



28 October 2019

By e-mail to [M42Junction6@planninginspectorate.gov.uk](mailto:M42Junction6@planninginspectorate.gov.uk)

Dear Sirs

**PLANNING ACT 2008 (AS AMENDED) – SECTION 55  
APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT  
CONSENT FOR THE M42 JUNCTION 6 IMPROVEMENT SCHEME**

Following a meeting with Highways England on 24<sup>th</sup> October 2019, Birmingham Airport Limited write to confirm that the outstanding issues raised within our letter dated 11<sup>th</sup> October and the subsequent Hearing on 23<sup>rd</sup> October have been resolved to our satisfaction with one exception.

This relates to page 10, paragraph 6 (2) – Limits of Deviation. Our comments remain as those originally set out in our letter dated 11<sup>th</sup> October 2019:

**Page 10, Paragraph 6 (2) - Limits of Deviation**

As previously raised by Birmingham Airport, this paragraph, subject to the agreement of the Secretary of State, allows the height of the development to be increased with no maximum limit where that increase would not give rise to any materially new or materially different environmental effects. However, this fails to take into account aerodrome safeguarding in this sensitive location directly to the south-east of the runway.

This paragraph in Article 6 should therefore be amended to read as follows:

*(2) The maximum limits of deviation set out in paragraph (1) do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority and Birmingham Airport Limited, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects from those reported in the environmental statement or any new or materially different aerodrome safeguarding effects.*

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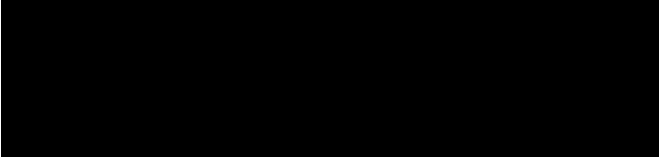
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This would also ensure that the paragraph is consistent with the approach taken in Requirement 3, paragraph 2 (page 48 of the draft DCO). We therefore ask that Article 6 is amended as per our request.

In all other respects Highways England have agreed to amend the DCO to reflect our letter dated 11<sup>th</sup> October. We look forward to receipt of the revised DCO when we will provide our final comments.

If you require any further information or clarification regarding the above please do not hesitate to contact me.

Yours sincerely



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