



Department for Transport

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Our Ref: TWA 8/1/3

Your Ref: 11063/SH/2013.675.001

5 March 2015

Dear Mr Barrett,

PLANNING ACT 2008: APPLICATION FOR A NON-MATERIAL CHANGE TO THE LANCASHIRE COUNTY COUNCIL (TORRISHOLME TO THE M6 LINK (A683 COMPLETION OF HEYSHAM TO M6 LINK ROAD)) ORDER 2013

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to say that consideration has been given to the application which you made on behalf of Lancashire County Council on 1 October 2014 for a non-material change to the Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 ("the 2013 Order") under section 153 of, and Schedule 6 to, the Planning Act 2008 ("the 2008 Act").

2. The proposed change is to realign the M6 Junction 34 northbound diverge slip road by a maximum of 11.7 metres (measured horizontally) from the alignment authorised by the 2013 Order, as shown in the modified drawings which accompanied the application. The alternative alignment for the slip road would be within the Order limits as defined in the 2013 Order and would require no new compulsory acquisition powers. The alternative alignment would remove the need to divert a National Grid high pressure gas pipeline and would be further away from the Long Bank Wood Biological Heritage Site than the authorised alignment.

Summary of Secretary of State's decision

3. **The Secretary of State has decided under paragraph 2(1) of Schedule 6 to the 2008 Act to make non-material changes to the 2013 Order so as to authorise the alternative alignment as detailed in your application.** This letter is the notification of the Secretary of State's decision in accordance with regulation 8 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) ("the Change Regulations").

Preliminary matters

4. The Secretary of State is satisfied, having considered the documents which accompanied this application, that the proposed change is non-material for the purposes of paragraph 2 of Schedule 6 to the 2008 Act. The application has therefore been handled in accordance with Part 1 of the Change Regulations.

Consultation and responses

5. The Planning Inspectorate, on behalf of the Secretary of State, publicised this application in accordance with regulation 6 of the Change Regulations and on 17 October 2014 consulted the persons specified in regulation 7 of the Change Regulations in the manner prescribed. The deadline for receipt of representations on the application was 5 December 2014.

6. The Planning Inspectorate received six representations on the application, four of which acknowledged receipt of notice of the application but made no comment on it. The Highways Agency said in its representation that the proposed realignment of the slip road was acceptable and would have the benefit of removing the need to construct and maintain a retaining wall. The Highways Agency did not therefore object to the proposed change. Lancashire County Council (in its role as local planning authority) similarly considered that the realignment was acceptable and would reduce the overall environmental impacts and the cost of the project.

Secretary of State's consideration and decision

7. The Secretary of State notes, first, that no person has disputed the acceptability of the proposed changes to the development authorised by the 2013 Order. He notes further that the changes are likely to reduce the effects of the project on a nearby environmentally sensitive site and would reduce significantly the construction and maintenance costs of this part of the project. Given that the changes would not result in any new adverse impacts on the environment or on property interests, he is satisfied that it is appropriate and advantageous to authorise the proposed changes as detailed in the application.

8. The Secretary of State has therefore decided to amend the 2013 Order to give effect to the proposed changes. For this purpose, you submitted on 15 January 2015 a draft amending Order in the form of a Statutory Instrument (as required by paragraph 2(9) of Schedule 6 to the 2008 Act) which specified the required textual amendments to the 2013 Order and the plans that are to be substituted for those previously certified for the purposes of the 2013 Order. The Secretary of State is today making the amending Order which you submitted, subject to a number of minor modifications which do not materially alter its effect.

Challenge to decision

9. The circumstances in which the Secretary of State's decision may be challenged are set out in the note attached at the Annex to this letter.

Notification of decision

10. The Secretary of State's decision on this application is being notified as required by regulation 8 of the Change Regulations.

Yours sincerely,



Martin Woods

LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118(5) of the Planning Act 2008, a decision under paragraph 2(1) of Schedule 6 to the Planning Act 2008 to make a change to an Order granting development consent can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the High Court during the period of 6 weeks beginning with the day on which the Order making the change is published. Please also copy any claim that is made to the High Court to the address at the top of this letter.

The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) (Amendment) Order 2015 (as made) is being published on the Planning Inspectorate website at the following address:

<http://infrastructure.planningportal.gov.uk/projects/north-west/heysham-to-m6-link-road/>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the amending Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6655).