

**M54 to M6 Link Road**

**TR010054**

**Volume 1**

**1.2 Covering Letter and Section 55  
Checklist**

Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

January 2020

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

**M54 to M6 Link Road  
Development Consent Order 202[ ]**

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**Covering Letter and Section 55 Checklist**

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<b>Regulation Number</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference</b>	TR010054
<b>Application Document Reference</b>	1.2
<b>Author</b>	M54 to M6 Link Road Project Team and Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
P03	January 2020	DCO Submission

Major Applications & Plans  
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Temple Quay House  
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Dear Sir/Madam,

## **Planning Act 2008**

### **Application for a Development Consent Order for the proposed M54 to M6 Link Road Highways England**

#### **Application Reference: TR010054**

I am pleased to enclose an application on behalf of Highways England (the 'Applicant') under Section 37 of the Planning Act 2008 (the '2008 Act') for an order granting development consent for the M54 to M6 Link Road (the 'Scheme').

#### **1. Subject of the Application**

The Scheme is a nationally significant infrastructure project (NSIP) consisting of highway construction under sections 14(1)(h) and 22 of the 2008 Act (as amended by Article 3 of The Highway and Railway (Nationally Significant Infrastructure Project) Order 2013).

Further detail concerning the Scheme's qualification as an NSIP can be found in the prescribed form within the Application Form **[TR010054/APP/1.3]** and in the Explanatory Memorandum to the Draft Proposed Order **[TR010054/APP/3.2]**.

#### **2. Application fee and documentation enclosed**

A fee of £7,106.00 has been submitted by BACS transfer to the account of the Planning Inspectorate (the 'Inspectorate').

It has been agreed with the Inspectorate that the application will be submitted in electronic form via Business Collaborator.

In accordance with the advice set out in the Planning Inspectorate's Advice Note 6, the application electronic index and the GIS shape file (to the required format) of the land over which authorisation is sought was provided on the 14 January 2020, more than two weeks in advance of the submission.

The application includes an Introduction to the Application document [TR010054/APP/1.1], which provides a guide to the application documentation and referencing system.

I have also enclosed with this letter a completed Schedule of Compliance with Section 55 (provided at Annex B) prepared by Highways England showing how the application meets the tests for acceptance by the Inspectorate.

### 3. Application formalities

This application is made in the form required by Section 37(3) (b) of the Act and the application documents comply with the requirements in Section 37 of the Act and those set out in:

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations);
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
- The Department for Communities and Local Government's (DCLG) 'Planning Act 2008: Nationally significant infrastructure projects – Application form guidance' (June 2013); and
- The Planning Inspectorate's 'Advice Note Six: Preparation and submission of application documents' (November 2019).

We request that the Inspectorate publish (with the exception of Figures 8.6, 8.7, 8.8, 8.9, 8.10 and 8.11 of the Environmental Statement [TR010054/APP/6.2] and Appendix 8.5 and 8.6 of the Environmental Statement [TR010054/APP/6.3] as these documents/plans contain confidential information pertaining to species protected under the Protection of Badgers Act 1992 and The Wildlife and Countryside Act 1981) the application documents on the M54 to M6 Link Road project page of the National Infrastructure Planning website following submission of the application.

Appendices 8.5 Badgers and 8.6 Barn Owls in the Environmental Statement Appendices [TR010054/APP/6.3] and the Environmental Statement Figures 8.6, 8.7, 8.8, 8.9, 8.10 and 8.11 [TR010054/APP/6.2] contain confidential ecological information so are not publicly available.

### 4. Description of the Scheme

A non-technical description of the Scheme is provided in the Introduction to the Application [TR010054/APP/1.1]. A more detailed and technical description is provided in Chapter 2: The Scheme of the Environmental Statement [TR010054/APP/6.1].

### 5. Consent flexibility – Rochdale Envelope

The Applicant has considered the National Policy Statement for National Networks (NPSNN) and the Planning Inspectorate's 'Advice Note Nine: Rochdale Envelope' together with pre-

application advice provided by the Inspectorate. It is our view that the inclusion of flexibility provided in the draft Development Consent Order (DCO) is fundamental to ensuring that the Scheme is deliverable.

An important element of the flexibility sought within the DCO is the lateral and vertical limits of the Scheme. The DCO submission is based on the maximum area over which the Scheme would be constructed and the maximum height that the Scheme would be constructed to (including signage, gantries and lighting columns).

These limits of deviation have been incorporated within the draft DCO to allow minor modifications to be made to the design of the Scheme during the detailed design and constructions stages. Such flexibility is required, for example, to enable the construction contractor to alter their working procedures or make minor adjustments to the position of certain infrastructure in response (for example) to unforeseen ground conditions.

The Environmental Impact Assessment (EIA), which was undertaken in support of the Scheme, has considered and reflects the flexibility sought in the draft DCO. The maximum design parameters referenced in the draft DCO have been assessed in the Environmental Statement [TR010054/APP/6.1].

Further detail on the Applicant's approach to the Rochdale Envelope is set out in Chapter 4, Section 4.2 of the Environmental Statement [TR010054/APP/6.1], with Chapter 2, Section 2.5 of the Environmental Statement [TR010054/APP/6.1] exploring the limits of deviation considered in the assessment.

## 6. Habitats Regulations Assessment

This application includes a Habitats Regulation Assessment as required by Regulation 5(2) (g) of the APFP Regulations. This assessment identifies relevant European sites and provides sufficient information for the competent authority to determine whether the Scheme is likely to have an adverse effect on the integrity of any European site.

The assessment was prepared in accordance with the Planning Inspectorate's 'Advice Note 10: Habitats Regulations Assessments'.

The Applicant has undertaken Screening for the purposes of the habitats regulations and has concluded that there are no likely significant effects on any European sites and their features. Therefore, this application is accompanied by a Habitat Regulations Assessment – No Significant Effects Report [TR010054/APP/6.9]. The report states that:

*'the Scheme would not result in a likely significant effect on European Sites, either alone or in-combination with other plans or projects. As no potential for likely significant effects has been recorded for the identified European Sites at Stage 1 screening, it is concluded that appropriate assessment would not need to be undertaken by the Secretary of State for Transport for any of the identified sites'.*

## 7. Compulsory Acquisition

The Applicant is seeking compulsory acquisition and temporary possession powers to acquire land, rights over land and interests in land, and other related powers to support the delivery of the Scheme. Details on the powers sought and negotiations to date including those relating to the special category land and Crown land (where acquisition must be secured through agreement) affected are provided in the Book of Reference [TR010054/APP/4.3] and the Statement of Reasons [TR010054/APP/4.1].

Adequacy of the funding for compensation is provided in the Funding Statement [TR010054/APP/4.2].

## 8. Other consents

Details of other consents and licences not forming part of the DCO which the Applicant (or others) may be seeking in relation to the construction and operation of the Scheme, are set out in the Consents and Agreements Position Statement [TR010054/APP/3.3].

## 9. Pre-application consultation

As required by section 37(3) (c), a Consultation Report [TR010054/APP/5.1] accompanies this application. The Consultation Report details compliance with sections 42, 47, 48 and 49 of the Planning Act 2008.

## 10. Pre-application engagement with the Planning Inspectorate

The Applicant has sought to actively discuss the Scheme with the Inspectorate since June 2015. In this regard, there have been several meetings and conference calls held providing updates throughout the process and a selected set of draft documents were shared with the Inspectorate in October 2019.

As part of this draft submission, the following core DCO documents were submitted for review:

- Draft Development Consent Order [TR010054/APP/3.1];
- Explanatory Memorandum to the Draft Development Consent Order [TR010054/APP/3.2];
- Consultation Report (first 4 chapters) [TR010054/APP/5.1];
- Sample Book of Reference [TR010054/APP/4.3];
- Sample Land Plans [TR010054/APP/2.2];
- Sample Works Plans [TR010054/APP/2.4];
- Statement of Reasons [TR010054/APP/4.1]; and
- Habitats Regulations Assessment – No Significant Effects Report [TR010054/APP/6.9].

The Inspectorate provided comments to the Applicant on these draft documents and a call was subsequently arranged to discuss the comments of the Inspectorate on 13<sup>th</sup> November 2019. There were no significant issues identified from this review, but minor modifications were made to the draft documents as referred to above to address the comments made. These updates are reflected in the final version of the application submitted. The Applicant confirmed with the Inspectorate on 17<sup>th</sup> December 2019 that the application would be submitted on 30<sup>th</sup> January.

## 11. Other matters

Under Regulation 6(2) of the APFP Regulations, an application for highway development is required to include section drawings; these can be found as the Engineering Section Drawings **[TR010054/APP/2.10]**.

In accordance with Regulation 5(3) of the APFP Regulations, all plans, drawings and sections are no larger than A0 size, have been drawn to an identified scale (no smaller than 1:2500) and, in the case of plans, show the direction of north.

Under Regulation 5(2)(l) of the APFP Regulations, an applicant is required to provide a plan of certain nature conservation sites and an assessment of any effects on those sites and features likely to be caused by the proposed development. There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features. These requirements are referenced as application documents **[TR010054/APP/6.5]** and **[TR010054/APP/6.6]** respectively. A separate document also references the plans showing the impact of the Scheme on trees protected by Tree Preservation Orders **[TR010054/APP/6.8]**.

The application submission is accompanied by a Case for the Scheme document **[TR010054/APP/7.2]** which describes the compliance of the Scheme with the NPSNN along with the assessment of compliance with relevant national and local policies and plans. The Case for the Scheme assesses the key policy and related issues associated with the Scheme and provides an overview of the traffic and economic benefits of the Scheme. This includes (amongst other things) the review of the Scheme's compliance with Green Belt policy objectives.

In accordance with Regulation 5(5) of the APFP Regulations, the Applicant retains all responses to the consultation carried out under Part 5 of the Act and can make them available at the request of the Inspectorate.

The Applicant will keep all application documents under review and will endeavour to provide updates (where it considers it necessary to do so) during the examination of the application considering questions and comments received from the Inspectorate and interested parties.

We look forward to hearing from you in relation to a formal acceptance of this application. If we can be of any assistance, please do not hesitate to contact us using the details provided below.

Yours faithfully,

**Andy Kelly**

Project Manager – M54 to M6 Link Road

Major Projects – Regional Investment Programme

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Enclosures:

**Annex A:** Overview of the application documents

Table of application documents

**Annex B:** Section 55 acceptance of application checklist (completed by the Applicant)

## Annex A: Overview of the Application Documents

The reports, drawings and plans that make up the DCO application have been organised into seven volumes as listed in the table below. The seven volumes are explained in further detail in the Introduction to the Application [TR010054/APP/1.1].

	Volume	Content
1	Application Form Information Background	This document, the completed application form, electronic index, an introduction to the Scheme and a guide to the documents to be certified
2	Plans Drawings Sections	These include plans that illustrate the location of the Scheme, the proposed works, the land that will be acquired or used, and engineering details.
3	Draft Development Consent Order	This is the document that sets out the legal powers that the Applicant is seeking to enable it to build, operate and maintain the Scheme. The volume also includes the Explanatory Memorandum, explaining the provisions of the Order, and the Consents and Agreements Position Statement which sets out the strategy for obtaining the consents and associated agreements needed to implement the Scheme to be secured outside the DCO.
4	Compulsory Acquisition Information	Documents setting out the land to be acquired or used, and reports justifying the seeking of compulsory acquisition powers over this land.
5	Consultation Report	Consultation Report and Annexes, including evidence of compliance with Sections 42, 47, 48 and 49 of the Planning Act 2008.
6	Environmental Statement and associated documents	An assessment of the likely significant effects (both positive and negative) of the Scheme on the environment and a description of mitigation measures proposed to reduce any negative impacts.
7	Other Documents	Flood Risk Assessment and additional documents that support the DCO application that are not legally required but provide useful information on the Scheme, which includes for example the Case for the Scheme, the Transport Assessment, Traffic Management Plan and draft Statement of Common Ground with Natural England.

## Table of Application Documents

A list of documents within the application is set out below. If you require a copy of any of the application documents, or parts of them, please contact the M54 to M6 Link Road Project Team. A USB stick containing these documents will be provided free of charge. A request for hard copies will be subject to a reasonable charge to cover the cost of printing and distribution.

Volume	Document Reference	Document Title	Folder Number
Volume 1: Application Form/ Information/ Background	1.1	Introduction to the Application	Volume 1
	1.2	Covering letter/Section 55 Checklist	
	1.3	Application Form	
	1.4	Electronic Index	
	1.5	Guide to Documents to be Certified	
Volume 2: Plans/ Sections/ Drawings	2.1	Location Plan	Volume 2
	2.2	Land Plans	
	2.3	Crown Land Plans	
	2.4	Works Plans	
	2.5	General Arrangement Plans	
	2.6	Special Category Land Plans	
	2.7	Streets, Rights of Way and Access Plans	
	2.8	Traffic Regulation Measures Plans	
	2.9	Classification of Roads Plans	
	2.10	Engineering Section Drawings	
	2.11	Outline Drainage Works	
Volume 3:	3.1	Draft Development Consent Order	Volume 3

Volume	Document Reference	Document Title	Folder Number
Draft Development Consent	3.2	Explanatory Memorandum to the Draft DCO	
	3.3	Consents and Agreements Position Statement	
Volume 4: Compulsory Acquisition Information	4.1	Statement of Reasons	Volume 4
	4.2	Funding Statement	
	4.3	Book of Reference	
Volume 5: Consultation Report	5.1	Consultation Report	Volume 5
	5.2	Consultation Report Annexes	
Volume 6: Environmental Impact Assessment and associated documents	6.1	Environmental Statement	Volume 6
	6.2	Environmental Statement Figures	
	6.3	Environmental Statement Appendices	
	6.4	Environmental Statement Non-Technical Summary	
	6.5	Statutory and Non-Statutory Nature Conservation Sites Plans	
	6.6	Statutory and Non-Statutory Historic Sites Plans	
	6.7	Equalities Impact Assessment	
	6.8	TPO Impact/Removal Plans	
	6.9	Habitat Regulations Assessment - No Significant Effects Report	
	6.10	Statutory Nuisance Statement	
	6.11	Outline Environmental Management Plan (OEMP)	
Volume 7:	7.1	Flood Risk Assessment	Volume 7

Volume	Document Reference	Document Title	Folder Number
Other Documents	7.2	Case for the Scheme and NPSNN Accordance Table	
	7.3	Draft Statement of Common Ground with Natural England	
	7.4	Transport Assessment Report	
	7.5	Outline Traffic Management Plan	

**Annex B: Section 55 Acceptance of Applications Checklist (completed by the Applicant)<sup>1</sup>**

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28-day due date	Date of decision
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments		
<b>s55(3)(a) and s55(3) (c) It is an application for an order granting development consent</b>				
2	<p>Is the development a nationally significant infrastructure project<sup>2</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order<sup>3</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates i.e. which category or categories in ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>The Scheme is a nationally significant infrastructure project ("NSIP") within sections 14(1) (h) and 22(1) of the PA 2008 (as amended by Article 3 of The Highway and Railway (Nationally Significant Infrastructure Project) Order 2013). Under section 22 an NSIP must fall within one of the three categories specified, which are expressly stated to be alternatives. This Scheme is the "construction" of a highway within the meaning of section 22(1)(a). The Scheme is wholly located in England and Highways England a strategic highways company, will be the highway authority for the Scheme. The area of development is in excess of 12.5 hectares and the speed limit would be in excess of 50 miles</p>		

<sup>1</sup> References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Casework Directorate which carries out functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

<sup>2</sup> NSIP is defined generally in s14 with detailed thresholds for each of the specified categories being set out in ss 15-30

<sup>3</sup> Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

		<p>per hour. The Scheme therefore falls under the requirements of 22(2) of the PA 2008.</p> <p>This is consistent with the summary provided in the Application Form [TR010054/APP/1.3] at Section 4 which concludes that the development is a NSIP.</p>
<b>3</b>	<b>Summary - s55(3)(a) and s55(3)(c)</b>	The Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the PA 2008.
<b>s55(3)(c) That development consent is required for any of the development to which the application relates</b>		
<b>4</b>	In accordance with the EIA Regulations <sup>4</sup> , did the applicant (prior to carrying out consultation in accordance with s42) either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development?	<p><b>Yes.</b></p> <p>The Applicant notified the Secretary of State on 14 January 2019 that it proposed to provide an Environment Statement in respect of the Scheme. A copy of the letter (Ref: M54M6 Reg8&amp;10 / 012019) dated 11 January 2019 along with Scoping Opinion response dated 21<sup>st</sup> February is provided in the Consultation Report Annexes – <b>Annex B [TR010054/APP/5.2]</b>.</p>
<b>5</b>	Have any adequacy of consultation representations <sup>5</sup> been received from “A”, “B”, “C” and “D” authorities; and if so, do they confirm that the applicant has complied with the duties under s42, s47 and s48?	No such representations have been received. It is anticipated that upon submission of the application for development consent, the Planning Inspectorate will request that relevant local authorities provide an adequacy

<sup>4</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations (2009 EIA Regulations) (where Regulation 37 of the 2017 EIA Regulations applies).

<sup>5</sup> S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received (and the extent to which the applicant has had regard to any guidance issued under section 50 of the PA2008)

		<p>of consultation statement. This is as set out in the Planning Inspectorate’s Advice Note 14 (April 2012).</p> <p>In the pre-application stages Highways England have engaged with relevant local authorities on an informal and formal basis. The ‘host’ authorities in the case of the Scheme are:</p> <ul style="list-style-type: none"> <li>• South Staffordshire Council;</li> <li>• Staffordshire County Council; and</li> <li>• City of Wolverhampton Council</li> </ul>
<b>s42: Duty to Consult</b>		
	Did the applicant consult the applicable persons set out in s42 of the PA 2008 about the proposed application?	
	s42(1)(a) persons prescribed <sup>6</sup> ?	<p><b>Yes.</b></p> <p>Consultation took place for the Scheme (24 May 2019 – 5 July 2019) where the Applicant consulted applicable persons. The list of those persons consulted is set out in <b>Annexes G and N</b> of the Consultation Report <b>[TR010054/APP/5.2]</b>. Consultation Report <b>Annex I [TR010054/APP/5.2]</b> provides sample copies of the letters that were issued to prescribed consultees under S42(1)(a) of the PA 2008.</p> <p>In relation to S42(1)(a) persons prescribed, the Applicant has provided a list of prescribed persons consulted during the statutory and further consultation periods. This is</p>

<sup>6</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

		contained within <b>Annex G</b> of the Consultation Report Annexes <b>[TR010054/APP/5.2]</b> .
	s42(1) (aa) the Marine Management Organisation <sup>7</sup> ?	Not applicable – the Marine Management Organisation is not a relevant consultee in respect of this Scheme.
	s42(1)(b) each local authority within s43 <sup>8</sup> .	<b>Yes.</b> There are three host authorities (South Staffordshire Council, City of Wolverhampton Council and Staffordshire County Council) and 17 neighbouring authorities who were all consulted. Refer to <b>Annex G</b> of the Consultation Report Annexes <b>[TR010054/APP/5.2]</b> which contains a list of prescribed consultees that were consulted.
	s42(1)(c) the Greater London Authority (if in Greater London area)	Not applicable – the Scheme is not within the Greater London area.
	s42(1)(d) each person in one or more of s44 categories <sup>9</sup>	<b>Yes.</b> Letters were issued to all relevant parties as part of a diligent inquiry process as defined under the S44 of the PA 2008 which included:  Category 1 - owner, lessee, tenant (whatever the tenancy period) or occupier of the land.  Category 2 –

<sup>7</sup> In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

<sup>8</sup> Definition of “local authority” in s43(3): The “B” authority where the application land is in the authority’s area; the “A” authority where any part of the boundary of A’s area is also a part of the boundary of B’s area; the “C” authority (upper tier) where the application land is in that authority’s area; the “D” authority where such an authority shares a boundary with a “C” authority

<sup>9</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry.

		<p>(a) is interested in the land, or (b) has power—</p> <ul style="list-style-type: none"> <li>(i) to sell and convey the land, or</li> <li>(ii) to release the land.</li> </ul> <p>Category 3 – Those parties that may be able to make a relevant claim as a result of the Order.</p> <p>Each of the relevant parties were sent letters under the provisions of S44 with each category receiving a bespoke letter providing notice of the statutory consultation, associated details of the public consultation events and a deadline for when responses should be received. Refer to <b>Annex I [TR010054/APP/5.2]</b> of the Consultation Report Annexes for sample copies of these letters.</p> <p>The identification of relevant parties under S44 has been kept under ongoing review as detailed in <b>Section 4</b> of the Statement of Reasons <b>[TR010054/APP/4.1]</b>. This process has informed the review and update of the Book of Reference <b>[TR010054/APP/4.3]</b> along with identifying the additional parties to be consulted as referred to within <b>Annex N</b> of the Consultation Report Annexes <b>[TR010054/APP/5.2]</b>.</p>
<p><b>s45: Timetable for s42 Consultation</b></p>		
<p>11</p>	<p>Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so, was the deadline notified by the</p>	<p><b>Yes.</b> The letters sent out dated 23<sup>rd</sup> May 2019 for the statutory consultation between 24<sup>th</sup> May 2019 and 5<sup>th</sup> July 2019 are included at <b>Annex I</b> of the Consultation Report</p>

	applicant 28 days or more starting with the day after receipt of the consultation documents	Annexes <b>[TR010054/APP/5.2]</b> . These letters confirmed that responses were required by the 5 <sup>th</sup> July 2019.  The consultation period was longer than the statutory requirement.
<b>s46: Duty to notify Secretary of State of proposed application</b>		
12	Did the applicant supply information to notify the Secretary of State of the proposed application; and if so, was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<b>Yes.</b>  The Applicant gave notice under s46 on 23 <sup>rd</sup> May 2019 which was before the beginning of s42 consultation. Refer to <b>Annex J</b> of the Consultation Report Annexes <b>[TR010054/APP/5.2]</b> for confirmation of receipt of information from the Inspectorate with regards to the statutory consultation undertaken between 24 <sup>th</sup> May 2019 and 5 <sup>th</sup> July 2019
<b>s47: Duty to consult local community</b>		
13	Did the applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<b>Yes.</b>  The published SoCC is provided in <b>Annex F</b> of the Consultation Report Annexes <b>[TR010054/APP/5.2]</b> . The SoCC was produced in close cooperation with the host authorities of South Staffordshire Council, Staffordshire County Council and City of Wolverhampton Council. This included informal discussion, consultation and revisions before the formal consultation was issued with South Staffordshire Council. City of Wolverhampton Council was identified as a host authority only when the signing strategy was complete (as this is the only works within their

		<p>boundary), so their main input was through the formal consultation process.</p> <p>The approach to this is detailed in <b>Section 3.3</b> of the Consultation Report <b>[TR010054/APP/5.1]</b>.</p>
14	<p>Were “B” and (where relevant) “C” authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that “B” and (where applicable) “C” authorities received the consultation documents?</p>	<p><b>Yes.</b></p> <p>As explained in <b>Section 3.3</b> of the Consultation Report <b>[TR010054/APP/5.1]</b> consultation was undertaken with the host authorities of South Staffordshire Council and City of Wolverhampton Council (the ‘B Authorities’) and Staffordshire County Council (the ‘C Authority’). <b>Annex D</b> of the Consultation Report <b>[TR010054/APP/5.2]</b> includes copies of the letters sent to the local authorities consulting them on the SoCC. Letters were sent to each of the named authorities above by e-mail on the 8<sup>th</sup> April 2019 seeking a response by the 7<sup>th</sup> May 2019, so providing 29 days from the date of receipt. Section 47(3) of the PA 2008 requires that the deadline for the receipt by the applicant of a local authority’s response to consultation should be 28 days beginning with the day after the day on which the local authority receives the consultation documents, so the period provided meets this requirement.</p>
15	<p>Has the applicant had regard to any responses received when preparing the SoCC?</p>	<p><b>Yes.</b></p> <p>Copies of the responses from the local authorities are provided at <b>Annex E</b> of the Consultation Report Annexes <b>[TR010054/APP/5.2]</b>. <b>Table 3.1</b> in <b>Section 3</b> of the Consultation Report <b>[TR010054/APP/5.1]</b> provides a summary of responses received on the SoCC and how the Applicant has had regard to these responses.</p>

16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p><b>Yes.</b> The SoCC was made available for inspection at the 12 deposit locations as detailed within <b>Table 3.3</b> in <b>Section 3</b> of the Consultation Report <b>[TR010022/APP/5.1]</b> and on the Applicant's website.</p> <p>A copy of the Newspaper advert (Section 47 Notice) is included at <b>Annex K</b> of the Consultation Report Annexes <b>[TR010054/APP/5.2]</b>.</p>				
17	Does the SoCC set out whether the development is EIA development <sup>10</sup> ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	<p><b>Yes.</b> Refer to page 2 of the SoCC. The published SoCC is included at <b>Annex F</b> of the Consultation Report Annexes <b>[TR010054/APP/5.2]</b>.</p>				
18	Has the applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes.</b> <b>Table 3.8</b> in <b>Section 3</b> of the Consultation Report <b>[TR010054/APP/5.1]</b> explains how the consultation was carried out in accordance with the SoCC.</p>				
<b>s48: Duty to publicise the proposed application</b>						
19	Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?	<p><b>Yes.</b> <b>Annex L</b> of the Consultation Report <b>[TR010054/APP/5.2]</b> includes copies of the Section 48 notices published in the relevant newspapers. <b>Table 3.2</b> in <b>Section 3</b> of the Consultation Report <b>[TR010054/APP/5.1]</b> sets out where the Section 48 notice was published for the statutory consultation.</p>				
		<table border="1"> <thead> <tr> <th data-bbox="1245 1166 1697 1238"><i>Newspaper(s)</i></th> <th data-bbox="1697 1166 2042 1238"><i>Date(s)</i></th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	<i>Newspaper(s)</i>	<i>Date(s)</i>		
<i>Newspaper(s)</i>	<i>Date(s)</i>					

<sup>10</sup> Regulation 12 of the 2017 EIA Regulations, or Regulation 10 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;		Express and Star	21 <sup>st</sup> May 2019 and 28 <sup>th</sup> May 2019
	once in a national newspaper;		The Times	21 <sup>st</sup> May 2019
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and		London Gazette	21 <sup>st</sup> May 2019
	where the proposed application relates to offshore development: (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal.		Not applicable	N/A
20	Did the S48 notice include the required information set out in Regulation 4(3) of the APFP Regulations?		The Section 48 Notice is contained within <b>Annex L</b> of the Consultation Report <b>[TR010054/APP/5.2]</b> and contains the required information as set out below:	
	<b>Information</b>	<b>Paragraph</b>	<b>Information</b>	<b>Paragraph</b>
<b>a)</b>	The name and address of the applicant	1	<b>b)</b> A statement that the applicant intends to make an application for development consent to the Secretary of State	1
<b>c)</b>	a statement as to whether the application is EIA development	4	<b>d)</b> a summary of the main proposals, specifying the	3

				location or route of the proposed development	
<b>e)</b>	A statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice.	5 (and following table)	<b>f)</b>	the latest date on which those documents, plans and maps will be available for inspection	5 and 8
<b>g)</b>	Whether a charge will be made for copies of any of the documents	6	<b>h)</b>	Details of how to respond to the publicity	7
<b>i)</b>	a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published	5&8			
21	Are there any observations in respect of the s48 notice provided above?				
	Not applicable				
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with the EIA Regulations <sup>11</sup> ?			<b>Yes.</b> Section 48 notices were sent to the bodies in accordance with Regulation 13 of the EIA Regulations. Refer to <b>Annex I</b> of the Consultation Report [TR010054/APP/5.2] for copies of these letters were sent with the s48 notice enclosed and <b>Annex G</b> of the Consultation Report	

<sup>11</sup> Regulation 13 of the 2017 EIA Regulations, or Regulation 11 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

		[TR010054/APP/5.2] for a list of prescribed consultees identified and consulted.
<b>s49: Duty to take account of responses to consultation and publicity</b>		
23	Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<b>Yes.</b> The Applicant has set out at <b>Section 4</b> and <b>Section 6</b> of the Consultation Report [TR010054/APP/5.1] and <b>Annex P</b> of the Consultation Report [TR010054/APP/5.2] the actions taken regarding the consultation responses received.
<b>Guidance about pre-application procedure</b>		
24	To what extent has the applicant had regard to DCLG Guidance, The Planning Act 2008: Guidance on pre-application consultation process <sup>12</sup> ?	The extent to which the Applicant has had regard to the DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' is detailed in <b>Table 7.1</b> of the Consultation Report [TR010054/APP/5.1].
<b>25</b>	<b>Summary - s55(3)(e)</b>	
	<b>s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b>	
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> <li>a brief statement which explains why it falls within the remit of the Secretary of State; and</li> <li>a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	The application is made in the prescribed form and a statement as to why it falls within the remit of the Secretary of State is set out in <b>Section 4</b> of the Application Form [TR010054/APP/1.3]. <b>Section 6</b> of the Application Form [TR010054/APP/1.3] provides a brief statement that describes the location of the proposed route and a more detailed description is provided

<sup>12</sup> The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

				in Chapter 2: The Scheme of the Environmental Statement [TR010054/APP/6.1]. The location of the Scheme is shown on the Location Plan [TR010054/APP/2.1].	
27	Is it accompanied by a consultation report?			<b>Yes.</b> The Consultation Report is included as [TR010054/APP/5.1] and the Consultation Report Annexes are included as [TR010054/APP/5.2].	
28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets <sup>13</sup> ?			<b>Yes</b>	
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?			<b>Yes.</b> The documents and information required by APFP regulation 5(2) are set out in the documents and locations within the application as listed below:	
<b>Information</b>		<b>Document</b>		<b>Information</b>	<b>Document</b>
a)	Where applicable, the environmental statement required under the EIA Regulations <sup>14</sup> and any scoping or screening opinions or directions	<b>Yes.</b> The application is accompanied by an Environmental Statement [TR010054/APP/6.1]. Volume 6.1 is the main statement. The other relevant	b)	The draft proposed order	<b>Yes.</b> The application is accompanied by the Draft Development Consent Order [TR010054/APP/3.1] in the validated statutory instrument template.

<sup>13</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<sup>14</sup> The 2017 EIA Regulations, or the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies)

		volumes are: Environmental Statement Figures <b>[TR010054/APP/6.2]</b> ; The Environmental Statement Appendices <b>[TR010054/APP/6.3]</b> The Environmental Statement Non-Technical Summary <b>[TR010054/APP/6.4]</b> The Scoping Opinion Appendix 4.1 of the Environmental Statement <b>[TR010054/APP/6.3]</b>			
	Is this of a satisfactory standard?	<b>Yes.</b>		Is this of a satisfactory standard?	<b>Yes.</b>
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	<b>Yes.</b> The application is accompanied by the Explanatory Memorandum <b>[TR010054/APP/3.2]</b> .	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	<b>Yes.</b> The application is accompanied by the Book of Reference <b>[TR010054/APP/4.3]</b>
	Is this of a satisfactory standard?	<b>Yes.</b>		Is this of a satisfactory standard?	<b>Yes.</b>
e)	A copy of any flood risk assessment	<b>Yes.</b> The application is accompanied by a	f)	A statement whether the proposal engages one or	<b>Yes.</b> The application is accompanied by a

		Flood Risk Assessment <b>[TR010054/APP/7.1]</b>		more of the matters set out in section 79)1_ of the Environmental Protection Act 1990 (statutory nuisances) and if so, how the applicant proposes to mitigate or limit them.	Statement of Statutory Nuisance <b>[TR010054/APP/6.10].</b>
	Is this of a satisfactory standard?	<b>Yes.</b>		Is this of a satisfactory standard?	<b>Yes.</b>
g)	Any report identifying any European site to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994(3) applies, or any Ramsar site(4), which may be affected by the proposed development, together with sufficient information that will enable the Commission to make an appropriate assessment of the implications for the site if required by regulation 48(1).	<b>Yes.</b> A Habitats Regulations Assessment: No Significant Effects Report accompanies the application <b>[TR010054/APP/6.9].</b>		Is this of a satisfactory standard?	<b>Yes.</b>
h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	<b>Yes.</b> The application is accompanied by a Statement of Reasons <b>[TR010054/APP/4.1]</b> and a Funding Statement	i)	A land plan identifying: - (i) the land required for, or affected by, the proposed development; (ii) where applicable, any land over which it is proposed to	<b>Yes.</b> The application is accompanied by Land Plans <b>[TR010054/APP/2.2]</b>

		<b>[TR010054/APP/4.2].</b>		exercise powers of compulsory acquisition or any rights to use land;  (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and  (iv) any special category land and replacement land	Special Category Land Plans are also provided <b>[TR010054/APP/2.6]</b>
	Is this of a satisfactory standard?	<b>Yes.</b>		Is this of a satisfactory standard?	<b>Yes.</b>
j)	A works plan showing in relation to the existing features: -  (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and  (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order	<b>Yes.</b> The application is accompanied by Works Plans <b>[TR010054/APP/2.4].</b>	k)	Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation	<b>Yes.</b> The application is accompanied by Streets, Rights of Way and Access Plans <b>[TR010054/APP/2.7].</b>
	Is this of a satisfactory standard?	<b>Yes.</b>		Is this of a satisfactory standard?	<b>Yes.</b>

l)	<p>Where applicable, a plan with accompanying information identifying: -</p> <p>(i) any statutory/non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development</p>	<p><b>Yes.</b> A statement on Statutory and Non-Statutory Nature Conservation Sites Plans has been provided for ease of locating required plans <b>[TR010054/APP/6.5].</b></p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development</p>	<p>Yes. A statement on Statutory and Non-Statutory Historic Sites Plans has been provided for ease of locating required plans <b>[TR010054/APP/6.6].</b></p>
	Is this of a satisfactory standard?	<b>Yes.</b>		Is this of a satisfactory standard?	<b>Yes.</b>
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<p><b>Yes.</b> The application is accompanied by Crown Land Plans <b>[TR010054/APP/2.3].</b></p>	o)	<p>Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and</p>	<p><b>Yes.</b> The following plans and drawings are provided under Regulation 5(2)(o) of the APFP Regulations 2009 (as amended):</p> <p>Location Plan</p>

				pedestrian access, any car parking and landscaping	<p><b>[TR010054/APP/2.1].</b></p> <p>General Arrangement Plans</p> <p><b>[TR010054/APP/2.5].</b></p> <p>Traffic Regulation Measures Plans</p> <p><b>[TR010054/APP/2.8].</b></p> <p>Classification of Roads Plans</p> <p><b>[TR010054/APP/2.9].</b></p> <p>Engineering Section Drawings</p> <p><b>[TR010054/APP/2.10].</b></p>
	Is this of a satisfactory standard?	<b>Yes.</b>		Is this of a satisfactory standard?	<b>Yes.</b>
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations	<p><b>Yes.</b></p> <p>The proposed development is Highway-related development. The application is therefore required to be accompanied by section drawings</p>	q)	Any other documents considered necessary to support the application	<p>Volume 1, 3, 6 and 7 of the DCO Application comprises other documents considered necessary to support the application, as listed in section 23 of the Application Form</p> <p><b>[TR010022/APP/1.3].</b></p>

		<p>showing the information set out under Regulation 6(2) of the APFP Regulations.</p> <p>This information is provided in the Engineering Section Drawings  <b>[TR010054/APP/2.10]</b>                  Drainage outfalls are also shown in the Outline Drainage Works plans  <b>[TR010054/APP/2.11]</b></p>			<p>These documents are:</p> <p>Introduction to the Application  <b>[TR010054/APP/1.1].</b></p> <p>Guide to the Documents to be Certified  <b>[TR010054/APP/1.5].</b></p> <p>Consents and Agreements Position Statement  <b>[TR010054/APP/3.3]</b></p> <p>Equalities Impact Assessment  <b>[TR010054/APP/6.7].</b></p> <p>TPO Impact/ Removal Plans  <b>[TR010054/APP/6.8].</b></p> <p>Outline Environmental Management Plan  <b>[TR010054/APP/6.11].</b></p> <p>The Case for the Scheme and National Policy Statement Accordance</p>
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				Table [TR010054/APP/7.2].  Transport Assessment Report [TR010022/APP/7.4].  Outline Traffic Management Plan [TR010054/APP/7.5]	
	Is this of a satisfactory standard?	<b>Yes.</b>		Is this of a satisfactory standard?	<b>Yes.</b>
30	Are there any observations in respect of the documents provided above?		<b>None</b>		
31	Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1)? <sup>15</sup>		<b>Yes.</b>  Refer to The Habitats Regulations Assessment: No Significant Effects Report [TR010054/APP/6.9]		
32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans <sup>16</sup>		None requested to date		

<sup>15</sup> Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<sup>16</sup> Regulation 5(2)(r) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

33	Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	<p><b>Yes.</b></p> <p><b>Table 7.1 in section 7</b> of the Consultation Report <b>[TR010054/APP/5.1]</b> sets out how the Applicant has had regard to DCLG guidance 'Planning Act 2008: Application form guidance' in preparing the application. Highways England believes that the application has been prepared to the standards that the Secretary of State considers satisfactory.</p>
<p><b>34 Summary - s55(3)(f) and s55(5A)</b></p>		
<p><b>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</b></p>		
<p><b>Fees to accompany an application</b></p>		
35	Was the fee paid at the same time that the application was made <sup>17</sup> ?	<p><b>Yes.</b> The application fee was paid on 17 January 2020, the application was submitted on the 30 January 2020.</p>

Electronic Signature	Name	Date
<b>Case Leader</b>		
<b>Acceptance Inspector</b>		

<sup>17</sup> The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee must be paid at the same time that the application is made.