

From: [Abrahams, Katy](#)
To: [M42 Junction 6](#)
Cc: [Hutchison, Robin](#)
Subject: RE: [EXTERNAL] M42 J6 - Cadent Gas Limited [CMCK-UK.FID14238259]
Date: 22 November 2019 16:46:09
Attachments: [Letter to PINS withdrawing objection - 22_11_19\(633595290_1\).PDF](#)

Good afternoon,

Please see the attached.

Kind regards,
Katy

Katy Abrahams
Associate

T +44 20 7367 2192
F +44 20 7367 2000
E katy.abrahams@cms-cmno.com



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From: M42 Junction 6 <M42Junction6@planninginspectorate.gov.uk>
Sent: 22 November 2019 14:28
To: Abrahams, Katy <Katy.Abrahams@cms-cmno.com>
Subject: [EXTERNAL] RE: M42 J6 - Cadent Gas Limited [CMCK-UK.FID14238259]

Hi Katy

Your submission has been accepted by the ExA and published to the project website.

Thank you
Bart

From: Abrahams, Katy <Katy.Abrahams@cms-cmno.com>
Sent: 21 November 2019 17:23
To: M42 Junction 6 <M42Junction6@planninginspectorate.gov.uk>
Cc: Hutchison, Robin <Robin.Hutchison@cms-cmno.com>
Subject: M42 J6 - Cadent Gas Limited [CMCK-UK.FID14238259]

Good afternoon,

Please see the attached.

Kind regards,
Katy

Katy Abrahams
Associate

T +44 20 7367 2192

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E Katy.Abrahams@cms-cmno.com

22 November 2019

Email

M42Junction6@planninginspectorate.gov.uk

BY EMAIL ONLY

Our ref KALG/RBHU/CAP/129163.01290

Dear

The M42 Junction 6 Development Consent Order 202[] (the "Order")

Written Statement of Cadent Gas Limited

We are writing on behalf of our client, Cadent Gas Limited (**Cadent**). Cadent is an interested party in the examination of the Order.

Further to our letter of 21 November, we write to update the Examining Authority.

A side agreement between Cadent and the Promoter has now been completed. As such Cadent hereby withdraws its objection to the Order save for the points which are noted below.

Cadent's deadline 9 submission dated 15 November 2019 still stands, apart from paragraph 4.3 which it withdraws save for the point noted below.

Further to our deadline 6 submission dated 11 October 2019 and our letter of 21 November 2019, Cadent maintains its requests that at Schedule 8 of the dDCO, the "purpose for which rights over land may be acquired" column be amended to read as follows against the rows including gas diversion works:

"To construct, operate, access, protect and maintain a diversion to an existing high pressure gas main (Work No. [])"

These rows are:

Plot Reference Number shown on Land Plans
2/2c, 2/3c

UK - 633593661.1

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2/3u, 2/3ah
2/3aa
3/4b
3/87a
4/1c, 4/1bf, 4/3b, 4/3c, 4/3s, 4/3x, 4/3ai, 4/3aj, 4/6n, 4/6p, 4/9, 4/10, 4/158, 4/159
4/1k
4/1n, 4/1r, 4/82
4/6a, 4/156
4/6d
5/1b, 5/29h
5/29c, 5/2h and 5/29u

This is a requirement specific to gas apparatus to ensure that it is adequately protected. The reasons for this are further outlined at paragraph 5 and Schedule 1 of the Cadent's deadline 6 submissions.

Cadent reiterates its request (as fully justified in its deadline 9 submission) that the Secretary of State:

1. does not include paragraph 53(3)(c) of Schedule 12, Part 5 within the Order (if made) (which in Cadent's deadline 9 submission was referred to as paragraph 11(3)(c));
2. includes paragraph 57 (Arbitration) of Schedule 12, Part 5 within the Order (if made) in the form requested by Cadent in its deadline 9 submission (which in the deadline 9 submission was referred to as paragraph 15);
3. includes the definition of "Acceptable Insurance" and paragraphs 53(5) and 53(6) of Schedule 12, Part 5 within the Order (if made) (which in our deadline 9 submission was referred to as paragraphs 11(5) and 11(6)); and
4. includes paragraph 49(3) of Schedule 12, Part 5 within the Order (if made) in the form requested by Cadent in its deadline 9 submission (which in the deadline 9 submission was referred to as paragraph 7(3)).

We should be grateful if you would confirm receipt.

Yours sincerely

CMS Cameron McKenna Nabarro Olswang LLP

From: [REDACTED]
To: [M42 Junction 6](#)
Cc: [REDACTED]
Subject: HIGHWAYS ENGLAND - M42 JUNCTION 6 IMPROVEMENT SCHEME
Date: 23 December 2019 16:44:32
Attachments: [Planning Inspectorate 23.12.19.pdf](#)
[Planning Inspectorate 23.12.19 Plan attachment.pdf](#)

Dear Sir / Madam

Please see attached for forwarding to the Planning Inspector.

Kind regards

Kay Gleeson on behalf of Nick Barlow

Barlow Associates Limited
Packington Hall
Packington Park
Meriden
Warwickshire
CV7 7HF

[REDACTED]
Fax: 01676 523399

E-mail: [REDACTED]

Web: www.barlowassociates.net

NPB/kg/GC.110 (3)

By e-mail only:

m42junction6@planninginspectorate.gov.uk

23 December 2019

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

Dear Sir / Madam

**PLANNING ACT 2008 (AS AMENDED) - SECTION 99
HIGHWAYS ENGLAND - M42 JUNCTION 6 IMPROVEMENT SCHEME
Our Client: Mr Geoffrey Cattell
Interested Party No: 42J6-AFP045**

I was asked to write to the Inspector following my appearance at the Inquiry on the 22nd October. This was specifically in connection with the proposed land-take by Highways England from my above named clients. We are aware that the Inquiry has finished but the Inspector gave dispensation to me to write in December, due to the fact that I was on leave throughout the whole of November. Please also refer to my letters of the 24th October and the 19th November and, as requested, please see the final update below.

Our clients position and difficulties were set out fully in my letter of the 24th October and my appearance at the Inquiry. You will recall that despite many intimations from Highways England that they would be seeking to acquire my clients land by agreement, to avoid any appearance at the DCO Inquiry, none had been forthcoming by the date of my appearance on the 22nd October.

Just as I was about to go on leave, on the 2nd November, my clients did receive an offer from Highways England on the 30th October which differed again from previous discussions. The area is outlined on the plan attached, in pink, and highlights other land in green with no key as to what that is and no indications as to what it is to be used for. The Inspector will recall that the plan submitted at the outset of the DCO process indicated that all my clients land was to be acquired and my client has always stated that all his land must be taken. The specific reasons for this were highlighted in my appearance at the Inquiry and my letter of the 24th October.

Continued../..



Continuation..2..
23 December 2019
The Planning Inspectorate

The Inspector will no doubt recall that a number of objectors to the scheme would not want to lose land to landscaping and yet this client does not want to be left with a small fraction of his holding, which is largely inaccessible and is in fact available for landscaping.

The Inspector indicated that it might be applicable for the scheme to be approved on the basis of the plans in the original DCO. My client agrees with that but did indicate that he would be prepared to be helpful and retain land to the south of the new pitches proposed for the Gaelic Football Association ie., plots 2/76 a to d and 3/1b, f and g. Plot 3/1a, f and g are inaccessible (see plan).

Please put this before the Inspector as discussed.

Yours faithfully
BARLOW ASSOCIATES LIMITED

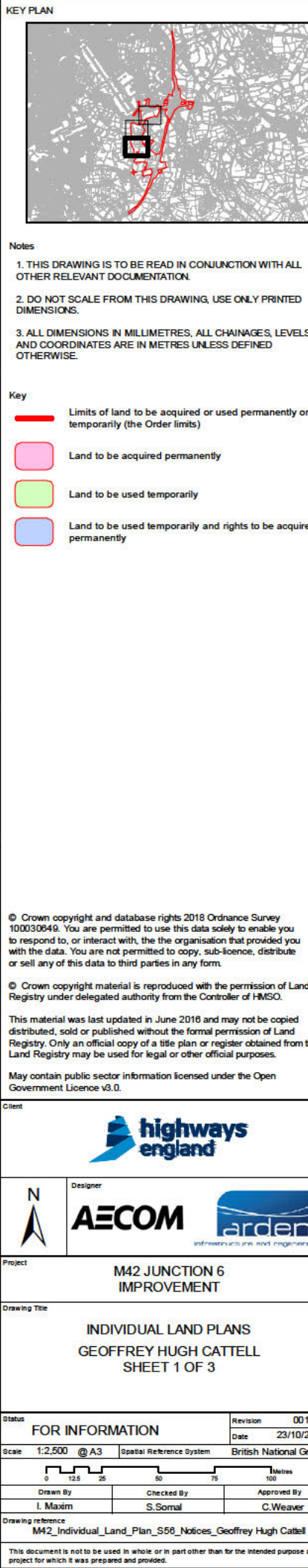


N P BARLOW

 
E-mail: nick@packingtonestate.co.uk

Enc

cc Mr G Cattell



Drawing reference
M42_Individual_Land_Plan_S56_Notices_Geoffrey Hugh Cattell

Drawing reference
M42_Individual_Land_Plan_S56_Notices_Geoffrey Hugh Cattell

From: [REDACTED]
To: [M42 Junction 6](#)
Subject: WILLIAM FREEMAN & SONS
Date: 23 December 2019 16:50:00
Attachments: [Planning Inspectorate 23.12.19.pdf](#)
[Planning Inspectorate 23.12.12 Attachment Plan 1.pdf](#)
[Planning Inspectorate 23.12.19 attachment Plan 2.pdf](#)

Dear Sirs

Please see attached for forwarding to the Planning Inspector.

Kind regards

Kay Gleeson on behalf of Nick Barlow

Barlow Associates Limited
Packington Hall
Packington Park
Meriden
Warwickshire
CV7 7HF

[REDACTED]
Fax: 01676 523399

[REDACTED]
Web: www.barlowassociates.net

NPB/kg/GC.417 (3)

By e-mail only:

m42junction6@planninginspectorate.gov.uk

23 December 2019

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

Dear Sir / Madam

**PLANNING ACT 2008 (AS AMENDED) - SECTION 99
HIGHWAYS ENGLAND - M42 JUNCTION 6 IMPROVEMENT SCHEME**

Our Client: William Freeman & Sons

I was asked to write to the Inspector following my appearance at the Inquiry on the 22nd October 2019. This was specifically in connection with the proposed land-take by Highways England from my above named clients. We are aware that the Inquiry has finished but the Inspector gave dispensation to me to write in December, due to the fact that I was on leave throughout the whole of November. I did in fact write on November 19th and this letter provides a further update as requested.

In summary, Highways England originally proposed to take all of the land of the client mentioned above (see attached Plan 1 - plots 3/45a, 3/45b and 3/45c) and even the Inspector was surprised at our appearance on the 22nd October when Highways England indicated this was going to be varied. The original proposal was to take Plots no. 3/45a, 3/45b and 3/45c but, subsequently, Highways England indicated that they would only wish to take plots 3/45a and 3/45b as shown on the attached plan (Plan No.2).

My clients have consistently stated that they did not wish to be left with small parcels of land with a very second rate access arrangement (still being developed!) and indicated right from the start of discussions with Highways England that all of their land should be taken. This remains their position.

Continued.../..



Continuation..2..
23 December 2019
The Planning Inspectorate

At the Inquiry Hearing on the 22nd October, I mentioned that Highways England had promised to write to my clients in June (with an offer to purchase the land by agreement and save any need to appear at the DCO Hearing) but, as at the date of the Hearing, no offer had been received. I did confirm that I had had two meetings with the Valuation Office to discuss values which had been productive. However, on the 30th October I received an offer on my clients behalf, from the Valuation Office (just as I was going on leave), which bore absolutely no resemblance to the values that had previously been discussed. I reiterated to the Valuation Office that these figures were both unacceptable and were for part only of the land which was also not my clients stipulations.

The Inspector will no doubt recall that a number of objectors to the scheme did not want to lose land to landscaping and yet this client does not want to be left with a small fraction of his land holding which can be used for landscaping.

Please can this letter be brought to the Inspectors attention.

Yours faithfully
BARLOW ASSOCIATES LIMITED

N P BARLOW


E-mail: nick@packingtonestate.co.uk

Enc

cc S Williams Esq - William Freeman & Sons

1 THIS

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Key	Limit of land to be acquired or used permanently or temporarily (the Outer limits)	Land to be acquired permanently	Land to be used temporarily	Land to be used temporarily and rights to be acquired permanently
				

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AECOM

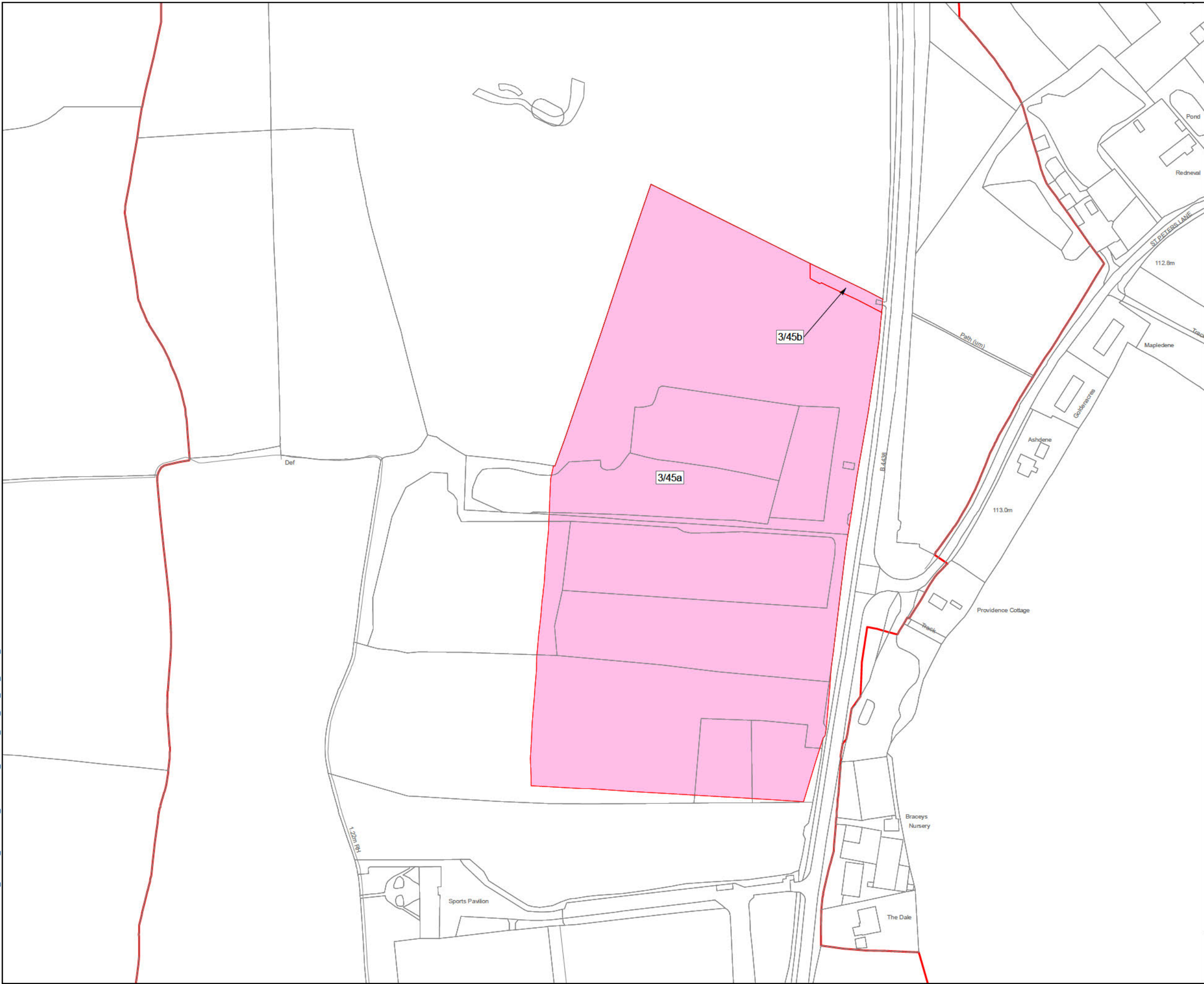
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infrastructure and environment

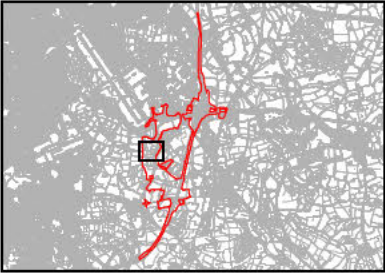
M42 JUNCTION 6
IMPROVEMENT

INDIVIDUAL LAND PLAN
WILLIAM FREEMAN & SONS LIMITED

Revision	001
Date	24/09/2019
British National Grid	
Drawing reference M20_Individual_Land_Plan_N56_Nation_500m-2500	
Drawn by I. Martin	
Checked by S. B. Small	
Approved by C. Weaver	



KEY PLAN



Notes

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Key

- Limits of land to be acquired or used permanently or temporarily (the Order limits)
- Land to be acquired permanently
- Land to be used temporarily
- Land to be used temporarily and rights to be acquired permanently

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Client



Project M42 JUNCTION 6 IMPROVEMENT

Drawing Title
INDIVIDUAL LAND PLAN
WILLIAM FREEMAN & SONS LIMITED

Status	FOR INFORMATION	Revision	001
Scale	1:2,000 @ A3	Date	23/10/2019
Spatial Reference System	British National Grid		
Drawn By	I. Maxim	Checked By	S. Somal
Approved By	C. Weaver		
Drawing reference	M42_Individual_Land_Plan_S56_Notices_500to2500		
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Subject:
Date:

[M42 Junction 6](#)

Completion of PPA/withdrawal of representation
03 January 2020 14:13:27

Dear Sirs,

I am writing to confirm that a protective provisions agreement has been completed between Highways England and my client Severn Trent Water.

Accordingly Severn Trent Water hereby withdraws its representation, submitted on 10 May 2019.

Yours faithfully

Clive Mottram | Legal Director | Head of Water Regulation | Eversheds Sutherland

T: +44 845 497 1386

www.eversheds.com/clivemottram

www.eversheds-sutherland.com

Eversheds Sutherland

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From: Rehan Mian [REDACTED]
Sent: 27 February 2020 15:23
To: M42 Junction 6 <M42Junction6@planninginspectorate.gov.uk>
Subject: M42 J6 - DCO Recommendation

Hello again Inspector – I know the DCO process is coming to its conclusion and I hope it's been a smooth process for all parties. I had quick re-look at the customers that Highways England identified in bullet points on the M42 J6 scheme website and wanted to draw attention to how the case for each of them has changed since the scheme was conceived for RIS.

- Birmingham Airport

Birmingham airport has confirmed it has no plans for a second runway. It has conceded the freight market to the dedicated hub at East Midlands Airport or in holds of passenger flights at Heathrow. It has limited flagship carriers with only a few routes (e.g. Emirates has 3 per day). That leaves low cost airlines: Thomson has gone bust and FlyBe is likely to follow. It operate at c13mppa when it has a capacity for 18mppa. It is highly unlikely to expand in the current political circumstances, particularly the climate emergency where a younger generation is not as minded to contribute to CO2 emissions for short haul / leisure flights. You will have seen the court decision relating to Heathrow expansion which will slow, if not stall airport expansion in the UK.

- the HS2 Interchange station

The opening for Phase 1 is now delayed by 5-10 years with opening pushed back to 2036-2041. The rail-related traffic anticipated will materialise much later but additionally the development that will be unlocked by HS2 will also be delayed. Demand will only begin to build up after opening which will delay the need for highway improvements.

- the National Exhibition Centre

The NEC had the Caravan show, which is one of its largest events, in February which passed without major traffic issues at the junction. The NEC site is being remodelled for housing and the demand it will generate will shift away from “shocks” needing high capacity to a much smoother profile. Good comms and strong events management can deal with its demands.

- National Motorcycle Museum / National Conference Centre

A simple way of improving capacity at M42 J6 would be to remove the uncontrolled access/egress at this site and realign it on to the A45. It is arguable whether this site is of national significance, but it clearly has disproportionate clout.

- Birmingham International railway station

It's great to hear that the station will get a realigned and more appropriate access directly from the island on Bickenhill Lane rather than the constrained Station Link Road access.

This will allow accesses for the Arden Hotel and Club to be removed from the A45 to Trinity Park greatly improving merge/diverge and associated capacity and safety on the A45. When combined with the move of intercity and international rail passenger to HS2 to the east of the M42 there will be significantly lower demand on this part of the network. There is so much more that can be done to the A45 as a low cost option to improve capacity (mirroring the SMBC widening in the WB direction)

- Jaguar Land Rover

You will have seen that JLR has announced a reduced working week at both Solihull and Castle Bromwich. The business is relocating production overseas. The capacity requirements of this business are uncertain but likely to decline. The domestic demand for its main product, ICE vehicles will be zero from 2035, with the SoS wanting to bring forward the ban to 2031. The rest of the world, particularly China will follow due to its pollution problems.

- Birmingham Business Park

The main access to this is via the new HS2 infrastructure, not M42 J6

- The area adjacent to junction 6 of the M42 (immediately to the north east) is earmarked by Solihull Metropolitan Borough Council for a proposed commercial and residential development.

UKC is heavily predicated on the opening of HS2. This is delayed and greatly increases the uncertainty of UKC and its delivery timeline. The planned development referred to by Highways England won't materialise or be occupied until HS2 construction is out of the way and trains are running making the site accessible, attractive and saleable.

When I supported Iftikhar Mir in getting the scheme from Stage 1 to 2 I set out a range of scenarios of potential growth to argue a case for value for money. The uncertainties with so many of the developments/customers above undermines those potential growth upsides and effectively makes them certain downsides and calls the VfM in to question. In the intervening period we have a climate emergency declared and Highways England has a new biodiversity commitment. Circumstances have changed but the planning process provides an opportunity at every stage to revisit decisions. I hope you can advise the SoS that a £0.28bn capital investment with huge embedded CO2 impacts and irreversible damage to ancient woodland is not good use of RIS budget. The decision from the courts at Heathrow is related to the Paris Accord and may not be directly related, but it does show a change in direction relating to carbon intensive economic development and legacy impacts which especially apply to JLR and Birmingham Airport. The hiatus and rethinking this affords us means that the capacity problem Highways England states exists at the junction can largely be solved through HS2 delays, enabling works and emerging technology improvements such as CAVs.

I am not writing this from a NIMBY perspective. I welcome the decision of HS2 which will greatly impact my life during construction and from which I am unlikely to benefit personally because of its timeline. However, I recognise it as a transformational investment for the country that will drive model shift. The same cannot be said for the M42 J6 scheme which carries 15,000 AADT at the tie-in with the M42 – that is less than

what the single carriageway Catherine de Barnes Lane carries (17,000) without the scheme (opening year figures from Consultation drawings). At the same time the scheme prejudices the widening of the M42 at a time when the SoS has asked for a review of the SMP programme which may have to give way to full widening.

I understand that Skanska is engaged on advance clearance. I hope that this does not mean that the decision to proceed has already been made.

Regards

Rehan 