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Emré Williams
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref: TR010054

Dear Emré

Application by Highways England for an Order Granting Development Consent for M54 to M6 Link Road Project - Adequacy of consultation request

Thank you for your letter dated 31 January 2020 regarding the adequacy of the consultation and publicity undertaken by the Applicant at the pre-application stage.

I understand from the letter that The Planning Inspectorate has received an application and must decide by 28th December 2020 whether or not to accept the application.

Staffordshire County Council has been invited to inform the Planning Inspectorate whether it considers that Highways England has complied with the following duties:

- Duty to consult (section 42 of the Planning Act 2008)
- Duty to consult the local community (section 47 of the Planning Act 2008)
- Duty to publicise (section 48 of the Planning Act 2008)

We have focused the consultation on Chapter 2 of Part 5 of the Planning Act 2008, which outlines the procedures to undertake before submitting an application.

As part of its duty under this consultation the Planning Inspectorate has provided Staffordshire County Council with a copy of the applicant's "Consultation Report",



which details how they understand they have complied with the procedures of the Planning Act 2008 relating to consultation and publicity. The content of the Consultation Report has been assessed and forms the basis of Staffordshire County Council's response to the Planning Inspectorate under section 55 of the Planning Act 2008.

Planning Act 2008 Section 42 – Duty to Consult

Section 42 of the Planning Act 2008 is worded as follows:

The applicant must consult the following about the proposed application:

- a) Such persons as may be prescribed*
- b) Each local authority that is within section 43*
- c) The Greater London authority if the land is in Greater London, and*
- d) Each person who is within one or more of the categories set out in section 44.*

The applicant has complied with subsection (b) of section 42 as it has consulted with Staffordshire County Council.

It is considered in the opinion of Staffordshire County Council that the consultation under section 42 has been carried out in a proper manner and meets the requirements in the Planning Act 2008.

Planning Act 2008 Section 47 – Duty to consult local community

Section 47 of the Planning Act 2008 is worded as follows:

- 1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.*
- 2) Before preparing the statement, the applicant must consult each local authority that is within section 43 about what is to be in the statement.*
- 3) The deadline for the receipt by the applicant of a local authority's response to consultation under subsection 2 is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.*
- 4) In subsection 3 "the consultation documents" means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection 2.*
- 5) In preparing the statement the applicant must have regard to any response to consultation under subsection 2 that is received by the applicant before the deadline imposed by sub section 3.*
- 6) Once the applicant has prepared the statement, the applicant must publish it –*
 - a) In a newspaper circulating in the vicinity of the land and*
 - b) In such other manner as may be prescribed.*
- 7) The applicant must carry out consultation in accordance with the proposals set out in the statement.*

It is considered in the opinion of Staffordshire County Council that the consultation under section 47 has been carried out in a proper manner and meets the requirements in the Planning Act 2008.

Planning Act 2008 Section 48 – Duty to publicise

Section 48 of the Planning Act 2008 is worded as follows:

- 1) The applicant must publicise the proposed application in the prescribed manner.*
- 2) Regulations made for the purposes of subsection 1 must, in particular, make provision for publicity under subsection 1 to include a deadline for receipt by the applicant of responses to the publicity.*

It is considered in the opinion of Staffordshire County Council that the consultation under section 48 has been carried out in a proper manner and meets the requirements in the Planning Act 2008.

Conclusion

Staffordshire County Council acknowledges that the applicant has fulfilled the commitments and objectives set out in the Statement of Community Consultation, therefore Staffordshire County Council considers that the applicant has complied with the requirements of sections 42, 47 and 48 of the Planning Act 2008.

However, there has been limited time available to consider the details of the finalised scheme prior to submission and there remain outstanding issues to be addressed between South Staffordshire Council, Staffordshire County Council and Highways England in relation to the proposal. We will look to work positively with Highways England before the examination commences and during to ensure the best possible scheme can be delivered to the benefit of highway users and the local communities; whilst adhering to the timeframe of the Examining Authority.

Yours sincerely

James Chadwick
Planning Policy Officer