

**Application by Highways England for M54 to M6 Link Road**  
**Statement of Final Position in respect of matters examined**  
**Deadline 9 - 16<sup>h</sup> April 2021**  
**Allow Ltd (Allow)**

1. Allow is unable to withdraw its objection to the application by Highways England for the M54 to M6 link road. The evidence led by it at the Compulsory Acquisition Hearing on 10 December 2020, and throughout the DCO process generally, therefore remains before (and to be considered by) the Examining Authority.
2. Allow has consistently engaged with the Applicant and the Examining Authority throughout the DCO consultation process and has maintained its position that it has strong arguments for objecting to the compulsory acquisition of its land interests for environmental mitigation, as evidenced in its representations. Commissioning its own leading experts in Ecology (Aspect) and Historical Landscape (RPS), Allow has provided detailed reports to aid the Applicant and Examining Authority's understanding of its position.
3. The matter of the placement of woodland mitigation on Allow's land has been extensively discussed and commented upon by both Allow and the Applicant throughout the examination process. Allow considers that the Applicant has not engaged positively to seek an agreement in terms of the proposed locations of woodland planting. Alternatives were repeatedly offered by Allow and suggestions were requested from the Applicant on its planting arrangement proposals, but Allow does not consider there to have been positive engagement to reach a balanced outcome for both parties. Allow's position remains that it is prepared to compromise and reach a private agreement in relation to the extent and positioning of environmental mitigation, which will provide a balance of protection of the historic landscape features in conjunction with achieving optimum ecological benefits for the scheme. To date, no draft agreement has been provided to Allow by the Applicant.
4. The Statement of Common Ground between HE and Allow demonstrates the number of material points that are not agreed. Allow believes that if there had been more engagement from the Applicant at the outset and throughout the process, the position at this point could have been different, thereby potentially avoiding the need for compulsory acquisition.
5. The key issue for the Examining Authority to note relates to Allow's position that the proposed planting design to the east (Allow Option) is a more favourable location to achieve the best balance of the environmental and historical considerations. The Applicant has been unyielding in their position that they will not consider any form of planting to the east despite clear evidence of considerable ecological benefits, which will not be achieved if the Applicant's proposed position is adopted. The Applicant has failed to take on board the ability for Allow to make alterations to the unprotected parkland landscape as it wishes at any time and Allow's willingness to be receptive to landscape design suggestions.
6. In respect of the environmental mitigation which is proposed for plot 5/2, Allow's submissions at the Compulsory Acquisition Hearing on 10<sup>th</sup> December demonstrated that neither the relevant legal nor the policy tests have been met in respect of that land.

7. Allow's confidence in the Applicant's application of methodology throughout this process has been diminished by unclear, inconsistent and confusing information provided and failure to provide Allow, when requested, with clear information which would have assisted interested parties including Allow with understanding key documents. The Applicant has conceded that their woodland buffer calculations were not correctly applied to the extent of 2.88 ha. A further example is that the land allocation plan with table of areas has only been provided by the Applicant at Deadline 8.
8. Allow understands the need for environmental mitigation of the scheme but considers the extent of the environmental mitigation to be excessive. An example of unclear and inconsistent information is that the mitigation woodland planting proposed at 5/2 is stated as 4.84 ha (TN 8.20) to mitigate against losses of 2.57 ha at Lower Pool. However, the mitigation proposed extends to 4.945 ha at 5/2, plus 0.384 ha adjoining the motorway (East) at Lower Pool (5/4 & 4/20c), plus 0.95 ha of woodland screening at 4/20c. This totals 6.28 ha and the latter two areas do not seem to have been taken into consideration for the mitigation of Lower Pool woodland whilst actually being in closer proximity thereto than 5/2.
9. In conclusion, Allow's position is that the Applicant has failed to demonstrate that Allow's land is required to facilitate, or is incidental to, the development of the M54 to M6 Link Road and that there is therefore no compelling case in the public interest for the Allow land (Plots 4/20a, 4/20b, 4/20c, 4/20g, 4/20f, 5/2, 5/25 and 5/4) to be acquired compulsorily.