

**Transport – The A449**

**Issue 1:** The 1.8km section of the A449 immediately to the north of J2-M54 is missing from the Applicant's Appendix 11.5 data/analysis.

The Applicant's Deadline 6<sup>1</sup> response to this concern was:

*“As described in response to Daniel Williams RR-032a in [REP1-043/8.9] submitted at Deadline 1, the operational traffic noise assessment has been completed based on the standard UK assessment methodology for road schemes set out in DMRB LA 111. Road links that are predicted to experience a potentially significant change in traffic noise level (i.e. a change due to the Scheme of 1.0 dB(A) or more in the short term, or 3.0 dB(A) or more in the long term) are referred to in Chapter 11: Noise and Vibration of the ES [AS-084] as 'affected routes'. The assessment was carried out for all links in the traffic model to determine which links meet these criteria. Links meeting the criteria, i.e. 'affected routes', are illustrated on Figure 11.2 [AS-096]. Appendix 11.5 [AS-053] reports the results for affected routes which are outside the main 600m calculation area. Road links which form the 1.8 km section of the A449 extending northwards from M54 J2 to the junction with Brewood Road are predicted to experience change in traffic noise levels due to the Scheme of less than 1.0 dB(A) in the short term and less than 3.0 dB(A) in the long term. These links therefore do not meet the criteria for 'affected routes' and are not illustrated on Figure 11.2 [AS-096] or reported in Appendix 11.5 [AS-053].”*

**DW's Deadline 7 Question 1:** The A449 (T) is only 6km overall in length. If the 1.8km stretch of the A449 to the north of J2-M54 is not experiencing a drop in noise of 1dB or more, is the proposed DCO sufficiently effective at putting the right traffic, on the right roads, at the right levels?

The Applicant's Deadline 8 response to this question was:

*“As noted in our response to Daniel Williams' Deadline 2 Question 3 in REP6-039, whilst the 1.8 km section of the A446 north of M54 J2 is not present in Appendix 11.5 [AS-053], it is not missing from the analysis. The assessment was carried out for all links in the traffic model, but only links that are predicted to experience a potentially significant change in traffic noise levels are reported in Appendix 11.5. The 1.8 km section of the A446 north of M54 J2 is not predicted to experience a potentially significant change in traffic noise levels due to the Scheme.”*

*“The Scheme will achieve the stated objectives with the A449 remaining a trunk road and deliver significant local and regional benefits. Modelling shows that approximately 2400 vehicles per day in 2039 (to the north of M54 Junction 2) would transfer from the A449 to the new link road. Even though the new link road provides a quicker route for through traffic, the traffic model indicates that the majority of traffic on the A449 would remain on the A449 as there is no perceived benefit in transferring to the new link road for their trip. The predicted change in traffic flow due to the Scheme is expected to result in*

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<sup>1</sup> Page 28 - [TR010054-000933-TR010054 APP 8.25 Applicant Responses to ExA's WQs.pdf \(planninginspectorate.gov.uk\)](#)

*negligible change in traffic noise levels along this stretch of the A449. The Scheme will significantly reduce traffic on the existing A460 between M54 Junction 1 and M6 Junction 11 by taking strategic traffic off the local road and onto the new link road.”*

**DW’s Deadline 9 Response** – The Applicant’s claim that the proposed scheme delivers significant local benefits somewhat conflicts with the admission that *“the 1.8 km section of the A446 north of M54 J2 is not predicted to experience a potentially significant change in traffic noise levels due to the Scheme”*. The Applicant’s assertion that the scheme would significantly reduce traffic along the A460 is not disputed; the point of dispute is why is the A449 and its communities are not worthy of the same degree of relief as the A460 communities just because they are perceived to be spatially distant from the proposed operational development? i.e. the new tarmac in the ground. The stated purpose of the scheme is not to create a Shareshill bypass; it is to create a motorway link road to transition from the ad hoc linkages that have formed in the absence of a dedicated link road over the past four decades.

**DW’s Deadline 7 Question 2:** Does the Applicant know the number of vulnerable residential receptors that live within 30m of the 1.8km of stretch of the A449 to the immediate north of J2-M54? In the image given in Appendix 1 I have identified 50 vulnerable residential receptors - Is that correct?

The Applicant’s Deadline 8 response to this question was:

*“This analysis is not required as part of the noise impact assessment so the Applicant does not have this information. Daniel Williams’ Appendix 1 appears to identify the closest residential properties to the A449 to the north of M54 Junction 2.”*

**DW’s Deadline 9 Response** – 70 dwellings reside within very close proximity to the 1.8km stretch of the A449 to the immediate north of J2-M54 with at least 50 of these dwellings also residing within 600m of the Order Limits red line<sup>2</sup>.

**DW’s Deadline 7 Question 3:** How many of the A449 dwellings to the north of J2-M54 reside within 600m of the actual Order limits?

The Applicant’s Deadline 8 response to this question was:

*“The noise impact assessment study area is defined based on 600m from carriageway edge of the Scheme and the routes bypassed by the Scheme, not the DCO limits. The Applicant therefore does not have this information as part of the noise assessment.”*

**DW’s Deadline 9 Response** – The first point here is that the A449 (T) is a route that is to be bypassed to some extent by the proposed scheme. We dispute the extent of the ‘bypassing’ that is to occur, but all parties agree that the A449 is to some extent a bypassed route.

The second point to note is that the Applicant’s examination submission contains multiple examples whereby the 600m buffer around new carriageways has been ignored where it has been beneficial to do so from the Applicant’s point of view. Figures 11.1, 11.2 and 11.3 very clearly illustrate this point.<sup>345</sup>

It is frustrating and disappointing in equal measure to see that the Applicant has created conditions in which the A449 and its communities fall between the cracks of the assessment.

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<sup>2</sup> LAND PLANS REGULATION 5(2)(i) SHEET 2 OF 10 - -DR-LR-1002 – Rev P06 [TR010054-000110-TR010054 M54 2.2 Land Plans.pdf \(planninginspectorate.gov.uk\)](#)

<sup>3</sup> [TR010054-000255-TR010054 M54 6.2 Environmental Statement Figure 11.2.pdf \(planninginspectorate.gov.uk\)](#)

<sup>4</sup> [TR010054-000256-TR010054 M54 6.2 Environmental Statement Figure 11.3.pdf \(planninginspectorate.gov.uk\)](#)

<sup>5</sup> [TR010054-000254-TR010054 M54 6.2 Environmental Statement Figure 11.1.pdf \(planninginspectorate.gov.uk\)](#)

**DW's Deadline 7 Question 4:** Based on what is known from other stretches of the A449 (T), at present, what levels of noise exposure do residential receptors typically experience in the 1.8km stretch of the A449 to the immediate north of J2-M54?

The Applicant's Deadline 8 response to this question was:

*As the receptors along the A449 fall outside of the 600m calculation area for the detailed quantitative assessment, traffic noise levels at the receptors have not been predicted. However, calculations of the CRTN Basic Noise Level (BNL) at a reference distance of 10 metres from the carriageway edge have been carried out for all links in the traffic model, taking into account the traffic flow, composition (% HDVs), speed and road surface. The noise levels at the receptor would be related to the BNL with corrections for distance from the carriageway, ground absorption, reflection and screening, which have not been calculated for these receptors outside of the 600 m calculation area. The BNLs for the Do-Minimum (without Scheme) opening year (2024) for the links along the 1.8 km section of the A449 north of M54 J2 are in the range 72-73 dB LA10,18hour.*

**DW's Deadline 9 Response** – 72-73 dB LA1018hour is significantly harmful to the 50 no. residential receptors that reside within the 600m stretch of the A449 to the immediate north of J2-M54. The 72-73 dB LA1018hour levels could be reduced significantly if the proposed scheme were to do more to transfer A449 vehicular usage onto the proposed link road.

### **Issue 2: Journey Times – The WMI Link Road – A Rat Run**

The Applicant has not provided journey time data that explains how long a journey would take using the A449-West Midlands Interchange (WMI) Link Road<sup>6</sup>-A5 route between M54-J2 and J12-M6 (and vice versa) compared to the time it would take to use the route that is offered by the proposed DCO. Figure 1 below shows the way in which the Applicant is trying to frame their analysis away from a direct scrutiny of the A449-WMI Link Road-A5 route.

**DW's Deadline 7 Question 5:** Could the Applicant please provide clear, unambiguous data so we can see the full extent of the journey time benefits offered by the proposed scheme? I would like to see the journey times from J2-M54 to J12-M6 in a simple two column table so that the two routes can be compared and contrasted.

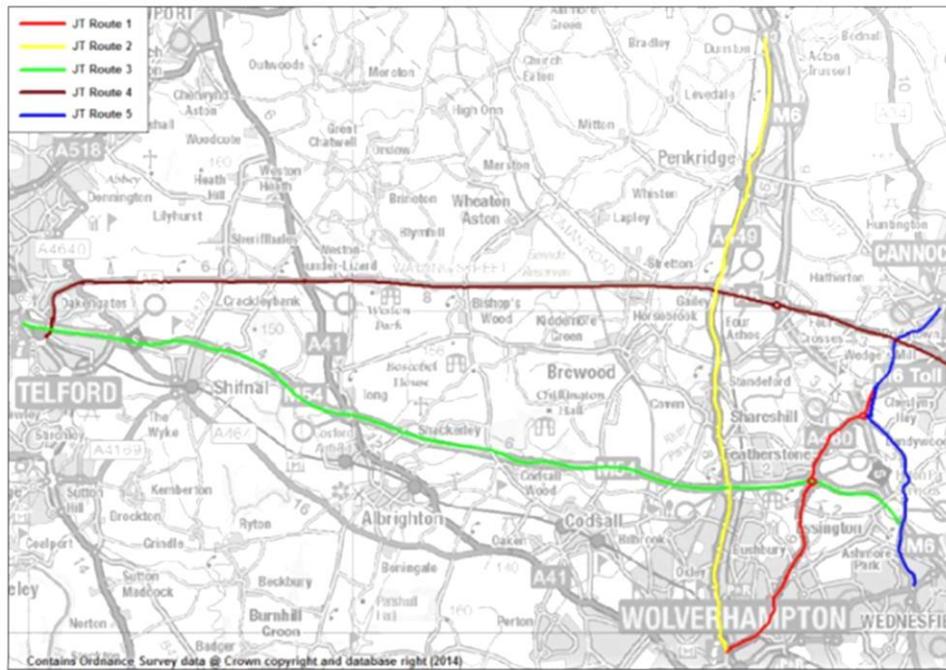
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<sup>6</sup> [TR050005-000282-Doc 2.13A - Highway Classification Plans Sheet 1.pdf \(planninginspectorate.gov.uk\)](#)

### Journey Time Surveys

3.4.11 The routes used for the calibration and validation of journey time data are shown in [Figure 3.6](#) and [Figure 3.7](#).

**Figure 3.6: Journey Time Survey Routes Assessed – North / West Of The Scheme**



**Figure 1: The image shows the Applicant's route analysis from its current Transport Assessment. The geographically more direct and shorter routes offered by the A449-WMI link Road-A5 compared to that offered by the proposed scheme is absent from the Applicant's analysis.**

The Applicant's Deadline 8 response to this question was:

*"Journey times for trips between M54 West (at J2) and M6 North (at J13) were compared in the Applicant's response document [REP4-033/8.19] to Daniel William's Question 11. While the representor has requested that M6 Junction 12 is used, the Applicant has provided data for trips to M6 Junction 13 to allow the comparison with the route through Penkridge. The time savings between these two points will be the same as the requested M6 Junction 12 as it would take the same time to travel along the M6 between J12 and J13 for either options using this route. The information provided previously, has been converted to a table form below to aid understanding as requested by the representor. As noted previously, using the M54 to M6 Link Road Scheme between M54 J2 and M6 J12 will be quicker (by more than 2 mins) than using the A449 and A5 in both the northbound and the southbound directions."*

Route from M54 J2 to M6 J13 (or vice versa) via:	Time Distance Average Speed	
	Northbound	Southbound
the Scheme to the M6 at J11, then M6	710s 19,127m 97.1kph	789s 19,447m 88.7kph
A449 to Gailey, then A5 to M6 J12, then M6	855s 17,551m 73.9kph	938s 17,900m 68.7kph
the A449 through Penkridge to M6 J13:	876s 15,647m 64.3kph	952s 15,977m 60.4kph

**DW's Deadline 9 Response** – The Applicant has not answered my question. The A449 route through Penkridge is an irrelevant distraction. The inclusion of the M6 from J12 to J13 has the effect of slowing the overall A449-A5 route to a far greater extent than a simple J12 to J2 (M54) comparison. If the Applicant has nothing to hide, I see absolutely no reason why it could not oblige my request. I have produced my own table which I will send directly to the Applicant for clarification now that the open examination has closed (please see below).

Route from M54 J2 to M6 <u>J12</u> (or vice versa) via:	Time Distance Speed	
	Northbound	Southbound
J2 to J1, the scheme to the M6 at J11 then M6 <u>to J12</u>	???-Seconds ???-Metres ???-KPH	???-Seconds ???-Metres ???-KPH
M54-J2 A449 to Gailey then A5 to M6 J12	???-Seconds ???-Metres ???-KPH	???-Seconds ???-Metres ???-KPH
A449 to WMI link road then A5 to M6 12	???-Seconds ???-Metres ???-KPH	???-Seconds ???-Metres ???-KPH

**Issue 3: Repurposing the A449 to be a sub 53dB Road.**

At Deadline 5 I made the following observation:

*“The Applicant’s answer to [my] D2 question 13 makes it perfectly clear that it does not have any robust grasp of how the proposed link road and one of the two existing links (The A449) works at present and how they will both work in the future. The proposed scheme’s stated objective of getting “the right traffic, on the right roads, at the right levels” is based*

*on nothing more than the blind hope that doing something is better than doing nothing, so long as that something does not involve thinking about or altering the A449's strategic role, its physical layout, its speed limits or the wellbeing of the communities that live alongside it in respect of the World Health Organisation Environmental Noise Guidance (paragraph 11.3.42) recommendation that noise from road traffic should be reduced below 53dB Lden"*

At Deadline 6, all the Applicant could say in response was "*noted*". This answer epitomises the Applicant's approach to the entire scheme; they are reluctant to consider the holistic picture, understand all the relevant policy tests<sup>7</sup> they must meet and appreciate the role they can and have to play in delivering societal benefit.

At Deadline 6 the Applicant also said:

*"De trunking A449 is outside the scope of the Scheme. There are no formal minutes or written transcripts to share in relation to the de-trunking of the A449 nor would they be relevant to the Examination of this DCO application. Highways England Operations Division is the maintainer and operator of the network and constantly reviews how the network operates as part of our ongoing commitment to making sure our customers have safe and reliable journeys. We have an ongoing relationship with SCC and if we believe there is a clear strategic case for de-trunking the A449 and A5 in the future, we will work with SCC to understand the benefits and risks before any future decisions are made. Highways England is also currently developing the next round of Route Strategies to inform future network plans and investment options. It will set out the long-term strategic role and purpose of the Strategic Road Network, including its geographic scope. During 2021 we intend to launch a public consultation with stakeholders and customers to understand their future aspirations and requirements for the network, including capturing views on network extent. Once the consultation launches, interested parties will be able to comment on the A449 and A5. There is no evidence to suggest that by not de-trunking the A449 and A5 the Scheme will not achieve the Scheme objectives and deliver significant local and regional benefits."*

- It was technically possible to 'de-trunk' the A449 as part of the proposed scheme. What the applicant has said is factually incorrect.
- It would have been logical to positively and proactively alter the way in which the A449 functions as a part of the proposed scheme rather than as a tacked-on afterthought.
- It is the stated objective of the proposed scheme to create a purpose built M54-M6 link road to transition away from the ad-hoc linkages that have formed in the absence of a purpose-built road over the past 40 years. What the Applicant has said and what the Applicant is proposing are two very different things.

**DW's Deadline 7 Question 6:** What levels of vehicle usage on the A449 would result in sub 53dB LA10,18hour sound levels for its vulnerable residential receptors?

The Applicant's Deadline 8 response to this question was:

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<sup>7</sup> The National Policy Statement for National Networks - Paragraph 5.195 (Page 85) - [National Policy Statement for National Networks \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441222/nps-national-networks.pdf)

*“As noted in Paragraph 11.3.4 of the Noise and Vibration Chapter of the Environmental Statement [AS-085/6.1], the ENG state that they are “not meant to identify effect thresholds”. However, it is also noted that the Lowest Observable Adverse Effect Level (LOAEL) used in the noise impact assessment is consistent with the ENG. The Lden is not calculated by CRTN for use in the assessment, however it is broadly comparable to the LA18,18hour calculated using CRTN. As road traffic noise levels are affected by multiple factors including traffic flow, composition, speed, road surface, distance from the carriageway, ground absorption, reflection and screening, it is not possible to give a single answer as to what levels of vehicle usage on the A449 would result in an Lden of 53 dB. However, achieving Lden 53 dB at close proximity to a road would require very low traffic flows. For illustration, based on the existing traffic speed, traffic composition and road surface along the 1.8 km section of the A449 north of M54 J2, a two-way flow of 1000 veh/18hr (the lower limit of reliability of CRTN noise level predictions) would result in CRTN Basic Noise Levels at a reference distance of 10 metres from the carriageway edge of around 56 dB LA10,18hr. For comparison, the existing two-way flow along this section is approximately 22,000 to 27,000 veh/18hr resulting in BNLs in the range 72-73 dB LA10,18hour”*

**DW’s Deadline 9 Response** – The Applicant’s response to this question is very illustrative and clearly shows that greater work should have been undertaken to create a bespoke noise assessment of the A449 as a principal to-be bypassed route. A detailed analysis and associated projections that understand the extent of A449 usage and the ways in which this transfers into noise harm at a bespoke locality-by-locality basis should have formed a significant part of the examination. It should also have been the starting point for the scheme, long before its submission into a DCO examination. The sole fixation with the A460 and its communities has left little room for finding an optimum use of the A449 that delivers the best possible degree of noise reduction for its communities and the maximum suitable transfer of vehicle usage onto the proposed link road. The A449’s optimum level of sound production may not have been 53 dB LA10,18hour but that does not mean should it be left languishing at plus 70 dB LA10,18hour because the Applicant is intransigent to its responsibilities and the relevant policy tests it must satisfy.

**DW’s Deadline 7 Question 7:** What extent of vehicle usage transferred from the A449 to the proposed link road would harm the function of the proposed link road and national economic output?

The Applicant’s Deadline 8 response to this question was:

*“As noted in our response to Daniel Williams’ Deadline 2 Question 10 in REP6-039, de-trunking the A449 is outside the scope of the Scheme. Therefore, the new link road has not been designed to accommodate all of the current traffic on the A449. Modelling shows that approximately 2400 vehicles per day in 2039 (to the north of M54 Junction 2) would transfer from the A449 to the new link road. Even though the new link road provides a quicker route for through traffic, the traffic model indicates that the majority of traffic on the A449 would remain on the A449.”*

**DW’s Deadline 9 Response** –The Applicant hits the nail on the head. The proposed road has been designed to act as a Shareshill bypass and not as an actual motorway. The convoluted arrangements proposed at J11 of the M6 is why the proposed road cannot function anywhere near to its full potential. This fault is the sole responsibility of the Applicant and until this matter is resolved consent for the DCO should be withheld.

**DW's Deadline 7 Question 8:** Could a compromise be reached if the A449 remained as part of the strategic road network with speed reductions and sections of single carriageway utilised to discourage/transfer trans-regional travel? The A449 could exclusively serve local traffic and act as a low speed, high volume transport link between the WMI and the West Midlands conurbation. This would benefit all road users and all vulnerable residential receptors in the A449 corridor.

The Applicant's Deadline 8 response to this question was:

*"The Strategic Road Network is maintained and operated by Highways England for the benefit of national strategic traffic. It would not therefore be possible to restrict the Strategic Road Network as suggested to discourage the use of that road to national strategic trips."*

**DW's Deadline 9 Response** - Please see the Deadline 9 D7 – Q7 response given above.

### **Kettle Holes**

The Applicant's Deadline 6 responses<sup>8</sup> to the Kettle Hole & Holocene deposit questions raised by me at Deadline 5<sup>9</sup> are a jumble of confusing, repetitive, and contradictory information. The Applicant needs to deal with this information in a formal, standalone document which identifies all of the potential Kettle Hole features and their associated sediment/paleo proxy sequences within and adjacent to the Order Limits. That document needs to systematically identify and explain each feature using a process of detailed scientific reasoning to explain and account for each possible Kettle Hole. These features and the information they contain are completely finite and are too precious to simply disregard.

Using Google Earth, I would invite the Applicant and the ExA to look at the landscape around Bickford Grange Farm near the settlement of Lapley (Postcode ST19 5QJ). This area contains one of the densest concentrations of Kettle Holes in Britain (please see Appendix 2). The 6-7km space between that dense concentration and the site itself is still heavily peppered with Kettle Holes. These features are not widely recognised or documented by any scientific literature that I am aware of; it is an open research gap which needs plugging as a matter of urgency. I agree with the Applicant that many geomorphic features within or adjacent to the Order limits may turn out not to be Kettle Holes but there are always exceptions which need to be found, documented, and analysed for paleoenvironmental proxies.

For brevity I have bullet-pointed the comments made by the Applicant in their Deadline 6 submission, and I have identified the associated issues and errors as I see them for the ExA to reflect upon.

- The Applicant states *"There are no kettle holes recorded in the study area."* The current absence of evidence is not evidence of absence.
- The Applicant asserts *"Locally within the vicinity of the route, aerial satellite imagery shows there are several small ponds, which at first sight could be interpreted as potential kettle holes in the absence of direct ground investigation."* The Applicant has not conducted any ground investigations i.e. Russian Coring in the water bodies or the vegetated micro meres that do exist, so how can they make this claim with any certainty?

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<sup>8</sup> Pages 31 to 34 - [TR010054-000933-TR010054 APP 8.25 Applicant Responses to ExA's WQs.pdf \(planninginspectorate.gov.uk\)](#)

<sup>9</sup> Pages 3 and 4 - [TR010054-000884-Daniel Williams.pdf \(planninginspectorate.gov.uk\)](#)

- The BGS geological Sheet 15 is cited, and a small extract of sheet 153 map is given by the Applicant. The section of the map that is given is set at a scale of 1:50000 and identifies an area of 600 km<sup>2</sup> (30km by 20km). The suggestion that a map of this scale can identify individual Kettle Hole features measuring a few metres across when it is showing generic landscape geology at a kilometre level resolution is ludicrous. Kettle Holes are by their very nature anomalies that form in glacial and periglacial environments.
- More detailed review of the main body of sheet 153<sup>10</sup> identifies that the site crosses an expanse of Late Devensian Till. This is exactly the type of terrain in which Kettle Holes form. I would invite the ExA to look at the geology of site, the geology of the area to the south east of Lapley (Postcode ST19 5QJ) on sheet 153 and the features identified in the aerial imagery given in Appendix 2.
- The Applicant states *“The BGS Memoir indicates that Eskers and Kettles present in the area are mainly associated with the Valley train outwash fans and the Kame and Kame Complex formations (also known as the Glaciofluvial Sheet Deposits)... These deposits are shown to be largely absent within the curtilage of the proposed scheme.”* ‘Largely absent’ is very different to absent or completely absent.
- The Applicant States *“The alluvial deposits identified are the only deposits that could contain palaeoenvironmental information. The rest of the scheme is made up of glacial till formed of sand and silty clay with pebbles. Palaeoenvironmental remains (such as pollen, seeds, molluscs etc) do not typically survive in these geology types. Distinct burial conditions are needed for this to survive.”* This is false. Millennial spanning peat and sediment accumulations in the bottom of open bodies of water and vegetated mere features can, and routinely do, hold paleoenvironmental proxy records.
- The Applicant then goes on to state *“Other deposits that could contain palaeoenvironmental remains, such as peat and other alluvial deposits, have not been recorded, either from existing geological information or the geotechnical investigations undertaken across the scheme.”* The Applicant has not looked at or analysed any of the actual possible Kettle Hole features. How can it possibly know that they do not exist with any degree of certainty until it purposely and analytically assesses these features?
- The Applicant states *“The stratigraphy for the Kings Pool site in Stafford is completely different to that underlying the Scheme. The Kings Pool contained both alluvial silt and clay and peat, whereas those deposits are absent from the Scheme boundary, barring a narrow band of alluvium around Latherford Brook (Watercourse 5).”* The comparison that I made with King’s Pool, Stafford was to emphasise the ease with which road schemes can affect paleoenvironmental proxy records. The type of topographic depression that the King’s Pool record formed within is different to the isolated Kettles that may have formed across the land within and adjacent to the proposed Order Limits. Focusing on the comparability between the Latherford Brook accumulation and King’s Pool and ignoring the rest of the site and scattered Kettle features is unhelpful.
- The Applicant states *“Coring has not been proposed as there are no appropriate geological deposits to suggest that this is warranted. As previously stated, the band of alluvial deposits is narrow and confined to the margins of the watercourse (Latherford Brook). While there is potential for micro- and macrofossils and other environmental deposits to survive, these are unlikely to be significant in nature.”* How does the

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<sup>10</sup> [British Geological Survey \(BGS\) | large image viewer | IIPMooViewer 2.0](#)

Applicant know there are no 'appropriate' geological deposits to be found in the open bodies of water or the fully and partially vegetated micro meres?

- The Applicant states *"There are several exploratory holes (boreholes and trial pits) advanced along the route of the Scheme during previous ground investigations (GIs). The previous investigations include the 1987 GI for the Birmingham Northern Relief Road (logs available on the BGS GeoIndex website and the recent 2019 GI carried out by Highways England (Ground Investigation Report, Appendix 9.1 of the ES [APP-187 to 191] for the Scheme. These previous ground investigations along the route of the Scheme did not identify any Glaciofluvial Sheet Deposits or any significant organic deposits indicative of kettle hole sediments. Localised Peat was identified in historical BGS boreholes SJ90NE217 and SJ90NE218 both located in the woodland immediate south of Hilton Lane and east of Dark Lane. Both boreholes were 20m deep and the Peat identified was only present between ground level and 0.1m below ground level."* Bore hole samples taken on land outside of the potential Kettle Holes would never have identified what may reside within them.
- The Applicant states *"The historical OS Maps (1883 to date) reviewed indicates that majority of the features which the enquirer suggests are potential kettle holes are either former man-made clay pits or recent man-made features or are outside the Order Limits of the Scheme."* The majority is not the same as all. Features outside but near the site should be considered. The potential effects of the proposal do not end arbitrarily at the red line of the Order limits.

The Applicant's Deadline 8 response to these matter was:

*"As detailed in our previous responses [REP6-039], the Applicant maintains that there are no kettle holes within the Scheme boundary. Those features identified by Mr Williams are either gaps in woodland, recent ponds or former quarry pits. The features identified in Lower Pool were not labelled in our previous response. It is confirmed that prior to the construction of Lower Pool there were no features in this location, as indicated on historic mapping (see Figure 6.7: Hilton Park 1796 of the Environmental Statement [APP-078/6.2]). In the event that any earlier features were located here, they would have been removed by the construction of Lower Pool. Some of the features identified as possible kettle holes by Mr Williams are outside the Scheme boundary. These areas have not been investigated as there would be no impact resulting from the construction or operation of the Scheme. Highways England have investigated the majority of locations identified as potential kettle holes as part of the ground investigation for the Scheme. Although these are predominantly geotechnical boreholes, dynamic sampling drilling technique were employed. **Samples were obtained as a 'soil core' in plastic tube liner, which allows for visual inspection and description of the soil. No peat or deposits indicative of kettle hole sediments were encountered.** There are no features that warrant further investigation by coring or otherwise to see if any previously unidentified palaeoenvironmental remains survive."*

**DW's Deadline 9 Response** – It is astounding that the Applicant simply expects the examination to take its word for it that everything is OK as far as they are concerned, and the matter is dealt with without providing any written submission describing or documenting their 'sampling' work. The circumstantial evidence that Kettle Holes exist within or immediately adjacent to the Oder limits is

overwhelming. The robustness of the Applicant's due diligence in explaining what each potential Kettle Hole feature is and what it may or may not contain is woefully inadequate.

### **Scale Disclaimers**

The Applicant's answer to ExA WQ No. 3.0.5 was:

*"The submitted plans have all been prepared to satisfy the requirements in the Planning Act 2008 and in particular the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009/2264. Regulation 5(3) simply requires plans to be no larger than A0, drawn to an identified scale and show the direction of North. All the submitted plans comply with these requirements. The plans do contain a 'do not scale' disclaimer which is standard practice and primarily to ensure plans are not printed at an incorrect size and scaled inaccurately."*

**DW's Deadline 7 Question 9:** If it is 'standard practice' to include the 'DO NOT SCALE' scale disclaimer why did HE not include a scale disclaimer on the plans used to gain consent for the recently approved A303 - Stonehenge bypass/tunnel DCO<sup>111213</sup>?

The Applicant's Deadline 8 response to this question was:

*"While the Applicant endeavours to provide consistency across all schemes, as the representor is no doubt aware, different design consultancies will work on different schemes and may choose to add additional notes to drawings if they believe they are necessary. The Applicant is satisfied that the inclusion of a scale disclaimer does not affect the nature of or the efficacy of the application drawings."*

**DW's Deadline 9 Response** –The whim of design consultancies is not what should be driving or deciding this matter. The fullness of time will reveal if the Applicant exploits the loophole it has created for itself.

**DW's Deadline 7 Question 10:** If the 'primary' purpose of the disclaimer is to ensure 'correct printing' what are the secondary or even tertiary reasons for using the disclaimer?

The Applicant's plan disclaimer specifically states:

*"DO NOT SCALE FROM THIS DRAWING, USE ONLY PRINTED DIMENSIONS."*

The Applicant's Deadline 8 response to this question was:

*"While the primary reason for the disclaimer is to ensure correct printing, the secondary reasons would be to ensure that PDF drawings are never used for setting out, construction or quantity take off. This is due to the inaccuracy introduced when printing and measuring from drawings."*

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<sup>11</sup> [2.5 DCO Works Plans\\_P02\\_20181012.pdf \(planninginspectorate.gov.uk\)](#)

<sup>12</sup> [TR010025-000157-2-2-LandPlans.pdf \(planninginspectorate.gov.uk\)](#)

**DW's Deadline 9 Response** – The secondary reasons stated by the Applicant could easily be covered by a disclaimer which states “This plan is only to be used for DCO examination purpose”. Why it needs to be stated that plans cannot be scaled from for any purpose has not been satisfactorily explained by the Applicant.

**DW's Deadline 7 Question 11:** With regard to the examination plans that do not possess any figured dimensions (which is most of the submitted plans) could the Applicant explain how an Interested Party or the ExA can ever comply with their usage instruction?

The Applicant's Deadline 8 response to this question was:

*“The PDF drawings provided as part of the Examination are illustrative of the Scheme for the purpose required to convey information to relevant parties and the Examining Authority. If printed at the correct scale, measurements can be taken from the drawing which would provide an approximation of the dimension but, as stated previously, should not be used for setting out, construction or quantity take off. The disclaimer is intended that, if a measurement is critical to the application, these will be provided separately, hence why drawings also carry the disclaimer that they should be read in conjunction with all other drawings.”*

**DW's Deadline 9 Response** – The plans are not there to be ‘illustrative’. They are there to provide absolute clarity and fixed datums around which detailed assessment and specific consent can be made. Without the certainty of plans and the conditions attached to them, the planning system is nothing. The claim that this disclaimer somehow relates to the reliability of third party printers or contractors using DCO plans to guesstimate material quantities could be dealt with by disclaimers that say as much. The sweeping ‘DO NOT SCALE THIS DRAWING’ disclaimer has the potential to be used in ways that are unscrupulous and harmful by the Applicant and should not form part of any consent that is given.

The ExA has repeatedly been asked to form an opinion on this matter which, to all intents and purposes, is a procedural issue. The ExA have instead continually deferred the matter back to the Applicant. Whilst I recognise that the Applicant has questions to answer, the ExA **must** take an opinion on this matter.

**DW's Deadline 7 Question 12:** Is it acceptable for the Applicant to retain the do not scale disclaimer on the examination plans?

**DW's Deadline 9 Response** – The Applicant has offered a response to this question which was in fact directed towards the ExA. It is hoped that the ExA directly tackle this matter in their written appraisal/recommendation to the Secretary of State.