M54 to M6 Link Road

TR010054

8.8 LIU(K) Statement of Common Ground with Nurton Developments (Hilton) Limited

APFP Regulation 5(2)(q)

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

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M54 to M6 Link Road
Development Consent Order 202[ ]

8.8 LIU(K) Statement of Common Ground with Nurton Developments (Hilton) Limited

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1 (P03)	October 2020	First draft issued to Nurton
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3 (P05)	December 2020	Revised draft issue to Nurton
4 (P06)	January 2021	Issue to ExA for Deadline 4
5 (P07)	February 2021	Issue to ExA for Deadline 6
6 (P08)	March 2021	Revised draft issue to Nurton
7 (P09)	March 2021	Final for signature

STATEMENT OF COMMON GROUND

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

Signed: [redacted]
Andrew Kelly
Project Manager
on behalf of Highways England
Date: [DATE]

Signed; [redacted]
Rupert Young
Development Director
on Nurton Developments (Hilton) Limited
Date: 31st March 2021

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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 on 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) Nurton Developments (Hilton) Limited (Nurton). 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.

1.2.2 Nurton is promoting a large site for potential employment allocation through the Local Plan Review process, which includes a significant area within the Order limits of the Scheme; see paragraphs 7.6.11-7.6.15 of the Case for the Scheme [APP-220/7.5] for further details. The land to be acquired for the Scheme bisects the land being promoted through the local plan process by Nurton.

1.2.3 Nurton has a category 2 interest over plots 5/6, 5/7, 5/8, 5/10, 5/11a – j, 5/12, 5/13, 5/14, 5/15, 5/18, 5/22, 5/23, 6/4, 6/5, 6/6, 6/9. The plots that Nurton has an interest over were confirmed by Highways England through a review of a redacted option agreement requested by Highways England on 16th October 2020 and provided to Highways England on 28 October 2020. Nurton had previously confirmed the area being promoted by Nurton to Highways England, including at a meeting in December 2019. A copy of the area was appended to Nurton's formal representations submitted to Highways England. The Book of Reference (version P07) [REP3-022] submitted to the Planning Inspectorate on 24 November 2020 provides an update based on Highway's England's review of the option agreement.

1.2.4 The plan in Appendix A shows the area that Nurton has a category 2 interest over (shown in orange) as recorded in the Book of Reference version P07 [REP3-

022/4.3]. This plan also shows the area being promoted through the Local Plan review process (dashed blue line), which includes areas to the east and west of the Order limits.

1.3 Terminology

1.3.1 In the tables in the Issues chapter of this SoCG, 'Not Agreed' indicates a final position. 'Under discussion' indicates points that will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. '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 Nurton 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 Nurton.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence between Highways England and Nurton in relation to the Application is outlined in Table 2-1. Names of personnel involved below are provided in Appendix B.

Table 2-1: Record of Engagement

Date	Form of correspondence	Description
06/02/19	Meeting	Meeting between HE and Nurton to discuss Preferred Route Announcement, design of link and Nurton's aspirations for the site.
23/05/19	Letter	Section 42 consultation pack sent to Nurton by HE.
05/07/19	Letter	Statutory consultation response sent by Nurton to HE.
11/11/19	Letter	Non-statutory consultation pack sent to Nurton by HE.
14/11/19	Letter	Letter from Nurton to HE acknowledging non-statutory consultation and requesting meeting.
02/12/19	Meeting	Meeting between HE and Nurton, attendees including AC, WT, RY, PL, ST, AK, RR, AM, IB and RT.
11/12/20	Letter	Supplementary consultation response sent by Nurton to HE.
06/02/20	Letter	Letter from Nurton to HE requesting information.
20/02/20	Letter	Letter from HE to Nurton responding to the requests for information.
27/02/20	Meeting	PL (JLL) attended meeting between Highways England and Messrs Simkin (Messrs Simkin are the landowners, and the meeting was to discuss the landowner's concerns).
06/03/20	Letter	Section 56 notice sent to Nurton.
11/03/20	Email	Phone call between PL and JH. PL requested technical note providing detailed rationale for environmental mitigation on land Nurton has an interest over.
13/03/20	Email	Email from JH to PL providing a CAD file of the link road and confirming that the technical note was in preparation.
17/03/20	Letter	Letter from HE to Nurton informing of extension to Relevant Representation period due to Covid-19.
18/03/20	Email	Email from PL to JH requesting further CAD drawings and an update on the technical note.

Date	Form of correspondence	Description
27/03/20	Email	Email from PL to JH chasing info requested above.
31/03/20	Email	Email from LC to PL providing additional CAD drawings.
03/04/20	Email	CAD file of link road and drainage ponds provided to JLL.
07/04/20	Letter	Letter from Nurton in response to HE's letter dated 20/02/20.
21/04/20	Letter	Letter from HE to Nurton responding letter dated 07/04/20. Environmental Mitigation Technical Note enclosed.
01/06/20	Letter	Letter from HE to Nurton - Section 56 – Additional representation period.
28/07/20	Email	Email from AC to HE re SoCG and suggesting meeting.
29/07/20	Email	Email from HE to Shoosmiths, advising of intention to request changes to application, advising that SoCG was being prepared and a draft would be available in due course.
04/08/20	Email	Email from Shoosmiths to HE requesting an update on the SoCG and a meeting.
04/08/20	Email	Email from HE to Shoosmiths acknowledging meeting request.
21/08/20	Email	Email from Shoosmiths to HE requesting an update on the SoCG and a meeting.
21/08/20	Email	Email from HE to Shoosmiths confirming that a SoCG had been prepared and would be sent to them shortly.
21/08/20	Letter	Supplementary consultation letter sent to Nurton by HE.
26/08/20	Email	Email from Shoosmiths to HE requesting an update on the SoCG.
26/08/20	Email	Email from HE to Shoosmiths confirming that the draft SoCG would be issued as soon as it had been updated to take into account additional survey work and to note the ongoing consultation on the revised EMP.
02/09/20	Email	Email from Shoosmiths to HE regarding the SoCG and a meeting.
08/09/20	Email	Email from Shoosmiths to HE regarding the SoCG and a meeting.
09/09/20	Email	Email from Shoosmiths to HE regarding the SoCG and a meeting indicating the SoCG would be sent by the end of the week.

Date	Form of correspondence	Description
15/09/20	Email	Email from HE to Shoosmiths suggesting dates for a meeting.
17/09/20	Email	Email from Shoosmiths to HE to set-up the meeting.
17/09/20	Email	Email from HE to Shoosmiths confirming it would be a virtual meeting.
20/09/20	Email	Email from HE to Shoosmiths confirming virtual meeting.
21/09/20	Email	Email from HE to Shoosmiths cancelling meeting.
21/09/20	Email	Email from Shoosmiths to HE acknowledging cancelled meeting and requesting new dates and an update on the SoCG.
21/09/20	Email	Email from HE to Shoosmiths confirming SoCG is being finalised.
25/09/20	Email	Email from Shoosmiths to HE suggesting meeting dates and requesting new dates and an update on the SoCG.
25/09/20	Email	Email from HE to Shoosmiths confirming meeting date and requesting email addresses for attendees.
25/09/20	Email	Email from Shoosmiths to HE confirming email addresses.
07/10/20	Email	Email from Shoosmiths to HE chasing the SoCG.
07/10/20	Email	Email from HE to Shoosmiths confirming SoCG would be issued today.
07/10/20	Email	Email from HE to Shoosmiths sending letter from HE and enclosing the draft SoCG.
07/10/20	Email	Email from HE to Shoosmiths Traffic Forecasting Report dated October 2020, Economic Assessment Report dated December 2019 and M6 J11 LINSIG output.
16/10/20	Meeting	Meeting between HE and Nurton to discuss SoCG.
28/10/20	Email	Comments received by HE on draft SoCG from Nurton and providing a redacted Option agreement.
28/10/20	Email	Comments received by HE on draft SoCG from Nurton and providing a redacted Option agreement.
10/12/20	Email	Email from HE to Shoosmiths providing a copy of the latest Book of Reference in track changes following discussion at the Compulsory Acquisition Hearing the same day.
22/12/20	Email	Email from HE to Shoosmiths providing revised SoCG for comment.

Date	Form of correspondence	Description
08/01/21	Letter	Letter from Shoosmiths to the ExA.
20/01/21	Written response	HE written response submitted at Deadline 5.
09/02/21	Email	Email from HE to Shoosmiths chasing comments or approval of SoCG.
12/02/21	Email	Email from AC to RT providing comments on the SoCG
24/02/21-02/03/21	Emails	Correspondence between AC and AL to organise a discussion on the SoCG.
03/03/21	Call	Call between AL and AC to discuss remaining issues in the SoCG.
03/03/21	Email	Email from AL to AC providing a revised SoCG following the call.
22/03/21	Email	Email from AC to AL providing comments on the SoCG.

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) Nurton in relation to the issues addressed in this SoCG.

3 Issues

3.1 Introduction and General Matters

3.1.1 The table below shows those matters which have been agreed or not agreed by the parties, including the date and method by which it was agreed (if relevant).

Table 3-1: Issues

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
Ongoing dialogue	Area controlled by Nurton	The parties agree that the area shown in orange in Appendix A and detailed in the Book of Reference (version P07) [REP3-022/4.3] correctly records the area that Nurton has a Category 2 interest over within the Order limits.		Agreed	Agreed
Relevant Rep. 038	Lack of consideration of alternatives in Environmental Statement	Nurton remains of the view that alternatives have not been explored in sufficient detail. The primary concern is around bridge alternatives, as explored in the section below. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires that the applicant's ES: (i) describe the reasonable alternatives studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including	Highways England are of the view that alternatives have been explored sufficiently. The options appraisal process is reported in Chapter 3: Assessment of Alternatives [APP-42/6.1], Appendix 3.1 to 3.2 [APP-158 & 159/6.3] and Figures 3.1 to 3.2 [APP-66 & 67/6.2] of the Environmental Statement (ES). These documents set out the assessment of reasonable alternatives undertaken as part of the design process. Highways England disagree that this assessment is insufficient or flawed. The ES has been carried out in accordance with the Infrastructure Planning (Environmental Impact Assessment)	Not Agreed	Not 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.

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		a comparison of the environmental effects; and (ii) provide "A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment". The assessment will take account of the impact and effect of the Scheme on a number of factors, including the following: • Community and private assets, including private property; • Development land including potential strategic development sites; and • The local and wider economy, for example employment levels For the reasons given above, the Scheme as proposed has the potential to impede the delivery of redevelopment in respect of the Site and this impact would need to be	Regulations 2017, including the requirements referenced in this response. The impact and effect of the Scheme on community and private assets is considered in the ES Chapter 12 Population and Human Health [APP-51/6.1]. However, the area over which Nurton has an interest does not provide any community assets[2]. The loss of private assets in this area is considered under the assessment of impacts on agricultural land holdings in Chapter 12: Population and Human Health of the ES [APP-51/6.1]. In terms of bullet points 2 and 3, these aspects have been taken into account when considering options in the ES and particularly Chapter 12. However, the area being promoted by Nurton is not 'development land' so is not considered as such in the ES. In terms of the third bullet, the local and wider economy, the impact has been considered for this area of the Scheme, but in terms of its current uses, not its potential future use as an employment site. Again, this is because the site is not 'development land'. Further justification of why Highways England does		

[2] The Design Manual for Roads and Bridges LA 112 defines community assets as "Land, buildings and infrastructure providing a service/resource to a community, e.g. open spaces, village greens, village halls, healthcare and education facilities etc." There are none of these assets on Nurton's land.

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		assessed as an impact on 'people and communities'. In order to undertake a robust and legally compliant EIA HE must consider reasonable detailed alternatives in terms of the manner of delivery of the Scheme so as to avoid any adverse effects on the delivery of the redevelopment of the Site. This has not been carried out and so the ES provided as part of the application is flawed. The assessment is expressed as taking account of "Development land including potential strategic development sites". The area being promoted by Nurton is a potential strategic site development land and has been promoted through the local plan process as such. South Staffordshire District Council's Local Plan Review commenced last year, with the publication of the Issues & Options paper in October 2018. The Council's Issues & Options paper acknowledges that there is a sub-regional shortage of employment land. Specifically, the paper refers to an objectively assessed need of 800 hectares of new employment land for the Black Country, which forms part of the same Functional	not consider the site as development land is provided below. The Design Manual for Roads and Bridges LA 112 Population and Health defines development land as 'land identified in national or local plans, policies or strategies for development (including intensification of existing uses) and land subject to planning permission.' The Nurton site is not allocated within national or local plans, policies or strategies and no planning applications have been submitted for employment uses on the site. The definition of 'development land' does not include 'potential' strategic sites. The Nurton site is therefore not categorised as development land and the impact on the future of this site is not required to be assessed as part of the ES. To aid further understanding of the potential of the site for employment uses in the future, Highways England would also note that: • The Nurton site is in the Green Belt. • the South Staffordshire Green Belt Study published in July 2019 considered the potential for development on a large number of sites in the Green Belt, including the Nurton site (site 651/ parcel S30C). Site S30C was considered likely		

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		Economic Market Area of South Staffordshire, against an identified supply of only 270 hectares, leading to a substantial shortfall of 530 hectares. No planning application has been made as yet because the allocations process is ongoing in relation to the local plan, and any planning application would risk being seen as premature. Due to the Site's beneficial location it is considered highly suitable for substantial high-quality employment development serving both local and strategic markets. The Council's Green Belt Study did not take into consideration the impact of the road scheme on the contribution this area makes to the Green Belt. Tyler Grange, on behalf of Nurton, have made such an assessment and graded the contribution as moderate-high for	to have a 'high' level of harm to the Green Belt if developed for employment uses. Whilst Nurton has expressed the view that this would change with the construction of the link road, SSC has not provided any indication that the Council would agree with this view or that a reduction in the harm caused by development on the site (if occurring) would materially increase the likelihood of the site being allocated. • There are already a number of existing employment sites and Strategic Employment Sites (SESs) in the area, including i54 and ROF Featherstone. • As a district, South Staffordshire has more employment land than is required to meet its own needs[3]. HE notes Nurton's points on the reliance on ROF Featherstone and i54 to meet these needs but given that the sites were considered deliverable in the Examination of the Local Plan and HE is		

[3] The Local Plan Review Issues and Options consultation paper prepared by SSC (Issues and Options: A step-by-step guide to the key issues, October 2018) states that: *'We need to think about our own local economic growth through our main employment sites, the smaller employment sites and business parks, and our small and medium businesses. We already meet some of the Black Country's high quality employment needs at i54 South Staffordshire and the forthcoming site at ROF Featherstone. As a district, we currently have more employment land than we need, so we will have to decide how to deal with this'.* More detailed information is provided in the Economic Development Needs Assessment prepared by SSC dated August 2018, which concludes in paragraph 8.9 that there is sufficient employment land in South Staffordshire and that there is no need to allocate further land.

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		land west of the link road and moderate for land east of the link road. Representations were made to the Council to this effect in December 2019, as part of the formal consultation process, and the outcome of these representations are awaited. I54 is not a brownfield site, but a release from the Green Belt. ROF Featherstone is partly brownfield and also a release from the Green Belt. Both sites were released from the Green Belt by previous iterations of the SS Local Plan in order to accommodate development pressures from the Black Country. There is no evidence to suggest that the Hilton Park development would "slow down" development of these The SS I&O identify a local need for employment land of 86 ha. A supply of 106 ha has been identified; hence the assertion by SSC that it has more employment land than it needs. However, the supply relies heavily on two sites – i54 and ROF Featherstone – which have been allocated expressly to meet a wider sub-regional need. These two sites yield 82 ha and cannot contribute to meeting local need. If	aware both sites are progressing there would not seem be a clear issue with this approach. Whilst there is a possibility that South Staffordshire may need to consider allocating further employment land to cater for shortfalls in adjacent local authority areas in the future, there is currently no certainty that this is the case or that the Nurton site would be allocated if it were. . . Overall, the Nurton site is not 'development land' and Highways England has not been provided with any evidence suggesting that is likely to become so in the near future. SSC has confirmed that the Council does not *'have sufficient evidence to suggest that the allocation of this site is likely at this point in time'* (see SoCG with SSC [REP1-059/8.8LA(B)] and revised version submitted at Deadline 4). Finally, given that there is no certainty on the size of an employment site, future use classes, site design, site access and programme for development, it would be very difficult for Highways England to assess the impact of the Scheme on a potential employment site, even if there was a requirement to do so.		

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		taken out, the supply reduces to less than 25 ha against a projected local need of 86 ha, leading to a significant shortfall. Representations were made to this effect at the time the I&O were consulted upon (autumn 2018) and have not been refuted to date. Paragraph 4.24 of the I&O refers to the gap of 530 ha between the identified need of 800 ha and supply of 270 ha of land for the Black Country. SSC has acknowledged that it has a potential role in allocating additional employment land to meet cross-boundary employment needs (para 4.25). WMI provides for 190 ha of developable land. The remainder is green infrastructure. It will be able to meet some of the wider need, but is limited as it is restricted to just B8 uses, whereas the need takes in all B Class uses. Paragraph 5.15 of the I&O introduces the approach to be taken with the accommodation of both local and wider employment land needs, particularly the latter. It considers it is an opportunity to review whether the current strategy of focussing all growth			

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		at the four existing freestanding strategic employment sites (two of these are i54 and ROF Featherstone) is still appropriate. It presents 4 options. Option A retains the status quo, but acknowledges that the four existing sites have received significant extensions and have limited scope for additional land. Option B is the identification of new freestanding strategic employment sites to meet identified development pressures. Hilton Park is being promoted as a new freestanding employment site to meet both local and wider development land needs. This is consistent with the approach adopted by SSC with previous development plans. Again, there is no evidence that its allocation is "unlikely to be a high priority" as suggested by HE. Instead, its potential allocation has been signposted by the I&O. SSC is pursuing the proper planning process in respect of the site allocations and cannot comment on the likelihood of any site being allocated. It would be inappropriate for SCC to comment as this would be seen as predetermination of the local plan process.			

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		We are aware of no other potential new freestanding strategic employment sites that are being promoted by other parties.			
Relevant Rep. 038	Bridge design and location at Hilton Land and Brookfield Farm	Nurton requested information from HE on the alternative solutions considered on the bridge design. Highways England responded as presented here. Nurton remain of the view that insufficient information has been provided on bridge alternatives.	Highways England is of the view that bridge alternatives have been considered sufficiently and communicated to Nurton, particularly given that the site does not have planning permission and is not allocated. The response below is that provided to Nurton. The bridges in question are the proposed bridge to be installed to enable Hilton Lane to cross the mainline and the accommodation bridge further north at Brookfield Farm to access their land on the other side of the new link road for existing purposes. The alternatives considered have been discussed with Nurton prior to the submission of the Application, with further correspondence prior to Nurton submitting its Relevant Representation. This includes discussions at the meeting on 2 December 2019 (see Appendix C) and a letter from Highways England to Nurton on 20 February 2020 (see Appendix D). Several suggestions for the bridge have been put forward by Nurton, each of which are explored further below.	Not Agreed	Not Agreed

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
			1/ HE understands that Nurton would like the proposed accommodation bridge to be widened to accommodate traffic that may access employment development on adjacent land, should planning permission be granted for it in the future. A meeting was held between Highways England and Nurton on 2 December 2019 where this matter was discussed (please see minutes in Appendix C). At this meeting Nurton explained that to facilitate the development, the bridge should be 11.3 m wide (7.3 m road, 3 m footpath and 1 m verge) as opposed to the proposed 6 m wide bridge (4.5 m road and 0.75 m verge on either side). As HE explained at the meeting on 2 December, the proposed increase in bridge width would increase costs and environmental impacts and therefore cannot be justified. The bridge design proposed to be constructed is typical of accommodation bridges to enable farm machinery to access adjacent plots of land. Following discussion with the landowners, Nigel and Paul Simkin, it was confirmed that the largest road legal combine harvester requires access across this structure (4m width). Therefore, the paved width across the bridge was increased from 4m to 4.5m.		

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
			2/ HE has also considered Nurton's request to combine the bridge at Hilton Lane and the accommodation bridge, relocating it to a location between the two. Moving the bridge further from Hilton Lane would require construction of additional carriageway from Hilton Lane to the new bridge, resulting in significant additional costs and environmental impacts. It would require the acquisition of additional land that would not be justified in this instance. This was explained at the meeting on 2 December 2019 and in the letter from HE to Nurton Developments on 20 February 2020. At the meeting on 2 December 2019, HE also explained that three alternatives had been considered for the location of the accommodation bridge: (i) a main crossing over Hilton Lane; (ii) a crossing midway between Hilton Lane and proposed location; (iii) the proposed location. It was considered that the proposed location was the best balance between the diversion length of the bridleway (already at 12% of its total length against a guideline maximum of 10%) and allowing an appropriate gradient		

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
			(which will now be 8%) for the ramp up to the crossing. HE considers that sufficient information has been provided on the alternatives considered for this bridge and that reasonable alternatives have been considered.		
Relevant Rep. 038	Lack of information regarding alternatives on location and design of pond areas	Following the response provided in the column to the right, Nurton remains of the view that insufficient information has been provided on pond alternatives. There is also a lack of information regarding alternatives considered in respect of the location and design of the pond areas. Having reviewed the information available, at present these conform to standard design, rather than being bespoke to a Scheme of this scale. In the absence of a consideration of alternative designs, it is difficult to understand how the adverse impacts of the Scheme have been mitigated by HE.	Highways England is of the view that sufficient information has been provided on pond alternatives. There are four ponds within the area Nurton has an interest over; two ponds to be created for attenuation purposes and two for ecological purposes. These are necessary for the delivery of the Scheme. The attenuation ponds on land being promoted by Nurton are located to the south west of Brookfield Farm and the south west of M6 Junction 11. These ponds are located at the low points adjacent to ditches to allow the outfall to drain to the existing ditches. The ponds are in the optimal location, with the location of the pond being dictated by topography and the location of the ditches. The shape of the attenuation ponds has been designed to minimise land take. The ponds have been designed to drain the Scheme, and their design is bespoke to it. The two ponds proposed for ecological purposes are located to the east of the link	Not Agreed	Not Agreed

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
			road and the south east of the M6 Junction 11. The cluster of two ecological ponds is proposed north of the proposed woodland (EW05) as agreed with Natural England. The purpose of this pond cluster is to mitigate for the loss of ponds as part of the Scheme construction at a ratio of 1:1. In addition, this pond cluster would provide breeding habitat for GCN that could colonise from known populations in this area. For colonisation to be possible, the new ponds are sited near to the existing ponds known to support GCN. The ponds would be surrounded by species rich grassland and woodland (retained woodland within Brookfield Farm Site of Biological Interest and Local Wildlife Site, replacement ancient woodland planting and EW05). Again, the location of the ponds is the optimal one for their purpose. A Letter of No Impediment (LONI) has been issued by Natural England for the Scheme with regards to GCN [APP-177/6.3]. To obtain this letter, a draft development mitigation licence was sent to Natural England. The information submitted to obtain the LONI set out the baseline information, assessed the impacts to GCN and detailed the mitigation. By issuing the LONI Natural England have agreed that the mitigation		

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
			strategy addresses the impacts to GCN and the habitats that support them. This includes the design parameters and location of the two ponds on the area being promoted by Nurton. In terms of the biodiversity pond design, ES Chapter 3: Assessment of Alternatives [APP-042/6.1] states at paragraph 3.3.79 that the ponds were initially developed as large single ponds, but in the interests of providing a design more fitting of the character of the area, smaller ponds have been designed in several locations as shown on the General Arrangement Plans [AS-067/2.5] and the Environmental Masterplan Figures 2.1 to 2.7 [AS-086 to 092/6.2]. Their design is bespoke to the site, the intended ecological purposes and the surrounding landscape. The approach to mitigation and the mitigation design has been described in the ES and the Outline Environmental Management Plan. Mitigation specific to Nurton's holdings was explained in further documentation 'Environmental Mitigation Approach: Nurton issued to Nurton on 21 April 2020. However, this document has been superseded following the Scheme changes and greater understanding over the area that Nurton has a category 2 interest.		

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
Relevant Rep. 038 & Additional Submission AS-003	Great Crested Newt Survey Approach	Ecology Great Crested Newts The approach to great crested newts ("GCN") appears highly precautionary and is based on a methodology which significantly overestimates both the number and size of GCN breeding populations within 500m of the road. The methodology adopted is not a reasonable or rational one to take in terms of providing a meaningful baseline and it follows that the assessment is flawed. The Environmental Statement ("ES") confirms that GCN presence was confirmed in only three of the 28 waterbodies that were surveyed, equating to less than 11% of the ponds sampled for GCN DNA. Medium populations are assumed to be present in each but there is no indication of surveys having been carried out to confirm this assumption. A further 27 waterbodies were not surveyed, with the presence of medium sized breeding populations assumed to be present, despite there being GCN present in only 11% of the waterbodies that were actually	No ponds populated by Great Crested Newts are directly affected by the scheme and no ecological mitigation or landscaping is being provided for the sole purpose of mitigating for the impact on GCN. There are four ponds in the area over which Nurton has a category 2 interest. It is standard practice to adopt a precautionary principle and assume populations of GCN in ponds where survey access has not been possible. However, to refine the proposed mitigation, surveys were carried out in 2020 of some of the waterbodies where access was not previously obtained. All ponds directly affected by the Scheme have now been surveyed. The Scheme changes accepted by the ExA on 29 October 2020 reduced the mitigation for GCN, including reducing the number of new ponds to be created. This did not reduce the number of ponds on land over which Nurton has an interest in. A Natural England European Protected Species (EPS) licence will be sought to allow for the clearance of GCN terrestrial habitat that is necessary to undertake construction of the Scheme. The approach to this mitigation is detailed as part of a draft Natural England	Not Agreed	Not Agreed

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		surveyed. There is no rationale or justification for reaching the conclusion that GCN are present in the remaining (and un-surveyed) 27 waterbodies. Providing GCN mitigation for three confirmed populations and 27 assumed populations will significantly over-mitigate, potentially creating habitats for populations 10 times larger than they are likely to be in reality. This cannot be considered a reasonable or rational approach. As part of the provision, two new ecology pond areas are to be created on the southern side of Brookfield Farm Site of Biological Importance (SBI). These are to be located on the boundary of land proposed for future development. The position of these ponds will introduce an additional constraint on future development with associated cost and will potentially place restrictions on the development footprint. If these ponds are to remain in site as GCN sites then clearly this will have an associated impact on the compensation due.	EPS derogation licence (refer to Appendix 8.3: Letter of No Impediment [APP-177/6.3]). Whilst the ecology ponds provided by the Scheme on land being promoted by Nurton will contribute to the provision of long-term habitat for GCN post-construction, the primary purpose of their creation is to replace ponds lost during construction of the Scheme on an approximate 1:1 basis. The matter for how the impact of a future employment site could be mitigated would be determined as part of the Environmental Impact Assessment[4] submitted as part of a planning application for the development submitted through the Town and Country Planning Act regime. It is expected that the County Ecologist, Natural England and the Local Planning Authority would be consulted on this process both prior to submission of an application and during a decision-making process. Should an EPS licence be required, any mitigation would also need to be agreed in detail with Natural England following any grant of planning permission. Given the many uncertainties surrounding the nature of a future development, its impact, the mitigation required and the view of statutory consultees, Highways England		

[4] Or through ecology surveys if an EIA is not required.

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		There is now an opportunity to reach an agreement to minimise the impact of the mitigation measures on the future redevelopment of our Site. Given our client's future development proposals in respect of the Site (as detailed in our Original Representations), it is entirely sensible to agree that the additional capacity provided by the Scheme for GCN mitigation should be ring-fenced for, and utilised by, any development proposals in respect of the Site. These are to be located on the boundary of land proposed for future development.	cannot comment on the likelihood that impacts could be mitigated using existing ponds. However, Highways England is required to secure mitigation measures for the M54 to M6 link road for a 30-year period and must have the powers to do so. These powers are sought through the DCO in respect of the proposed ponds on land being promoted by Nurton. No further response has been received by Highways England on this issue so it was marked as not agreed on 30 March 2021.		
Relevant Rep. 038	Traffic modelling data	We have now reviewed the Transport Assessment ("TA") report prepared for the application (Volume 7.4 of the ES). That provides some useful background. However, it does not give sufficient and adequate information against which a Scheme of this scale can be assessed. We have therefore asked HE for clarity on a number of points and the information remains outstanding. Clearly until we have received all of the information requested, we reserve our position in terms of whether we need to add to these representations.	The local traffic model for the new link road was based upon the Midlands Regional Traffic Model (MRTM). The MRTM is a strategic traffic model that was based upon observations of mobile phone movements. For the purpose of appraising the local scheme, the MRTM was upgraded locally, and the traffic flows were checked on road links along screen lines. Junction turning counts at M6 junction 11 were not included within the traffic data collected in 2017. The traffic data is described in [AS-038/7.4] at section 3.	Agreed	Agreed

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		The following information has been requested but remains outstanding: We have requested confirmation that in terms of the baseline assessment work, no junction turning counts have been undertaken at J11. Paragraph 4.7.1 of the TA refers to "Traffic Forecasting and Economic Assessments" having been produced in December 2019. These are not on the DCO website and we have requested copies. A copy of the LINSIG model referred to at paragraph 4.8.7. The TA only reports in respect of the 2019 situation but it is clearly appropriate to report on all of the scenarios tested. A copy of all of the turning movement assumptions adopted in the tests and a printout of all results. We have also repeatedly requested the opportunity to run our traffic generation through the Saturn model and share that with Staffordshire County Council. Following receipt of information, Nurton now agree all traffic modelling information has been provided.	The traffic forecasting is described in [AS-038] at Section 4. This traffic forecasting section includes an assessment of the operational performance of the Scheme's terminal junctions. The economic assessments were used to evaluate the business case for the Scheme. These documents are not part of the DCO, but a summary is included in the "Case for the Scheme" document [APP-220/7.2] at section 6. Copies of the Traffic Forecasting Report and Economic Appraisal Report were provided to Nurton on 7 October 2020. The TA [AS-038.7.4] at Table 4.7 reports the 2039 Design Year operational performance of the new (i.e. With the Scheme) M6 Junction 11. A copy of the output of the LINSIG model has been provided with this draft SoCG A cordon model was provided with the first draft SoCG on 7 October 2020 to enable Nurton to undertake transport analysis of the surrounding road network.		

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
Relevant Rep. 038	Bridge alternatives, balancing ponds and traffic modelling	Nurton requested information on the following: 1/ Analysis and costing information in support of the proposed two bridge design solution. Nurton remains of the view that information provided is insufficient following the response provided by HE. 2/ A note on the balancing pond drainage function and the justification for its size and location. 3/ A design drawing showing the sections of the proposed accommodation bridge. 4/ Complete traffic modelling to be supplied to DTA (Nurton's Transport Consultants). Modelling received in October 2020, which is very late in the process. These were provided in October 2020 and Nurton will respond on them in due course. Confirmation is sought from HE that these important documents will become part of the formal application documentation. Nurton remain of the view that insufficient information has been	Highways England provided a response to each of the requests listed here in a letter to Nurton Developments (Hilton) Limited dated 20 February 2020. These responses are summarised below. 1/ Highways England has previously considered a number of alternative designs for the Hilton Lane bridge and the accommodation bridge to the south of Brookfield Farm, including combining the bridges to reduce the number of structures. Moving the bridge away from Hilton Lane would require the construction of additional carriageway, resulting in significant additional cost and environmental impact. It would further require the acquisition of additional land which would not be justified in this instance. As confirmed at the meeting between Highways England and Nurton on 2 December 2019, Highways England does not consider the suggested single bridge option to be feasible and therefore has not undertaken detailed design, analysis or costing of this option, against the proposed option. 2/ The balancing ponds have been designed to accommodate run off from the new link road to reduce outfall flows to existing greenfield run off rates. Further information is provided in the Drainage Strategy for the	Not Agreed	Not Agreed

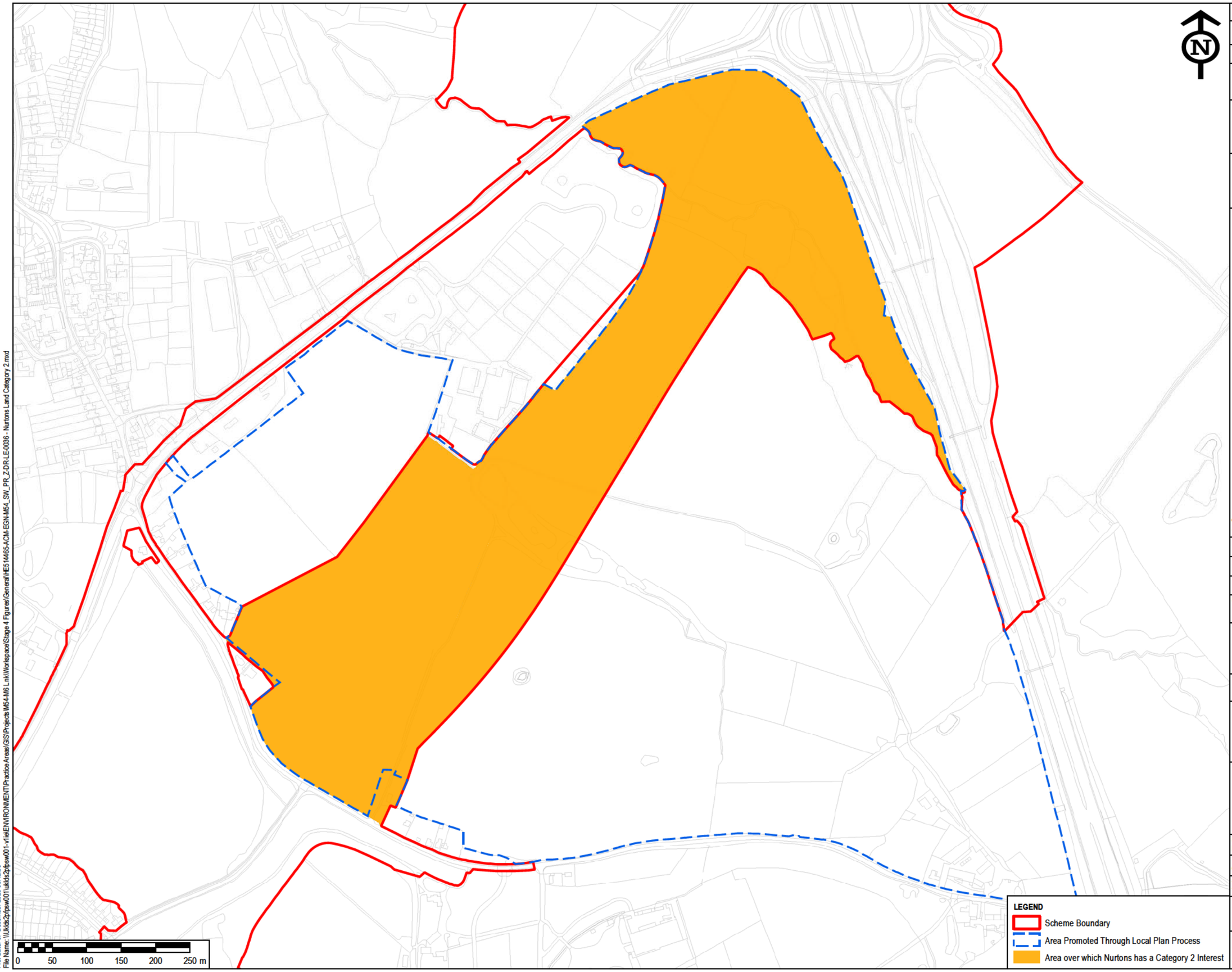
Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		provided on 1, 2 and 3 above. Nurton agrees 4 has been provided.	Scheme [APP-201/6.3]. We do not propose to produce a specific note justifying the size and location of the balancing ponds. 3/ A cross section drawing of the proposed accommodation bridge is provided in the Engineering Section Drawings submitted as part of the application [APP-015]. 4/ The Transport Assessment submitted as part of the application [APP-222/7.4] provides forecast traffic information. A cordon model was provided on 7 October 2020 to enable Nurton to undertake transport analysis of the surrounding road network. Highways England does not believe that the documents submitted to Nurton are necessary to support the DCO application and the cordon model is unlikely to be usable by the ExA or most Interested Parties.		
Relevant Rep. 038	Engagement	Nurton is of the view that there has been insufficient engagement throughout the process. We have repeatedly tried to engage with HE in a meaningful and helpful manner. In particular, whilst the landowners Messrs Simkin were provided with a draft SoCG by letter dated 24 January 2020. Nurton were not provided with a draft SoCG until 7th	Highways England disagree that there has been a lack of engagement with Nurton. Nurton is a category 2 stakeholder and has been consulted as such throughout the process. This includes three meetings (February 2019, December 2019 and October 2020), phone calls, letters and e-mail correspondence. Nurton were also represented at one of the meetings with the landowners in February 2020.	Not agreed	Not agreed

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		October 2020, despite repeated requests for sight of the same. As well as responding to the pre-application consultation, we also wrote to HE on 14 November 2019, 11 December 2019, 6 February 2020 and 7 April 2020. Table 2 sets out in detail the attempts to engage with HE on a meaningful basis.			
Relevant Rep. 038 & AS-003	Future bridge over the link road to facilitate employment development on adjacent land	We have made it very clear that we are content to caveat any assurance, for example on the basis that: (i) Any detailed proposals must be considered by HE through the planning system and in consultation with local planning authority; (ii) The assurance does not fetter HE's lawful discretion as planning consultee; and (iii) The actual approval of any future bridge design and construction will be subject to it meeting all appropriate standards. This is an entirely reasonable request and represents the	Highways England provided a response to this request in a letter to Nurton Developments (Hilton) Limited dated 20 February 2020 and in meetings, including on 16 October 2020. Highways England is unable to provide any assurance regarding the principle of a future bridge over the link road. Should a proposal come forward, we would need to consider this through the planning process in consultation with the Local Planning Authority. Highways England is a statutory consultee for planning proposals and is under a regulatory duty to cooperate. Consequently, Highways England is obliged to give consideration to all proposals received and to provide	Not Agreed	Not Agreed

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		willingness of our client to mitigate the impact of the Scheme. It is reasonable to seek comfort that the proposed Scheme does not prejudice a further bridge being built over the link road at some point in the future. We are disappointed to note that, at this stage, HE is not willing to provide any form of assurance. When we met with HE on 2 December 2019, HE confirmed that it had no objection in principle to a future bridge and that they would consider providing a draft assurance regarding the same. HE again accepted that it did not have an objection in principle to the bridge at our meeting in October 2020. To be clear, this would not fetter the discretion of HE in respect of any planning application(s) coming forward in the future. Our client recognises that any future detailed design would have to be considered by HE through the planning process in consultation with the Local Planning Authority and our client is not expecting HE to sign off on any detailed bridge design now. However,	appropriate, timely substantive responses. Guidance is provided in the Highways England publication 'The Strategic Road Network - Planning for the future' and Roads Circular 02/2013. As a consultee, Highways England needs to fully consider the interaction of the proposed development with the Strategic Road Network, and the suitability of any interactions proposed. This includes (but is not limited to) consideration of: • the transport impact on the SRN, • any mitigation required, • likely construction impacts and phasing, • consideration of the environmental consequences of the transport impacts of the development, • demonstrating that there would be no demonstrable adverse impact on the safety and or operation of the SRN • ensuring any structures interacting with the SRN comply with the DMRB and maintenance responsibilities and arrangements are agreed We would encourage all developers, including Nurton, to engage with HE at the pre-application stage so we can work together to deliver positive outcomes as quickly as possible.		

Document	Subject	Nurton Developments Limited Comment	Highways England Response	Status	Agreement likely[1]
		it is reasonable to seek comfort that the proposed Scheme does not prejudice a further bridge being built over the link road at some point in the future.	Given that at present there is little known about the location of any bridge, its design (beyond broad dimensions), the type of development it would support (or whether this development would get planning permission), the traffic that would use the bridge or the timescales over which this may come forward it is difficult to see what kind of meaningful assurance could be provided on this matter. HE understands that the assurance would be useful to Nurton but cannot provide the assurance requested. HE notes that Nurton is of the view that HE said an assurance on the bridge could be given. This is not HE's recollection of the same meetings. As correctly minuted by Nurton in Appendix C (page 3), in December 2019 Highways England reiterated the stance that HE could not give any assurance on the bridge. HE did then state that enquiries would be made into whether a heavily caveated assurance could be given on the 'principle'. These enquiries were made and HE then confirmed to Nurton that it could not for the reasons described above. This stance has been repeated at all subsequent meetings and discussions with Nurton.		
N/A	Articles and Requirements	Nurton has no comments to make on the draft DCO		Agreed	Agreed

Appendix A Plan showing area of Nurton's interest according to Book of Reference Version P07 [REP3-023/4.3] and area being promoted through the Local Plan



Plot Date: 07 December 2020 09:12:55
File Name: \\ukkds2pfpsw001\ukkds2pfpsw001-v1\ieENVIRONMENT\Practice Areas\GIS\Projects\M54-M6 Link\Workspace\Stage 4 Figures\General\HE514465-ACM-EGN-M54_SW_PR_Z-DR-LE-0036 - Nurtons Land Category 2.mxd

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION BOX

IT IS ASSUMED THAT ALL WORKS ON THIS DRAWING WILL BE CARRIED OUT BY A COMPETENT CONTRACTOR WORK NG 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.

EXCEPTIONAL RISKS RELATING TO THE WORKS ASSOCIATED WITH THIS DRAWING ARE IDENTIFIED BELOW.

CONSTRUCTION

MAINTENANCE / OPERATION / DECOMMISSIONING / DEMOLITION

NOTES

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DOCUMENTATION.
2. DO NOT SCALE FROM THIS DRAWING, USE ONLY PRINTED DIMENSIONS.
3. ALL DIMENSIONS IN MILLIMETRES, ALL CHAINAGES, LEVELS AND COORDINATES ARE IN METRES UNLESS DEFINED OTHERWISE.

Revision Details	By / Check	Date	Suffix
Additional land parcels added	LC / AR	07/12/20	P02
First Issue	LC / AR	17/09/20	P01

Purpose of issue: DCO APPLICATION

Client: Highways England
The Cube
199 Wharfeside Street
Birmingham
B1 1RN

Working on behalf of: highways england

Development Consent Order Number: TR010054

Project Title: M54 TO M6 LINK ROAD

Drawing Title: AREA OVER WHICH NURTONS HAS A CATEGORY 2 INTEREST

Designed	Drawn	Checked	Approved	Date
LC	LC	AR	AL	07/12/2020

Internal Project No.	Suitability
60536736	S8
Scale @ A3: 1:5,000	Zone: M54 to M6 Link Road

LEGEND
- Scheme Boundary
- Area Promoted Through Local Plan Process
- Area over which Nurtons has a Category 2 Interest

Drawing Number: Highways England PIN	Originator	Volume	Rev
HE514465	-ACM	-EGN -	P02
Location: M54_SW_PR_Z		-DR - LE - 0036 (Type | Role | Number)	

Appendix B – Initials and details of individuals involved

Initials	Name	Role or Discipline	Organisation
AC	Anna Cartledge	Legal	Shoosmiths
AK	Andy Kelly	Project Manager	Highways England
AL	Alison Leeder	DCO lead	Aecom
AM	Alastair McNeill	Highways Design Lead	Aecom
IB	Isobel Byrne	Assistant Project Manager	Highways England
JH	Jon Harvey	Consultant, Stakeholder Engagement	Aecom
LC	Lucy Colls	Senior Consultant, Stakeholder Engagement	Aecom
PL	Peter Leaver	Director	JLL
RT	Richard Thurling	Principal Associate (representing Highways England)	Gowlings
RR	Rob Ramshaw	Project Manager	Aecom
RY	Rupert Young	Development Director	Nurton Developments
ST	Simon Tucker	Director	DTA
WT	Will Thomas	Senior Associate (representing Nurton Developments)	Shoosmiths

Appendix C: Meeting minutes from meeting between Highways England and Nurton Developments on 2 December 2019

SHOOSMITHS

NURTON DEVELOPMENTS (HILTON) LIMITED

Meeting with Highways England regarding Land South of Junction 11 of the M6 / Proposed Link Road between M54 Junction 1 and M6 Junction 11

Minutes

Date: 2 December 2019

Time: 3.00pm

Location: Shoosmiths LLP, 6th Floor, 2 Colmore Square, 38 Colmore Circus, Queensway, Birmingham

Attendees

[redacted]

1.	**Introductions**
[redacted]	Introduced himself and emphasised that NDL's aim was not to frustrate the scheme, they just wanted to engage with Highways England (HE) to understand the reasons behind the proposed design and land take and to ensure that it did not unnecessarily constrain the future development of the site.
All	Everyone then introduced themselves.
2.	**Proposed DCO timescales and future engagement with Nurton/Landowners**
[redacted]	Stated that HE had consulted on the preferred route over the summer and was in the process of carrying out a supplemental consultation on the additional land take that is

	required. Responses were due on 11 December 2019. Otherwise, HE was finalising an environmental statement which set out the basis for ecological compensation and mitigation measures forming part of the works and on was track to submit the DCO application on 30 January 2020. In terms of consultation with landowners, there had been a reasonable level of engagement to date. However, HE had been having some difficulty meeting with the Simkins recently. [redacted] noted NDL had been offered only one previous meeting.
[redacted]	Noted that the recent supplemental consultation letter had been received by post but that the relevant documentation / plans had not all been enclosed and that some were uploaded to the HE website instead. [redacted] queried whether there was a reason for this and if there was any intention to deal with Nurton differently from the landowners.
[redacted]	There was not any intention to deal with Nurton differently to other consultees. Some of the documents had been uploaded separately to the website as they had not been available when the supplementary consultation letters were first posted.
[redacted]	Noted that there was not much time remaining for Nurton to submit representations in response to the supplementary consultation on 11.12.19, following which point the scheme is likely to be fixed. [redacted] suggested that a good use of time for this meeting would be to agree a list of action points and for the parties to go away and follow up on those within a certain time frame. This would help Nurton finalise its representations and potentially resolve any objections moving forward.
3.	**Bridging solutions**
[redacted]	Referred to previous representations and queried why it made more sense to build two bridges rather than one new one.
[redacted]	Noted that HE was planning on reprofiling Hilton lane for c.1000m, installing a substantial bridge for the Hilton Lane crossing as well as constructing an accommodation bridge within the site. Suggested that it might be more straight forward to create a new link road for Hilton Lane and a bridge crossing within the site? Understood that a re-designed bridge solution might not get included within the application for 30 January. However, at the least, Nurton wished to understand the reasoning and thinking behind the current design.
[redacted]	Noted that HE had budgetary constraints and could not design the scheme to cater for potential future development. Also explained that creating a new link road and bridge crossing within the site would likely mean significant additional cost and environmental impact. There was not a compelling case for that option. Hilton Lane was only going to be re-profiled for c.500m. Also, it was an existing and well used route.
[redacted]	Queried whether HE had carried out any detailed assessment or analysis of a single bridge design solution (to cater for the accommodation bridge, Hilton Lane, and future development) within the site verses the current proposed scheme.
[redacted]	Stated that no such detailed design or analysis had been undertaken. However, it was just clear that the new link road and single bridge design would be more expensive and that there was not a strong case for that option.
[redacted]	Turned to the accommodation bridge and asked what its purpose was.

[redacted]	Explained that the accommodation bridge had two purposes: (i) to allow for the passage of the bridleway over the new road (the bridleway would need to be diverted, however); and (ii) allow the landowners to access their land on the other side of the new road for existing purposes. The bridge would have a road width of 4m and a 1m curb either side. Later in the meeting, [redacted] asked what the design requirement for a single one way carriageway to serve the development would be. [redacted] advised 4 m road, 3 m footpath/cycleway, and 1 m verge. [redacted] asked for HE to send through a section of the accommodation bridge to establish whether, if widened, it would be suitable for development traffic.
[redacted]	Queried whether that was sufficient and noted that the landowners had commented that it was not wide enough to allow a combine harvester with blade to cross.
[redacted]	Noted that it would not allow a combine harvester with its blade down to cross. However, to do that would require an accommodation bridge with a 10m road width. That was very costly. However, the landowners could take the blade off the combine and cross the proposed bridge that way. HE could then compensate them for any inconvenience. This approach would be more economical.
[redacted]	Queried whether any analysis had been done to support the accommodation bridge's proposed location.
[redacted]	Explained that three alternatives had been considered: (i) a main crossing over Hilton Lane; (ii) a crossing midway between Hilton Lane and proposed location; (iii) the proposed location. It was considered that the proposed location was the best balance between not having to divert the bridleway too much (already at 12% of its total length against a guideline maximum of 10%) and allowing an appropriate gradient (which will now be 8%) for the ramp up to the crossing.
[redacted]	Stated that if the link road is delivered and the site gets planning consent for redevelopment then there will have to be a new crossing. Asked whether Nurton could be provided with any assurance that a new crossing over the link road would be acceptable in principle.
[redacted]	Could not give any assurance as part of the project team. However, would liaise with colleagues internally to find out whether such an assurance could be given. However, if possible, it would need to be subject to a number of caveats (subject to planning, technical approval etc.). Noted that the more information Nurton could provide as to the likely size / design of the future bridge, the better.
[redacted]	Stated that it would be important to have this included in the assurance document. The final wording did not need to be agreed before 11.12.19. However, if a draft assurance document was provided before then, that would be very helpful. This could then be referred to in Nurton's representations for 11.12.19 and followed up with afterwards.

4.	Traffic modelling and timescales for release of information
[redacted]	Stated that not much detail had been provided on this. Wanted to understand the impact of the scheme on local roads and whether the proposed re-development of the site will be compatible with the scheme in terms of traffic flows. It would also be very helpful to see the modelling and to use it to test what Nurton is proposing at a high level. This would help with the local plan promotion work that is ongoing.
[redacted]	HE had carried out some initial modelling and was currently expecting a 26,000 to 3-4,000 daily reduction of traffic flows on A460. However, was not sure whether HE could provide all the modelling data. It was up to individual planning applicants to carry out their own modelling analysis which they can then rely on. Confirmed that the 'West Midlands Interchange' development had been considered in the modelling.
[redacted]	Re-iterated that HE might not be able to provide all the modelling data. However, it could probably provide some headline information. If [redacted] could provide further details about what exact modelling information would be helpful, [redacted] can then go and check with colleagues on whether that information could be provided.
[redacted]	Would provide some detail on what would be helpful in terms of traffic modelling data and send over to [redacted].
[redacted]	Asked the timeframe for Nurton's application and/or input into the Local Plan.
[redacted]	Local Plan is progressing well. Looking towards autumn 2020 for consultation of the Preferred Options of the South Staffordshire Local Plan. Nurton would be looking to demonstrate the site's deliverability prior to publication of the Preferred Options.
[redacted]	Would therefore like to keep a dialogue open regarding how Nurton could use the modelling information so as to not undermine or re-invent what has already been done. Asked about anticipated DCO timescales.
[redacted]	If submitted in January, would expect examination by April/May earliest. It might tie well into the Local Plan representation period.
5.	**Proposed permanent land take**
[redacted]	Asked about the justification for the additional permanent land take; particularly the woodland planting and balancing pond.
[redacted]	The scheme is impacting on woodland. Therefore, HE needs to compensate and mitigate against that impact. There is also a requirement to achieve no net loss of biodiversity. Woodland proposed to the east of the route of the road, within the site, was particularly a requirement of the latter. We have therefore gone through the process of assessing the amount of compensation required. Calculations have been made in accordance with DEFRA formula. Landscaping is not the reason for the woodland planting. It's all to do with compliance with environmental requirements.
[redacted]	Is the compensation relative to the loss of woodland on the site, or would the landowners be compensating for the loss of habitat/woodland elsewhere? Also queried why the woodland planting had to be in the areas proposed and could not be on the other side of the link road (e.g. within Brookfield Farm)?

[redacted]	We do not have the exact information to hand. However, the extent of proposed woodland planting within the site was derived by DEFRA bio-diversity off-setting calculations. Its location, in the southern part of the site, was defined by the track from Hilton Lane and a minimum distance to the toe of the embankment to the accommodation bridge (10%). HE is currently preparing a detailed environmental statement with the reasons behind the woodland planting's extent and location. It is being prepared for submission with the DCO so do not expect it to be available before Christmas.
[redacted]	Stated that this was important information and that it would be helpful to have further details before the supplementary consultation deadline of 11.12.19. It was agreed that HE would issue a note to Nurton in order for Nurton to consider this specific issue and provide informed comment.
[redacted]	Queried the location, size and purpose of the balancing pond.
[redacted]	The pond is to deal with run off from highways, i.e. to hold and discharge at existing greenfield rates. The existing ponds are 'off line'. Therefore, HE do not need to compensate their loss. The balancing pond design is the most efficient shape to cater for steep topography; calculations have been done in this regard. There will also be a drainage strategy submitted with application with further details on this.
[redacted]	Queried whether the new development could discharge surface water into the balancing pond or the drainage ditches. Stated that it would also be helpful to have further details regarding this before the supplementary consultation deadline of 11.12.19.
[redacted]	The balancing pond would be in HE's ownership, so development of the site would not be able to discharge into that. However, all of the drainage ditches/water courses on the site will remain the responsibility of the lead local flood authority. HE would not have the power to prevent discharge into ditches.
[redacted]	Queried whether the balancing pond could be a different shape to more easily cater for the future bridge crossing?
[redacted]	Thought that an alternative pond shape might be possible. However, this would involve altering the DCO application redline boundary, which would be difficult at a later stage in the process. The pond had to be located to the west of the link road because of the direction of flows (to the west). It was agreed that HE would issue a note to Nurton in order for Nurton to consider this specific issue and provide informed comment.
6.	**Proposed temporary land take**
[redacted]	Asked for justification for the temporary land take area and programme for returning it to the landowners.
[redacted]	It will be an area of temporary top soil storage during construction. Time frame for use would be length of construction period; late 2021- to late 2024. It is a broad-brush area to allow contractor some space (but not for site compounds). The ponds should remain untouched.
[redacted]	Is HE taking much spoil off-site? Nurton will look to do some plateauing. HE could therefore leave some excess spoil there.

[redacted]	Not seeking to leave much spoil. Will more likely bring spoil onto the site from a borrowing pit elsewhere on the scheme.
7.	**Next steps**
[redacted]	Listed the action points as follows: (i) [redacted] to review internally and provide a draft assurance regarding the principle of a future bridge; (ii) HE to provide analysis and costing information in support of the proposed two bridge design solution; (iii) HE to provide to [redacted] details of sections of the accommodation bridge; (iv) [redacted] to provide details of required traffic modelling data (and [redacted] to then check whether that information can be provided and when); (v) HE to issue note to provide detail about the biodiversity and environmental justification for the woodland planting size and location. (Nurton offered to discuss direct with consultants to obtain this information); (vi) HE to issue note on the balancing pond drainage function and the justification for its size and location (Nurton offered to discuss direct with consultants to obtain this information);
[redacted]	Ideally, the above can be provided before the deadline of 11.12.19. However, if anything cannot be dealt with before then, it can be listed in Nurton's representations to the supplementary consultation and be picked up further down the line during the DCO process. [redacted] suggested this might not be possible and that the information might not be available until the application is lodged.
8.	**Any other business**
[redacted]	Requested that a draft assurance be provided before 11.12.19; this could then be referenced in Nurton's representations.

Appendix D: Letter from Highways England to Nurton Developments on 20 February 2020

highways england

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Highways England
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B4 6BN

Customer Contact Centre:
0300 123 5000

FAO Anna Cartledge
Shoosmiths LLP
2 Colmore Square
38 Colmore Circus Queensway
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B4 6SH

20 February 2020

Your ref: WXT lip M-00831838

Dear Sirs,

Thank you for your letter dated 6 February 2020.

Concerning the information, you have requested in paragraph three of your letter, we respond to each point in turn as follows:

a. *A draft assurance regarding the principle of a future bridge.*

Highways England is unable to provide any assurance regarding the principle of a future bridge over the link road. Should a proposal come forward, this would need to be considered by Highways England in the usual way through the planning process in consultation with the Local Planning Authority.

b. *Analysis and costing information in support of the proposed two bridge design solution.*

As discussed in our meeting on 2 December 2019, Nurton queried if alternative options had been considered, including a suggestion of a single bridge to carry Hilton Lane and the bridleway diversion. Highways England has previously considered a number of alternative alignments for the Hilton Lane bridge and the accommodation bridge to the south of Brookfield Farm, including combining the bridges to reduce the number of structures. Moving the bridge away from Hilton Lane would require the construction of additional carriageway, resulting in significant additional cost and environmental impact. It would further require the acquisition of additional land that would not be justified in this instance.

Given the above, Highways England does not consider the suggested single bridge solution to be feasible and therefore does not propose to undertake detailed design, analysis or costing of this option.

c. *A note with detail about the biodiversity and environmental justification for the woodland planting size and location.*

Use of the plots has been defined and information on each land plot and future uses, together with justification for the land acquisition, is provided in the Statement of Reasons submitted as part of the DCO application. A copy of the Statement of Reasons is now available on the Planning Inspectorate project website: https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m54-to-m6-link-road/
We confirm that each plot shown on the application drawings is required to construct the link road and provide essential mitigation. An Environmental Statement has also been submitted as part of the DCO application, which provides an assessment of the environmental impact of the Scheme and identifies the necessary mitigation.

We are further currently preparing a technical note with regard to the environmental mitigation on the land parcels in question. This is currently undergoing internal review with numerous environmental specialists and will be shared in due course.

d. *A note on the balancing pond drainage function and the justification for its size and location.*

As discussed in our meeting on 2 December 2019, the balancing pond has been designed to accommodate runoff from the new link road to reduce outfall flows to existing greenfield runoff rates. Further information is provided in the drainage strategy for the Scheme (Appendix 13.2 of the Environmental Statement, submitted as part of the DCO application). Discussions will be held with the landowners regarding the details of the layout of the pond, and adjustments may be made where possible to reduce impact on existing farming operations.

e. *A CAD format drawing of the link road and permanently taken land.*

We will provide this as agreed in the meeting on 2 December 2019.

f. *A design drawing showing the sections of the proposed accommodation bridge.*

A cross section drawing of the accommodation bridge is provided on the Engineering Section Drawings submitted as part of the DCO application. These can be viewed on the Planning Inspectorate website. It is proposed that the traffic width of the accommodation bridge is to be 4.5m in order to connect parcels of land severed by the link road, for the purposes of agricultural and maintenance vehicles only.

g. *Complete traffic modelling to be supplied to DTA (Nurton's Transport Consultants)*

As discussed in our meeting on 2 December 2019, Nurton's transport consultants were to confirm which traffic information they require and, to date, no request has been made

for this. We are not able to provide the complete traffic model, but outputs may be capable of being provided if you can indicate what you require. Forecast traffic information is provided in the Transport Assessment submitted as part of the DCO application, which is again available on the Planning Inspectorate website.

With regard to the letter dated 24 January 2020 sent to Messrs Simkin, we confirm that the letter in question has been issued, as part of our ongoing landowner engagement, to persons having a category one land interest only at this stage.

You will appreciate that there are a large number of persons with an interest in the land and we are seeking to engage with everyone in a coordinated manner. We do not agree with your assertion therefore that we have failed to engage with Nurton. We have previously engaged with Nurton and will continue to do so as appropriate throughout the DCO process. This may include if appropriate a Statement of Common Ground to record the discussions, engagement and common ground between Highways England and Nurton.

Yours sincerely,

[redacted]

Andrew Kelly
Project Manager – M54 to M6 Link Road