

M42 Junction 6 Improvement Scheme Development Consent Order

Response on behalf of Western Power Distribution (West Midlands) PLC

1. Osborne Clarke LLP acts on behalf of Western Power Distribution (West Midlands) PLC (**WPD**). WPD has an outstanding objection to the M42 Junction 6 Improvement Scheme (**the Project**). We submitted a representation on behalf of WPD on 28 March 2019 as WPD's holding objection to the Project until such time that Highways England (**the Applicant**) provides a form of protective provisions which are acceptable to WPD. As such, WPD is an interested party in respect of the Project.
2. By reference to a consultation letter dated 7 April 2020 from Kevin O'Hanlon, we are responding to the request for comments by the Secretary of State. The Secretary of State is seeking clarification and information from the Applicant and other interested parties about ongoing matters which are connected to the Project.
3. Whilst WPD (and its outstanding objection) was not specifically addressed in the letter we respond on the basis that there are ongoing discussions with the Applicant to reach acceptable protective terms.
4. Please note that at this time WPD has not reached an agreement on an acceptable form of protective provisions with the Applicant. We are currently seeking comments from the Applicant in respect of WPD's standard asset protection agreement and protective provisions, which have been agreed by the Applicant on another of its Development Consent Order schemes. However, we have not yet received a full response on these documents and discussions with the Applicant remain ongoing. Therefore, WPD is currently unable to withdraw its holding objection to the Project.
5. The Secretary of State will be aware that pursuant to Section 127 Planning Act 2008 a Development Consent Order should not be granted unless the Secretary of State is satisfied that WPD's interests (as a statutory undertaker) can be acquired without serious detriment to its undertaking.