

Our ref: M42J6/DCO_D10
Your ref: TR010027

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20 November 2019

By email only

Dear Kate,

M42 Junction 6 Development Consent Order (TR010027): Deadline 10 (D10)

Please find, accompanying this letter, Highways England's (the Applicant's) submission for Deadline 10 (D10) containing:

- 2.9(a) Crown Land Plans
- 8.4(j) Updated Guide to the Application
- 8.18(a) Final Statement of Common Ground with Arden Hotel
- 8.100 Applicant's Comments on Any Additional Information or Submissions Received by Deadline 9
- 8.101 Position Statement on Cadent Gas Protective Provisions

Statement of Common Ground (SoCG) – Warwickshire Wildlife Trust

The Applicant can confirm that the Warwickshire Wildlife Trust is not in a position to sign the SoCG. As per the Applicant's covering letter with its Deadline 8 submission, the version of the SoCG between the parties should be viewed as final and all matters referred to as 'under discussion' should now be seen as 'not agreed'.

Ancillary applications

Alongside this submission, the Applicant is submitting applications for:

Crown land application pursuant to section 135 of the Planning Act 2008 (the Act); and Certificates under section 127 of the Act in relation to:

- Severn Trent Water Limited
- Cadent Gas Limited; and
- Western Power Distribution Limited

Copies of these applications shall be sent under separate cover.

The Applicant does not propose to submit a section 127 in respect of **High Speed Two (HS2) Limited** (HS2 Ltd). The Applicant believes that HS2 Ltd is, for the purpose of the Act, a statutory undertaker with the right to acquire an interest in land but it has not yet done so (to date land has been occupied on a temporary basis only). As such, the land in question is not yet statutory undertaker's land and so a section 127 application is not appropriate at this time.

During the examination HS2 Ltd provided the Applicant with details of land it expects to acquire or take temporary possession. These plots are listed in Part 4 of the Book of Reference as they potentially will become Crown land when such powers are exercised. HS2 Ltd was not able to confirm when it would exercise its powers of acquisition and It is not expected that HS2 Ltd will be able to confirm this position until after the Secretary of State has decided on the Order.

Further, the Applicant has agreed with HS2 Ltd protective provisions for the benefit of HS2 Ltd which are included on the face of the Order and the parties are close to also agreeing terms of an asset protection agreement. As such, provision is in place to protect HS2 Ltd when it acquires an interest in the land and commences its own works.

The Applicant also does not propose to submit a section 127 application in respect of **National Grid Electricity Transmission** as it understands that National Grid is in the process of withdrawing its representation.

Drafting of the dDCO

The Applicant wishes to draw the ExA's attention to two typographical errors in the dDCO submitted at Deadline 9, which it hopes would be picked up in final checking in any event:

- Sub-sub-paragraph 11(1)(c) of Schedule 12 (Protective provisions) should form part of sub-sub-paragraph 11(1)(b), so that it reads:

“(b) make reasonable compensation to that utility undertaker for any other expenses, loss, damages, penalty or costs incurred by the undertaker, by reason or in consequence of any such damage or interruption.”

- The reference in paragraph 55 of that Schedule to “paragraph 56” should be a reference to “paragraph 51”.

Yours sincerely


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