

M42 Junction 6 Development Consent Order

Scheme Number TR010027

8.32 Cover Letter

Planning Act 2008

Rule 8 (1)(k)

The Infrastructure Planning (Examination Procedure) Rules 2010

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M42 Junction 6 Development Consent Order
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Cover Letter

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By email only

Dear Dee,

M42 Junction 6 Development Consent Order (TR010027): Deadline 3 (D3)

Please find, accompanying this letter, the Applicant's submission for Deadline 3 containing:

- 3.1(a) draft Development Consent Order
- 6.1 Environmental Statement Chapter 15(a) Climate
- 6.3 Appendix 14.2(a) Bickenhill Meadows SSSI TN V9
- 8.32 Applicant's Covering Letter for Deadline 3 Submission
- 8.33 Applicant's Responses to Written Representations Received at Deadline 1
- 8.34 Applicant's Comments on Responses Received at Deadline 2 to the Panel's First Written Questions
- 8.35 Applicant's Response to Local Impact Report: SMBC
- 8.36 Applicant's Response to Local Impact Report: WCC
- 8.37 Aquatic Macroinvertebrate Survey Report 2018
- 8.38 Bat Survey Report 2018
- 8.39 Applicant's Post Hearing Submission: Written submissions of oral case for dDCO ISH on 2 July 2019
- 8.40 Applicant's Post Hearing Submission: Written submissions of oral case for Need for the Scheme ISH on 2 July 2019
- 8.41 Public Right of Way Assessment
- 8.42 Junction 5A Position and Constraints Summary
- 8.43 Further information in support of the Transport Assessment Report
- 8.44 Applicant's Comments on any Additional Information or Submissions Received at Deadline 2
- 8.45 Comparison between Application Draft and Second Draft DCOs

Statements of Common Ground

A number of statements of common ground (SoCG) were submitted at Deadline 2 and, in most part, discussions on these documents have not substantively progressed since. The following SoCGs have, however, been prepared or updated following discussions with stakeholders:

- 8.8(a) Solihull MBC
- 8.14(a) Western Power
- 8.15(a) 8.20(a) Birmingham Airport

In addition, an SoCG has been prepared for the National Exhibition Centre and shared with its representatives for review prior to publication. This document will therefore be issued to the ExA by Deadline 3a (12 August 2019) at the latest. There has also been further discussion with Cadent Gas Ltd and National Grid, but no new agreements have been reached at this stage. It is therefore intended that the updated Statements will be issued to the ExA at Deadline 4.

Please note that all SoCGs have still to be agreed with the various parties and updated iterations of the SoCGs will be issued during the course of the Examination as per the timetable stipulated in the Rule 8 letter.

Update on Protected Species Licences

At the Issue Specific Hearing of the draft DCO on 2 July 2019 the Applicant was asked if it could provide an update on protected species licences. I can confirm that we are updating survey information this year to ensure that the formal licence next year will have valid data.

The species / three groups that need licences are bats, great crested newts (GCN) and badgers. We have updated the GCN survey information this spring and that work is now complete. The 2019 update of bat surveys are on-going until mid-August, with preparation of the full report to follow. The update to the badger survey work is planned for winter 2019 / 2020 as there shouldn't be a need to update this until within 3 months of any formal licence submission.

Update on Main Site Compound Mitigation

At Issue Specific Hearing 2 (ISH2) on the draft DCO on 2 July 2019 the Applicant was asked to confirm by Deadline 3 a timescale for setting out its mitigation strategy for the main site compound. The Applicant can confirm that the mitigation strategy will be submitted to the ExA on the 12 August 2019.

Timescale for Altering the Location for the Main Site Compound.

At ISH2, the Applicant was asked to confirm the latest date by which the dDCO could be amended to provide for a different location for the main site compound. The Applicant

is of the view that the main site compound is in the most appropriate location and, therefore, does not propose such an amendment. However, were such an amendment to be made, the timescales set out below must be followed:

- the amendments would likely be a “material change” to the dDCO and so the Applicant should carry out 28 days of non-statutory consultation before requesting the ExA to examine the changed application;
- the Applicant would have to comply with the publicity requirements in Regulation 4 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 by publishing notice of the application for two successive weeks;
- as additional land is also likely to be required, the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 would also apply. These give the Secretary of State 28 days to decide whether to accept the changed application;
- the Applicant would then have to give notice to specified persons who would have 28 days to make representations (30 days if an Environmental Impact Assessment (EIA) is required);
- 10 working days after the representation period closes, the Applicant would have to send the Secretary of State a list of persons interested in the additional land;
- the ExA then has 21 days from the representation deadline to make an initial assessment of the issues before setting a timetable for the examination of the changed proposals;
- the ExA can either require written representations to be submitted, or can hold specific hearings on the changed proposals. In both cases, at least 21 days’ notice must be given;
- all of these steps must be taken before the examination closes on 20 November 2019.

Notwithstanding the above, no alternative appropriate main site compound location has been identified nor has it been subject to environmental assessment. Were an alternative site compound location to be proposed that would be likely to give rise to significant environmental effects which have not been reported in the Environmental Statement, further EIA would be required. The time needed to carry out this work has not been factored in to the timeline above.

Yours sincerely



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