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Andrew Kelly
By email only

Your Ref:

Our Ref: TR010054

Date: 28 February 2020

Dear Mr Kelly

Planning Act 2008 (as amended) – Section 51

Application by Highways England for an Order Granting Development Consent for the M54 to M6 Link Road

Advice following issue of decision to accept the application for examination

On 28 February 2020 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

Additional Local Authorities identified

The red line boundary has been amended since the statutory consultation was undertaken. The Planning Inspectorate has identified the following authorities based on the submitted application that would be considered an authority under s43.

- Newcastle-under-Lyme Borough Council
- Cheshire West and Chester Council
- Wrexham County Borough Council
- Powys County Council
- Herefordshire Council
- Malvern Hills District Council

The Applicant's Consultation Report (Doc 5.1) does not explain why the six Local Authorities identified above were not consulted. The amendment to the red line boundary that has triggered the above six authorities to become authorities under s43 looks to be extremely minor in nature; being to incorporate signage on an existing highway. The Book of Reference (Doc 4.3) indicates that Highways England are the owner of this land. The six local authorities were invited to submit Adequacy of Consultation Representations; two authorities have done so and raised no concerns. Based on this information, the Planning Inspectorate considers that the likelihood of any prejudice to the authorities or others is minimal and would not constitute a sound reason for deciding not to accept the application. However, the applicant should serve notice on these authorities (as required by s56A) when it serves notice of the accepted application under s56(2)(a) of the PA2008.

Consultees identified on a precautionary basis

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

Habitats Regulations Assessment No Significant Effects Report (Doc 6.9)

The report refers to a 'Natural England Screening Consultation Response' (in the form of an email dated 22/11/2019) and states that this is provided in Annex E. We note that Annex E has not been included within the report. The Applicant is asked to provide this no later than 10 days before the Preliminary Meeting, the date of which shall be advised in due course.

Environmental Statement (Doc 6.2)

Multiple data layers have been presented in Figure 13.1 'water bodies and their attributes'. We would request that the Applicant re-submit Figure 13.1 in a clearer format; preferably with data layers presented across more than one figure no later than 10 days before the Preliminary Meeting.

Book of Reference (Doc 4.3)

The Book of Reference shows plot 6/22a as 'All interests in the land...' however the dDCO and Land Plans have this plot listed as land for temporary possession. The status of this plot should be clarified and the pertinent documents submitted no later than 10 days before the Preliminary Meeting.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Eleanor Church

Eleanor Church
Case Manager

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