



Walsall Council

Legal Services

Our Ref: AJS/NES02.29
Date: 2 March 2015
Contact: A.Sargent
Tel: 01922 654834
Email: Alison.sargent@walsall.gov.uk

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

BY EMAIL ONLY: enquiries@infrastructure.gsi.gov.uk

Dear Sirs

PLANNING ACT 2008 – NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS RE-ALIGNMENT AND WIDENING OF CIRCULATORY AT JUNCTION 10 OF M6 MOTORWAY WITH REPLACEMENT BRIDGES AND CONSEQUENTIAL WORKS TO ADJOINING HIGHWAYS

Walsall Council, in conjunction with the Highways Agency, are planning the improvement and alteration of Junction 10 of the M6, together with associated adjoining roads to increase capacity and enable a free flow of traffic through the area. We **attach** two plans of the proposed works (the scheme is in initial stages) from which it can be seen that the project broadly comprises:

- The replacement of the two existing bridge structures over the M6 motorway and forming Junction 10 circulatory;
- The existing bridges carry two lanes of traffic. The proposed new bridges will be positioned outside of the existing (to the north and to the south respectively), carrying four lanes of traffic each;
- New alignment of circulatory lanes on junction, to carry four lanes of traffic at all times, and five lanes in places, to join with new bridges;
- New alignment of A454 Wolverhampton Road to join newly constructed Junction 10;
- New alignment of A454 Black Country Route to join newly constructed Junction 10;
- New alignment of B4464 Wolverhampton Road to join newly constructed Junction 10;
- Alterations to the existing entry and exit M6 slip roads to join newly constructed Junction 10;
- The alteration of the highway, to accommodate additional lanes, at Bloxwich Lane Junction, to the north east of Junction 10;
- The compulsory acquisition of land adjoining the junction to enable the widening and new alignments to be carried out; and
- The potential re-positioning of a pylon (carrying Western Power lines) situated adjacent to the M6 north entry slip road.

The Highways Agency considers that the main carriageway area of the motorway should not be included in the total area calculation, in which case the total area falls just over 8ha. They also consider that the expected slip road alterations can be undertaken within the

existing highway boundary. Of the area affected by the proposal, only the slip roads and bridges fall within the responsibility of the Secretary of State, the remaining roads being operated and maintained by the Highway Authority. (The Highway Authority is responsible for the highways atop the bridges, but the bridge structures are the responsibility of the Secretary of State.)

An application for a screening opinion was made to the Local Planning Authority in August 2014 and it was determined that an Environmental Impact Assessment will be required. This is a very busy stretch of motorway in a largely urban area where there are existing air quality issues. Whilst the parties do not consider that the proposals will lead to a deterioration or worsening of the situation, indeed it is hoped to lead to an improvement, there is little doubt that there will be an effect on the environment.

The Highways Agency considers that this project is not of National Significance and falls outside the parameters of a Nationally Significant Infrastructure Project. This is on the basis that the works comprise an "alteration" under s22 of the Planning Act 2008 but the area of development is not greater than the relevant limits set out in subsection (4) and the Secretary of State is not the highway authority for all of the highways involved in the proposed works, only a part. It is also considered that the nature of the works do not constitute an "improvement" under s22 and so do not fall within subsection (5), notwithstanding the effect on the environment.


It is crucial for the parties to have clarity on this point and to be certain as to whether a Development Consent Order is required, or whether the traditional planning application, CPO route should be followed. The parties have no particular preference, provided that the correct procedure is followed for the scheme.

Sally Keith of the Department for Transport, advising the Highways Agency, has said that, in her opinion, the category of "improvement" works under subsection (5) was not intended to cover works such as this, which are clearly "alterations" to the highway. This is on the basis that the works are outside the current highway boundary and would ordinarily need Highway Act Orders. This means that they fall within the alteration limb of highways related development in section 22 of the Planning Act 2008. She considers that as an alteration, the works lie outside of the definition of a Nationally Significant Infrastructure Project by reason of the mixed status of the roads involved in the project and the area of development. The parties both agree, however, that an opinion needs to be obtained on this point, in order for the project to proceed with certainty.

We ask, therefore, if you could please provide your opinion, based upon the information in this email and the attached plan, whether the scheme is considered to be a Nationally Significant Infrastructure Project, requiring a DCO, or not.

We look forward to hearing from you in due course. If you should require any additional information or have any queries, please do not hesitate to contact the writer.

Yours faithfully


Allison Sargent
Planning Solicitor
For the Head of Legal and Democratic Services
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