

Our ref: M42J6/DCO\_D6  
Your ref: TR010027

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Chris Harris  
Project Manager  
Highways England  
2 Colmore Square  
Birmingham  
B4 6BN

Tel: 0300 123 5000  
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**By email only**

Dear Kate,

**M42 Junction 6 Development Consent Order (TR010027): Deadline 6 (D6)**

Please find, accompanying this letter, Highways England's (the Applicant's) submission for Deadline 6 (D6) containing:

- 8.4(f) Updated Guide to the Application
- 8.65 Fungi Survey Report 2019
- 8.66 Outline Bird Strike Management Plan (tracked changes)
- 8.67 Consultation Statement for Proposed DCO Changes
- 8.68 Responses to the Panel's Third Written Questions
- 8.69 Written Summary of Oral Case for ISH on Living Conditions on 1 October 2019
- 8.70 Written Summary of Oral Case for the ISH on Environmental Matters on 2 October 2019
- 8.71 Supplementary Environmental Appraisal Report on non-material changes to the DCO
- 8.72 Applicant's Responses to Actions in respect of ISH on dDCO 21 August 2019
- 8.73 Applicant's Responses to Actions in respect of ISH on Compulsory Acquisition on 20 August 2019
- 8.75 Bat Survey Report 2019 Addendum
- 8.76 Warwickshire Gaelic Athletic Association Position Statement
- 8.77 Applicant's Responses to Actions in respect of ISH on Living Conditions 1 October 2019
- 8.78 Tree Preservation Orders and Trees within a Conservation Area
- 8.79 Important Hedgerow Criteria

## **8.64 Ancient Woodland Clarifications and Additional Measures**

The Applicant submitted document 8.64 Ancient Woodland Clarifications and Additional Measures prior to Deadline 6, on 27 September 2019.

### **Statements of Common Ground and agreements**

As previously indicated, the Applicant proposed to submit final versions of Statements of Common Ground (SoCGs) at D6. The final SoCG with Extra Evergreen MSA Group was submitted at Deadline 5. The following SoCGs are submitted as final versions to the Examining Authority (ExA) on 11 October 2019:

- 8.8(c) Final SoCG with Solihull Metropolitan Borough Council (SMBC) [to be signed]
- 8.10(b) Final SoCG with Natural England
- 8.19(b) Final SoCG with High Speed 2 (HS2)

The intention was to submit all SoCGs as final versions, however, the following SoCGs are yet to be finalised and the following updated drafts are now included:

- 8.11(b) Updated SoCG with Warwickshire Wildlife Trust
- 8.16 Draft SoCG with National Exhibition Centre

The Applicant intends to issue the final SoCG with Warwickshire County Council before Deadline 7 (D7). Furthermore, it is currently anticipated that all remaining SoCGs will be submitted at D7 as final documents.

The draft SoCG with National Grid Electricity Transmission PLC has been superseded by ongoing discussions regarding Protective Provisions. The Applicant proposes to update the relevant Schedule to the dDCO where appropriate, in advance of the Issue Specific Hearing on the DCO.

The following agreements are in the course of negotiation:

- Heads of Terms and Agreement with Gooch Estate
- Heads of Terms with NEC
- Heads of Terms with Birmingham Airport Limited
- Agreement with Severn Trent Water
- Agreement with High Speed 2 (HS2)
- Agreement with Royal Mail
- Agreement with Warwickshire Gaelic Athletic Association

### **Action arising from the ISH on Environmental Matters**

In response to the action set by the ExA to provide a tracked changed version of the Outline Bird Strike Management Plan, the Applicant has prepared a tracked changed version showing the changes between the original and reissued Outline Bird Strike Management Plan. This is **Volume 8.66**.

## **Outline Biodiversity Management Plan**

The Applicant continues to work on this plan with the intention to submit it prior to D7.

## **Environmental Appraisal Report on non-material changes**

The ExA requested that the Applicant provide further justification for the statement in its letter dated 9 August 2019 [AS-027] that *“the changes would not give rise to any materially new or materially different significant environmental effects to those reported in the Environmental Statement”*

The clarification requested by the ExA is set out in **Volume 8.71**.

## **Documents 8.78 Tree Preservation Orders and Trees within a Conservation Area and Document 8.79 Important Hedgerow Criteria**

The Examining Authority (ExA) requested at the Compulsory Acquisition Hearing of the dDCO on the 21<sup>st</sup> August 2019, further information on the following:

1. Of the hedgerows to be impacted as a result of the Scheme as detailed within Chapter 9 Biodiversity [APP-054/Volume 6.1] and Appendix 9.3 Hedgerow Report [APP-131/Volume 6.3] of the Environmental Statement, which of these hedgerows have been identified as important for ecological importance and which are of historical importance;
2. The quantum of loss (in metres) of ecologically important hedgerows and the loss of historically important hedgerows; and
3. Identify the tree(s) (if any) that would be removed as a result of the Scheme, that are subject to a Tree Preservation Order (TPO) and which tree(s) (if any) are located within the boundary of a Conservation Area.

The following information submitted is in response to these queries.

**Volume 8.78:** A Table which identifies the trees that are located within the boundary of a Conservation Area. This additional information is included within the columns as highlighted in green; and

**Volume 8.79:** A definition of the criteria for identifying hedgerows of ecological and/or historical importance inclusive of Figure 1: Important Hedgerows which shows the location of important hedgerows and whether they are of ecological or historical importance.

Of the 4.5 km of hedgerow directly impacted (removed) as presented within Chapter 9 Biodiversity [APP-054/Volume 6.1] of the Environmental Statement, the Applicant can confirm:

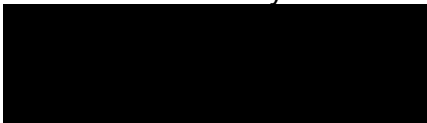
- 38.5m is considered a hedgerow of historic importance;

- 980m is considered a hedgerow of ecological importance; and
- 195m is considered a hedgerow of both ecological and historic importance.

### **Trees subject to Tree Preservation Order (TPOs)**

The Applicant, as part of the exercise regarding clarification of the position on hedgerows and TPOs, has re-analysed information previously provided by SMBC. The Applicant can confirm that there are no Trees within the Order Limits afforded TPOs.

Yours sincerely



Chris Harris

Project Manager

Email: [chris.harris@highwaysengland.co.uk](mailto:chris.harris@highwaysengland.co.uk)