

Planning Act 2008 – section 91

TR010027 - Application by Highways England for an Order Granting Development Consent for the M42 Junction 6 Improvement**Agenda for Issue Specific Hearing 1: draft Development Consent Order (DCO)**

The Panel notified Interested Parties in its letter dated 23 April 2019 of the decision to hold an Issue Specific Hearing on the following date:

Hearing	Date and time	Location
Issue Specific Hearing 1 (DCO)	Wednesday 22 May 2019 seating available from 1.30pm, the hearing will start at 2.00pm	Ramada Hotel, The Square, Solihull, West Midlands, B91 3RF

Access and Parking: Full disabled access. Free parking at venue
Attendees

The Panel would find it helpful if the following parties could attend this hearing. However, this does not indicate that other parties will not be able to contribute. All interested parties are invited to attend and make oral representations on the matters set out in the agenda, subject to Panel's ability to control the hearing.

- Highways England (the Applicant)
- Solihull Metropolitan Borough Council
- North Warwickshire Borough Council
- National Grid Electricity Transmission PLC and National Grid Gas
- Cadent Gas Limited
- Western Power Distribution (West Midlands) PLC
- Esso Petroleum Company Limited
- Severn Trent Water Limited
- Network Rail Infrastructure Limited
- High Speed Two (HS2) Ltd
- Birmingham Airport
- Any other IPs with an interest in the drafting of the DCO; implementation or discharge of proposed articles, requirements or other provisions; seeking protective provisions or any related side agreements

The Panel have sought to provide sufficient detail to assist the parties to prepare for the hearing. However, the details set out below are indicative and the Panel may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

Please note: Interested parties who have registered to speak in advance may be provided with a table and microphone. Individuals who have not registered in advance may participate at the discretion of the Panel. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including further written questions.

Agenda for Issue Specific Hearing 1 (ISH DCO 1)**1. Welcome, introductions and arrangements for the Hearing****2. Purpose of the ISH**

An early hearing on the draft DCO is being held to address matters, issues and questions initially identified by the Panel during their assessment of preliminary issues, before its consideration of written representations. The Panel considers that it is necessary to examine these matters, issues and questions orally at the outset of the Examination, providing the maximum time for interested parties to respond to them in their own subsequent written representations and for the applicant, where necessary, to programme actions to address issues raised. The possibility of further hearings for the examination of the draft DCO are programmed in our draft timetable enclosed with our letter of 23 April 2019.

The Panel will examine the draft DCO within the framework of the matters set out below to consider:

- how the draft responds to the project definition;
- the Applicant's response to guidance in PINS' Advice Notes, particularly AN15;
- whether the draft secures delivery of the proposed project within the parameters assessed for environmental impact assessment (EIA), habitat regulations assessment (HRA) and other purposes – the 'Rochdale envelope';
- the need for changes to other legislative provisions, ensuring that these are clear and are not unduly reductive of other persons' rights;
- whether the policy tests for planning conditions set out at paragraph 55 of the National Planning Policy Framework (NPPF) and which are relevant to requirements are met;
- the need for protective provisions and the scope for changes to the current draft to respond to negotiations in progress;
- the need for any commercial agreements or planning obligations and progress towards these; and
- the need for statutory undertaker and any other consents.

In addition to the matters identified in this agenda, the Panel will review detailed issues and questions about individual DCO provisions that they have identified in the attached schedule. Additional issues and questions arising from interested parties that have not been identified in the schedule will not be discussed at this time. These should be set out in written representations and will be considered as the Examination progresses, in writing or orally as required. This hearing will not examine the detailed content of provisions relating to the compulsory acquisition of land or rights, or temporary possession of land, although the attached schedule does contain some comments and questions on these issues. Responses to these should also be set out in written representations. The draft Examination Timetable proposes that separate compulsory acquisition hearings will be held.

3. The function and structure of the draft DCO

The Panel will ask the applicant about:

- the proposed articles;
- the proposed project description (Sch 1);
- the proposed requirements (Sch 2);
- the need for and progress on protective provisions (Sch 10);
- the need for and progress on any planning obligations;
- the need for and progress on any related consents; and
- ongoing negotiations and statements of common ground.

4. Specific issues and questions bearing on the DCO, raised by the Examining authority

Questions will be put to the applicant and views will be sought from interested parties present. Where they are relevant to the discussions under matter 3 above, the questions may be drawn out within those matters.

5. Discharge of requirements and conditions, appeals and disputes

The Panel will ask the bodies and local authorities whether they have any significant concerns in principle with the proposed approaches taken to the discharge of requirements, or for managing appeals or disputes arising from these.

6. Review of issues and actions arising

7. Next steps

8. Closure of the hearing