



**National
Trust**

**Application by Highways England for an Order Granting
Development Consent for the M54 to M6 Link Road**

Deadline 1, 3rd November 2020

Examining Authority's First Round of Written Questions

Response by the National Trust, Interested party reference 54M6-AFP027

The National Trust's response covers two questions directed to it by the Examining Authority; question 1.4.2 and part of question 1.4.3.

Question 1.4.2.

Could the National Trust confirm or otherwise whether the four parcels of land held by it and subject to temporary possession provisions for ancient woodland mitigation (Plots 3/7a, 3/7b, 3/7c and 4/2 on the Lands Plan [APP-007]) are held inalienably?

National Trust answer

Plot 3/7b is held inalienably by the National Trust.

Plots 3/7a, 3/7c and 4/2 are currently alienable. This status will not change during consideration of the DCO application.

In more detail:

Plot 3/7b

Plot 3/7b comprises the main car park for Moseley Old Hall. It would be used for access to carry out Work 76.

Within plot 3/7b, the rectangular area of car park closest to Moseley Old Hall Lane was part of the National Trust's original acquisition of Moseley Old Hall in 1962. It was declared inalienable later the same year.

The irregularly shaped area of car park east of this, together with the exit drive to the south and plantation woodland surrounding plot 3/7b, were part of an area bought by the National Trust with a bequest in 1982 and declared inalienable in 1983.

Plot 3/7a and Plot 4/2

Plots 3/7a and 4/2 comprise Whitgreaves Wood (Oxden Leasow Ancient Semi-Natural Woodland) together with a section of woodland planted early in the 21st century and the eastern edge of a field. The submitted Work Plans show Work 76 taking place in plot 4/2 and part of 3/7a.

Plot 3/7a and 4/2 are part of an area of 4.96 hectares given to the National Trust by Advantage West Midlands in 2010. The land was acquired by the National Trust to help protect the setting of Moseley Old Hall and recognising the intrinsic value of the area of Ancient Semi-Natural Woodland. The land has not yet been declared inalienable. We intend to take it through the inalienability process but this will not be progressed during consideration of the DCO application. As a result of COVID restrictions we have been unable to access the original papers from the start of the acquisition process, in about 2005, to confirm whether an intention to declare the land inalienable was stated at the time.

Plot 3/7c

Plot 3/7c comprises the overflow car park for Moseley Old Hall and the northern edge of a field. It would be used for access to carry out Work 76.

Plot 3/7c was bought by the National Trust in 2012. The land has recently been taken out of arable use and we are working on restoring it to a pastoral landscape including wildflower meadow to protect and enhance the setting of Moseley Old Hall, contribute to biodiversity and extend our outdoor offer. The land has not yet been declared inalienable. We intend to take it through the inalienability process but this will not be progressed during consideration of the DCO application. The papers from the start of the acquisition process, in 2011, confirm that the Trust's intention when seeking to buy the land was for it to become inalienable.

Question 1.4.3

a) In the event that, as set out in paragraph 7.3.4 of the Statement of Reasons [APP-021], the Applicant and National Trust are able to reach agreement as to the temporary use of Plots 3/7a, 3/7b, 3/7c and 4/2 on the Lands Plan [APP-007] for ecological mitigation, could the Applicant please explain how the mitigation works are to be secured?

b) Should this occur, could the National Trust confirm what mechanisms it would need to put in place, for example a Planning Obligation under Section 106 of the Town and County Planning Act 1990 (as amended), to ensure that the relevant works would be maintained in perpetuity and how they would be able to commit and maintain the proposition as maintenance is required for that length of time?

National Trust answer

An agreement has been reached between Highways England and the National Trust regarding the carrying out of the relevant works (Work 76). The works are to be specified in a woodland scheme to be submitted to and approved by the National Trust.

The agreement contains a covenant for the National Trust to maintain the woodland upon completion of the works to the National Trust's reasonable satisfaction.

The National Trust considers that no additional mechanism would need to be put in place. The general purposes of the National Trust, as set out in the National Trust Act 1907 (as amended) are:

(1) The National Trust shall be established for the purposes of promoting the permanent preservation for the benefit of the nation of lands and tenements (including buildings) of beauty or historic interest and as regards lands for the preservation (so far as practicable) of their natural aspect features and animal and plant life.

(2) Subject to the provisions and for the purposes of this Act the National Trust may acquire by purchase gift or otherwise and may hold without licence in mortmain lands buildings and hereditaments and any rights easements or interests therein or

thereover and any other property of whatsoever nature and may maintain and manage or assist in the maintenance and management of lands as open spaces or places of public resort and buildings for purposes of public recreation resort or instruction and may accept property in trust for any public purposes and may act in any trusts for or as trustee of any property devoted to public purposes and may do all acts or things and take all such proceedings as they may deem desirable in the furtherance of the objects of the National Trust and they may upon or with respect to any property belonging to them or in which they have any interest do all such things and make all such provisions as may be beneficial for the property or desirable for the comfort or convenience of persons resorting to or using such property and may exercise full powers of ownership over their lands and property according to their estate and interest therein not inconsistent with the objects for which they are constituted and may apply their funds to all or any of such objects.

At a practical level, maintenance of the woodland would be part of the maintenance of the extended and enhanced outdoor area we have been and are creating at Moseley Old Hall.

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