE PURPOSE OF ISSUE THAT IT WAS ISSUED FOR AND IS SUBJECT TO AMENDMENT.

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  - DO NOT SCALE FROM THIS DRAWING. USE ONLY PRINTED DIMENSIONS.
  - ALL DIMENSIONS IN MILLIMETRES. ALL CHAINAGES, LEVELS AND COORDINATES ARE IN METRES UNLESS DEFINED OTHERWISE.
  - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE PROJECT HEALTH & SAFETY FILE FOR ANY IDENTIFIED POTENTIAL RISKS.

First Draft	AM	02/02/21	P00
First Issue	EL	11/02/21	P01
Revision Details	By	Date	Suffix
	Check		

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38 Colmore Circus  
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Working on behalf of  
**highways england**

Project Title  
M54 to M6 Link Road

Drawing Title  
CANNOCK ROAD JUNCTION  
W. THE AVENUE  
PRIORITY OPTION

Designed ---	Drawn EL	Checked AM	Approved JH	Date 11/02/21
Internal Project No. 60536736			Suitability S2	
Scale @ A1 NTSH/NTSV			Zone Side Roads Geometric Layout	

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Drawing Number HE514465 -ACM	1 Originator Highways England PIN	1 Volume HSR -	Rev P01
M54_ZZ_ZZ_Z	-DR-CH-1004	1 Type 1 Role 1 Number	



### APPENDIX 3.10.6: Journey Times for 'Route 1' Northbound (refers to WQ Response 3.10.6 above)

Forecast Year	2015	2024 Forecast Year					2031 Forecast Year					2039 Forecast Year				
Option Test Case	DN	DM	DS		DS		DM	DS		DS		DM	DS		DS	
Time Period	Existing A460	Existing A460	Bypassed A460	Diff (DM-DS)	New Link	Diff (DM-DS)	Existing A460	Bypassed A460	Diff (DM-DS)	New Link	Diff (DM-DS)	Existing A460	Bypassed A460	Diff (DM-DS)	New Link	Diff (DM-DS)
AM1 (0700-0800)	18:49	19:37	17:08	02:29	15:09	04:28	20:28	17:41	02:47	15:42	04:46	20:56	18:43	02:13	16:45	04:12
AM2 (0800-0900)	17:44	18:18	16:21	01:57	14:23	03:55	18:51	16:38	02:13	14:40	04:11	19:35	17:13	02:22	15:15	04:20
AM3 (0900-1000)	18:10	18:42	16:26	02:16	14:31	04:11	19:17	16:36	02:41	14:42	04:36	19:47	16:54	02:53	15:00	04:47
IP (1000-1600)	17:43	18:15	16:29	01:45	14:43	03:32	18:39	16:43	01:56	14:58	03:41	19:13	17:12	02:02	15:28	03:46
PM1 (1600-1700)	20:03	21:43	19:11	02:32	17:16	04:27	23:04	20:07	02:56	18:14	04:50	24:20	21:34	02:46	19:42	04:38
PM2 (1700-1800)	19:23	20:38	18:37	02:02	16:46	03:52	21:27	19:14	02:12	17:26	04:01	22:41	20:24	02:17	18:36	04:04
PM3 (1800-1900)	16:54	17:21	16:26	00:55	14:33	02:48	17:36	16:39	00:57	14:46	02:50	18:04	17:02	01:01	15:09	02:54
EV (1900-2200)	15:22	15:34	15:22	00:12	13:40	01:54	15:43	15:25	00:17	13:43	02:00	15:55	15:31	00:24	13:48	02:07
ON (2200-0700)	14:35	14:40	14:51	-00:11	13:13	01:27	14:44	14:52	-00:08	13:14	01:30	14:48	14:52	-00:04	13:14	01:34

Note: All values in minutes and seconds. Negative differences (red) are journeys predicted to take a longer time with the Scheme

#### Journey Times for 'Route 1' Southbound (refers to Response 3.10.6 above)

Forecast Year	2015	2024 Forecast Year					2031 Forecast Year					2039 Forecast Year				
Option Test Case	DN	DM	DS		DS		DM	DS		DS		DM	DS		DS	
Time Period	Existing A460	Existing A460	Bypassed -A460	Diff (DM-DS)	New Link	Diff (DM-DS)	Existing A460	Bypassed -A460	Diff (DM-DS)	New Link	Diff (DM-DS)	Existing A460	Bypassed -A460	Diff (DM-DS)	New Link	Diff (DM-DS)
AM1 (0700-0800)	19:05	20:08	20:17	-00:08	17:30	02:38	20:58	20:42	00:16	17:58	03:00	22:04	21:24	00:40	18:44	03:20
AM2 (0800-0900)	18:53	19:38	20:26	-00:48	17:42	01:56	20:11	20:54	-00:44	18:11	01:59	21:09	21:39	-00:29	18:57	02:13
AM3 (0900-1000)	19:34	20:11	20:16	-00:05	17:38	02:33	20:40	20:39	00:01	18:02	02:38	21:15	21:08	00:07	18:35	02:40
IP (1000-1600)	18:02	18:47	18:39	00:08	15:56	02:51	19:14	18:54	00:20	16:16	02:58	20:02	19:25	00:37	16:53	03:10
PM1 (1600-1700)	19:51	20:41	20:59	-00:18	18:16	02:25	21:24	21:16	00:08	18:39	02:45	22:31	21:56	00:35	19:25	03:06
PM2 (1700-1800)	19:45	20:27	20:49	-00:22	18:20	02:07	21:06	21:35	-00:28	19:09	01:58	22:12	22:05	00:07	19:43	02:29
PM3 (1800-1900)	17:08	17:41	18:14	-00:33	15:36	02:05	18:00	18:28	-00:28	15:53	02:07	18:31	18:53	-00:22	16:22	02:09
EV (1900-2200)	15:33	15:47	15:51	-00:04	13:35	02:12	15:54	15:54	-00:01	13:39	02:15	16:08	16:02	00:05	13:47	02:21
ON (2200-0700)	14:34	14:39	15:08	-00:29	12:56	01:43	14:40	15:09	-00:29	12:56	01:44	14:44	15:09	-00:25	12:57	01:47

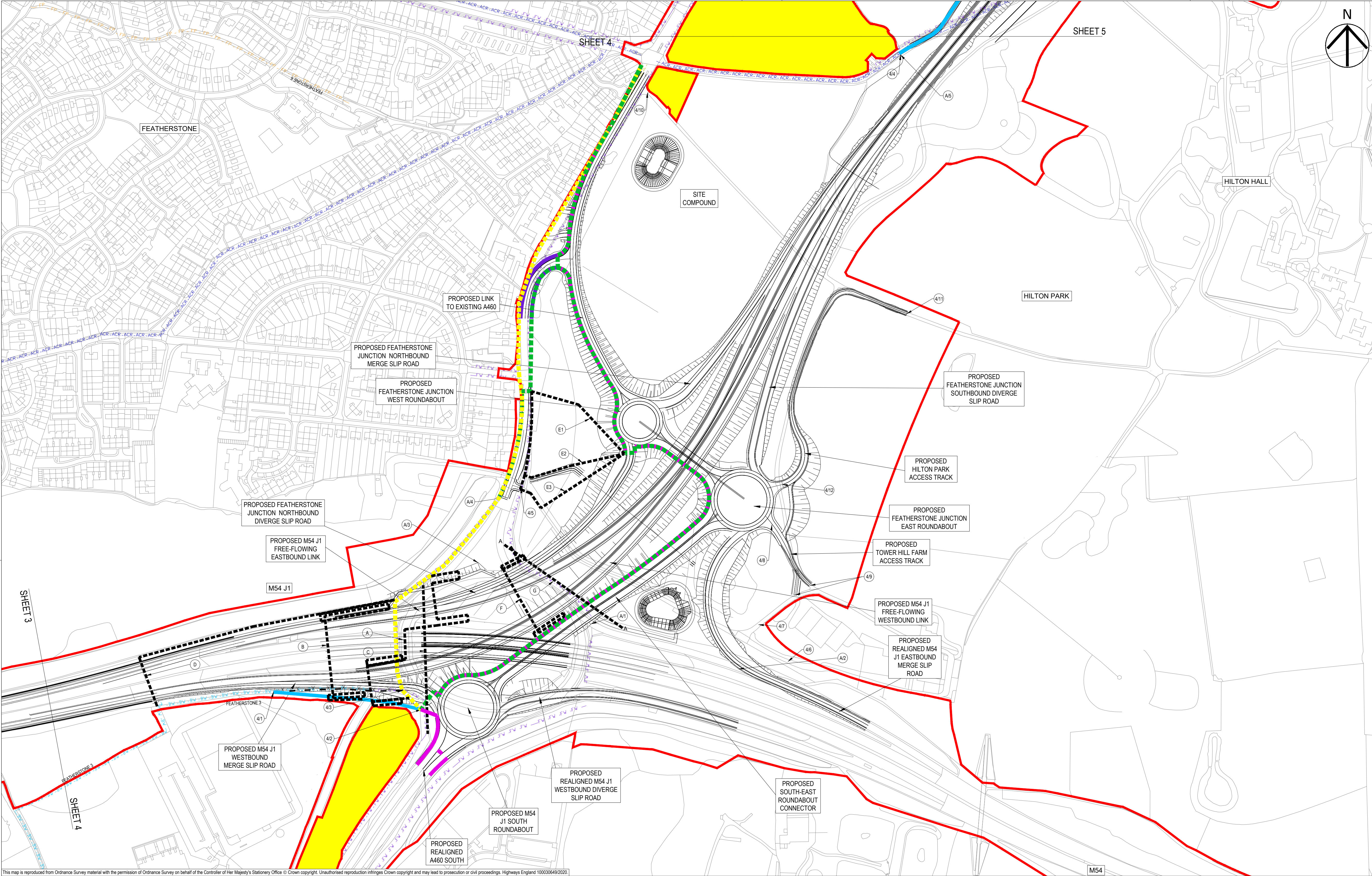
Note: All values in minutes and seconds. Negative differences (red) are journeys predicted to take a longer time with the Scheme

#### Journey Distances for 'Route 1' along these paths, in kilometres, are as follows:

	DN & DM	DS: 'Bypassed A460'	DS: 'New Link'
'Route1' Northbound	10.3	10.6	10.5
'Route1' Southbound	10.5	10.9	10.1

## **Appendix 3.10.8: NMU Route Length Calculations M54 Junction 1**





- NOTES
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  - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE PROJECT HEALTH & SAFETY FILE FOR ANY IDENTIFIED POTENTIAL RISKS.
- KEY
- LIMITS OF LAND TO BE ACQUIRED OR USED PERMANENTLY OR TEMPORARILY (THE ORDER LIMITS)
  - LAND NOT INCLUDED WITHIN THE ORDER LIMITS
  - EXISTING RIGHT OF WAY TO BE REMOVED
  - PROPOSED RIGHT OF WAY (BRIDLEWAY)
  - PROPOSED RIGHT OF WAY (FOOTPATH)
  - PROPOSED FOOTWAY
  - PROPOSED SHARED FOOTWAY / CYCLEWAY
  - EXISTING ADVISORY CYCLE ROUTE
  - EXISTING CYCLEWAY
  - EXISTING CYCLIST DISMOUNT
  - EXISTING CYCLE LANE
  - EXISTING PROW - FOOTPATH
  - EXISTING PROW - BRIDLEWAY
  - EXISTING FOOTWAY
  - EXISTING FOOTWAY/CYCLEWAY
  - EXISTING ROUTE
  - PROPOSED ROUTE
  - ALTERNATIVE ROUTE

FIRST DRAFT	AM	21/12/20	P00
First Issue	AM	08/01/21	P01
Option E3, F and G Added	RR	11/02/21	P02
Revision Details	By	Date	Suffix
	Check		

SUITABLE FOR INFORMATION

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Development Consent Order Number  
TR010054

Project Title  
M54 to M6 Link Road

Development Consent Order Drawing Number  
TR010054/APP/2.5

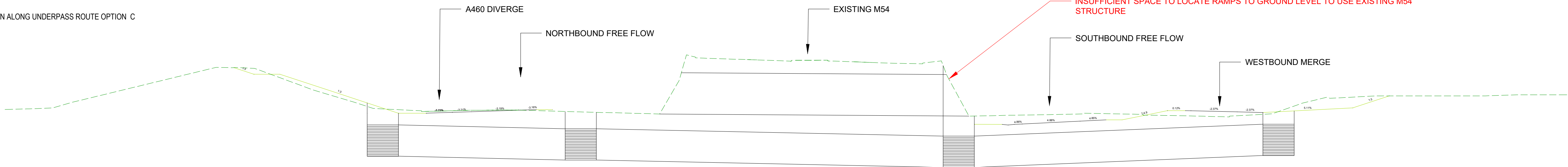
Drawing Title  
NMU DIVERSIONS  
ROUTE LENGTHS  
CALCULATIONS  
M54 JUNCTION 1

Designed	Drawn	Checked	Approved	Date
---	AM	AM	RR	11/02/21
Internal Project No. 60536736	Suitability S2			
Scale @ A1	Zone Non-Motorised Users			

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Drawing Number HE514465	Originator -ACM-	I Volume -ENM-	Rev P02
Location M54_SW_PR_Z	I Type -SK-	I Role CH	I Number 1003

SECTION ALONG UNDERPASS ROUTE OPTION C  
(N.T.S)



Datum = 129.000m AOD	
Proposed Elevation	71.70207 64.84514 4
Existing Elevation	49.13237 72.98061
Offset	49.76262 65.06477
Step	1.3
Feature Name	40.01315 43.02180 1.7 -0.26% -0.24% 