

# **M54 to M6 Link Road**

## **TR010054**

### **8.8 LIU(A) Statement of Common Ground with Allow Limited**

APFP Regulation 5(2)(q)

Planning Act 2008

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

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Planning Act 2008

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

**M54 to M6 Link Road  
Development Consent Order 202[ ]**

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<b>Planning Inspectorate Scheme Reference</b>	TR010054
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<b>Author</b>	M54 to M6 Link Road Project Team and Highways England

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1 (P02)	14/04/2020	Initial draft issued to Allow Ltd
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3 (P05)	February 2021	Issue to ExA for Deadline 6
4 (P06)	March 2021	Issue to Landowner for comment
5 (P07)	April 2021	Issue to ExA for Deadline 8. Final signed version

## **STATEMENT OF COMMON GROUND**

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

  
**Signed**  
**Andrew Kelly**  
**Project Manager**  
**on behalf of Highways England**  
**Date: 7.4.2021**

  
**Signed**  
**Christine Baggott**  
**Agent**  
**on behalf of Allow Limited**  
**Date: 7.4.2021**

## Table of contents

Chapter	Pages
1 Introduction .....	1
2 Record of Engagement .....	2
3 Issues .....	18

### Appendices

#### Appendix A – Initials and details of individuals involved

### List of Tables

Table 2.1: Record of Engagement .....	2
Table 3.1: Issues .....	19

# 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' or 'HE') 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 Application 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 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) Allow Limited.
- 1.2.2 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.
- 1.2.3 Allow is the freehold owner of land parcels 4/20a, 4/20b, 4/20c, 4/20d, 4/20f, 4/20g, 5/2, 5/4, 5/25, 6/13, 6/16, 6/20 and 6/21 as presented in the Land Plans [REP6-004/2.2].

## 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 where points 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 Allow, 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 Allow.

## 2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Allow Limited in relation to the Application is outlined in Table 2-1.

**Table 2.1: Record of Engagement**

Date	Form of correspondence	Key topics discussed and key outcomes
30/11/2017	Meeting with landowner (DS), Amey (TB), District Valuer (SD) and HE (AK)	<ul style="list-style-type: none"> <li>Land access for surveys</li> <li>Update on land sales</li> <li>Discussion of scheme options</li> </ul>
28/09/2018	Meeting with landowner (DS), Amey (TB), District Valuer (SD) and HE (AK)	<ul style="list-style-type: none"> <li>Land access for surveys</li> <li>Update on land sales, primarily the sale of Hilton Hall</li> <li>Discussion of scheme options</li> </ul>
12/04/2019	Letter from Gateley Hamer to landowner (Allow Ltd)	<ul style="list-style-type: none"> <li>Letter sent to Allow requesting land access by agreement to complete ground investigation surveys</li> </ul>
23/05/2019	Letter pack from GH to DS	S42 consultation pack. Included Land Interest Plans showing areas of land ownership, initial indications of areas of land that may be required for the Scheme and the Order limits. The draft Environmental Masterplan was also made available online, indicating initial thoughts on areas required for environmental mitigation.
04/07/2019	Letter from FF to HE	<ul style="list-style-type: none"> <li>Statutory consultation response received</li> </ul>
22/09/2019	Meeting with landowner's representative (DS) Amey (TB), Aecom (BB) and Gateley Hamer (JS)	<ul style="list-style-type: none"> <li>Discussion regarding replacing the access bridge over the proposed route</li> <li>Discussion of gas main diversion</li> <li>Access rights</li> <li>Car boot field usage</li> <li>Discussion of upcoming geotechnical surveys</li> <li>Discussion of flood alleviation ponds</li> <li>Lower pool ponds have annual leases</li> </ul>
28/08/2019	Meeting with Landowner representative (DS), Amey (TB), Aecom (JH), District Valuer (SD), Field Fisher (DP & NP), HE (AK) and Gateley Hamer (TF)	<ul style="list-style-type: none"> <li>Land access for surveys update, Allow advised no night surveys were permitted without prior notice and requested copies of non-intrusive survey agreement requested. Allow advised reasonable notice was required prior to carrying out surveys so suitable provision could be made in respect of on-going operations.</li> <li>Discussion regarding woodland around lower pools. Allow challenged Highways England's position that the existing trees were ancient</li> </ul>

Date	Form of correspondence	Key topics discussed and key outcomes
		<p>woodland. AK explained that Highways England were reviewing the position and awaiting survey results.</p> <ul style="list-style-type: none"> <li>• Allow explained that they objected to environmental mitigation on current car boot site and area of land in front of Dark Lane ('Operational Land') and offered land to the east of the link road by agreement as an alternative and referred to the same offer being made in its statutory consultation response DP explained that this offer could be dealt with by a land agreement or an option agreement alleviating the need to CPO the Operational Land that HE had included in their consultation documents as land to be acquired compulsorily.</li> <li>• Allow's suggested tree planting around lower pool would be more favourable to HE's current proposal of permanently acquiring the Operational Land compulsorily.</li> <li>• Allow requested reasons for including land in front of the Shrubbery as part of the plots to be acquired compulsorily. No explanation was provided by Highways England's representatives at the meeting.</li> <li>• Survey results were requested by Allow for consideration</li> <li>• Scale plans or land plans were not brought by Highways England's representatives and were requested during meeting.</li> </ul>
22/09/2019	Meeting with landowner (DS) Amey (TB), Aecom (BB) and Gateley Hamer (JS)	<ul style="list-style-type: none"> <li>• Discussion regarding replacing the access bridge over the proposed route</li> <li>• Discussion of gas main diversion</li> <li>• Access rights</li> <li>• Car boot field usage</li> <li>• Discussion of upcoming geotechnical surveys</li> <li>• Discussion of flood alleviation ponds</li> <li>• Lower pool ponds have annual leases</li> </ul>
03/11/2019	Letter sent from GH to DS (Landowner)	<ul style="list-style-type: none"> <li>• Land by agreement letter.</li> <li>• This letter related to land to be acquired permanently by compulsorily purchase powers and did not make reference to the offer made in the previous consultation response of 4 July 2019 or meeting of 28 August 2019 and continued to relate to Allow's Operational Land together with other land.</li> </ul>



Date	Form of correspondence	Key topics discussed and key outcomes
06/11/2019	Email from TF to DP	<ul style="list-style-type: none"> <li>Confirmation that updated land interest plans and schedule would be sent as part of the pack distributed for the upcoming supplementary consultation starting on 11/11/2019.</li> <li>Revised meeting time and date offered to give Allow and representative (DP) more time to review supplementary consultation. Given that the deadline for responding to HE's consultation was 11 December 2020 Allow proceeded with the scheduled meeting with HE on 11 November 2020 in any effort to reach agreement on the offers made in their last consultation response and the meeting of 28 August 2019.</li> </ul>
07/11/2019	Email from DP to TF	<ul style="list-style-type: none"> <li>Acknowledgement that land interest plans and schedule plans would be circulated over the weekend prior to meeting on 11/11/2019</li> <li>DP advised an early morning meeting with clients was already scheduled on 11/11/2019 and confirmed clients were still content to meet as planned for the reasons set out above.</li> </ul>
9/11/2019	Letter	Land Interest Plans provided by Highways England together with covering letter explaining that consultation was open from 11 November 2019 and closed on 11 December 2019.
11/11/2019	Meeting with Mr & Mrs Shacklock, Aecom (TP & RR), District Valuer (SD), Field Fisher (DP & NP) and Gateley Hamer (SB)	<p>DP explained that the latest land plans provided did the very opposite of the offers made in the last consultation and the meeting on 28 August 2020. TP advised that they had looked at the land to the east and had concluded that the ecological mitigation should be placed on the land to west which included Allow's Operational Land.</p> <p>General arrangement (GA) plans requested by DP. Team advised that the GA plans were available online at time of meeting as part of information provided publicly for the supplementary consultation period. DP advised that the plans were not available on the website prior to the meeting.</p> <p>DP queried if other sites were reviewed for environmental mitigation. TP confirmed alternative sites have been reviewed and explained that Hilton Park is a Historic Landscape Area containing Grade I listed properties and Historic England would likely</p>



		<p>object to planting in this area due to the impact on the character of the Historic Landscape.</p> <p>DP raised the issue of not receiving survey results since last meeting. TP confirmed that surveys for the Scheme were ongoing and that data would need collating and re-working to separate data for individual landowners. TP confirmed that the data would be circulated when possible.</p> <p>DP requested that land outside the Shrubbery, (which formed part of 5/4a at the time of supplementary consultation but is now part of 5/4) be split into further plots because there remained no explanation as to why the land to the frontage of the Shrubbery was required as part of the Scheme which seemed to suggest it taken out of the Scheme.</p> <p>DP requested update on offer made to project team regarding alternative land put forward for environmental mitigation. The proposed alternative land is located on the east of Lower Pool in the open area of Hilton Park and in the Historic Landscape Area. TP referred back to previous comments regarding alternative sites, stating that this land had been considered and was not viable as planting would not be acceptable in this area.</p> <p>DP requested extracted version of the Environmental Statement when this is ready. TP advised that the ES would be available online following the Order submission in January 2020. TP offered to produce a separate advice note setting out the justification for the proposed mitigation areas to aid Allow Limited's understanding of the proposals. TP advised that the extent of the land required by environmental mitigation was all necessary and not excessive. HE did not mention that additional GCN surveys that would be carried out in 2020 that could potentially reduce the extend of the land HE required permanently by way of compulsory purchase or that their ES had overestimated the impact on GCNs.</p> <p>DS raised the current antisocial behaviour issues on the car boot site, which they feel will be worse if used for environmental mitigation in particular the proposed woodland planting and no maintenance by Allow which has been the case historically</p>
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Date	Form of correspondence	Key topics discussed and key outcomes
		HE did not offer or raise the option of temporarily acquiring Allow's land on the basis that Allow would then maintain it at this meeting.
11/11/2019	Letter sent from GH to Landowner (DS)	Supplementary consultation documents arrived with Allow including revised plans showing areas proposed for permanent and temporary land acquisition. Also included links to revised Environmental Masterplan and GA plan to help explain the reasons for land acquisition.
11/12/2019	Letter from FF to HE	Supplementary consultation response received setting out Allow's previous offer of alternative land and request for the proposed DCO to amended. The response also reminded HE that Allow is prepared to negotiate with HE to sell land by agreement required for the purposes of the new highway and if necessary land in its ownership to the east.
21/01/2020	Email from GH to DP	Meeting invite to DP and client and enclosed copy of environmental and invasive survey results
24/01/2020	SoCG introductory Letter sent	Introductory SoCG letter addressing concerns raised within latest supplementary consultation response.
27/1/2020	Email Bagshaws to SB	Confirming Bagshaws appointment and requesting proposal plans, and register of interests schedule. <ul style="list-style-type: none"> <li>• (Not received.)</li> </ul>
29/01/2020	Email from DP to AK in response to SoCG introductory letter	<ul style="list-style-type: none"> <li>• Request for consultation response</li> <li>• Request for survey results</li> <li>• DP outlined that a meeting was not required because Allow were of the view that none of their representations had been taken into account during the consultation period. HE had not responded in writing to the offers made to sell land by agreement and had now proceeded to submit their DCO application.</li> <li>• DP requested fee undertaking.</li> </ul>
31/1/2020	Email from SB to Bagshaws	Requesting copy of letter of instruction and basis of instruction.
04/02/2020	Email From Bagshaws to SB	<p>Provided Terms of engagement and basis of instruction.</p> <p>Stated that Landowners disappointed that representations have been ignored and outcomes agreed at meetings not evidenced in updated plans. Submitted plans for DCO include land strongly opposed to and Landowners have not been provided with evidence as to requirements. Requested urgent response.</p>

Date	Form of correspondence	Key topics discussed and key outcomes
07/02/2020	Email from HE to DP	Explanation why SoCG meeting was offered.  Confirmed that most survey results were sent from GH on 21/01/2020, further survey results would follow as soon as available. Fees to be agreed.
11/2/2020	Bagshaws left message for SB	Attempted to call 3 times.
09/03/2020	Letter from HE to DP, CB & landowner	S56 – Notifying Persons of Accepted Application
09/03/2020	Email from DP to Highways England	<ul style="list-style-type: none"> <li>• Acknowledged receipt of Regulation 9 letter confirming the Application has been accepted.</li> <li>• Request for full suite of survey results</li> <li>• Request for copy of draft SoCG</li> <li>• Request for fee undertaking to be agreed</li> <li>• Request for USB stick containing the Application and accompanying documents, plans and Environmental Statement</li> </ul>
11/03/2020	Email from SB to DP	<p>Confirmation that additional survey results will be sent in the post on a USB memory stick on the same day as said email.</p> <p>In addition to the survey results, SB confirmed that the USB will also include application documents.</p> <p>SB advised that the draft SoCG is currently being reviewed and will hopefully be ready for issue next week.</p>
11/03/2020	Letter from SB to DP	Letter sent with a USB containing Application documents and remaining environmental survey information.
16/03/2020	Tel. message CB to SB	Requesting call back to progress matters.
17/03/2020	Letter from HE to DP, CB & landowner	S56 – Notifying Persons of Accepted Application Extension
18/03/2020	Email from AK to DP	Update on SoCG progress
18/03/2020	Email from DP to AK	<p>Acknowledgement of SoCG timescale</p> <p>Confirmation of USB receipt</p>
02/04/2020	Email from AK to DP	SoCG update
02/04/2020	Email from DP to AK	Acknowledgement of previous email

Date	Form of correspondence	Key topics discussed and key outcomes
		Confirmation that DP is preparing relevant representations on behalf of client
07/04/2020	Telephone call	Bagshaws left message for SB requesting call back to progress matters.
08/04/2020	Telephone conversation Bagshaws to Sam Blaize	SB stated that SoCG would be sent out the following day 9/4/20 to FF and Bagshaws – not received by Bagshaws.  Bagshaws requested information on what grounds the alternative land to the East had been rejected for mitigation – briefly, had been rejected due to impact upon historic parkland.
14/04/2020	Email from Highways England to DP	Draft SoCG issued
21/04/2020	Email from Highways England to DP & CB	Word version of SoCG sent as requested
24/04/2020	Email from Highways England to DP	Environmental Technical Note summarising reasons for specific environmental mitigation on Allow's land sent
04/05/2020	Online meeting with RR, AK, TW, TM, AM, SD, JH, SB, CB, DP, GS & DS TP	<p>Meeting to discuss consultation responses, survey access &amp; SoCG. DP confirmed that Allow did not intend to provide any comments on the draft SoCG because Allow were of the view that there was no common ground. Allow had not received any substantive responses to their offers to Highways England of selling alternative land in their ownership by agreement with such offers being made as early as July 2019</p> <p>DP explained that a request for a technical summary of the environmental analysis on 11 November and this was only provided on 24 April 2020.</p> <p>TP confirmed again that all of Allow's land shown in the DCO application was necessary for environmental mitigation.</p> <p>HE did not advise that more recent GCN surveys were being carried out which may reduce the extent of Allow's land to the west being acquired permanently using compulsory purchase powers.</p>



Date	Form of correspondence	Key topics discussed and key outcomes
15/05/2020	Email from CB to TP	Request for breakdown and plans showing woodland loss, request for update on 2020 Great Crested Newts ('GCN') surveys.
15/05/2020	Email from TP to CB	<p>Response to email, referring CB to the ES available on PINS (which did not provide the information requested); also that the relevant info will require some time to extract; suggestion that queries are also included in Allow Relevant Representation.</p> <p>Confirmation that GCN surveys ongoing but would be shared once available.</p> <p>Request that communications between Allow and HE are through DP and AK as agreed at 04/05/20 meeting.</p>
19/05/2020	Email from DP to AK	Providing copy of Allow Relevant Representation and requesting minutes of meeting on 04/05/20.
26/05/2020	Email for AK to DP	AK provided notes of meeting 04/05/20 for review.
01/06/2020	Letter from HE to DP, CB & landowner	S56 – Additional relevant representation (Landowner stated that they did not receive this)
12/06/2020	Email from AK to DP	<p>AK provided responses to three actions from meeting on 04/05/20:</p> <ul style="list-style-type: none"> <li>- Plan showing the land which could be handed back along with a Scheme overlay on plots.</li> <li>- Explanation of thirty-year maintenance period of environmental mitigation areas</li> <li>- Excerpt from Historic England Meeting Minutes 13-08-19</li> </ul> <p>Outstanding actions to follow by 22/06/20.</p>
22/06/2020	Letter and email from AK to DP, CB & landowners	Heads of Terms, provisional maintenance schedules & environmental mitigation approach technical note issued.
01/07/2020	Email from DP to AK	Comments on Book of Reference
27/07/2020	Email from DP to AK	Request for detailed information showing woodland loss and GCN survey results.
28/07/2020	CB call to AK	CB left telephone message for AK to call back.
29/07/2020	Call from CB to SB	<p>CB queried the woodland loss data and requested plan to indicate woodland lost to Scheme.</p> <p>GCN survey data request.</p>

Date	Form of correspondence	Key topics discussed and key outcomes
		Meeting provisionally arranged for 4 <sup>th</sup> Aug. with SB, AK and Allow to discuss outstanding points including proposed scheme changes, amount of mitigation and baseline woodland take across the scheme (SB to consult with TP before the meeting), SoCG, management requirements, etc. CB advised that their client has not yet instructed an independent ecologist.
29/07/2020	Email from AK to DP	Advice note from PINS sent advising to agree SoCG.  Woodland loss plan issued.  Ecology survey update (including on GCN surveys).  Upcoming non-statutory consultation notification.
29/07/2020	Email from SB to CB	Upcoming non-statutory consultation notification. Regarding the provisional of information to DP.
30/07/2020	Email from CB to AK	Response to AK email dated 29/07/2020 concerning environmental mitigation areas
30/07/2020	Telephone call from CB to SB	To discuss contents of same day email
03/08/2020	Email from SB to CB	Confirmation of full response to email of 30/07/2020 is pending and follow up meeting would follow
21/08/2020	Letter from HE to DP, CB & landowners	Supplementary consultation consultee letter sent
25/08/2020	Email from SB to DP & CB	Supplementary consultation consultee letter and relevant document links sent.
07/09/2020	Email from CB to SB	Request for update and to discuss various matters including additional information required for the revised environmental mitigation areas.
08/09/2020	Email from SB to CB	Confirmation that CB should be receiving a full response to queries raised the following week.
08/09/2020 & 09/09/2020	CB left messages for SB to return call.	Attempted to discuss queries on the revised environmental mitigation areas.
10/09/2020	Email from CB to AK & SB	Following recent supplementary consultation, additional queries raised concerning the proposed environmental mitigation areas and those raised 30/7/2020
11/09/2020	Email from AK to CB	Acknowledgement of email and full response will be issued week commencing 14/09/2020.



Date	Form of correspondence	Key topics discussed and key outcomes
15/09/2020	Email from AK to CB	Full response to queries raised in subsequent emails with proposed revised land plans attached.
15/09/2020	Email from CB to AK	Request for further clarity on contents of email dated 10/09/2020 and a proposed meeting date on site and for virtual meeting
18/09/2020	Email from CB to AK	Request for further clarity on contents of email dated 15/09/2020 and a proposed meeting date on site and for virtual meeting
21/09/2020	Consultation response – online response form	Response to consultation on proposed Scheme changes, via online response form.
23/09/2020	Email from CB to RR & AK	Woodland loss and environmental mitigation calculation queries raised in preparation of upcoming meeting.
24/09/2020	Online meeting with NP, CB, DS, AK, RR, TW, SB, TP & MO	<p>Update on how HE has addressed previous comments raised by Allow and representatives</p> <p>Review of consultation responses</p> <p>RR noted that the draft SOCG is being updated to include relevant representations and consultation comments provided by Allow Ltd. However, a response to the original draft SOCG would be welcomed.</p> <p>Proposed site meeting and draft scope covered</p> <p>Replacement fencing along Dark Lane discussed</p>
29/09/2020	Email from CB to AK & RR	<p>Allow's independent ecology reports attached to email</p> <p>Further questions raised concerning Access provisions for retained land, the positioning of the utility corridor, land required for environmental mitigation, rights of way and archaeological surveys following meeting held on 24/09/2020</p>
30/09/2020	Email from AK to CB	Meeting minutes from meeting held on 24/09/2020 sent to Allow's agent and acknowledgement of email received on 29/09/2020 containing further questions raised and confirmation that HE will provide a timeframe for their full response.
02/10/2020	Email from AK to CB	Site meeting invite for week commencing 12/10/2020

Date	Form of correspondence	Key topics discussed and key outcomes
06/10/2020	Email from AK to CB	Confirming receipt of survey access slip, confirmation of purpose of upcoming surveys. Copy of GCN 2020 survey report and figure provided
07/10/2020	Email from CB to AK	CB confirmed availability for proposed meeting & advised of meeting attendees. Separate email with revised minutes of meeting 24/9/20
12/10/2020 & 13/10/2020	Emails from CB to AK	Asking for confirmation of proposed site meeting arranged for the following day 14/15 <sup>th</sup> Oct.
13/10/2020	Email from AK to CB	Revised date for site meeting proposed.
13/10/2020	Email from CB to AK	CB advised revised date was not suitable, alternative dates requested
19/10/2020	Email from AK to CB	Revised date for site meeting proposed.
20/10/2020	Email from CB to AK	Confirmation that suggested meeting dates were suitable. Request for update on; revised SoCG, Scheme changes/clarification of queries raised and further detail concerning area of woodland taken from across the Scheme
23/10/2020	Email from AK to CB	AK advised as per meeting minutes from 24/09/2020, response to queries will be provided within the revised SoCG by 30/10/2020
30/10/2020	Email from SLB to AK	Requested updated SoCG  Request if locations for where the EPS Licences are applicable have been informed and for which species are they required for?  Request for a construction drainage plan showing how the current drainage to Lower Pool and pools surrounding will be maintained during construction and following completion of the scheme.
30/10/2020	Email from AK to CB & SLB	Confirmation updated SoCG will be issued to the landowner and representatives on 02/11/2020.  Update when a full response regarding the EPS Licences will be available.  Confirmation that details of how the construction will be undertaken in relation to Lower Pools will be developed and provided during the detailed design of the scheme, as set out in the OEMP MW- WAT10 & D- WAT3.

Date	Form of correspondence	Key topics discussed and key outcomes
02/11/2020	Email from AK to CB & SLB	<p>Copy of updated SoCG attached to email.</p> <p>Response provided re EPS Licences.</p> <p>Proposed delay of site visit due to new Government imposed travel/meeting restrictions due to Covid19.</p>
03/11/2020	Email from DP to AK	<p>Disputed text raised within updated SoCG with regard to 'Common ground' and comments and responses received from Allow Ltd.</p> <p>Request for word version of SoCG</p>
05/11/2020	Email from AK to DP	<p>Word version of SoCG attached.</p> <p>In response to previous communication:</p> <ul style="list-style-type: none"> <li>All draft SOCGs submitted at Deadline 1 had a paragraph similar to 1.1.4 (in the Allow SOCG) to highlight that these are draft SOCGs and that Highways England is continuing to work with the relevant stakeholder to finalise the contents of the SOCG at the earliest opportunity. To date Highways England has not received comments from Allow Limited on the draft SOCG, therefore we consider paragraph 1.1.4 to be factually correct and this has been retained in the document issued to the Examining Authority for Deadline 1.</li> <li>The draft SOCG does note that Allow expressed there was no common ground, in two places: <ul style="list-style-type: none"> <li>Table 2-1 notes that at a meeting on 4 May 2020, Allow confirmed they did not intend to provide comments on the draft SOCG because there was no common ground</li> <li>Table 3.2 (at Row SC9) notes Allow's comment that they do not consider that it has any common ground with the Applicant at present and includes Highways England's response</li> </ul> </li> </ul>

Date	Form of correspondence	Key topics discussed and key outcomes
05/11/2020	Email from DP to AK	DP disputed that as per earlier email, 1.1.4 is not common ground.
05/11/2020	Email from SLB to AK	<p>Confirmed receipt of SoCG</p> <p>Request for response to queries raised during the virtual meeting held on 24/09/2020 and in relation to queries raised regarding woodland loss across the scheme on 23/9/2020.</p> <p>SLB advised that review of Environmental Statement was underway and additional information is requested for rationale behind woodland mitigation areas.</p> <p>Further information regarding environmental mitigation at plot 5/2 is also requested.</p>
16/11/2020	Email from AK to CB, DP, SLB & DS	<p>Due to multiple requests from different representatives, the following process is suggested:</p> <ul style="list-style-type: none"> <li>• Allow/HE use the draft SOCG to record new queries and responses. If you have any additional queries, please add them to the draft SOCG, with your comments on the current draft. We can then use this as the basis for future conversations. Also, as you know, we are required by the ExA to progress a SOCG and recording the issues between us in this way will assist the ExA in understanding those issues.</li> <li>• Regular updates. It is increasingly difficult to manage ad-hoc requests for responses as the team is engaged on numerous other aspects of the project. If Allow is able to provide comments on the draft SOCG (with any new queries added as new rows), we will be able to consider and provide responses in a more structured format. We are happy to meet to discuss your comments once we receive them on a regular basis if this is needed</li> <li>• Single line of communication – if numerous lines of communication continue, there is the risk that the relevant people are not aware of the current status of discussions. We want to make sure we effectively manage the queries and comments raised by Allow to ensure we can assign the relevant specialists within the Highways England project team to provide a response, and for this response to be</li> </ul>



Date	Form of correspondence	Key topics discussed and key outcomes
		<p>communicated back to Allow. We had previously agreed:</p> <ul style="list-style-type: none"> <li>that all communication relating to the DCO is to be between Dinah Patel and Andy Kelly (with other's cc'd as required, including Christine Baggott, Gill Shacklock, Dan Shacklock and Barry McCarney)</li> <li>that all queries relating to land access for surveys is to be between Christine Baggott and Jon Harvey</li> </ul> <p>AK asked for confirmation if the above is agreeable or if there is a preferred alternative.</p> <p>Woodland loss still being considered and response will be provided at D3.</p> <p>Confirmation that the Environmental technical note issued to Allow Ltd on 22/06/2020 has been updated and submitted to the Examining Authority at Deadline 1.</p>
04/12/2020	Email and letter from HE & SB to CB	Licence agreement and survey pack issued
09/12/2020	Email from CB to AK	Without prejudice offer to provide land to east of the scheme for environmental mitigation
15/12/2020	Call from CB to SB	Queries raised regarding licence agreement wording and additional information required concerning proposed surveys
21/12/2020	Email from TW to CB	Without prejudice counter-offer
06/01/2021	Site meeting BK, ED-P (Historic England), MR, SBo (Allow), AJ, TP (AECOM)	Site meeting with Historic England to view locations around Hilton Park.
13/01/2021	Email from CB to TW	Without prejudice response to counter-offer dated 21/12/2020
14/01/2021	Email from SB to CB	Some licence queries
14/01/2021	Email response from CB to SB	Re additional queries not dealt with. Additional response.
15/01/2021	Site meeting with DS, CB, SLB, RR and SBe	Discussed details of how fish are managed in Lower Pools during construction, Dark Lane Fence, access to retained land enclosed by 4/20c, inspected location and setting of land offered to the east of the scheme for environmental mitigation, inspected access to Plot 5/25, brief outline details of the borrow pit and pre condition surveys for archaeological trial

Date	Form of correspondence	Key topics discussed and key outcomes
		trenches and ground investigation. Further discussion relating to the licence agreement terms and suggested amendment to the licence wording in order for the landowner to sign and commit to the agreement. Discussion re woodland buffer zones locations; inspected as open grassland, tracks, etc. RR agreed to refer back to Environment Team.
29/01/2021	Email from HP to SB	Signed licence agreement received concerning upcoming surveys
21/02/2021	Email from CB to RR	Containing video showing water rising from ground adjacent to reinstated trial trench
22/01/2021	Email CB to SB	Seeking clarification of same queries (re: email of 14/01/21).
24/02/2021	Email from RT to CB	Response to email dated 13/01/21 and updated draft SOCG for comment/discussion
25/02/2021	Email from CB to JH	Follow up to seek response to email dated 21/02/21
25/02/2021	Email from RR to CB	Holding response to email dated 21/02/21 explaining that HE are looking into the query and will respond
26/02/2021	Email from RR to CB	Response to email dated 21/02/21
26/02/2021	Email from CB to RR	Response to email dated 26/02/21 querying response
03/03/2021	Email from JH to CB	Requesting access for 360 degree photography and comments on proposed photo locations
04/03/2021	Email from CB to JH	Confirming permission for entry to undertake 360 degree photography and proposed additional photograph locations
05/03/2021	Virtual meeting CB, SLB, RR, RT	Discussion re issues on site following archaeological trial trenching including geophysical survey results, and to arrange meetings.
11/03/2021	Virtual meeting between DS, CB, SLB, SBo, MR, JB, RR, BB, TP, MO, RT	Meeting to discuss SOCG and email dated 24/02/21
12/03/2021	Email from SLB to RR	Photographs of issues with ditch in Plot 5/2
16/03/2021	Site meeting with DS, CB, SLB, JHo and MB	Meeting to discuss disruption due to archaeological trial trenching including drain damage, uneven field levels, ditch in 5/2, etc
16/03/2021	Email CB to SB	Requesting clarification following site meeting re works required due to archaeological trial trenching
18/03/2021	Email CB to RR	Updated Record of Engagement on SOCG
22/03/2021	Email RR to CB	Updated SOCG for review



Date	Form of correspondence	Key topics discussed and key outcomes
24/03/2021	Email CB to RR	Requesting clarification following site meeting re works required due to archaeological trial trenching
25/03/2021	Call CB to RR	Querying mitigation areas quoted in documentation compared to DCO plans and position of grassland mitigation.
01/04/2021	Call CB to RR	To discuss outstanding matters on SOCG and setting up call to discuss
06/04/2021	Email CB to RR	Updated SOCG with minor amendments
06/04/2021	Virtual meeting CB,SLB, RR	To agree minor amendments to 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) Allow in relation to the issues addressed in this SoCG.

## 3 Issues

### 3.1 Introduction and General Matters

- 3.1.1 This chapter sets out the ‘issues’ which are agreed, not agreed, or are under discussion between Allow and Highways England. One item is still under discussion and Highways England will continue to actively engage with the landowner with a view to concluding terms for an agreement.

### 3.2 Issues

- 3.2.1 The table below shows those matters which have been agreed or yet to be agreed by the parties, including the date and method by which it was agreed (if relevant). The points made by Allow in different representations have been given ‘codes’ to enable cross referencing, for example, where the document column says ‘RR-031b’, this is a response from Relevant Representation RR-031, with ‘b’ being the value given to the point by Highways England.
- 3.2.2 The table below has been organised using a series of overarching themes to identify matters with the following headings being applied:
- Compulsory Acquisition;
  - The effect on biodiversity;
  - Proposed Scheme Changes;
  - The effect on cultural heritage; and
  - Other Scheme impacts.

**Table 3.1: Issues**

Document	Subject	Allow Ltd Comments	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP <sup>2</sup> )
<b>Design Changes Accepted by the ExA in October 2020</b>						
Proposed Changes Supplementary Consultation SC10, 11, 12, 13 and 15	Proposed Changes 1, 3, 4 and 6	Allow agree with changes 1, 4 and 6 and make no further comments. In respect of change 3 Allow neither agrees or disagrees with this change.	Noted.	Agreed	Agreed	Agreed
	Proposed Change 2 Noise attenuation	There will be an increase in the area of woodland within Lower Pool Site of Biological Interest (SBI) to be felled and replaced with grassland from the proposed original area alongside Hilton Lane where the area to be felled stretches further eastwards and southwards into "The Shrubbery".	The direct loss of woodland has been reduced by the proposed Scheme changes 1-6 as submitted to the Examining Authority on 9 October 2020 (and accepted by the Examining Authority on 29 October 2020). However, there is separately a need to increase the site clearance to provide a suitable clearance around utilities and a correction made to the masterplan at the southern end of Lower Pool where woodland was shown over a proposed stream. Highways England agree that these changes have increased the impact at Lower Pool such that the overall change to the masterplan is a slight increase in the area of woodland lost.	Agreed	Agreed	Agreed
		Noise attenuation measures are requested to address the impact upon the residences at Hilton Park due to the increase in felling of the Shrubbery.	The Scheme design (including the Accepted Changes) includes noise mitigation measures in the form of a low noise surface along the length of the Scheme. In addition, to the west of The Shrubbery (residential unit) the Scheme is located in a cutting which provides an effective barrier to minimise the propagation of traffic noise from the Scheme, the additional benefit of a barrier at the top of the cutting would be very limited. The benefits of trees in providing an effective sound 'barrier' are limited (and are generally more in terms of a perceived benefit, due to either reducing/removing the view of the road and/or a masking effect due to leaves rustling in the wind, rather than an actual reduction in traffic noise). Therefore, to ensure a conservative approach the standard UK traffic noise prediction methodology (CRTN) and the standard traffic noise assessment methodology set out in the DMRB, as adopted in the operational traffic noise assessment for the Scheme, do not include any barrier effect for trees. Figure 11.4 [AS-098/6.2] visually illustrates the change in traffic noise levels in the opening year across the detailed study area. This demonstrates that on the western and southern sides of the property a minor (1 to < 3 dB) increase in traffic noise levels is anticipated and on the northern and eastern sides a negligible (<1 dB) change is anticipated. A significant adverse operational traffic noise effect at The Shrubbery due to the Scheme is not anticipated. Based on the anticipated noise impact, the mitigation included in the Scheme, the limited benefit of an additional barrier at the top of the cutting, no further mitigation measures are proposed in this location.	Agreed	Agreed	Agreed
<b>Compulsory Acquisition</b>						

<sup>1</sup> Indication on likelihood that the matter will be agreed by the close of the Examination period as rate 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.

<sup>2</sup> Interested Party. In this case Allow Ltd.

Document	Subject	Allow Ltd Comments	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP <sup>2</sup> )
Relevant Rep 031b	Compulsory Acquisition	Allow agree to the acquisition of land required to facilitate the construction and operation of the new link road with the exception of land required for environmental mitigation, covered separately in this SoCG.	Noted.	Agreed	Agreed	Agreed
Relevant Rep 031b	Compulsory Acquisition Plot 4/20a	Allow objects to the permanent acquisition of Plot 4/20a	Permanent acquisition is required for this plot to allow the Applicant to grant rights to Staffordshire County Council for the use of the existing access from the A460 to access the proposed balancing pond on Plot 4/14f. However, Highways England is prepared to progress a legal agreement with Allow Ltd which if agreed, would enable Allow to retain ownership of Plot 4/20a subject to rights of access being granted to Staffordshire County Council and HE (where Allow do not elect to retain the mitigation land) for the purposes of maintaining the balancing pond on Plot 4/14f and the environmental mitigation works on plots 4/14f and 4/20c respectively.	Agreed	Agreed	Agreed
Relevant Rep 031b	Compulsory Acquisition Plot 4/20b	Allow objects to the permanent acquisition of Plot 4/20b. On the scheme works plans, none of 4/20b is required for the construction of the Featherstone Junction Northbound slip road (Works 23). Only the eastern part of 4/20b is required for construction of the highway (works 2).	Plot 4/20b is required for the construction of the highway (Works 2) and the Featherstone Junction Northbound slip road (Works 23). As noted above, Highways England is prepared to progress a legal agreement with Allow Ltd which, if agreed, would enable Allow to retain ownership of part of Plot 4/20b (i.e. to the west of the portion of Plot 4/20b that is required for the Scheme) subject to a right of access to HE (where Allow do not elect to retain the mitigation land) for the purposes of maintaining the environmental mitigation works on plots 4/14f and 4/20c.	Agreed	Agreed	Agreed
Relevant Rep 031b	Compulsory Acquisition Plot 4/20c	Allow objects to the permanent acquisition of Plot 4/20c as the environmental mitigation measures in this location are excessive. No ecological justification has been provided for the thickness of woodland planting and therefore Allow suggest this mitigation could be reduced in width to 10 m.	Following the design changes accepted by the ExA in October 2020 the area of Plot 4/20c has been reduced. 4/20c (proposed reduced area) for environmental mitigation (Works 80) and construction of a culvert (Works 46).  The remaining woodland planting on plot 4/20c is proposed to provide visual screening for residents on Dark Lane whilst also contributing to visual amenity and biodiversity. A reduction of this woodland plot would risk it no longer providing its primary function and therefore a worsening of visual impact, for views south of Dark Lane, VP 20 in Chapter 7: Landscape and Visual of the ES [APP-046/6.1]. As set out in the Environmental Mitigation Approach [REP01-057/8.11] SW06 also provides part of a mosaic of habitat (species rich grassland, hedgerows and woodland) proposed to the south of Dark Lane to provide optimal foraging habitat for bats and provide connectivity between woodland plots. As with all woodland planting proposed as part of the Scheme it also provides replacement habitat for woodland lost during the construction of the Scheme. Woodland replacement outside of the compensation measures for the impact on Local Wildlife Sites and ancient woodland is currently provided at a ratio of less than 1:1. The County Ecologist has made it clear that they would not accept further reductions in woodland planting.	Not Agreed	Not Agreed	Not Agreed



Document	Subject	Allow Ltd Comments	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP <sup>2</sup> )
			It is not possible to undertake the construction of the road without measures to mitigate the environmental impact of the link road as set out within the EIA.			
Relevant Rep 031b		No adequate reasons have been provided to explain why the land within Plot 4/20c adjacent to Dark Lane is required for permanent acquisition. The hedge (SH08) proposed in this location is likely to be an inadequate barrier to the anti-social behaviour, such as fly tipping in isolation, an adequate fence should be provided.	Highways England have agreed to change this section of Plot 4/20C to temporary acquisition. The revised Land Plans issued at Deadline 6 indicate a new plot (Plot 4/20d) for temporary acquisition to enable replacement of the existing fence.  Highways England are proposing that a combination of hedge and fence is provided along the boundary of Plot 4/20c adjacent to Dark Lane to replace the existing fence. A 1.8m high green metal welded mesh panel style security fence is proposed to provide a suitable equivalent security boundary, with a hedge to be planted on the landowner's side of the fence (with stockproof fence).	Agreed	Agreed	Agreed
N/A		Allow would like an access onto Dark Lane.	Highways England have considered this request and are unable to provide this as adequate access is proposed via Plot 4/20a and there are safety implications with permitting vehicles to enter/or exit the site from/to Dark Lane.	Not agreed	Not agreed	Not agreed
Relevant Rep 031b	Compulsory Acquisition Plot 4/20g	Allow objects to the acquisition of permanent rights over Plot 4/20g	Permanent rights are required over Plot 4/20g as this is being acquired to provide an access track to land to the east of the Scheme and provide a revised access route for the currently non-operational Hilton Park Quarry. Such a provision is necessary to mitigate the impact of the construction of the link road to the existing access to Hilton Park. Accordingly, permanent rights are necessary to ensure this route is maintained.  The works are required for development to which the development consent relates or is required to facilitate or is incidental to that development. Both criteria are valid reasons to justify compulsory acquisition in accordance with Section 122 of the PA 2008.	Agreed	Agreed	Agreed
Relevant Rep 031b	Compulsory Acquisition Plot 5/4	Allow objects to the permanent acquisition of the entirety of Plot 5/4.  At a meeting on 11/03/21 Allow accepted that some of Plot 5/4 is required for construction of the scheme, but Allow objects to the permanent acquisition of land for environmental mitigation and would seek to retain ownership of this.	A small area of land near the Shrubbery and between the pond and Lower Pool has been removed from the Land Plans as part of the revisions to the Environmental Masterplan submitted as part of the Scheme changes on 9 October 2020 (accepted by the Examining Authority 29 October 2020), as requested in an e-mail from Christine Baggott (Bagshaws LLP, representing Allow Ltd) on 30 July 2020.  Highways England notes this position and has confirmed its willingness to enter into a legal agreement with Allow Ltd which, if agreed, would enable Allow to retain ownership of areas of ecological mitigation (subject to appropriate and reasonable covenants relating to the future management and maintenance of the ecological mitigation). Refer to last row of this table.	Agreed	Agreed	Agreed
Relevant Rep 031b	Compulsory Acquisition Plot 5/2	Allow objects to the permanent acquisition of the entirety of Plot 5/2. It is not necessary to locate mitigation measures for biodiversity loss on Plot 5/2 (west	Whilst this land parcel Plot 5/2 is not required for physical construction of the highway, the development and the development consent are broader than just the highway. It is necessary from an environmental assessment perspective to include mitigation proposals as part of the project to address significant environmental	Not Agreed	Not Agreed	Not Agreed

Document	Subject	Allow Ltd Comments	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP <sup>2</sup> )
		<p>of the Scheme). There are alternative sites on which to provide such mitigation to the east of the link road which would be more beneficial for great crested newts and bats.</p> <p>Allow Ltd commented on REP4-036/8.22 at Deadline 5, disagreeing with the conclusions as it considers areas to the east of the scheme to be preferable in terms of ecological mitigation and only slightly greater level of harm in terms of the impact on Historic Landscape than having it on the west side, but that this would be outweighed by the increased efficacy of the mitigation in ecology terms.</p>	<p>impacts in accordance with the EIA Directive. Accordingly, Highways England considers that this land is required to facilitate the highway and is incidental to the construction of the highway. The land is also required temporarily for a borrow pit to minimise the requirement to import and export material off-site. The borrow pit will reduce the number of deliveries to site and from the Scheme and therefore minimise disruption to the road network and local community.</p> <p>The amount of land acquired permanently in this plot is proposed to be reduced in the documents submitted to the ExA on 9 October 2020 (accepted by the Examining Authority 29 October 2020) so that the area shown as 5/25 in [AS-065/2.2] is only required temporarily.</p> <p>Highways England have produced a technical note, 8.22 Assessment of Alternative Locations for Mitigation in Plot 5/2 [REP4-036] submitted to the ExA at Deadline 4 which assesses alternative mitigation options and presents Highways England's view on this point; "On balance it is considered that the current Scheme design would result in the least harm to those receptors impacted by the Scheme". Specific points relating to the heritage and biodiversity issues associated with this point are outlined elsewhere in this SoCG.</p> <p>Highways England has responded to each of Allow's comments at Deadline 6 and does not agree.</p>			
N/A	Environmental Mitigation location	<p>Allow considers that there is an opportunity to agree a solution which includes provision of ecological mitigation to the east of the new link road, which has sufficiently low impact on the historic landscape, but offers a considerably more beneficial location for ecological gain and connectivity of habitats.</p>	<p>Highways England has considered Allow Ltd's comments and does not agree</p>	Not Agreed	Not Agreed	Not Agreed
<b>Biodiversity Assessment</b>						
Appendix 8.2: Biodiversity Metric Calculations [APP-176/6.3]	Biodiversity Net Gains	<p>Allow's ecology consultants recommend that the new version of the Defra Biodiversity metric is applied to the Scheme.</p> <p>In terms of Biodiversity Net Gain, the project should not be striving for Biodiversity Net Gain, it is looking to achieve No Net Loss of biodiversity. There is currently no requirement for Nationally Significant Infrastructure Projects to achieve a Net Gain,</p>	<p>The metric used at the time of submission (version 1 of Defra's metric) was the most appropriate given the time of release of metric Defra 2.0. A revised metric calculation has been completed using Defra 2.0 and the results of this calculation are provided in Environmental Statement Appendix 8.2 Biodiversity Metric Calculation (Version 3) submitted with the formal request for Scheme changes [AS-103/6.2]. The results show that the Scheme continues to deliver no net loss in biodiversity.</p> <p>Highways England agree that there is no requirement for Nationally Significant Infrastructure Projects to achieve a net gain and the Scheme is not seeking to acquire land for the purpose of delivering Biodiversity Net Gain.</p>	Agreed	Agreed	Agreed



Document	Subject	Allow Ltd Comments	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP <sup>2</sup> )
Chapter 8: Biodiversity of the ES [AS-083/6.1] Document 8.20 [REP4-034]	Calculation of woodland loss area and extent of replacement woodland mitigation.	<p>Allow disputes the methodology used to calculate the area of total woodland loss and therefore the quantum of woodland mitigation proposed by Highways England.</p> <p>The issue of total woodland loss to the Scheme raised by Allow was substantiated with a report issued to Highways England on 23 September 2020, outlining the assessment of the woodland loss and mitigation requirements.</p> <p>Following the submission of document 8.20 [REP4-034] Allow Ltd consider the purple hatching "Other habitats (non-woodland) within 5m of woodland lost" used to calculate the loss of woodland to be erroneous as many of the 'Other habitats', mapped are not habitats which will be negatively impacted through the loss of neighbouring woodland, and they include mown grass verges, productive agricultural land and stone tracks. This is repeated multiple times across the scheme and totals 2.88 ha.</p>	<p>The approach to mitigation and the mitigation design has been described in the Environmental Statement [TR010054/APP/6.1], the Outline Environmental Management Plan [APP-218/6.11 and subsequent revisions] and 8.11 Environmental Mitigation Approach [REP-057/8.11].</p> <p>Following Allow's report issued in September 2020, a mapping exercise presented in document 8.16 [REP3-038] and 8.20 [REP4-034] has shown that there are some minor discrepancies between the habitats mapped in the original Phase 1 habitat mapping exercise and the habitats on the ground, most notably when mapping habitat mosaics of woodland, grassland and scrub along the carriageways of the A460, M54 and M6. However, even when the loss of woodland is assessed using the revised methodology, there is no significant difference between the woodland loss reported in Table 8.18 of Version 3 of the ES [AS-083/6.1] and application document 8.20 [REP4-034]. The original woodland mapping and calculations of woodland loss were carried out at a higher scale than the analysis undertaken by Allow. This original methodology is consistent with Joint Nature Conservation methodology and it is not considered necessary to map at a smaller scale than this (as the transition to one habitat to another is not obvious nor can it be defined by an accurately mapped boundary).</p> <p>With the greater level of detail of woodland mapping, the calculations of woodland loss have been undertaken to a more detailed level. A buffer has been included to account for loss and damage during construction and extent of tree roots. The areas calculated using the original and more detailed methodology result in similar areas of woodland loss.</p> <p>With reference to mapped 'Other habitats (non-woodland) within 5m of woodland lost' (purple hatch) . Within document 8.20 [REP4-034] the 'Other habitats (non-woodland) within 5m of woodland lost' (purple hatch)' buffer was included to calculate all potential impact zones. The extent of these additional impact zones was found to be 3.52 ha into areas of woodland and 2.88 ha into areas of soft estate (non-woodland). We recognize the non-woodland buffer area should be excluded on the basis of it not representing woodland to be lost. It should be noted that none of this 2.88 ha is situated within Lower Pool Site of Biological Importance (SBI).</p> <p>With this area totalling 2.88 ha excluded from the total area of woodland loss calculated, Highways England would not propose any reduction in the woodland planting shown on the masterplan.</p> <p>The County ecologist has confirmed in the SCC SoCG [TR010054/APP/8.8 LA(A), version 4 submitted at Deadline 6] that woodland mitigation as shown on the Masterplan should not be reduced. The following text has been agreed with SCC "SCC and HE consider provision of woodland mitigation as shown in the Environmental Masterplan [AS-086 to AS-092/6.2] to be the minimum required to mitigate the impacts of the Scheme. Further</p>	Not agreed	Not agreed	Not agreed

Document	Subject	Allow Ltd Comments	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP <sup>2</sup> )
			reduction would not sufficiently mitigate the impacts of the scheme on woodland habitats and SCC would object to the removal of further areas of mitigation planting from the Scheme.”.			
Chapter 8: Biodiversity of the ES [AS-083/6.1] Document 8.22 [REP4-036]	Location and effectiveness of SBI mitigation for bats – woodland planting	Surveys have identified that bat activity levels are greater to the east of the proposed link road. In terms of the location of mitigation (habitats): fundamental questions exist in terms of the siting of the proposed woodland to the west of the link road. The proposal effectively isolates the new woodland from the retained parts of the SBI and the main areas of woodland in the landscape which are situated to the east of the SBI leading to a sub-optimal ecological outcome and reducing the value of the mitigation very considerably.	<p>Whilst the highway represents a partial barrier between woodland on the east and west sides, the compensatory woodland planting on Allow's land will not be isolated from the retained areas of Lower Pool, nor the woodland blocks to the south and east of the Scheme. The road here will be mainly in a cutting, minimising the risk of collision for bats and birds vulnerable to road traffic deaths such as barn owl. A mammal tunnel to the south will allow safe crossing, as will the crossing at Hilton Lane to the north.</p> <p>Surveys have identified that there are no important commuting routes near to Lower Pool, bat species recorded (common pipistrelle, soprano pipistrelle and noctule) are all common (in the context of other bat species) and widespread, and the total number of bats recorded is small, it is not necessary nor proportionate to the potential impact for the Scheme to provide specific crossing locations for bats.</p> <p>Natural England is content that the Environmental Statement appropriately assesses the effects of the Scheme on protected species and that impacts would be managed through adherence to mitigation measures detailed in the OEMP [REP4-031/8.8P(B)].</p> <p>For further detail refer to Document 8.25 submitted at Deadline 6.</p>	Not agreed	Not agreed	Not agreed
Chapter 8: Biodiversity of the ES [AS-083/6.1] Document 8.22 [REP4-036]	Location and effectiveness of SBI mitigation for GCN - ecology ponds	The two ecology ponds proposed on Plot 5/2 to the west of the link road would provide greater benefits for GCN to the east of the link road.	As set out in Document 8.22 [REP4-036] Highways England agree that relocating the ecology ponds to the east of the link road would result in a slight benefit for GCN compared to a neutral effect with the ponds located to the west of the link road.	Agreed	Agreed	Agreed
			However, these ponds are not specifically required to mitigate impacts on GCN and impacts on other environmental receptors must be considered on balance. The impacts of the Scheme on GCN with the current mitigation measures in place would result in a neutral effect (not significant).	Not Agreed	Not Agreed	Not Agreed
Chapter 8: Biodiversity of the ES [AS-083/6.1] Document 8.22 [REP4-036]	Location and effectiveness of SBI mitigation	The optimum location for mitigation for the impact on Lower Pool SBI from an ecology perspective is to the east of the link road, adjacent to the retained areas of the SBI.	<p>Highways England agree that the optimum location for mitigation for the impact on Lower Pool SBI from an ecology perspective is to the east of the link road adjacent to the retained areas of the SBI. However, several factors have been considered when determining the most appropriate location for ecological mitigation, including the needs of local biodiversity but also the historic and landscape character of the local area.</p> <p>Whilst the highway represents a partial barrier between woodland on the east and west sides, the compensatory woodland planting on Allow's land will not be isolated from the retained areas of Lower Pool, nor the woodland blocks to the south and east of the Scheme. The road will be in cutting adjacent to Plot 5/2, minimising the risk of collision for bats and birds vulnerable to road traffic deaths such as barn owl. A mammal tunnel to the south will allow safe crossing, as will the crossing at Hilton Lane to the north. Woodland planting to the west of the link road provides</p>	Not Agreed	Not Agreed	Not Agreed



Document	Subject	Allow Ltd Comments	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP <sup>2</sup> )
			appropriate mitigation and compensation measures to minimise the impacts of the Scheme resulting in a neutral effect for bats, GCN and the SBI.			
<b>Cultural Heritage Assessment</b>						
Chapter 6: Cultural Heritage of the ES [APP-045/6.1]	Hilton Park	Highways England and Allow agree that Hilton Park was likely designed by Humphrey Repton.		Agreed	Agreed	Agreed
		Allow's heritage consultant considers that a confirmed Repton landscape scheme would increase the significance of the park. If confirmed, we would consider the park should be assigned a category of 'high' value rather than 'medium'.	Highways England accepts a possible association of Hilton Park with the landscape designer Humphry Repton. This is based on the documentary evidence. This assumption was outlined within Chapter 6 of the ES and repeated within the technical paper.  As the association with Repton has been maintained during the production of the ES and subsequent assessments, the Applicant's consideration of the Proposed Development has not changed.  For the park to be elevated to the category of high value, it would need to represent a good example of Repton's work with a good level of survival of his original designs such that it is of 'high importance and rarity, national scale and limited potential for substitution' (as defined by DMRB LA104). Repton was a prolific landscape designer and a significant number of his landscapes survive in better condition than at Hilton and which could be deemed to be of high value.	Not Agreed	Not Agreed	Not Agreed
Document 8.20 [REP4-034]	Assessment of alternative mitigation locations	Highways England and Allow Ltd agree that relocating the mitigation measures currently proposed in Plot 5/2 to the east of the link road would result in 'less than substantial harm' to the Grade I listed buildings, Hilton Hall and the Conservatory.		Agreed	Agreed	Agreed
Document 8.20 [REP4-034]	Assessment of alternative mitigation locations	Highways England and Allow Ltd agree that relocating mitigation measures to the east of the Scheme would have a greater impact on Hilton Park and the associated listed buildings (Hilton Hall and the Conservatory).		Agreed	Agreed	Agreed
Document 8.20 [REP4-034]	Assessment of alternative mitigation locations – impact on listed buildings	Allow disagree with the Cultural Heritage Assessment presented in Document 8.22. The view of Allow's Historic Landscape Consultant is that Options 2-4 would result in a Minor magnitude of impact in each case, resulting in a Slight level of effect (and therefore not significant in EIA terms). Rather than the Moderate impact resulting in a moderate level of effect (Significant) reported by the Applicant.	Highways England's assessment is set out in document 8.22 'Assessment of Alternative Locations for Mitigation in Plot 5/2' [REP4-036]. Historic England have confirmed that they agree with the assessment presented in this document.	Not Agreed	Not Agreed	Not Agreed
<b>Impact on Agricultural Holding and Businesses</b>						
Relevant Rep 031d, 031e & 031f	Impact on agricultural holding	The agricultural farm holding will be significantly affected by the Scheme. There has been	As set out in Chapter 12: Population and Human Health of the ES [APP-051/6.1] Highways England agree that the Scheme would have a significant adverse effect on Allow's agricultural farm	Not Agreed	Not Agreed	Not Agreed

Document	Subject	Allow Ltd Comments	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP <sup>2</sup> )
Document 8.24 [REP5-004]		negligible engagement with the landowner to assess how the farm business might be affected in order for HE to draw such broad conclusions.	<p>holding. The effect reduced with the Scheme changes submitted on 9 October 2020 (accepted by the Examining Authority on 29 October 2020), though not sufficiently to change the moderate effect. The effects of the Scheme on farming businesses and landowners were taken into account in the design of the Scheme and the impacts reduced where possible. Highways England does not consider that this will mean that the land is incapable of being farmed successfully. Where land is the subject of compulsory purchase the rights to compensation and methods and procedures for calculation of any compensation is set out within the Compensation Code (comprising principally Land Compensation Acts of 1961 and 1973 as well as Compulsory Purchase Act 1965). Guidance on compensation is set out in 'Compulsory Purchase and Compensation: Compensation to Agricultural Owners and Occupiers (Booklet 3), Office of Deputy Prime Minister (October 2004) and Allow is referred to this document which can be found at: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/425148/M150005_Compensation_booklet_v3.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/425148/M150005_Compensation_booklet_v3.pdf</a></p> <p>The guidance outlines that compensation following compulsory acquisition of land is based on the 'principle of equivalence'. Accordingly, no party should be worse off in financial terms post acquisition.</p> <p>Highways England have a statutory duty to maintain, upgrade and develop the road network for the safety of all road users. While Highways England understands that businesses will have concerns over potential impacts, as a publicly funded body Highways England is not able to pay compensation for disruption, costs or loss of business caused by our works.</p>			
Document 8.24 [REP5-004]	Impact on business	The car boot field will not be able to operate with too small a site and requires an entry and exit point as has been the case.	<p>The assessment of the Scheme reported in Chapter 12: : Population and Human Health of the ES [APP-051/6.1] assumes that the car boot will no longer operate in its current location on Allow's land.</p> <p>Highways England's position is that a secondary access is not required. The existing access along Cannock Road is suitable for two-way traffic and could be used for both entry and egress from the site. Provision of a secondary access along Hilton Lane would require the removal of established woodland to create the access and it is considered that Hilton Lane is not suitable to locate an access due to its rural nature and narrow geometry making a site access potentially unsafe. It is considered that it would be preferable for vehicles to exit onto Cannock Road as this is a suitable road type with good visibility for vehicles to safely exit the site. The improvements to the access are adequate for the planned future use of the plot for car boot sale events and can be combined with a one way system to allow attendees to navigate the site using a singular improved and practicable point of access and egress</p>	Agreed	Agreed	Agreed



Document	Subject	Allow Ltd Comments	Highways England Response	Status	Agreement likely (app) <sup>1</sup>	Agreement likely (IP <sup>2</sup> )
			Highways England commits to develop details for the improved access onto Cannock Road through the detailed design stage. Highways England have a statutory duty to maintain, upgrade and develop the road network for the safety of all road users. While Highways England understands that businesses will have concerns over potential impacts, as a publicly funded body Highways England is not able to pay compensation for disruption, costs or loss of business caused by our works.			
Document 8.24 [REP5-004]	Impact on business	The equestrian business off Hilton Lane is likely to be affected by the Scheme. Allow has plans to rebuild its cross country course and business of horse trials in the near future. The loss of land and severance of additional land areas and woodland severely restricts the areas that can be ridden upon and the potential for the intended competition courses.	The equestrian centre referenced is located to the east of Hilton Hall and we do not currently believe the buildings and built infrastructure will be physically impacted by the Scheme, however land areas adjacent will be.	Not Agreed	Not Agreed	Not Agreed
Other Scheme issues						
SC28	Green Belt	There is no analysis of the visual impact the proposed woodland planting on CPO Plot 5/2 creates to the green belt. There is also no analysis of the visual impact the proposed woodland planting on CPO Plot 4/20c creates to the green belt. <b>The brief comment in the Case for the Scheme that environmental benefits outweigh the impact to the openness of the green belt in that location, is inadequate</b>	There is a difference between impacts on visual amenity, which are considered within Chapter 7: Landscape and Visual of the ES [APP-046/6.1] and the impact on the visual aspects of openness, which are considered as part of an assessment of the impact of the Scheme on the Green Belt in section 8.6 of the Case for the Scheme [AS-037/7.2]. The Case for the Scheme includes an assessment of the visual impact of the Scheme on the openness of the Green Belt and describes in section 8.6.13 how this impact has been reduced in the Scheme design.	Not Agreed	Not Agreed	Not Agreed
SC29	Access to retained land enclosed by 4/20c	The proposed amended rights of access from the A460 along the track at Plots 4/20a and 4/20b and then across Plot 4/20c to access the triangle of land indicated on the draft updated Streets Rights of Way and Access Plan does not look sufficiently wide and we would ask that this area is widened	The access shown on the updated Streets Rights of Way and Access Plan issued at Deadline 6 is indicative, as with all other accesses and not intended to show exact dimensions of the access. A detailed plan is being prepared and will be provided for further discussion. The initial layout has been designed to accommodate the turning movements of a tractor and trailer as requested at the site meeting on 15 January 2021. At a meeting on 11/02/21 Allow commented that they would require a larger turning circle than indicated on the draft plan and would like a track wider than 4.5m. Highways England commits to develop details for the improved access and details indicating planting in the vicinity through the detailed design stage to enable manoeuvrability and practicable flexibility for agricultural operations at the retained land.	Agreed	Agreed	Agreed
Articles and Requirements	Draft DCO	At Deadline 5 Allow provided comment on the draft DCO,	Highways England's position is that permanent powers of acquisition are necessary to deliver the Scheme, the essential	Under discussion	Medium	

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of the draft DCO		<p>requesting that areas required for environmental mitigation are granted temporarily, with Allow Ltd managing and maintaining all the ecological mitigation long term. A number of points remain outstanding on the terms of such an agreement including, but not limited to,</p> <ol style="list-style-type: none"> <li>1. Allow require clarity on the boundaries of areas required for mitigation management. (Against those maintained by Highways)</li> <li>2. Allow require clarity in terms of maintaining grassland.</li> <li>3. Allow would expect an acceptable commuted sum to be paid by HE to reflect the cost of maintaining both existing and new woodland planting.</li> <li>4. Allow expects that HE will be responsible for carrying out the new planting, and to then maintain the new trees for a period of time.</li> <li>5. Allow would expect to agree detail of management requirements including how many trees are required as part of the ecological mitigation.</li> </ol>	<p>mitigation and secure its future maintenance. Highways England is prepared to enter into a legal agreement with Allow Ltd which, if agreed, would enable Allow to retain ownership of areas of ecological mitigation (subject to appropriate covenants relating to management and maintenance of the ecological mitigation).</p> <p>Until such agreement is in place Highways England will require the powers sought in the Order to ensure the works and mitigation can be delivered and can thereafter be retained, managed and maintained in accordance with the terms of the DCO.</p>			



## Appendix A – Initials and details of individuals involved

Initials	Name	Role or Discipline	Organisation
AJ	Amy Jones	Technical Director – Heritage	AECOM
AK	Andrew Kelly	Project Manager	Highways England
AM	Alastair McNeill	Engineer	AECOM
BBr	Ben Braund	Engineer	AECOM
BB	Bryan Bradley	Assistant Project Manager	Highways England
BK	Bill Klemperer	Principal Inspector of Ancient Monuments	Historic England
CB	Christine Baggott	Surveyor representing landowner	Bagshaws
DS	Daniel Shacklock	Landowner	Allow Ltd
DP	Dinah Patel	Landowner Solicitor	Field Fisher
DS	David Shacklock	Landowner	Allow Ltd
ED-P	Erika Diaz Petersen	Landscape Architect	Historic England
FF	Field Fisher	Solicitor representing landowner	
GS	Gillian Shacklock	Landowner	Allow Ltd
HP	Harry Price	Surveyor representing landowner	Bagshaws
HE	Highways England	Referred to when responding through M54 email mailbox/address	Highways England
JB	John Bowman	Landowner Solicitor	Field Fisher
JH	Jon Harvey	Stakeholder manager	AECOM
JHo	James Horton	Contractors representative	BAM Nuttall
JS	Jon Stott	Director	Gateley Hamer
MB	Matt Bethell	Contractors representative	BAM Nuttall
MO	Matt Oakley	Ecology Lead	AECOM
MR	Mick Rawlings	Built Heritage	Allow
NP	Nick Phillips	Landowner Solicitor	Field Fisher
RR	Rob Ramshaw	Project Manager	AECOM
RT	Richard Thurling	Applicant Solicitor	Gowling WLG LLP
SB	Sam Blaize	Principal Surveyor	Gateley Hamer
SBe	Steve Beech	Project Director	BAM Nuttall
SBo	Simon Boulter	Ecologist	Allow
SD	Simon Davis	District Valuer	Valuation Office Agency
SLB	Suzanna Layton-Busch	Surveyor representing landowner	Bagshaws
TF	Toby Feirn	Principal Surveyor	Gateley Hamer
TP	Tamara Percy	Environment Lead	AECOM
TB	Tom Bennett	Previous stakeholder manager	Amey
TW	Toni Weston	Applicant Solicitor	Gowling WLG LLP