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Department for Transport

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To: Highways England

Date: 7 April 2020

cc: All interested parties

Dear Sir/Madam

Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by Highways England (“the Applicant”) for an Order granting Development Consent to construct a new junction on the M42 approximately 1.8km south of the existing Junction 6 (referred to as M42 Junction 5A); including a new 2.4km long dual carriageway link road between M42 and associated works (“the Proposed Development”).

REQUEST FOR COMMENTS FROM THE APPLICANT AND OTHER INTERESTED PARTIES

The Examining Authority submitted on 21 February 2020 a Report and Recommendations in respect of its findings on the above application to the Secretary of State for Transport (“the Secretary of State”). In accordance with section 107 of the Planning Act 2008, the Secretary of State has until 21 May 2020 to make a decision on the application. The Secretary of State seeks further clarification and information from Highways England and others on the following matters.

Crown Land

Please could the **Applicant** provide an update on the transfer of the plots of land identified in the Book of Reference as being owned by the Secretary of State but which are being transferred to the Applicant. If this transfer has not yet been completed, the Secretary of State requests confirmation from the **Applicant** and **DfT Estates** that the necessary consent has been granted from DfT Estates for the compulsory acquisition of these Crown Land plots.

Please can the **Applicant** provide an update on the status on the plots listed in the Part 4 of the Book of Reference which may become Crown Land when HS2 Limited acquire or take possession of them. Please could the **Applicant** and **DfT Estates** provide an update on the Crown Land application submitted by the Applicant to DfT Estates for the necessary consents for the compulsory acquisition of these potential Crown Land plots.



Legacy scheme agreement

The Secretary of State notes that the **Applicant** and the Warwickshire Gaelic Athletic Association (“**WGAA**”) have been working towards an agreement on a proposed Legacy Scheme [\[REP6-017\]](#).

Please could the **Applicant** and **WGAA** provide an update regarding the status of this agreement.

Formal Agreement with the National Exhibition Centre (NEC)

The Secretary of State notes from [\[REP10-009\]](#) that **NEC Limited** were waiting for a response from the **Applicant** in regards to their comments on the Heads of Terms.

Please could the **Applicant** and the **NEC Limited** confirm whether the Statement of Common Ground and the Formal Agreement are signed and completed. The Secretary of State requests an update from **NEC Limited** regarding the status of NEC’s representation dated 27 March 2019.

Esso protective provisions and pipeline agreement

The Secretary of State notes that Esso Petroleum Ltd have sought protective provisions within the DCO and a Pipeline Protection agreement [\[AS-021\]](#).

Please could the **Applicant** and **Esso Petroleum Ltd** provide an update on the status of the agreement regarding the protective provisions within the DCO and the Pipeline Protection Agreement.

Catherine-de-Barnes Lane and St Peters Lane Junction

The Secretary of State notes that discussions took place at the Examination regarding the altering the priority of Catherine-de-Barnes Lane and St Peters Lane Junction [\[REP9-026\]](#) and [\[REP09-32\]](#).

Please could the **Applicant** and **Solihull Metropolitan Borough Council** provide an update on whether any further discussions or options have been developed or considered with regard to the priority of this junction.

HS2 Limited protective provisions

The Secretary of State notes the withdrawal of HS2 Limited’s objection is strictly subject to the protective provisions submitted to the Examining Authority on 15 November 2019 [\[AS-049\]](#). However, the Examining Authority has no record of this submission.

Please could HS2 provide the protective provisions submitted to the Examining Authority on Friday 15 November 2019.

Bickenhill roundabout modelling

The Secretary of State notes that the new Bickenhill roundabout is not modelled in ARCADY.

Please could the **Applicant** undertake an ARCADY assessment of Bickenhill roundabout to ensure that the performance is accurately assessed and submit evaluation of the results to the Secretary of State, which should include a non-technical explanation

Gooch Estates

Please could **the Applicant** and **the Gooch Estate** provide an update on whether any agreement has been reached in respect of the appropriate rights the Applicant might acquire as an alternative to freehold ownership of the Gooch Estate's land and the appropriate proportion of the "teardrop land" that should be used for habitat creation in order to provide adequate mitigation for the proposed losses of grassland and scrub.

Royal Mail

The Secretary of State notes that, at Compulsory Acquisition Hearing 2, the Applicant confirmed that it had reached agreement with Royal Mail in respect of the Royal Mail's traffic concerns, and that this was in the process of being finalised. Please could the Applicant and Royal Mail provide an update on the status of this agreement.

Outline Site Waste Management Plan

The Secretary of State notes that the Outline Site Waste Management Plan sets out a performance target to recover at least 70% (by weight) of non-hazardous construction and demolition waste, whereas Table 11.8 in the Environmental Statement anticipates that a rate of 94.7% may be achieved.

The Secretary of State would therefore be minded, such a DCO be granted, to raise the performance target in the Outline Site Waste Management Plan to 85%, to ensure a positive environmental outcome. The **Applicant's** comments are requested on the proposed increase.

The deadline for any response is 21 April 2020.

Responses to the matters outlined in this letter should be submitted by email to M42Junction6@planninginspectorate.gov.uk. If you will have difficulty in submitting a response by the consultation deadline, or difficulty in submitting a response by email, please speak to the Project Team.

Your response will be published on the project page for the M42 Junction 6 Improvement project page on the Planning Inspectorate website as soon as possible after the above deadline for response at:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m42-junction-6-improvement/>

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the M42 Junction 6 Improvement scheme, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Kevin O'Hanlon