

Our ref: M42J6/DCO\_D5  
Your ref: TR010027

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

Chris Harris  
Project Manager  
Highways England  
2 Colmore Square  
Birmingham  
B4 6BN

Tel: 0300 123 5000  
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**By email only**

Dear Kate,

### **M42 Junction 6 Development Consent Order (TR010027): Deadline 5 (D5)**

Please find, accompanying this letter, Highways England's (the Applicant's) submission for Deadline 5 (D5) containing:

- 8.4(e) Updated Guide to the Application
- 3.1(b) Applicant's revised draft DCO
- 8.25(a) Outline Bird Strike Management Plan
- 8.63 Applicant's Comments on any additional information or submissions received by Deadline 4
- 8.8(b) Updated draft SoCG with SMBC
- 8.9(a) Final SoCG with Warwickshire County Council (awaiting signature)
- 8.10(a) Updated draft SoCG with Natural England
- 8.11(a) Updated draft SoCG with Warwickshire Wildlife Trust
- 8.17 Final SoCG with Extra Evergreen MSA Group

The Applicant submitted at Deadline 4 (D4) its written summary of the oral submissions made at the hearings held on 20, 21 and 22 August 2019 (**REP4-011 to 013** inclusive) and so are not resubmitted here.

### **Statements of Common Ground**

As was indicated during the various hearings conducted during the week commencing 19 August 2019, good progress has been made by the Applicant with the various parties in respect of the outstanding Statements of Common Ground (SoCGs). The following SoCGs have been submitted either as updated drafts or final versions to the Examining Authority (ExA) at D5 on 16 September 2019:

- 8.8(b) Updated draft SoCG with SMBC

- 8.9(a) draft SoCG with Warwickshire County Council (awaiting signature for finalisation)
- 8.10(a) Updated draft SoCG with Natural England
- 8.11(a) Updated draft SoCG with Warwickshire Wildlife Trust
- 8.17 Final SoCG with Extra Evergreen MSA Group

Birmingham Airport Limited submitted at D4 an updated Statement of Common Ground (SoCG) incorporating tracked changes, which are still subject of discussion. The Applicant is reviewing this particular SoCG with Birmingham Airport Limited and an updated SoCG will be submitted in due course.

The intention is that final versions of all SoCGs will be submitted to the ExA at Deadline 6 (D6) on 11 October 2019.

### **Bat Survey Report 2019**

The Applicant had intended to submit the Bat Survey Report 2019, as Volume 8.62, at D5. Unfortunately, due to unforeseen circumstances, this has not proven to be possible. It is intended to submit this Report within the next few days.

### **Crown Land**

The Applicant continues to liaise with the Land Registry regarding the transfer of land listed in Part 4 of the Book of Reference from Crown Ownership and will provide the ExA with an update on this position at D6 (as requested).

The Applicant has also alerted the ExA to potential Crown Land issues arising from HS2 Ltd's temporary possession of land required for that scheme. A full update will be provided at D6 as agreed, but the Applicant would like to take this opportunity to inform the ExA that it is likely to introduce into the Examination Crown Land Plans showing land where the Crown has an interest in respect of HS2.

Ordinarily, Crown Land Plans would be included with the submission of the Development Consent Order (DCO) application. At the time of submission, there were no relevant plots of land subject to Crown Ownership (save for plots relating to the A45 and the need to regularise the transfer of land ownership as previously discussed). The parcels concerned have become Crown Land since the Application was made.

The Applicant is considering how best to submit Crown Land Plans into the Examination.

### **Responses to additional responses/submissions received at Deadline 4**

The Applicant has submitted to the examination its response to these additional responses/submissions (**Document 8.63**).

Many of the response/comments received at D4 reflect action points identified by the ExA at hearings and confirmed in the DCO3 Issue Specific Hearing and Compulsory Acquisition Hearing action points published on the Planning Inspectorate website for the M42 Junction 6 scheme (the Scheme) on 28 August 2019. The Applicant is preparing responses to those actions for submission to the examination at D6 in accordance with the examination timetable.

The Applicant has not, therefore, responded to points in D4 submissions where the response will be provided more fully at D6.

### **Compensation documents**

During the Open Floor Hearing on 22 August 2019, the Applicant committed to providing information at D4 on the relevant compensation which may be available to those affected by the scheme. These documents were compiled into a single document and submitted to the examination **[REP4-009, Document 8.57]**.

A further commitment was given by the Applicant to review the wording of the compensation documents and to provide, if appropriate or required, explanatory text to explain, in clearer language the intent of each compensation document.

Having reviewed further the compensation documents it is the Applicant's view that the language used in these documents is user friendly and written in explanatory terms.

However, there are a couple of areas where the documents – which cover the position generally – could be made more specific:

- Page 8 of 'Your Property and compulsory purchase' states that a home loss payment, occupier's loss payment, or basic loss payment is available in certain circumstances, but does not give their current levels:
  - The home loss payment for an owner-occupier is currently 10% of the market value of their property interest, subject to a maximum of £64,000 and a minimum of £6,400.
  - The home loss payment for other interests is currently £6,400.
  - The basic loss payment is currently the lower of £75,000 and 7.5% of the value of the interest.
  - The occupier's loss payment is currently subject to a maximum of £25,000 and is the greatest of:
    - 2.5% of the value of the interest;
    - an amount based on the area of the land – which varies depending on whether the land is agricultural; and
    - £25/square metre of gross floor space of buildings on the land.
- Page 13 of 'Your Property and our road proposals' states that Part I compensation cannot be claimed where part of the property has been taken

under compulsory purchase for the new or altered road. However, it does not explain that this is because the effect of the use of the road is taken into account when calculating the compensation for the part of the property that is taken. In other words, this is the element of compensation referred to as “injurious affection compensation” on page 8 of ‘Your property and compulsory purchase’.

Yours sincerely



Chris Harris

Project Manager

Email: [chris.harris@highwaysengland.co.uk](mailto:chris.harris@highwaysengland.co.uk)