

**M42 Junction 6 Improvement
TR010027**

**5.2 Annex J: S46 Letter
and Acknowledgement**

Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

M42 Junction 6 Improvement

Development Consent Order 202 []

5.2 Consultation Report Annex J S46 Letter and Acknowledgement

Regulation Number	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010027
Application Document Reference	5.2 Consultation Report Annex J
Author	M42 Junction 6 Improvement, Project Team, Highways England

Version	Date	Status of Version
Rev 1	January 2019	DCO Application

Our ref:
Your ref:

The Planning Inspectorate
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5 January 2018

For the attention of Gareth Leigh

Dear Gareth Leigh

**M42 JUNCTION 6 IMPROVEMENT SCHEME
STATUTORY PRE-APPLICATION CONSULTATION – 9 January to 19 February
PLANNING ACT 2008 SECTION 46**

The M42 Junction 6 scheme is classified as a Nationally Significant Infrastructure Project and as a result we are required to submit a Development Consent Order (DCO).

I am writing to provide notification, under Section 46 of the Planning Act 2008, of Highways England's intention to begin the pre-application consultation under section 42 of the Planning Act 2008, for the M42 Junction 6 prior to making an application for a DCO later in the year.

The S47 notice was published in the Solihull News and Birmingham Mail on 4 January. The S48 notice was published in the Guardian on the 3 January and in the London Gazette, Solihull News and Birmingham Mail on 4 January. The S48 notice will also be published in the Solihull News and Birmingham Mail on the 11 January.

The Highways England Website will be updated on the 9 January to include all of the statutory publication materials as a mirror to the Public Exhibitions we will be holding throughout the period.

For your information and use I have enclosed hard and electronic (i.e. memory stick) copies of the following documentation, to be available to consultees, as part of Highways England's duty to consult under Section 42 of the Planning Act 2008:

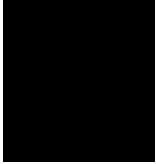
- The Statutory Consultation Brochure and Questionnaire
- The Statement of Community Consultation
- Examples of the S42 letters we have sent to the Statutory Consultees.
- An example of the bespoke plans sent to the Cat1/Cat 2 Consultees identifying the impact the scheme may have.

The consultation period is due to begin on 9 January 2018.



Please confirm receipt of this letter and accompanying documentation. Should you have any queries, please do not hesitate to contact me using any of the details provided.

Yours sincerely



Encs:

The Statutory Consultation Brochure and Questionnaire

The SoCC

S42 (a) Letter to Statutory Consultees

S42 (d) Letter to Cat1 and 2 Consultees

Red Line Boundary and Scheme Plans

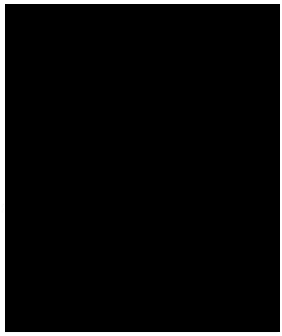
S42 (d) letter to Cat 3 Consultees

Preliminary Environmental Information Report Non-Technical Summary

Preliminary Environmental Impact Report

A Memory Stick containing e-copies of the above.

Tracking no. [REDACTED]



Your item with reference [REDACTED] was delivered from our BRISTOL Delivery Office on 08/01/18 .

Signed for by: [REDACTED]

Service used: Royal Mail Special Delivery Guaranteed 1pm™

Delivered: 7:09am



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Your Ref: M42J6 - S42/M42/09

Our Ref: TR010027

Date: 30 January 2018

Dear Mr Pizzey

Planning Act 2008 (as amended) – Section 46 and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 – Regulation 8

Proposed application by Highways England for an Order Granting Development Consent for the M42 Junction 6 Improvement project

Acknowledgement of receipt of information concerning proposed application

Thank you for your letter of 5 January 2018 and the following documentation:

- The Statutory Consultation Brochure and Questionnaire
- The SoCC
- S42 (a) Letter to Statutory Consultees
- S42 (d) Letter to Cat1 and 2 Consultees
- Red Line Boundary and Scheme Plans
- S42 (d) letter to Cat 3 Consultees
- Preliminary Environmental Information Report Non-Technical Summary
- Preliminary Environmental Impact Report
- Section 47 Advertisement
- Section 48 Notice

I acknowledge that you have notified the Planning Inspectorate of the proposed application for an order granting development consent for the purposes of section 46 of the PA2008 and supplied the information for consultation under section 42. The following reference number has been given to the proposed application, which I would be grateful if you would use in subsequent communications:

TR010027

I will be your point of contact for this application – my contact details are at the end of this letter.

The role of the Planning Inspectorate in the application process is to provide independent and impartial advice about the procedures involved and to have open discussions with potential applicants, statutory bodies and others about the processes and requirements of the new regime. It is important that you keep us accurately informed of your timetable and any changes that occur.

We will publish advice we give to you or other interested parties on our website and, if relevant, direct parties to you as the applicant. We are happy to meet at key milestones and/or provide advice as the case progresses through the pre-application stage.

Once you have prepared draft documents we are able to provide technical advice, in particular on the draft development consent order, explanatory memorandum, the consultation report and any draft HRA. You may therefore wish to build this into your timetables.

In the meantime, you may wish to have regard to the guidance and legislation material provided on our website including the Infrastructure Planning (Fees) Regulations 2010 (as amended) and associated guidance, which you will need to observe closely in establishing the correct fee to be submitted at the successive stages of the application process.

When seeking to meet your pre-application obligations you should also be aware of your obligation under the Data Protection Act 1998 to process personal data fairly and lawfully.

Statutory Consultation

I draw your attention to the s42 letters accompanying your s46 notice. These letters state that the future DCO application to be made by Highways England (the Applicant) for the M42 Junction 6 Improvement project will be supported by an Environmental Impact Assessment in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulation 2009.

Other documentation e.g. s48 notice and the SoCC, in support of the Applicant's s46 notice confirms that the M42 Junction 6 Improvement project is an Environmental Impact Assessment development ("EIA development") as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulation 2017.

On 25 October 2017, the Planning Inspectorate on behalf of the Secretary of State (SoS) received a scoping request from the Applicant under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulation 2017 (the EIA Regulations) for the Proposed Development. The Planning Inspectorate subsequently issued a [Scoping Opinion](#) on behalf of the SoS in respect of the Proposed Development on 1 December 2017, which should be read in conjunction with the [Applicant's Scoping Report](#).

The Planning Inspectorate acknowledges that the Applicant has notified the SoS under Regulation 8 of the EIA Regulations 2017 that they propose to provide an Environmental Statement in respect of the Proposed Development, and in accordance with Regulations 6(2)(a) of the EIA Regulations 2017, that the Proposed Development is determined to be an EIA development.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely



Emré Williams - Case Manager

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Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.