

M54 to M6 Link Road

PI Ref TR010054

Summary of Written Representation by Allow Ltd

Introduction

1. Allow Ltd (“Allow”) is the owner of interests in land which the applicant seeks to acquire by compulsion. Allow is an interested party falling within the definition set out at section 102(1)(aa) of the Planning Act 2008.

Objection

2. Allow objects to the compulsory acquisition of its rights, interest and property in respect of all its rights and interests identified in the Book of Reference and sets out objections in the order that they are addressed in the Main Issues for the Examination.
3. Allow objects, in particular, to the acquisition of plots 4/20a, 4/20b, 4/20c, 5/2 and 5/4, of permanent rights over plots 4/20g, 4/20f, 5/26 and temporary rights over 5/25. It is Allow’s case that the conditions set out in section 122(2) and (3) of the Planning Act are not met in respect of those parcels of land.

Biodiversity, Ecology and Natural Environment

Lower Pool Site of Biological Interest (SBI) and Local Wildlife Site (LWS)

4. Lower Pool SBI & LWS is an important ecological feature of significant ecological and landscape importance, which will suffer irreversible damage to the biodiversity resource due to the scheme.
5. The areas of impact on the Lower Pool are currently unclear as the area has been adjusted in the scheme changes drawings issued in July 2020 and accompanying revised environmental masterplan drawings. Queries have been raised with HE to request clarification of this but it has not yet been provided.
6. A considerable area of woodland beyond that required for construction, has been included within the DCO boundary in plot 5/4. It is Allow’s opinion that the Applicant has failed to set out justification for the acquisition of the extent of the Lower Pool SBI within the DCO boundary.

Excessive Environmental Mitigation

7. The estimated land areas proposed to be taken for construction of the link road and cutting etc at Allow's estate at Hilton extends to approximately 3.26 hectares (as updated 21.08.20, and was previously 2.90ha). The additional area proposed to be acquired for environmental mitigation on Allow's holding is approximately 8.24 hectares (as updated 21.08.20 and was previously 14.71 ha); Based on current area calculations the area of mitigation proposed amounts to over 2.5 times the area required for the road construction itself. It can only be assumed therefore that land owned by Allow is being acquired for the mitigation of environmental damage on other parts of the Scheme. This has been confirmed by Allow's ecology consultant. Explanation has not been provided as to why such a large percentage of environmental mitigation area for the entire Scheme is proposed to be on Allow's land.
8. The area of land proposed to be acquired for environmental mitigation is excessive and disproportionate to the area of land taken for the construction of the road and associated engineering. The ES provides no detail as to how or why this large area has been selected for mitigation and is misleading in terms of suggesting that the area of mitigation being local to the subject ecological feature being lost.
9. It is our opinion, supported by Allow's Ecologist, that the assessment of woodland taken for works across the scheme has been incorrectly assessed and therefore the area required for mitigation is flawed and overstated. Plans provided by the Applicant to Allow, which informed the mitigation requirement calculations, illustrate excessive estimates which are clearly not currently woodland on the ground. These include significant areas of mown grass verges, gorse scrub and brambles. There has evidently been poor standards of mapping which have recorded all areas, from roadside kerb to kerb which has given rise to considerable differences between the woodland areas lost to the scheme stated by the Applicant and those actually on the ground. Further information, including example photographs, can be provided if required by the ExA, from our own mapping exercise and has been provided to the Applicant.
10. Allow object to the acquisition of plot 5/2 and 4/20c for environmental mitigation, because the Applicant has failed to justify the correct area of woodland habitat lost in the scheme.

Location of Environmental Mitigation

11. We append a report on proposed habitat creation, prepared by Aspect Ecology consultants, together with a supplementary Technical Briefing note TN02 following the review of the Great Crested Newt Data provided in October 2020.

Bats

12. The proposed habitats will not function to offset the impacts to bat habitats under the scheme and could lead to increased mortality as bats are required to cross the motorway to reach new habitats. Current activity levels appear to be greater to the east of the scheme, especially around Lower Pools Site of Biological Importance (SBI), and these areas will be separated from the new habitats, with little new connectivity provided.

Woodland creation

13. It is our specialist's view that:
 - i. The proposed woodland creation on Allow's land is disproportionately high compared to the amount of woodland being lost.
 - ii. The large areas of woodland proposed on Allow's land (e.g. EW08) are located on the west of the proposed scheme. This will isolate planted woodland from other areas of woodland, plus Lower Pools SBI, in the landscape, reducing its effectiveness to contribute to existing ecological networks.
 - iii. The appropriateness and effectiveness of woodland planting for the benefit of species such as newts and bats to the west of the scheme is considered sub-optimal and will not offset the impacts arising on these species.
14. Other, more effective, locations to the east of the scheme should be examined which would not compromise the Historic Landscape Area of Hilton Park. It is recommended that woodland creation is redirected to the east of the proposed link road.

Great Crested Newts

15. We append a review of the 2020 Great Crested Newt Data, undertaken by Aspect ecology. The concerns that arise are as follows:
 - i. A screening distance of 500m appears to have been used whereas 250m is appropriate, therefore it is recommended that this is re-visited.

- ii. An overly precautionary approach has been taken by the Applicant.
- iii. Ponds known to support GCN are to the east of the scheme and Mitigation ponds are proposed to the west of the scheme.
- iv. The 2020 results have confirmed that fewer compensatory ponds are required.

Green Belt

- 16. The Applicant is required to demonstrate the very special circumstances apply to the scheme which outweigh the loss of openness and therefore the significant harm to the Green Belt. It is our contention that the special circumstances which could apply to the new road do not also automatically apply to the environmental mitigation land, which should be provided outside the Green Belt if possible.

Cultural Heritage

- 17. The parkland has been within the ownership of the current family since the 1950's and their management of the parkland has maintained and improved it over their 65 years stewardship.
- 18. We append a report prepared by RPS Consulting Services Ltd, specialist Historic Landscape Consultants which provides additional information regarding the history and development of Hilton Park.
- 19. We consider that the level of importance of Hilton Park has been underplayed by the Applicant.
- 20. The proposed woodland planting will impact greatly on the nature and character of the western perimeter tree belt as an important component of that designed landscape. This is not acknowledged or discussed within Chapter 6 of the ES and has not been taken into account in the assessment of the impacts and effects on Hilton Park.
- 21. There is no indication that adequate consideration has been given to provision of the required environmental mitigation on other land adjacent or close to the scheme.
- 22. The Applicant has not carried any reasonable or robust analysis of alternatives, despite applying for compulsory purchase powers. The statutory tests at section 122(2) and (3) of the Planning Act 2008, and in particular require a compelling case in the public interest for the Applicant to acquire Allow's land compulsorily.

Noise and Vibration

23. Additional sound mitigation should be provided, including sound boarding along the roadside, for the protection of The Shrubbery and the surrounding cottages, Hall and Fishing Pools.

Socio-Economic Effects

24. The proposed scheme will have a significant impact upon the business run by Allow which comprises a mixed farming and recreational business, including fishing pools, an equestrian centre and leasing land for car boot sales.
25. The businesses on Allow Limited's land provide employment as well as facilities to the general public, both of which would be seriously diminished if the current size of land purchase is approved.

Drainage and hydrology

26. There is very little information about maintaining the water quantity and quality of the pools and land drainage in the ES and no detail as to how this will be carried out, when and by whom.