

**Application by Highways England for M54 to M6 Link Road  
 Comments and Responses at Deadline 7 - 26<sup>th</sup> March 2021  
 Responses From: Allow Ltd (Allow)**

**1. Comments on 8.25 Applicant’s Response to ExA’s Further Written Questions:**

- 1.1 **3.0.2** states that *“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”*. This is in response to questions raised over the effectiveness of the structure to create a safe flight-line for bats over the scheme. However, the mitigation for bats, and justification concerning habitat loss around Lower Pool, is that habitats will be created to the west of the scheme. This will require bats to safely access them. So, one must question the usefulness and purpose of Hilton Lane bridge in relation to bats. We contest that the structure is not suitable to facilitate bat movements in its current form. In addition, the Applicant says that it has ‘not been designed as a bat crossing point’. Surely this further brings in to question the likelihood of bats using the structure and, as such, safely accessing the planting to the west of the scheme.
- 1.2 The Applicant has also stated that *“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”*. This further supports recommendations regarding the relocation of planting to the east of the scheme to better benefit bats and allow their continued safe use of the area.

**3.3.3 Woodland losses**

- 1.3 Allow appreciate that the Applicant has recognised that the non-woodland buffer area should be excluded from the woodland calculations, which removes 2.88ha (7.12ac) from their ‘woodland loss’ calculated to inform the mitigation areas to be compulsorily acquired. Allow are disappointed that despite this the Applicant does not consider it appropriate or necessary to reduce the area that is to be acquired from Allow to facilitate such areas of mitigation.
- 1.4 It is our understanding therefore that the area proposed to be acquired to offset Lower Pool SBI losses is as follows:

<u>Area Lost</u>		<u>Mitigation areas</u>	
Woodland	2.126 ha	Woodland + buffer	4.84 ha
5m buffer	0.450 ha		
Water	0.460 ha	Water	0.57 ha
		Grassland	0.78 ha

- 1.5 It is assumed that the “grassland” area is comprised of grass embankments alongside the Shrubbery and a small area around the proposed pools in 5/2. The area of the proposed mitigation pools and grassed banks surrounding them shown on the revised environmental masterplan is approximately 0.57 ha.

- 1.6 The area shown on the revised environmental masterplan shows the area of 5/2 as approximately 6.1 ha which is well in excess of the 5.41 ha or thereabouts, (4.84 + 0.57), that would be anticipated from the Applicants calculations. Please can the applicant clarify the areas shown on their masterplan?
- 1.7 An additional area of 0.96 ha is also being acquired within 4/20c which has been described as both required for landscape purposes as well as forming part of a network of environmental mitigation habitats, including a potential bat crossing point (although this is not agreed as a suitable and safe crossing point by Allow's environmental consultant). They have however also stated that this is not calculated to offset the Lower Pool losses.
- 1.8 At 3.7.3 the Applicant has not considered it appropriate to reduce the area required for landscape impact mitigation at 4/20c. The Applicant has however accepted that their methodology and assessment of impact buffers in this area was inappropriate and excessive.
- 1.9 The area of land to be taken for woodland mitigation in total from Allow therefore amounts on the masterplan in total to **over 7 ha**, being well in excess of the ratio of approximately 2:1 for SBI mitigation, and a lesser ratio for non-SBI mitigation stated by the Applicant. Once again, we appeal to the judgement of the Examining Authority to question the evidence and appropriate application of the Applicant's figures in assessing appropriate and *justified* land acquisition for woodland planting.

### **3.3.7 Veteran Trees**

- 1.10 In addition to our points made at D6, in response to the ExA further written questions, Allow would like to add that our proposed alternative planting proposal, to the east of the scheme, is sufficient in area to enable a 25m buffer of species rich grassland to be applied around each veteran tree in the vicinity of planting.
- 1.11 There has never been an intention by Allow of planting immediately within the vicinity of veteran trees. This would ensure they did not become shaded out and there would be no detriment to them (concerns raised by Natural England).
- 1.12 The 25m buffer would result in a slight reduction in the area of new tree planting, while delivering a similar but more optimal mosaic of habitats for biodiversity benefits, compared to that suggested by the Applicant. In turn it would also provide slightly greater area of habitats, including woodland planting and species rich grassland, compared to the mitigation proposed by the Applicant on 5/2, which our proposal seeks to relocate.

### **3.4.3 Entry & Egress 5/25**

- 1.13 At a recent site meeting with the Applicant on 15<sup>th</sup> January 2021, the potential for improvement and widening works to be carried out on the current single-way access onto 5/25 were positively discussed.
- 1.14 We are awaiting detailed information and would welcome further discussion in relation to the design and proposed works the Applicant is proposing as their preferable provision, for enabling Allow to have an entry and egress into their land, as per the current arrangement.

#### **3.4.4 – Borrow Pit**

- 1.15 Allow are awaiting further information as to the GI surveys, the proposals for the borrow pit and reinstatement.

#### **3.7.2 Dark Lane Fence/Hedge design**

- 1.16 It was discussed with the Applicant at a site meeting on 15<sup>th</sup> January 2021, the specification of the fence to be proposed to other interested parties (Local Parish Council and SCC) would be weld mesh in type, with a hedge on the landowner's side, and back fenced using conventional stock proof post, wire and sheep netting. Upon reading the Deadline 6 submissions it seems there has been a change, with the hedge now proposed to be on the highway side.
- 1.17 Allow identify a number of issues with the hedge being located on the highway side. As noted in Allow's Deadline 6 submissions, it is the usual arrangement for a hedge to be on the landowner's side when adjacent to a public highway, where it is accessible for trimming and keeping in a tidy condition. Allow do not consider the addition of a hedge in this location to cause any onerous maintenance requirements, as they have an abundance of hedges to be maintained on land adjoining and nearby.
- 1.18 If the hedge is planted as proposed by the Applicant, on the highway side, can the Applicant confirm the specification of weld mesh type fencing will be stock proof to cattle and sheep? We have not seen any mention of the back fencing as described above. Please can the Applicant clarify that the stock proof post, wire and sheep netting fence discussed will be erected.

#### **3.6.2 Less than substantial harm**

- 1.19 Allow would reiterate representations previously made on this matter.

#### **3.6.3 Hilton Park**

- 1.20 Allow would reiterate representations previously made on this matter.

#### **3.7.3 Landscaping between Dark Lane and Featherstone roundabouts**

- 1.21 We disagree with the Applicant's response here and refer the ExA to our comments about woodland mitigation above, regarding 3.3.3. We would reiterate our points made to previous answers. It is considered that the area proposed to be taken could be reduced without the landscape or environmental requirements of the planting in this location being diminished.

**2. Response to SSC Conservation Officer comment at D6 (dated 24.2.21) regarding the TN 8.22 alternative locations for mitigation. (Made by Haywood Planning Services):**

2.1 The conservation officer has not undertaken a site inspection nor has seen the site notes of the Historic England Officers. It is difficult to appreciate the nuances and characteristics of the layout of the landscape without having made such an inspection. Furthermore, the Conservation Officer has only been asked to comment upon the 4 proposals in TN 8.22 which were not, in our opinion, good proposals. The findings are therefore an inevitable response, but are not a response that is informed by observations on the ground nor do they reflect the more nuanced proposal put forward by Allow which reflects the landscape and historical characteristics of Hilton Park to a more beneficial extent.

**3. Comments on Historic England's response to TN 8.22 Assessment of the alternative locations for mitigation in plot 5/2 & Allow's option 5:**

3.1 In Table 6.1 on page 28 of TN8.22, the Applicant summarises the effects of the current scheme and Option 1 on Hilton Hall and The Conservatory as Slight adverse (not significant), whilst the effects of Options 2, 3 and 4 would be Moderate adverse (significant). Bill Klemperer's comment indicates that he agrees with that assessment.

3.2 In the response dated 8<sup>th</sup> January 2021, Historic England state that the level of harm progressively increases from Option 1 to Option 4, but in all cases the level of harm would be 'less than substantial' in NPPF terms.

3.3 In their response to ExQ3 dated 12<sup>th</sup> February 2021, Historic England state that the harm to the significance of Hilton Hall and the Conservatory with the Allow option 5 would be slightly greater than Option 2 but less than Option 3, and still 'less than substantial' in NPPF terms.

3.4 Historic England found that the Allow option performs better in terms of harm to heritage assets than either of the two options for planting east of the road put forward by the Applicant (Options 3 and 4), and remains 'less than substantial' in NPPF terms. We would request that the ExA can reflect the environmental benefits in terms of the much greater efficacy of the mitigation planting, which will outweigh the slight increase in harm to heritage assets.

**4. Comments on the Applicants Deadline 6A Submission (REP6A-002) 360° photography requested by the ExA:**

4.1 Allow consider the 360 photography produced by the Applicant to be inadequate and misleading. Whilst we appreciate the time constraints and digital parameters which may negate the ability for visual information to be presented in a more beneficial way. Allow consider the 360 photography provided to be a meagre representation of the locations.

4.2 We were disappointed there was not a reference map submitted with the 360 photography, to assist interested parties with understanding the exact position of the viewpoint locations. It would have been helpful if an annotated plan of the proposed road scheme had been submitted with the 360 photography, which referenced the photos on the plan at each of their locations. The format that the photography is presented, results in the information in the

photographs to show as very small and distant, consequently making the ability to interpret them limited.

- 4.3 Allow would have liked to have seen the Applicant provide the digital images presented in a more helpful and professional way. For example, 360 photography is utilised in databases such as google street view. This information is shown in a way that enables the viewer to understand the visual information, in terms of the landscape features and how they are situated at their specific location.
- 4.4 Using a programme or viewing platform which would have enabled interested parties to pivot in order to view the 360 photography at the different locations would have potentially made the information useful to the examination, as oppose to what has been provided at Deadline 6A. Alternatively, to have provided the photographs at a scale where the content would have been easier to see.
- 4.5 On reviewing the 360 photography, we note the following observations in connection with the proposed link road. At the following viewpoints, 21, 29, 30, 31 and additional viewpoints 1\_1, 1\_2, 1\_3, 1\_4, it would have been observed by the Examining Authority when they undertook their unaccompanied site inspection, that the conservatory and Hilton Hall are not visible from these locations. It is observed that the conservatory and Hilton Hall are already set within wooded surroundings in their close proximity. The aforementioned locations are either within or near to Allow's proposed alternative woodland mitigation planting (the Allow option). This further supports and evidences the representations made by Allow at Deadline 6.
- 4.6 While we note the concerns of the Applicant in relation to alteration to the, albeit completely obscured, setting of the Conservatory and Hilton Hall, the Allow option has carefully considered the established tree belts and parkland design. A plan was subsequently submitted of the Allow option, which has the most favourable balance of environmental and historic landscape interests, of the proposals suggested and considered by the Applicant.