

**M42 Junction 6 Improvement Project  
Agenda for Issue Specific Hearing 7 (DCO 4) on the draft Development  
Consent Order (dDCO)**

<b>Date:</b>	<b>Wednesday 23 October 2019</b>
<b>Time:</b>	10.00am Hearing room opens from 9.30am
<b>Venue:</b>	Ramada Hotel, The Square, Solihull, West Midlands, B91 3RF
<b>Access and Parking:</b>	Parking at the venue

*Purpose of Issue Specific Hearing 7 (DCO 4)*

During the course of the examination, three Issue Specific Hearings (ISH) have been held on the dDCO. The Examination is now drawing to a close and the ExA has timetabled the final ISH7 into the dDCO to be held on 23 October 2019.

The purpose of the hearing is to determine the current status of the dDCO in all areas, notably with regard to the Articles, Requirements, protective provisions and any other matters, together with actions required to draw matters to a conclusion where possible. **In this regard, all parties will be aware that the Examination has to close by 21 November 2019, so the position of each party needs to be final or close to final at this stage.**

This hearing will not examine the detailed content of provisions relating to the compulsory acquisition of land or rights, or temporary possession of land. Separate Compulsory Acquisition Hearings have been programmed in the Examination Timetable to deal with these issues.

*Participation, conduct and management of hearing*

This hearing will be held without prejudice to the ExA's consideration of the broader planning merits of the Application.

The business of an ISH is limited to the matters identified in the agenda. Oral submissions on other subject matters or from persons who are not IPs may only be heard at the discretion of the ExA. Two Open Floor Hearings have already been provided and it is not anticipated that any additional subject matters over and above those identified in this agenda will be addressed. Participation is subject to the ExA's power to control the hearing.

Guidance under the Planning Act 2008 (PA 2008)<sup>1</sup> and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will

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<sup>1</sup> DCLG: 'Planning Act 2008: Guidance for the examination of applications for development consent', March 2015.

probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

Cross-questioning of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case.

The hearing will run until all IPs have made their representations and responded to the ExA's exploration of the matters in accordance with the agenda set.

All Interested Parties (IPs) are welcome to attend the DCO 4. In consideration of its purpose however, it follows that the hearing will be of interest mainly to the Applicant and those organisations who have a direct contribution to the drafting of the Order and its implementation, should it be granted.

The ExA requests that the following attendees participate in DCO 4:

- The Applicant
- Solihull Metropolitan Borough Council
- Birmingham Airport
- The Gooch Estate
- Cadent Gas Ltd
- National Grid
- Severn Trent Water
- High Speed Two Ltd (HS2)
- Any other IPs or Other Persons 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

Please note that the following agenda is indicative and may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise other matters arising and pursue lines of inquiry in the course of the discussion which are not on the agenda.

## **Agenda**

### **1. Welcome, introductions and arrangements for the Hearing**

### **2. DCO 3 Issue Specific Hearing Action Points**

- Completed actions
- Guillotine Provisions
  - Article 16 - Temporary stopping up and restriction of use of streets
  - Article 23 - Authority to survey and investigate the land
  - Requirement 10 - Traffic management

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418015/examinations\\_guidance-final\\_for\\_publication.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf)



# The Planning Inspectorate

- Article 39 - felling of trees and removal of hedgerows
- Article 48 - removal of human remains
- Requirements 1, 3, 4, 5 and 8 - Birmingham Airport
- Requirement 5 - landscaping – involvement of the Parish Councils
- Requirement 9 - archaeological remains – consideration of amended drafting
- Timing of works

## **3. Specific issues and questions bearing on the DCO**

- Article 6 Limits of Deviation – aerodrome safeguarding
- Articles 16 and 17 - notice for temporary and permanent stopping up
- Requirement 4 - Outline Environmental Management Plan and associated register of environmental actions and commitments
- Requirement 4 - Outline Management Plan for Main Site Compound, including:
  - Screening
  - Construction hours
- Satellite compounds and localised storage and laydown for construction materials and fabrication
- Requirement 13 - Bickenhill Meadows SSSI
- Schedule 11 – Certification of plans and documents
  - Inclusion of the CEMP
  - Crown Land Plans
- Taxi parking

## **4. Protective Provisions**

- The ExA expectations are that all protective provisions should be agreed or are at least close to being agreed at this stage. The ExA will therefore be seeking clarification of those that have been agreed and specific timescales for those that have not, as well as any issues arising from Deadline 6 submissions, from or relating to:
  - Cadent Gas Limited
  - Severn Trent Water
  - National Grid
  - HS2

## **5. Statements of Common Ground (SoCGs)**

- The ExA note the Applicant had intended that final versions of all SoCGs would be submitted to the ExA at Deadline 6. However, a number remain outstanding. The ExA will therefore wish to receive specific timescales for their submission, as well as an explanation of how issues still under discussion, for both draft and final versions, will be resolved.

## **5. Other issues arising from Deadline 6 submissions**

- 6. Review of issues and actions arising**
- 7. Next steps**
- 7. Closure of the hearing**