

From: [Brighouse Roger](#)
To: [M42 Junction 6](#)
Subject: RE: M42 Junction 6 Improvement (TR010027) - Network Rail representation withdrawal
Date: 20 August 2019 10:23:19
Attachments: [Registration for project M42 Junction 6 Improvement with the Planning Inspectorate.mso](#)

Dear Sir/Madam

Referring to Network Rail's representation against the proposed Development Consent for the M42 Junction 6 Improvement, I can advise that Network Rail has now received from Highways England an appropriate undertaking and assurance which gives Network Rail comfort that its railway interest will not be unduly affected by the proposed Order, please would you therefore take this email as formal notice of Network Rail's withdrawal of its representation.

If you should have any queries then please do not hesitate in contacting me.

I would be grateful if you could acknowledge receipt of this email.

Regards

Roger Brighouse MRICS
Senior Surveyor,
Property Services, Network Rail,
Square One, 4 Travis Street,
Manchester, M1 2NY.

Email: roger.brighouse@networkrail.co.uk

www.networkrail.co.uk/property

From: M42 Junction 6 <M42Junction6@planninginspectorate.gov.uk>
Sent: 16 July 2019 10:45
To: Brighouse Roger <Roger.Brighouse@networkrail.co.uk>
Subject: M42 Junction 6 Improvement (TR010027)

Dear Sir/ Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 13
Application by Highways England for an Order Granting Development Consent for the M42 Junction 6 Improvement**

Notification of hearings

Reference Number: 20022338

Please find below a website link to a letter giving information about hearings for the above project. If you wish to attend, please let us know by **15 August 2019**.

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010027/TR010027-000548-20190820%20Notification%20of%20Hearings.pdf>

All hearings will be held at Ramada Hotel, The Square, Solihull, West Midlands, B91 3RF

Hearing	Date	Time
Compulsory Acquisition (CA) and Temporary Possession (TP)	Tuesday 20 August 2019	10am Doors open at 9.30am
Content of the draft Development Consent Order (DCO.3)	Wednesday 21 August 2019	10am Doors open at 9.30am
Open Floor Hearing	Thursday 22 August 2019	6pm Doors open at 5.30am

If you do not have access to the internet or are unable to visit public facilities, for example a local library, please contact us at the details below and a member of the Planning Inspectorate's case team will be able to provide you with the relevant details.

If you wish to attend the events we would be grateful if you would notify us by **15 August 2019**.
Please do not hesitate to contact us if you require any further information.

Yours faithfully,
M42 Junction 6 Improvement Project Team

Email: M42Junction6@planninginspectorate.gov.uk
Telephone: 0303 444 5000
Web: <https://infrastructure.planninginspectorate.gov.uk>

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Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Network Rail, 2nd Floor, One Eversholt Street, London, NW1 2DN

From: [Planning Inspectorate Projects](#)
To: [Brighthouse Roger](#)
Subject: Registration for project M42 Junction 6 Improvement with the Planning Inspectorate
Date: 28 March 2019 09:15:18

Planning Act 2008: Receipt of Representation

Thank you for submitting your Representation on the application for development consent by Highways England for M42 Junction 6 Improvement.

Your registration identification number is 20022338.

The next step is that Highways England must certify to the Secretary of State it has complied with its notification obligations. After this the Secretary of State will appoint the Examining Inspector(s) responsible for examining the application ('the Examining Authority'). The Examining Authority will then carry out an Initial Assessment of the Principal Issues arising on the application by 18 April 2019, which is 21 days after the last day for submitting representations.

Once the Initial Assessment of Principal Issues has been finalised the Examining Authority will write to you. That letter will, amongst other things:

- Confirm your status as an Interested Party (unless exceptionally your Representation has failed to comply with mandatory legal requirements);
- provide the name(s) of the Examining Inspector(s) appointed to be the Examining Authority;
- provide details about the Preliminary Meeting and invite you to attend it; and
- provide a draft timetable for the examination of the application.

The Preliminary Meeting is a procedural meeting which provides an opportunity for representations to be made about how the application should be examined. It will not deal with the merits of the Proposed Development. For further information about the Preliminary Meeting please read Advice Note 8.3: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

All Interested Parties will have further opportunities in the course of the Examination to make detailed Written Representations and oral representations at any hearings that are held. See Advice Note 8.4 and Advice Note 8.5 for further information: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Please note that the representations received will be published on the project page of the National Infrastructure Planning website as soon as practicable after the Applicant has certified that it has complied with the notification obligations referred to above. Details published on our website will be restricted to your name and the text of your Representation. Please read our Privacy Notice (<https://infrastructure.planninginspectorate.gov.uk/help/privacy-and-cookie/>) which explains how we will store and use your data.

If you did not make this registration then please ignore or delete this email or call the Planning Inspectorate helpline on 0303 444 5000 for more information.

Yours sincerely

Planning Inspectorate

Temple Quay House

Temple Quay

Bristol

BS1 6PN

Telephone: 0303 444 5000

Email: M42Junction6@planninginspectorate.gov.uk

Website: www.planningportal.gov.uk/infrastructure

Summary of your details:

Network Rail Infrastructure Limited (Roger Brighthouse - Senior Surveyor)
Square One, 4 Travis Street
Manchester

M1 2NY

UK

roger.brighthouse@networkrail.co.uk

0161 880 3591

Your Representation:

I refer to the proposed Development Consent Order and I write to formally object to the Order on behalf of Network Rail Infrastructure Limited on the grounds that operational railway land is adversely affected.

Network Rail owns, operates and maintains the railway infrastructure of Great Britain pursuant to a statutory undertaking under section 8 of the Railways Act 1993. Whilst Network Rail does not object to the principle of the proposed Order, it does object to the compulsory acquisition of operational railway land and the compulsory acquisition of rights over operational railway land where that would compromise Network Rail's ability to perform its statutory undertaking.

Network Rail has interests in several of the Plots identified in the Book of Reference, namely 3/8e, 3/8f, 3/76, 4/25d, 4/25s, 4/91, 4/150, 4/151 & 4/152, which affect sections of the operational railway forming part of the West Coast Mainline.

Network Rail objects to the seeking of powers to carry out works on and over the operational railway without first securing appropriate protections for Network Rail's statutory undertaking and the current drafting of the DCO does not contain adequate protective provisions. Further, the safe and efficient operation of the railway has not been adequately addressed within the application documents and neither is there sufficient explanation or justification for the extent of the compulsory acquisition of the land and rights sought.

The proposed Order does not demonstrate that it would not prejudice the safe operation of the railway and the safety of those who use it and in the absence of such confirmation Network Rail submits that there is no compelling case in the public interest for the compulsory acquisition of its interests in the subject Plots.

It should be noted that prior to the release of any land and rights as comprised in the subject Plots, such land and rights will require submission for approval through Network Rail's Land Clearance process and if such approval is not granted then this may give rise to further grounds of objection to the proposed Order. Network Rail is unable to release any land and rights for disposal without Clearance approval having first been obtained.

Before Network Rail is able to consider withdrawing its objection it requires:

- a) detailed information as to the precise nature of all works proposed on and over the operational railway;
- b) justification for the extent of the compulsory acquisition powers sought;
- c) agreement from the applicant that the acquisition of operational land is on terms to be agreed with Network Rail for the protection of its statutory undertaking and an undertaking that compulsory powers will not be exercised in relation to such land and rights; and

d) that sufficient protections for Network Rail's statutory undertaking are put in place for the carrying out of works on and over the operational railway.

Without further details being provided and adequate protections put in place, Network Rail considers that the proposed Order would cause serious detriment to Network Rail's statutory undertaking and therefore the proposed Order should not be made. Until such time as Network Rail is given the adequate protection and assurances requested as detailed in this objection, Network Rail's objection to the proposed Order will not be withdrawn.

Network Rail reserves the right to raise further issues in evidence and intends to take a full part in the examination process, including attending and making oral representations at relevant hearings.