

M54 to M6 Link Road

TR010054

**8.8P(C) Statement of Common Ground
with Historic England**

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

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**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

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

**8.8P(C) Statement of Common Ground with
Historic England**

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Historic England.

Signed..... 
Andrew Kelly
Project Manager
on behalf of Highways England
Date: 26th March 2021

Signed..... 
W. Klemperer
Principal Inspector of Ancient Monuments
on behalf of Historic England
Date: 24th March 2020

Table of contents

| Chapter | Pages |
|---|----------|
| 1 Introduction | 1 |
| 1.1 Purpose of this document..... | 1 |
| 1.2 Parties to this Statement of Common Ground..... | 1 |
| 1.3 Terminology | 2 |
| 2 Record of Engagement | 3 |
| 3 Issues..... | 8 |
| 3.1 Introduction and General Matters..... | 8 |
| 3.2 Issues related to the Environmental Statement (ES)..... | 9 |
| 3.3 Other Matters | 18 |

List of Tables

| | |
|--|----|
| Table 2.1: Record of Engagement..... | 3 |
| Table 3.1: Issues Relating to the Environmental Statement (ES) | 9 |
| Table 3.2: Issues Relating to Other Matters..... | 18 |

List of Appendices

Appendix A: Initials and details of individuals involved

1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared in respect of an application for a Development Consent Order ('the Application') under section 37 of the Planning Act 2008 ('PA 2008') for the proposed M54 to M6 Link Road ('the Scheme') made by Highways England Company Limited ('Highways England') to the Secretary of State for Transport ('Secretary of State').
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.3 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Historic England.
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 The Historic Buildings and Monuments Commission for England is generally known as Historic England. However due to the potential for confusion in relation to 'HE' (Highways England and Historic England), we have used Historic England in our formal submissions to the Examination to avoid confusion. English Heritage was created on 1 April 1984 under Section 32 of the National Heritage Act 1983. The key roles and responsibilities established at that time were transferred to Historic England upon its creation on 1st April 2015. The general duties of Historic England under Section 33 are as follows:

"...so far as is practicable:

- to secure the preservation of ancient monuments and historic buildings situated in England;*
- to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and*

- *to promote the public's enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation*".

1.2.4 Historic England is a statutory consultee providing advice to local planning authorities on certain categories of applications for planning permission and listed building consent and is also a statutory consultee on all Nationally Significant Infrastructure Projects. Historic England also advises the Secretary of State on those applications, subsequent appeals and on other matters generally affecting the historic environment. It is the lead body for the heritage sector and is the Government's principal adviser on the historic environment.

1.3 Terminology

1.3.1 In the tables in the issues chapter of this SoCG, 'Not Agreed' indicates a final position, where parties have agreed to disagree, 'Agreed' indicates where the issue has been resolved.

1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Historic England, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Historic England.

2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that has taken place between Highways England and Historic England in relation to the Application is outlined in Table 2.1. A list of the initials, names, role and organisation of the people mentioned in the table is included at Appendix A.

Table 2.1: Record of Engagement

| Date | Form of correspondence | Key topics discussed and key outcomes |
|------------|---|--|
| 03/12/2019 | Letter from AK (Highways England) to BK (Historic England) | Advising of preferred route announcement and informing of design options in the vicinity of Dark Lane. Seeking an opinion and a meeting to discuss. |
| 24/01/2019 | Email from VW (Historic England) to TP (AECOM) & TB (Amey) | Re: enquiries received about their pre-application service and requesting information on which to assess the level of engagement required. |
| 02/04/2019 | Initial meeting attended by BK, JT (Historic England), AK, TC (HE), FL, KK, RR, TP, AS (AECOM), TB (Amey) | Study areas and scope of geophysics survey agreed with SCC. Update on assessments and surveys. Discussion of potential use of designated funds. Preliminary mitigation plan drafted including noise barriers and pond locations. Discussion on alignment options at Dark Lane and the complex interaction of impacts in this area. Historic England requested the full baseline and a more detailed assessment of options in this area before commenting on designs. |
| 14/05/2019 | Email from TP (AECOM) to BK & JT (Historic England) | Attaching minutes of meeting and presentation from 02/04/2019. Minor changes suggested. |
| 23/05/2019 | Letter to Historic England | <ul style="list-style-type: none"> Notification of Statutory Consultation. |
| 23/05/2019 | Email from TP (AECOM) to BK (Historic England) | <ul style="list-style-type: none"> Minutes updated and resent. |
| 04/06/2019 | Email from TP (AECOM) to BK (Historic England) | Asking if BK had received S42 consultation brochure and questionnaire. |
| 04/06/2019 | Email from BK (Historic England) to TP (AECOM) | Confirming receipt of brochure. |
| 05/07/2019 | Letter from BK (Historic England) to AK (Highways England) | Response to statutory consultation. Historic England expects draft historic environment chapter of ES prior to meeting in Aug 2019. Noting PEIR report and expect to discuss mitigation, design and enhancement measures prior to DCO submission. |
| 15/07/2019 | Email from TP (AECOM) to BK (Historic England) | Arranging date of next meeting following formal consultation. Confirmed by BK. Technical note to be produced by AECOM for discussion at the meeting. |

| Date | Form of correspondence | Key topics discussed and key outcomes |
|------------|---|---|
| 23/07/2019 | Email from BK (Historic England) to TP (AECOM) | Confirming attendance at meeting on 05/08/2019 and stating understanding that AECOM will provide a technical note in advance. |
| 26/07/2019 | Email from TP (AECOM) to BK (Historic England) | Attaching Technical Note – Heritage appraisal of assets connected to Hilton Historic Parkland sent to Historic England including further information on Options 2 and 4 at Dark Lane prior to meetings and agenda for 05/08/2019 meeting. |
| 05/08/2019 | Meeting with BK, JT (Historic England), SK (Staffordshire County Council), AK, JH (Highways England) & Hmac, KK, TP, AS (AECOM) | Progress update on archaeology, built heritage, mitigation design and consideration process for Dark Lane Alignment. Discussion on visual impacts. No agreements reached at this stage due to insufficient information. Further meeting arranged and further information to be prepared. |
| 13/08/2019 | Meeting with BK, JT, JM (Historic England), AK (Highways England), RR, Hmac, AL, TP (AECOM) | Review of Options 2 and 4 at Dark Lane in context of historic landscape and Hilton Hall. Historic England favours Option 2 but reserves right to change opinion. Requested noise data and photomontages. Historic England agree that both options result in less than substantial harm (in NPPF terms) to the historic environment. General discussion on mitigation. Historic England would look for retention of form of features within retained historic park such as the historic boundary of Lower Pool/ The Shrubbery, and they would prefer not to extend the woodland into the open parkland between The Shrubbery and the Hall. |
| 13/08/2019 | Email from BK (Historic England) to TP (AECOM) | Confirming opinion from the morning meeting that on the basis of currently available information Option 2 would result in a lesser degree of harm than Option 4. |
| 11/11/2019 | Email from TP (AECOM) to BK (Historic England) | Re: a further consultation exercise sent out on same day to capture changes to draft Order limits. Changes are detailed and details of consultation provided – ends 11/12/2019. |
| 19/11/2019 | Email from TP (AECOM) to BK (Historic England) | Attaching minutes of two August meetings for review and comment. Advising that scheme has progressed with Option 2 alignment. Advising that draft ES chapter is to be issued and comments requested by 13/12/2019. |
| 22/11/2019 | Email from TP (AECOM) to BK (Historic England) | Attaching the draft of the Cultural Heritage chapter of the ES and asking for comments to be returned by 13/12/2019. |
| 23/12/2019 | Email from BK (Historic England) to TP (AECOM) | Attaching comments on the Cultural Heritage chapter of the ES. |
| 25/03/2020 | Email from TP (AECOM) to BK (Historic England) | Attaching the draft Statement of Common Ground for comment and requesting guidance on photomontage positioning and asking for comments to be returned within 4 weeks, 22/04/20. |

| Date | Form of correspondence | Key topics discussed and key outcomes |
|------------|---|---|
| 25/03/2020 | Email from BK (Historic England) to TP (AECOM) | Acknowledged receipt of SoCG and forwarded on relevant representations sent to the Planning Inspectorate for information. |
| 26/03/20 | Email from BK (Historic England) to TP (AECOM) | Recommended photomontage should be taken from the ground floor, at eye level and for consideration to given to whether views from the upper floor windows of Hilton Hall would also be appropriate. Up to Highways England to demonstrate appropriateness. |
| 31/03/20 | Email from TP (AECOM) to BK (Historic England) | Acknowledging receipt of relevant representations and guidance on photomontages. |
| 28/04/20 | Email from TP (AECOM) to BK (Historic England) | Informing Historic England of the extension of the relevant representations period and the affect this may have on the examination. Enquiry as to status of SoCG review. |
| 28/04/20 | Email from BK (Historic England) to TP (AECOM) | Confirming that the SoCG has been reviewed and that a number of points needed to be run past the Historic England Landscape specialist. |
| 12/05/20 | Email from BK (Historic England) to TP (AECOM) | Sending comments on the draft SoCG. |
| 21/05/20 | Email from TP (AECOM) to BK (Historic England) | Requesting comment on the proposals from a landowner to move mitigation measures intended to reinforce the designed landscape parkland of Hilton Park (species-rich grassland and individual trees), from the east of the Scheme to the west of the Scheme north of Tower House Farm. |
| 26/05/20 | Email from BK (Historic England) to TP (AECOM) | Historic England's Landscape Architect has looked at this and recommends that you refer to the 1 st Edition O/S to inform the tree planting approach. See her email and screen shot below. Historic England do not object to the potential changes to the mitigation strategy as set out in your email of 21 May 2020. |
| 18/06/20 | Email from TP (AECOM) to BK (Historic England) and SK (SCC) | Request for meeting to discuss Historic England's relevant representations and SoGC, as well as relevant representations received from other parties related to heritage. |
| 23/06/20 | Email from BK (Historic England) to TP (AECOM) | Confirmation of date for meeting on 30 June 2020. |
| 30/06/20 | Meeting with BK, (Historic England), HM, FL, AJ, AS, AL, TP (AECOM) | Meeting to discuss Historic England's relevant representations and mitigation measures. Further discussion on the relocation of mitigation to the east of the Scheme within the Historic Parkland. |
| 21/08/20 | Letter from Highways England to BK (Historic England) | Supplementary consultation letter sent. |

| Date | Form of correspondence | Key topics discussed and key outcomes |
|------------|--|--|
| 08/09/20 | Email from TP (AECOM) to BK (Historic England) | <p>Sent meeting minutes for review and approval.</p> <p>Updated SoCG for review which includes responses to relevant representations and the addition of two new columns which indicate likelihood of agreement on outstanding issues, as requested by the ExA.</p> <p>Timescale for review requested as 4 weeks, 6 October 2020.</p> <p>Description of proposed design changes sent. An assessment of the proposed design changes is being undertaken however we anticipated any impact on heritage assets from the design changes to be minor.</p> |
| 20/10/20 | Email from TP (AECOM) to BK (Historic England) | <p>Requested comments on the SoCG.</p> <p>Inform that photomontages from Hilton Hall have been produced, however there may not be time for Historic England to consider these before submission of the SoCG at Deadline 1.</p> <p>Request approval of meeting minutes.</p> |
| 20/10/2020 | Email from BK (Historic England) to TP (AECOM) | <p>Email in response to enquiry made by TP (AECOM) on 21/05/2020 regarding a request from a landowner to move mitigation measures intended to reinforce the designed landscape parkland of Hilton Park (species-rich grassland and individual trees), from the east of the Scheme to the west of the Scheme north of Tower House Farm.</p> |
| 21/10/20 | Email from BK (Historic England) to TP (AECOM) | <p>Requested minor amendments to the meeting minutes.</p> <p>Comments on the SoCG.</p> |
| 04/11/20 | Email from TP (AECOM) to BK (Historic England) | <p>Sent version of the SoCG submitted to the ExA at Deadline 1 (03/11/20) alongside new photomontages taken from the ground, first and second floor of Hilton Hall facing towards the Scheme.</p> <p>Request for comment on the photomontages. A meeting can be set up to discuss this issue further if required.</p> |
| 30/11/20 | Email from TP (AECOM) to BK (Historic England) | <p>Request comments on the Photomontages in relation to the outstanding issues in the SoCG.</p> <p>Inform Historic England that the 'designated fund' application for the feasibility study to restore Portobello Tower has been rejected.</p> |
| 16/12/20 | Virtual meeting between BK, ED-P (Historic England), AL, HM, AJ, TP and AS (AECOM) | <p>Meeting to discuss outstanding issues in the SoCG, potential site visit and effects of moving ecological mitigation to the east of Lower Pool SBI.</p> |
| 18/12/20 | Email from TP (AECOM) to BK (Historic England) | <p>Sent updated SoCG for review and the minutes from the meeting on 16/12/20.</p> |

| Date | Form of correspondence | Key topics discussed and key outcomes |
|----------|--|--|
| 22/12/20 | Email from BK (Historic England) to TP (AECOM) | Request minor updates to the meeting minutes and SoCG. |
| 05/01/21 | Email from TP (AECOM) to BK (Historic England) | Sent draft text for the additional of a new row to Table 3.1 in the SoCG which covers the setting of Hilton Hall and the Conservatory. |
| 05/01/21 | Email from BK (Historic England) to TP (AECOM) | Suggested minor amendments to the suggested text to be added to Table 3.1 of the SoCG. |
| 06/01/21 | Site meeting BK, ED-P (Historic England), MR, SB (Allow), AJ, TP (AECOM) | Site meeting at Hilton Park. |
| 07/01/21 | Email from TP (AECOM) to BK and ED-P (Historic England) | Sent the Assessment of Alternative Locations for Mitigation in Plot 5/2 technical note to Historic England for information and reiterated the action point for Historic England from Issue Specific Hearing 1 and directions as to how submissions can be made to the ExA. |
| 07/01/21 | Email from TP (AECOM) to BK (Historic England) | Sent comments received from SSC's Conservation Officer on moving the mitigation to the east of the Scheme. |
| 14/01/21 | Email from TP (AECOM) to BK (Historic England) | Sent on mitigation proposal received from Allow Ltd for information. Requested that Historic England provide comments for the ExA on the information presented in the technical note. |
| 01/02/21 | Email from TP (AECOM) to BK (Historic England) | Sent on winter photomontage from Hilton Hall, relevant comments from consultees from Deadline 5 submissions and ExA's written questions for information. |
| 12/02/21 | Email from BK (Historic England) to TP (AECOM) | Sent comments to close out the final issues in the SoCG. All points are now 'Agreed' or 'Not Agreed'. Confirm that Historic England will respond to the ExA's further questions directly. |
| 16/03/21 | Email from TP (AECOM) to BK (Historic England) | Sent final version of SoCG for signing. |
| 23/03/21 | Email from BK (Historic England) to TP (AECOM) | BK confirmed Portobello Tower matter as not agreed. Requested amendment in final SoCG. |
| 24/03/21 | Email from TP (AECOM) to BK (Historic England) | Sent final version of SoCG for signing. |

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) Historic England in relation to the issues addressed in this SoCG.

3 Issues

3.1 Introduction and General Matters

- 3.1.1 This chapter sets out the 'issues' which are agreed, not agreed, or are under discussion between Historic England and Highways England.
- 3.1.2 The progress note submitted by the Planning Inspectorate on the 20 July 2020 under Section 88 of the Planning Act 2008 (as amended) and Rules 5 and 17 of the Infrastructure Planning (Examination Procedure) Rules 2010, sets out in Annex B the Examining Authority's (ExA) 'Initial Assessment of Principle Issues'. In Annex C the Planning Inspectorate sets out a list of SoCG that the ExA request the Applicant to enter into with a number of parties including Historic England.
- 3.1.3 The ExA requested the SoCG between the Historic England and the Applicant to cover the following issues:
- The effect on the setting of Hilton Hall and the Conservatory.
 - The effect on the setting of Moseley Old Hall.
 - The effect on the setting of other listed buildings in the vicinity.
 - The effectiveness of the proposed and embedded mitigation to address any adverse effects.

3.2 Issues related to the Environmental Statement (ES)

Table 3.1: Issues Relating to the Environmental Statement (ES)

| ES Chapter | Paragraph Reference | Sub-section | Historic England Comment | Highways England Response | Status | Agreement likely? ¹ |
|---|---|--|--|---|--------|--------------------------------|
| Chapter 6: Cultural heritage [TR010054/APP /6.1] | Section 6.2 'Legislation and policy framework' | Legislation and policy | Historic England is content that the ES includes details of applicable legislation and policy. | Details of applicable legislation and policy are provided in Section 6.2 of the ES [APP-045/6.1]. | Agreed | Agreed |
| Chapter 6: Cultural heritage [TR010054/APP /6.1] | Section 6.3 'Assessment methodology' | Environmental assessment methodology | Historic England is content that the assessment methodologies applied to undertake the environmental impact assessment as reported within the ES are appropriate. | Details of methodologies used to undertake the environmental impact assessment are provided in Section 6.3 of the ES [APP-045/6.1]. | Agreed | Agreed |
| Chapter 6: Cultural heritage [TR010054/APP /6.1] | Section 6.4 'Assessment assumptions and limitations' | Assumptions and limitations | Historic England is content that the assumptions and limitations reported in the ES are reasonable and do not impact upon the validity of the assessment findings. | Details of the assumptions and limitations which informed the ES are reported in Section 6.4 of the ES [APP-045/6.1]. | Agreed | Agreed |
| Chapter 6: Cultural heritage [APP-45/6.1] | Section 6.5 'Study area' | Study area | Historic England is content that the study areas considered in the ES are appropriate. | Details of study areas for each topic are reported in Section 6.5 of the ES [APP-045/6.1]. | Agreed | Agreed |

¹ Indication on likelihood that the matter will be agreed by the close of the Examination period as rated by the applicant (app) and the Interested Party (IP). Dark green = agreed, Light green = high likelihood of agreement, orange = medium likelihood of agreement, pink = low likelihood of agreement, red = not agreed.

| ES Chapter | Paragraph Reference | Sub-section | Historic England Comment | Highways England Response | Status | Agreement likely? ¹ |
|--|---|---------------------|---|---|--------|--------------------------------|
| Chapter 6: Cultural heritage [APP-045/6.1] | Section 6.6 'Baseline conditions' | Baseline conditions | Historic England is content that the ES appropriately defines baseline conditions. | Details of the baseline conditions are reported in Section 6.6 of the ES [APP-045/6.1]. | Agreed | Agreed |
| Chapter 6: Cultural heritage [APP-045/6.1] | Section 6.7 'Potential impacts' | Potential impacts | Historic England is content that the ES has identified potential impacts on cultural heritage assets. | Details of potential impacts are reported in Section 6.7 of the ES [APP-045/6.1]. | Agreed | Agreed |
| Chapter 6: Cultural heritage [APP-045/6.1] | Section 6.8 'Design, mitigation and enhancement' | Mitigation measures | Historic England is content that the defined mitigation measures are appropriate (and will result in defined residual effects). | Details of mitigation measures are reported in Section 6.8 of the ES and the Outline Environmental Management Plan [AS-042/6.11]. | Agreed | Agreed |
| Chapter 6: Cultural heritage [APP-045/6.1] | Section 6.8 'Design, mitigation and enhancement' | Mitigation measures | Historic England requested further discussion on the overall mitigation strategy, including design details and lighting, planting, screening. Following discussions at a meeting 30 June 2020 Historic England are content with the approach to the detailed design of mitigation measures proposed and that consultation with the appropriate bodies has been proposed. | Planting and lighting strategies will be further developed at the detailed design stage. Historic England will be consulted on the detailed design of mitigation for built heritage assets. Archaeological mitigation will be agreed with Staffordshire County Council's archaeological advisor. The detailed design of mitigation measures must be in line with the mitigation measures set out in the OEMP [AS-042/6.11] and the Environmental Masterplans [APP-057 to 063/6.2] submitted with the draft DCO. This is a requirement of the draft DCO which would be | Agreed | Agreed |

| ES Chapter | Paragraph Reference | Sub-section | Historic England Comment | Highways England Response | Status | Agreement likely? ¹ |
|--|--|----------------------|--|--|------------|--------------------------------|
| | | | | discharged by the Secretary of State [APP-018/3.1]. | | |
| Chapter 6: Cultural heritage [APP-045/6.1] | Section 6.8 'Design, Mitigation and enhancement' | Enhancement measures | Highways England should also consider opportunities for enhancement that may offset impacts, especially direct impacts, of the Scheme. Particularly Portobello Tower, an important ornamental feature within the Park that is in a dilapidated state. Following discussions on 30 June 2020 Historic England recognise that this work is not essential to mitigate for the Scheme and is therefore outside the scope of the Scheme. Historic England are pleased that this is being taken forwards as a designated fund opportunity. | <p>The potential for enhancement measures has been considered throughout the development of the Scheme. However, Portobello Tower is an asset located outside the Order limits and works to the feature are not considered necessary or appropriate as part of the Scheme.</p> <p>In response to this request, an application has been submitted for Highways England's Environment Designated fund to undertake a condition survey and produce a heritage appraisal considering up to four options for the asset, ranging from the prevention of further degradation to the full restoration of the asset.</p> <p>For avoidance of doubt, the proposals associated with Portobello Tower and other Designated Funds applications are not part of the DCO application and are not material to decision making on this application.</p> <p>Unfortunately, this application has been unsuccessful, due to no owner contribution and given that</p> | Not Agreed | Not Agreed |

| ES Chapter | Paragraph Reference | Sub-section | Historic England Comment | Highways England Response | Status | Agreement likely? ¹ |
|--|---|--|---|--|--|--------------------------------|
| | | | | there is no public access to the Tower, the public benefits of restoration may be limited. As these circumstances are unlikely to change, it is not intended to submit further applications in relation to Portobello Tower. | | |
| Chapter 6: Cultural heritage [APP-045/6.1] | Section 6.9 'Assessment of likely significant effects' | Impacts and effects | Historic England is content that the ES has identified and assessed Scheme impacts and effects relevant to cultural heritage, including effects on Moseley Old Hall and other listed buildings in the study area, such as Portobello Tower (with the exception being further comments regarding Hilton Hall and the Conservatory; see the row below). | Impacts and effects on cultural heritage assets are reported in Section 6.9 of the ES [APP-045/6.1]. | Agreed (with the exception of impacts on 'Hilton Hall' and 'the Conservatory' which remain under discussion, see below). | Agreed |
| Chapter 6: Cultural heritage [APP-045/6.1] | Section 6.9 'Assessment of likely significant effects' Para. 6.9.12 | Setting of Hilton Hall and the Conservatory | The parties agree that the setting of Hilton Hall and the Conservatory includes the entirety of Hilton Park. Harm to those assets caused by development within their setting will vary depending on the type of development and the location within the Park. | | Agreed | Agreed |
| Chapter 6: Cultural heritage [APP-045/6.1] | Section 6.9 'Assessment of likely significant' | Construction impact, Grade I listed building 'Hilton Hall' | Historic England query the assessment of impacts on Hilton Hall without it being evidenced that the Scheme would be screened from the hall by existing | Viewpoint photographs Figure 6.5 and 6.6 [APP-076 and 077/6.2] illustrate current views from the hall and have been added to the ES to evidence this. | Not Agreed | Not Agreed |

| ES Chapter | Paragraph Reference | Sub-section | Historic England Comment | Highways England Response | Status | Agreement likely? ¹ |
|------------|--------------------------|-------------|---|--|--------|--------------------------------|
| | effects' Para. 6.9.12 | | <p>vegetation. The impact would be considered by Historic England to be at least moderate rather than minor (“Partial loss or alteration to a heritage asset’s significance and/or its setting. Addition of new features that partially alter setting of a heritage asset to the extent where the significance is impacted.”)</p> <p>This assessment is based on the current condition of the planting on the west side of the Moat which is a lot more mature/overgrown than intended in the original 19th century design.</p> <p>Historic England have subsequently stated that the area of concern is that while views may not be definitely affected, there is impact caused by changes within the park detracting from the parts of the hall’s significance caused by its setting. They believe the impact to be greater than slight adverse. However, they do not believe the difference in impact levels to be very great, and it is agreed that the harm is less than substantial. Other options for the alignment here would have</p> | <p>The quotation provided by Historic England is from a superseded version of the DMRB. The current criteria within the DMRB LA104 defines a minor impact as: “Some measurable change in attributes, quality or vulnerability; minor loss of, or alteration to, one (maybe more) key characteristics, features or elements.”</p> <p>With a moderate impact defined as “Loss of resource, but not adversely affecting the integrity; partial loss of/damage to key characteristics, features or elements.”</p> <p>All assessments undertaken as part of an Environmental Impact Assessment as reported in the ES are based on the current baseline, not what it was like in the past. It is not possible or accurate to assess the magnitude of impact on what it was like in the 19th century.</p> <p>The assessment of effects on the hall has taken the impact of changes to the park into account. Only part of the park is affected. The impact on Hilton Park has taken into account impacts on individual elements of the asset such as Lower Pool and the Shrubbery as well as lesser</p> | | |

| ES Chapter | Paragraph Reference | Sub-section | Historic England Comment | Highways England Response | Status | Agreement likely? ¹ |
|--|---|--|--|---|------------|--------------------------------|
| | | | <p>resulted in a greater level of impact on Hilton Hall.</p> <p>. Historic England have reviewed the photomontages and maintain their view that that the impact of the scheme on the Grade I listed Hilton Hall would be moderate.</p> | <p>impacts on other aspects of the parkland. It is our opinion is that the assessment should remain as slight adverse.</p> <p>A summer view photomontage was provided to Historic England on 4 November 2020. A winter view photomontage was provided on 1 February. Historic England and Highways England have agreed to disagree.</p> | | |
| Chapter 6: Cultural heritage [APP-045/6.1] | Section 6.9 'Assessment of likely significant effects' Para. 6.9.17 | Construction impact, Grade I listed building 'The Conservatory'. | <p>Historic England query whether the impact on 'the Conservatory', a Grade I listed building, would be minor rather than negligible. This is due to changes within the park detracting from the parts of the asset's significance linked to its setting.</p> <p>In planning terms Historic England would equate minor harm (in this case) with a lesser level, rather than with a greater level, of less-than-substantial harm.</p> | <p>It is our opinion that the construction of the Scheme will detract from the setting of the Conservatory. However, it is our opinion that the impact will be negligible rather than minor. Though the Conservatory is an ornamental feature within the park and as such it has architectural and historic significance, its significance also lies in its relationship with Hilton Hall and that relationship would be retained and would not be affected by the construction of the Scheme. The Conservatory is also well screened from the Scheme by surrounding planting. In addition, the assessment of effects on the conservatory has taken the impact of changes to the park into account.</p> | Not Agreed | Not Agreed |

| ES Chapter | Paragraph Reference | Sub-section | Historic England Comment | Highways England Response | Status | Agreement likely? ¹ |
|--|--|---|---|--|--------|--------------------------------|
| | | | | Only part of the park is affected. The impact on Hilton Park has taken into account impacts on individual elements of the asset such as Lower Pool and the Shrubbery as well as lesser impacts on other aspects of the parkland. | | |
| Chapter 6: Cultural heritage [APP-045/6.1] | Section 6.9 'Assessment of likely significant effects' Para. 6.9.17 | Construction impact, non- designated Hilton Park | Whilst the overall impact upon Hilton Park may be 'less than substantial', Historic England's view is that because of the direct physical impact upon parts of the western boundary of the historic Park, and especially upon the lower belt, the shrubbery, the lower pool and surrounding woodland, the impact would in these cases be locally 'substantial'. Historic England agree that subject to appropriate mitigation being agreed, the impact upon Hilton Hall (listed Grade I), including the conservatory and the gate-piers may be 'less than substantial'. As discussed at a meeting 30 June 2020. The phrase 'locally substantial' was used in the relevant representation to draw | Within the DCO there is no scope for reporting impacts on individual elements of a heritage asset and the National Policy Statement for National Networks and National Planning Policy Framework do not include any mechanism to assess impacts on part of an asset. The magnitude of impact takes into account impacts on particular elements of an asset but reports the overall change / impact on the asset as a whole and this is what is described in the ES. The impact on Hilton Park has taken into account impacts on individual elements of the asset such as Lower Pool and the Shrubbery as well as lesser impacts on other aspects of the parkland. | Agreed | Agreed |

| ES Chapter | Paragraph Reference | Sub-section | Historic England Comment | Highways England Response | Status | Agreement likely? ¹ |
|--|---|---|---|---|--------|--------------------------------|
| | | | <p>attention to the considerable impact on certain key elements of the parkland, Lower Pool. Historic England recognise that using the phrase 'locally substantial' could cause confusion from a planning perspective and therefore agree, whilst recognising that impacts are not evenly spread, to withdraw this phrasing'.</p> <p>Historic England agree the impact of the Scheme would result in less than substantial harm to Hilton Park.</p> | <p>This was discussed in a meeting with Historic England on 30 June 2020. It was agreed that the impact of the Scheme would result in less than substantial harm to Hilton Park.</p> <p>It was agreed that the impact of the Scheme would result in less than substantial harm to Hilton Park and that the purpose of the relevant representation was to draw attention to the considerable impact on certain key elements of the parkland e.g. Lower Pool. Historic England recognise that using the phrase 'locally substantial' could cause confusion from a planning perspective and are therefore happy to withdraw this phrasing.</p> | | |
| Chapter 6: Cultural heritage [APP-045/6.1] | Section 6.9 'Assessment of likely significant effects' Para. 6.9.50 | Operational impacts, historic landscapes. | Historic England query whether impacts on the historic landscape would principally derive from the Scheme construction rather than operation. The western boundary will have been permanently changed – loss of open rural character to the south west and partial loss of the Lower Pool and perimeter walk to the west (potentially attributable to Repton). | While it is correct that the western boundary will be permanent changed, this change will occur during the construction phase of the Scheme and is therefore considered under the construction assessment as a permanent effect. When assessing the operational phase of the Scheme the only impacts would be from road noise, operational lighting or visible traffic movements. | Agreed | Agreed |

| ES Chapter | Paragraph Reference | Sub-section | Historic England Comment | Highways England Response | Status | Agreement likely? ¹ |
|------------|---------------------|-------------|---|--|--------|--------------------------------|
| | | | Following Highways England's response Historic England are content that the impact being derived more from the construction than the operation of the Scheme. | When considering the impacts at the operation stage it is our opinion that the assessment should remain as slight adverse. approach outlined above is appropriate. | | |

3.3 Other Matters

Table 3.2: Issues Relating to Other Matters

| Issue | Document | Paragraph Reference | Historic England Comment | Highways England Response | Status | Agreement likely? ² |
|------------------------|----------|---------------------|--|--|--------|--------------------------------|
| Alignment at Dark Lane | N/A | N/A | <p>Historic England has been shown alternative alignments for the Scheme proposed at Dark Lane and it is their view that the current alignment (Option 2) would result in lesser harm to heritage assets than Option 4. This is because the historic importance of Lower Pool and its associated woodland is insufficient to outweigh the greater impact that Option 4 would have on the Historic Landscape Area and the visibility of the Scheme within the landscape from designated heritage assets. This is because (on the basis of information available in August 2019):</p> <p>Option 2 retains greater visual and physical continuity between the Shrubbery, Lower Pool, and the Hall, than Option 4. This has the potential to retain and/ or reinstate episodic and choreographed views between the Lower Pool and the Hall. In addition, the loss of woodland and open water is potentially easier to mitigate than the irreplaceable loss of open parkland that would result from Option 4.</p> | Comment was noted during decision making on this stage of the alignment and Option 2 was selected. | Agreed | Agreed |

² Indication on likelihood that the matter will be agreed by the close of the Examination period as rated by the applicant (app) and the Interested Party (IP). Dark green = agreed, Light green = high likelihood of agreement, orange = medium likelihood of agreement, pink = low likelihood of agreement, red = not agreed. Inserted as one column here as most issues raised already agreed.

| Issue | Document | Paragraph Reference | Historic England Comment | Highways England Response | Status | Agreement likely? ² |
|---|------------|---------------------|--|---|---------------|--------------------------------|
| | | | <p>Option 4 would also sever the Shrubbery and Lower Pool from the open parkland and Hall to the east, and compromise the visual and physical relationship between the heritage assets. This would also potentially deny the west part of the park to any future overall management plans.</p> <p>However, both alignments would result in a level of harm to the designed Park.</p> | | | |
| <p>Landowner request to move a block of woodland planting mitigation to the west of the Scheme adjacent to Lower Pool</p> | <p>N/A</p> | <p>N/A</p> | <p>Historic England would look for retention of form of features within retained historic park such as the historic boundary of Lower Pool/ The Shrubbery, and they would prefer not to extend the woodland into the open parkland between The Shrubbery and the Hall.</p> <p>This was discussed further in a meeting 30 June 2020 following relevant representations from affected landowners. Historic England would have a serious concern if woodland mitigation was moved from the west of the Scheme to the east of the Scheme within the parkland. This could substantially alter the parkland.</p> <p>Historic England will provide a separate opinion to the ExA regarding the potential effects of planting to the east of the Scheme.</p> | <p>Highways England have taken Historic England's concerns into account in the designing this mitigation.</p> | <p>Agreed</p> | <p>Agreed</p> |

| Issue | Document | Paragraph Reference | Historic England Comment | Highways England Response | Status | Agreement likely? ² |
|--|------------------------|---------------------|--|---|--------|--------------------------------|
| Articles and Requirements of the draft DCO | Draft DCO [AS-075/3.1] | N/A | Historic England confirm no comments on the Articles and Requirements of the draft DCO. | The Applicant has not received any comments on the Articles or Requirements of the draft DCO. | Agreed | Agreed |
| Assessment of Alternative Locations for Mitigation in Plot 5/2 | REP4-036/8.22 | N/A | Historic England and Highways England are in agreement that the cultural heritage assessment of alternative mitigation locations presented in the application document 8.22 'Assessment of Alternative Locations for Mitigation in Plot 5/2', accurately reflects the impact of relocating mitigation currently proposed for Plot 5/2. | | Agreed | Agreed |

Appendix A Initials and details of individuals involved

| Initials | Name | Role or Discipline | Organisation |
|-------------|----------------------|---|---------------------------------|
| AJ | Amy Jones | Technical Director – Heritage | AECOM |
| AK | Andrew Kelly | PM | Highways England |
| AL | Alison Leeder | Planner and DCO Lead | AECOM |
| AS | Amy Spencer | Deputy Environmental Lead | AECOM |
| BK | Bill Klemperer | Principal Inspector of Ancient Monuments | Historic England |
| ED-P | Erika Diaz Petersen | Landscape Architect | Historic England |
| FL | Fiona Lee | Archaeologist | AECOM |
| HM | Helen Maclean | Archaeologist | AECOM |
| JH | Jim Hunter | Heritage Advisor | Highways England |
| JM | Jo McAllaster | Historic Landscapes Specialist | Historic England |
| JT | Julie Taylor | Heritage Advisor | Historic England |
| KK | Katerina Koukouthaki | Built Heritage | AECOM |
| MR | Mick Rawlings | Built Heritage | Allow |
| RR | Rob Ramshaw | Project Manager | AECOM |
| SK | Shane Kelleher | County Archaeologist | Staffordshire County Council |
| SB | Simon Boulter | Ecologist | Allow |
| TB | Tom Bennett | Former Stakeholder Lead | Amey |
| TC | Tom Clancy | Environmental Advisor | Highways England |
| TP | Tamara Percy | Environmental Lead | AECOM |
| VW | Victoria Walker | Business Officer | Historic England |