

**M54 to M6 Link Road**

**TR010054**

**Volume 8**

## **8.3 Notification of Proposed Scheme Changes**

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Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure Rules) 2010**

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

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## Table of contents

Chapter	Pages
<b>1 Introduction</b>	<b>1</b>
1.1 Overview	1
1.2 Need for the Changes and Implications	1
<b>2 Proposed changes</b>	<b>3</b>
2.1 Introduction	3
2.2 Materiality of Changes	3
2.3 Summary Overview of Scheme Changes	5
2.4 Change 1: M54 Junction 1 eastbound diverge to Featherstone	5
2.5 Change 2: Reduction in the footprint of the link road	6
2.6 Change 3: Amendment of vertical alignment of Link Road approach to M6 Junction 11	7
2.7 Change 4: M54 Junction 1 change to bridge structure	7
2.8 Change 5: Relocation of Hilton Lane Overbridge and change to Public Right of Way	9
2.9 Change 6: Change to Alignment to Reduce the Impact on Tower House Farm	10
2.10 Change 7: Potential Reduction in Land Required for Environmental Mitigation	10
<b>3 Potential for changes to affect the Environmental Statement</b>	<b>12</b>
3.1 Overview	12
3.2 Change 1: M54 Junction 1 Eastbound diverge to Featherstone	12
3.3 Change 2: Reduce width of the link road	12
3.4 Change 3: Amendment of vertical alignment of Link Road approach to M6 Junction 11	13
3.5 Change 4: M54 Junction 1 Change to Bridge Structure	13
3.6 Change 5: Relocation of Hilton Lane Overbridge and change to PRow	14
3.7 Change 6: Change to Alignment to Reduce the Impact on Tower House Farm	14
3.8 Change 7: Potential Reduction in Land for Environmental Mitigation	14
<b>4 Consultation</b>	<b>15</b>
4.1 Introduction	15
4.2 Informal Consultation	15
4.3 Formal Consultation	15
4.4 Consultation Report	16

<b>5</b>	<b>Indicative Programme</b> .....	<b>17</b>
	<b>Appendix A: Plan of Scheme Changes</b> .....	<b>19</b>

# 1 Introduction

## 1.1 Overview

- 1.1.1 The M54 to M6 Link Road ('the Scheme') Development Consent Order (DCO) application was submitted by Highways England ('the Applicant') on 30 January 2020. The application was accepted for Examination on 28 February 2020. The Pre-Examination period has been longer than anticipated, it is understood that the Covid-19 pandemic has contributed to this, with the Examination expected to start in Autumn 2020.
- 1.1.2 During the Pre-Examination period, the Applicant has continued engagement with stakeholders, undertaken technical and survey work, developed more detail on construction phasing and carried out buildability reviews of the design.
- 1.1.3 As a result of those ongoing discussions and reviews the Applicant is proposing to incorporate seven design improvements outlined in this report into the Scheme and is therefore providing formal notification to the Examining Authority (ExA) that there is an intention to formally request these changes. The Applicant requests the ExA's advice on the procedural implications of the proposed changes and the need, scale and nature of consultation to be carried out. Section 4 of this report summarises the Applicant's proposed approach to consultation to inform this advice.

## 1.2 Need for the Changes and Implications

- 1.2.1 The Applicant views the changes as design evolution or refinement, which deliver improvements to the design and reduce Scheme impacts, but do not fundamentally change the purpose or design objectives of the original Scheme.
- 1.2.2 The changes result in a more efficient design that would be simpler to construct and brings forward changes that would deliver construction efficiencies at the start of the Examination process as opposed to post consent. Bringing forward changes now rather than through the discharge of requirements or amendments after consent allows for open consideration of the changes during Examination.
- 1.2.3 The changes could result in minor changes to the operational environmental effects reported in the Environmental Statement (ES). Work to assess the changes is ongoing, with information on the likely effects of the changes and further work being undertaken to provide greater certainty on effects summarised in Sections 2 and 3 of this report respectively.
- 1.2.4 The Applicant does not envisage that the changes will result in any fundamental change in opinion of any prescribed consultee or land interest party and the Examination should not be elongated or complicated through the introduction of these changes. However, it is recognised that the changes are likely to be welcomed by some and not by others.
- 1.2.5 It is important to note that the changes do not seek to address any existing technical deficiencies associated with the design submitted for Examination and as a result there should be no concerns regarding the veracity of the application submitted in January 2020.

- 1.2.6 The proposed changes will not result in the need to compulsorily acquire any additional land or secure additional rights over land. The Infrastructure Planning (Compulsory Acquisition) Regulations 2020 ("CA Regulations") are not therefore engaged. It may be possible to remove a small area of land from the Land Plans if it is no longer required for environmental mitigation as part of change 7, but further work is required to confirm this.
- 1.2.7 For the reasons outlined in Section 2, and given that the CA Regulations are not engaged as indicated above, the Applicant is of the opinion that most, if not all, of the proposed changes are not material. However, because of the potential cumulative impacts and changes to construction impacts associated with change 4, the Applicant intends to err on the side of caution and follow the process associated with material changes set out in The Planning Inspectorate Advice Note 16: Requesting Changes (Version 2, March 2018) (AN16).
- 1.2.8 This remainder of this report sets out the following details associated with the proposed changes:
- Section 2: Explanation of the changes and the reasons they are being proposed.
  - Section 3: An overview of further work to be undertaken to assess how proposed changes would affect the ES.
  - Section 4: Proposed approach to consultation.
  - Section 5: Indicative programme for the introduction of changes.

## 2 Proposed changes

### 2.1 Introduction

- 2.1.1 The DCO process is designed to be front-loaded and the acceptance of post submission changes are at the discretion of the ExA. Guidance on the procedure for making changes during the post-acceptance phase is set out in AN16.
- 2.1.2 Where applicants consider changes are necessary, AN16 highlights the importance of bringing changes forward as early as possible in the Examination process to allow sufficient time for participants in the Examination to fully engage and comment upon the changes made.
- 2.1.3 The Applicant has fully considered the guidance provided within AN16 and is accordingly minded to proceed with seven changes to the Scheme.

### 2.2 Materiality of Changes

- 2.2.1 There is no definition of a material change in the Planning Act 2008 or the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011. However, there is some guidance on this topic in AN16 and in guidance produced by the Department of Communities and Local Government (DCLG). This guidance and its application to the proposed changes is explored below.

**Advice Note 16: How to request a change which may be material, Planning Inspectorate, March 2018**

- 2.2.2 AN16 provides advice primarily on making changes to a DCO during the pre-Examination and Examination phases, where those changes are considered to be '*material*', either individually or cumulatively.
- 2.2.3 Paragraph 2.1 outlines that whilst there is no legal definition of '*material*' the appropriate considerations are '*whether the change is substantial or whether the development now being proposed is not in substance that which was originally applied for.*' The Applicant is of the view that none of the proposed changes are substantial. Nor do the proposed changes alter the development such that it is no longer in substance that which was originally applied for.
- 2.2.4 AN16 makes clear that whether a change is '*material*' or not is a '*question of planning judgment*' which may be based on criteria including:
- whether the change would generate new or different likely significant environmental effect(s); and
  - whether (and if so the extent to which) a change request involves an extension to the order land, particularly where this would require additional compulsory acquisition powers e.g. for new plots of land and/or interests.
- 2.2.5 The proposed changes would not require an extension to the DCO land or additional compulsory acquisition powers. However, it is not possible in advance of full assessments to conclude that no changes will generate new or different likely significant effects. Therefore, the Applicant is of the view, having taken legal advice,

that the changes should be treated as material at this stage and the Applicant proposes to follow the process set out for material changes in Figure 1 of AN16. This report notifies the ExA of the proposed changes (step 1) and provides information to ensure the ExA can provide informed advice on the process and consultation requirements for the change (step 2).

2.2.6 The Applicant recognises that ultimately it is the responsibility of the ExA to determine whether new information constitutes a material change and that the ExA will need to consider the *'impact of a series of incremental non-material changes collectively'* (AN16 paragraphs 2.3 and 2.4). Whilst all changes are considered minor in nature, the Applicant recognises that the need to consider changes cumulatively increases the risk that changes may be considered material.

**Guidance on Changes to Development Consent Orders, DCLG, December 2015 (The Guidance)**

2.2.7 The Guidance focuses on providing advice on the processes to change DCOs after consent, rather than during the pre-Examination period. However, given that the Guidance provides helpful advice on when changes may be material, the Applicant has had regard to it.

2.2.8 The Guidance does not attempt to prescribe whether particular types of change would be material or non-material. However, it does suggest that changes are more likely to be treated as material if they (paragraphs 12-16):

- Require an updated ES to take account of new, or materially different, likely significant effects on the environment. The guidance suggests that this includes significant effects that are entirely positive.
- Require a Habitats Regulations Assessment.
- Require a new or additional licence for European Protected Species.
- Authorise the compulsory acquisition of any land, or an interest in or rights over land, that was not authorised previously.
- Would have an impact on local people and businesses sufficient to indicate that the change should be considered as material. The guidance states that *'...examples might include those relating to visual amenity from changes to the size or height of buildings; impacts on the natural or historic environment; and impacts arising from additional traffic.'*

2.2.9 None of the changes will require a Habitats Regulations Assessment, a new Protected Species licence or the compulsory acquisition of additional land. As discussed above, it is possible that there will be new or different significant environmental effects, although if present, these are likely to be limited in nature and extent. The impacts on local people are considered unlikely to be sufficient to be considered as material. However, there will be some impacts (positive and negative) described below and in advance of consultation, it is uncertain how these changes would be perceived.



## 2.3 Summary Overview of Scheme Changes

2.3.1 As set out above, the Applicant is proposing a total of seven discrete changes. A high-level summary of the changes is set out in Table 1.

2.3.2 The detail of the proposed changes is set out within the remainder of this section. Appendix A contains plans showing the location of the proposed changes within the overall Scheme.

**Table 1: Overview of proposed Scheme changes**

Change Number	Change Description	Works packages affected	Change likely to be material <sup>1</sup>
1	M54 Junction 1, relaxation of Eastbound diverge to Featherstone	6	No
2	Reduction in width of link road central reserve	2, 4, 21, 25 & 26	No
3	Amendment of vertical alignment of Link Road approach to M6 Junction 11	25 & 26	No
4	M54 Junction 1 change to proposed bridge structure	2, 4, 5, 7, 8, 9, 10, 12, 57 & 61	Potentially
5	Relocation of Hilton Bridge Overbridge and change to Public Right of Way	27, 62 & 63	Potentially
6	Change to Alignment to Reduce the Impact on Tower House Farm	12	No
7	Potential Reduction in Land Required for Environmental Mitigation	Not yet known	No

## 2.4 Change 1: M54 Junction 1 eastbound diverge to Featherstone

2.4.1 This change proposes to omit the near straight from the M54 Junction 1 eastbound diverge to Featherstone, reducing the length of the slip road. This allows the diverge to be relocated further downstream and reduces the extent of widening through the bund. The change has arisen as a result of continued design refinement which has identified improvements to the Scheme and a reduction in environmental impacts.

2.4.2 The benefits of making this change are:

- Reduction in loss of existing bund and existing woodland planting (400m<sup>2</sup> less woodland loss). Localised ecology, visual amenity and landscape character benefits associated with reduced woodland loss.
- Reduction in the maximum height of the retaining wall associated with work packages 1, 2 and 6 from 5.0 m to 2.5 m. This would reduce the amount of

<sup>1</sup> This is based on the initial views of the Applicant, having regard to AN16, the Guidance, legal advice and the conclusions of the preliminary technical work. It is recognised that the final decision on the materiality of the change rests with the ExA.

material required to construct the scheme and would reduce visual intrusion for road users.

- Movement in the alignment of the eastbound off slip at M54 Junction 1 approximately 10 m further from the settlement of Featherstone.

2.4.3 This proposed change would move the Scheme alignment outside of the Limits of Deviation ('LoD') for the diverge and would require changes to the Works Plans **[AS-009]** and General Arrangement Plans ('GA Plans') **[AS-010]**.

2.4.4 It is the Applicant's view that this change would be non-material.

## 2.5 Change 2: Reduction in the footprint of the link road

2.5.1 Natural England, Staffordshire County Council and local people have requested that habitat loss be minimised at the Lower Pool Site of Biological Importance (SBI), with this approach also supported by planning policy. Continued design processes to consider construction phasing and buildability have identified this proposed change, which would reduce habitat loss at the SBI.

2.5.2 The proposed change would reduce the footprint of the link road by reducing the width of the central reserve from 4.5 m to 3.0 m along the length of the new link road and reducing the width of the verge area by putting the surface water channel in the verge rather than adjacent to it.

2.5.3 The change would reduce the width of the road by 4.2 m over its entire length and between 3.2 m and 4.4 m over a length of approximately 200 m for the northbound slip and between 4.1 m and 7.0 m over 500 m, for the southbound slip.

2.5.4 The proposed change would reduce the footprint of the Scheme, reducing the impact on the private access that runs to the east of Featherstone junction (from the eastern roundabout northwards). In consequence of the change, it is also proposed to move the position of Work No. 21 to tie into the existing track, reducing the impact on the landowner. This change would move the alignment of Work No. 21 outside of the LoD.

2.5.5 The benefits of this proposed change would be:

- Reducing the habitat loss within the Lower Pool SBI by approximately 1 Ha.
- The reduction in hard standing, with a corresponding reduction in run-off and drainage and attenuation requirements.
- Small increases in the distance between the edge of the carriageway and nearest properties.
- Reducing the impact of realigning the private access track on the landowner due to tying into the existing track alignment.

2.5.6 The narrower alignment and changes to the track requires changing the GA Plans **[AS-010]** and the Works Plans **[AS-009]**. All works except the track realignment would remain within the LoD as shown in the Works Plans. In addition, the horizontal alignment of the carriageway would not move further than the 3 m LoD assessed in the ES. The track would move outside the LoD, requiring a change to the Scheme,

but the change is minor and no new or different significant environmental effects are anticipated.

2.5.7 It is the Applicant's view that this change would be non-material.

## 2.6 Change 3: Amendment of vertical alignment of Link Road approach to M6 Junction 11

2.6.1 This change has also been identified as part of the continued design processes and would reduce the impact of the Scheme on the Ancient Woodland.

2.6.2 This proposed change would alter the approach to M6 Junction 11 by reducing the height of the approach to the junction. This change reduces the height of the embankment by approximately 0.7 m.

2.6.3 The benefits of this change would be:

- Reducing the height of the embankment, resulting in a reduction in fill volume and potentially final land take requirements<sup>2</sup>.
- Likely reduction in visual amenity and landscape character impacts as a result of reduced loss of existing vegetation and decreased visibility of the embankment.
- Small reduction in the loss of Ancient Woodland.

2.6.4 The change in vertical alignment exceeds the 0.5 m LoD set out in the draft DCO **[APP-018]** but there would be no change in the horizontal alignment.

2.6.5 This proposed change would not require any changes to the Works Plans **[AS-009]** but does require a change to the GA Plans **[AS-010]** and Engineering Section Drawings **[APP-015]**.

2.6.6 It is the Applicant's view that this change would be non-material.

## 2.7 Change 4: M54 Junction 1 change to bridge structure

2.7.1 This proposed change would reduce the complexity and buildability issues associated with the main structure at Junction 1 by separating the main structure (currently 112m span) into two simpler structures. This enables the structures to be constructed in the site compound to the north-east of the junction and moved into position rather than constructed in the location of the new bridges.

2.7.2 The previous assumptions on Scheme construction were based on bridge construction being undertaken on-line, in longitudinal sections. This approach required substantial, long-term traffic management, requiring contra-flows, narrow lanes and traffic management in place for approximately two years. Several night closures and night working would also have been required. The Applicant has recent experience implementing two and half years of contraflow between Junction 1 and Junction 2 of the M5 that finished late last year. The lessons learnt from this process

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<sup>2</sup> These potential reductions in land take requirements are not sufficient to warrant changing the Land Plans at this stage, with the Applicant still requiring the compulsory acquisition powers as set out in the Plans. However, it may result in the reduction in area finally obtained.

is that long term traffic management of this nature should be avoided where possible, with the solution proposed here involving innovative construction processes to reduce the need for long term traffic management .

- 2.7.3 The proposed change would avoid the need for approximately two years of traffic management and instead the works could be delivered through full closure of the M54 over Junction 1 for up to three weeks. This would also include closure of the westbound diverge slip road, restrictions on vehicles turning right from the eastbound diverge slip road and restrictions on vehicles right into the westbound merge slip road. Whilst there will be more disruption from the closure, it would be of significantly shorter duration. This is an important consideration given that concerns have been raised by host authorities about the cumulative impact of traffic management resulting from the construction of several major schemes in the area over similar time periods. These other schemes include, but are not limited to, the extension of the i54, ROF Featherstone and the West Midlands Strategic Freight Interchange. The DCO for the West Midlands Strategic Freight Interchange was made on 4 May 2020, with construction due to start in 2020/2021 and continue for approximately 15 years.
- 2.7.4 A planned closure of short duration is likely to be more easily accommodated by persons using the M54 than long-term disruption. For instance, other schemes may be able to avoid significant deliveries or major works over a planned three-week period, whereas this would not be possible for long periods of traffic management. The Applicant may also be able to agree solutions with freight companies to avoid the route over the closure.
- 2.7.5 The closure would be planned for and managed through the development of the Construction Traffic Management Plan in consultation with host authorities and developers of other major schemes such as the West Midlands Strategic Freight Interchange, i54 and ROF Featherstone. Opportunities to minimise disruption will be sought through planning the closure in less busy periods such as summer holidays.
- 2.7.6 The benefits of this proposed change are:
- Reduction in the construction programme of approximately 6 months, with the Scheme opening earlier to traffic than it would otherwise.
  - The reduction in the construction period would significantly reduce the period of disruption for local people, including reductions in the period local people are affected by construction noise.
  - Significant reduction in the period for which traffic management is in place along the M54, with a temporary closure of the M54 Junction 1 for up to three weeks rather than two years of traffic management.
- 2.7.7 This proposed change would require the alteration of the Works Plans **[AS-009]** and a need to move the revised alignment further than the 3 m horizontal LoD currently allowed within the DCO.
- 2.7.8 The change would also result in changes to the GA Plans **[AS-010]** and the need for a small amendment to the Engineering Section Drawings **[APP-015]**.

- 2.7.9 The proposed approach to junction closures and traffic management differs from that assumed within the submitted Outline Traffic Management Plan [APP-223] and this document would accordingly need to be updated.
- 2.7.10 Further, the proposed change would result in construction activities taking place in new locations. In particular, activities associated with the construction of the structures would be within a casting yard to the north-east of M54 Junction 1 not previously used for this purpose.
- 2.7.11 Whilst the junction will move slightly and look different, it will operate in the same way as the previous design, with the main change being to the construction methods and traffic management during the construction period rather than to the design.
- 2.7.12 The proposed change is highly unlikely to result in new or different significant environmental effects when the Scheme is operational. However, the change could lead to new or different significant noise or air quality effects during the three-week closure of Junction 1. For this reason, the Applicant proposes to consult on this change and to follow the approach advised for material changes in AN16, although it is the Applicant's view that this change unlikely to be material.

## 2.8 Change 5. Relocation of Hilton Lane Overbridge and change to Public Right of Way

- 2.8.1 This change proposes to build Hilton Lane bridge off-line (north of its current location) and retain the route of the Public Right of Way (PRoW) (Shareshill 5) across adjacent land rather than route it alongside the link road and is proposed following development of construction phasing and buildability reviews.
- 2.8.2 The current Scheme proposes the realignment of Hilton Lane approximately 2 m to the south to enable provision of a short length of 2 m wide footway as an alternative route for Shareshill 5 PRoW, which is severed by the new link (it is currently proposed to stop up this PRoW from Hilton Lane to the eastern side of the new link road). The revised Scheme would divert Shareshill 5 so it follows the current route, south towards Hilton Lane, across the new bridge, then diverting north to tie into the existing PRoW to the west of the new link. The revised scheme would retain the PRoW from this point westwards to tie into Hilton Lane.
- 2.8.3 The benefits of this change are that it would:
- Avoid the need to remove mature vegetation to the south of Hilton Lane for a length of approximately 200 m.
  - Avoid the need for the closure of Hilton Lane while the carriageway is relocated for provision of the footway and for the bridge construction. This would reduce disruption to traffic and noise and air quality impacts of construction for local residents.
  - Reduce hard standing by approximately 650m<sup>2</sup> due to retaining the existing cross section of Hilton Lane.
  - Avoids the need for a temporary diversion of the PRoW and retains more of the existing route.



2.8.4 The relocation of the bridge is outside the horizontal LoD, affecting the Works Plans **[AS-009]** and GA Plans **[AS-010]**. There would also be changes to the Streets, Rights of Way and Access Plans **[AS-012]** to reflect the changes to the PRow diversion.

2.8.5 It is considered likely that this will be a non-material change. However, given that the change will move the alignment and is in an area where properties experience noise levels close to the threshold of a definition of a significant effect, there is a risk that noise modelling will show new or different significant environmental effects and on a risk averse basis, it cannot be concluded with certainty that the change will not be material.

## 2.9 Change 6: Change to Alignment to Reduce the Impact on Tower House Farm

2.9.1 This change proposes to alter the alignment of the slip road between Featherstone Interchange eastern roundabout and the M54 eastbound further west from its current position. This change will address concerns raised by the landowner at Tower House Farm that the scheme will adversely impact access to the site.

2.9.2 The benefits of this change would be:

- Reducing the impact on vehicle movements into/out of Tower House Farm, particularly the impact on the American motorhome business.
- Movement of the alignment further from the property at Tower House Farm

2.9.3 The change would move the alignment outside the horizontal LoD, requiring changes to the Works Plans **[AS-009]**, and GA Plans **[AS-010]**.

2.9.4 It is the Applicant's view that this change would be non-material.

## 2.10 Change 7: Potential Reduction in Land Required for Environmental Mitigation

2.10.1 During the ecology surveys carried out in the 2019 there were some areas where it was not possible to secure access to within the seasonal survey windows. This included a number of waterbodies that the Applicant wished to survey for Great Crested Newts (GCN). The Environmental Masterplan **[APP-057 to 063]** and Natural England Letter of No Impediment **[APP-177]** submitted with the DCO application was therefore based on a precautionary approach to mitigation for GCN where the species was assumed to be present in waterbodies that it was not possible to survey in advance of the application.

2.10.2 Where landowners have granted access, waterbodies not surveyed previously have been surveyed in the 2020 survey season, with results showing an absence of GCN in some waterbodies that are to be lost due to the scheme (25, 26, 29, 65). Waterbodies 25, 26 and 29 are adjacent to the A460 south of Hilton, Waterbody 65 is directly south west of M6 Junction 11. As a result of this increased level of certainty of likely absence of GCN, it is possible that the mitigation proposed for this species can be reduced. Landowners affected by replacement habitats for GCN have provided strong representations expressing a desire to reduce the

environmental mitigation of their land and the compulsory purchase required to ensure its delivery. There is therefore a strong case for investigating the potential for this change, although it is recognised that the delivery of new habitats does provide benefits in their own right.

- 2.10.3 Further work is required to identify the extent to which mitigation could be reduced without compromising essential mitigation for other habitats and species and to develop an amended Environmental Masterplan to incorporate any potential changes. Whilst there is more work to be undertaken to explore this opportunity before any request for a proposed change can be made, the Applicant wishes to bring it to the ExA's attention to provide the opportunity for the ExA to comment on consultation around this change. It should be noted that it has not been possible to show this proposed change on the plan at Appendix A of this report because there is insufficient detail currently available on what the potential changes could be. It is envisaged that proposals could be ready to consult on alongside the other changes set out in this report.

## 3 Potential for changes to affect the Environmental Statement

### 3.1 Overview

- 3.1.1 The proposed changes are unlikely to significantly affect the overall assessment and conclusions of likely significant effects presented within the ES [**APP-040 to 046, APP-048 to 056 and AS-025**]. However, further work is required to confirm this with certainty and it is possible that additional significant effects could occur. The results of this assessment work will be presented with information submitted when the Applicant makes a written material change request (step 4 in AN16) following any required consultation (step 3 in AN16).
- 3.1.2 An initial high-level review of the design amendments has been undertaken for each of the environmental aspects assessed and reported in the ES. The following section outlines the scope of further assessment work identified for each design amendment.
- 3.1.3 Should this assessment of the design changes result in a change to the environmental impacts and effects from that reported in the ES, the assessment of cumulative effects part of Chapter 15 of the ES [**APP-054**] will also be reviewed and the findings reported as appropriate.

### 3.2 Change 1. M54 Junction 1 Eastbound diverge to Featherstone

- 3.2.1 Construction and operation noise and air quality modelling and assessment will be undertaken due to the change in the centre line and distance from receptors to identify any worsening or improvements to effects as reported in the ES.
- 3.2.2 Assessments on cultural heritage, geology and soils, population and human health, road drainage and the water environment assessments are all anticipated to be unchanged as a result of this design amendment, however each will be reviewed to confirm.
- 3.2.3 Landscape and visual and biodiversity will be considered further due to reduced woodland loss.
- 3.2.4 Material Assets and Waste will be considered further due to the alteration in cut fill balance associated with the change. Climate may also require assessment dependent upon the outcome of the Air quality modelling and cut fill balance calculations.

### 3.3 Change 2. Reduce width of the link road

- 3.3.1 Construction and operation noise and air quality modelling and assessment will be undertaken as part of the modelling of other changes so that all changes are assessed cumulatively.
- 3.3.2 Cultural heritage, geology and soils, population and human health, landscape and visual assessments are all anticipated to be unchanged as a result of this design amendment however each will be reviewed to confirm.



- 3.3.3 Biodiversity will be considered further due to reduced habitat removal at Lower Pool SBI.
- 3.3.4 Road drainage and the water environment will be considered further due to alteration to the drainage and attenuation requirements during operation of the Scheme.
- 3.3.5 Material assets and waste will be considered further due to the alteration in cut fill balance associated with the change. Climate may also require assessment dependent upon the outcome of the air quality modelling and cut fill balance calculations.

### 3.4 Change 3. Amendment of vertical alignment of Link Road approach to M6 Junction 11

- 3.4.1 Construction and operation noise and air quality modelling and assessment will be undertaken due to the change in the centre line vertical alignment and distance from receptors to identify any worsening or improvements to effects as reported in the ES.
- 3.4.2 Cultural heritage, geology and soils, population and human health, road drainage and the water environment assessments are all anticipated to be unchanged as a result of this design amendment, however each will be reviewed to confirm.
- 3.4.3 Landscape and visual and biodiversity will be considered further due to reduced woodland loss, including Ancient Woodland, and decreased visibility of reduced embankment height.
- 3.4.4 Material assets and waste will be considered further due to the alteration in cut fill balance associated with the change. Climate may also require assessment dependent upon the outcome of the air quality modelling and cut fill balance calculations.

### 3.5 Change 4. M54 Junction 1 Change to Bridge Structure

- 3.5.1 Construction and operation noise and air quality modelling and assessment will be undertaken due to the change in the centre line and distance from receptors to identify any worsening or improvements to effects as reported in the ES. The revised construction proposal, involving closure of the M54 carriageway for up to three weeks, will result in re-routing of traffic to alternative routes. Traffic modelling will be undertaken to determine the impacts, in terms of traffic movements and potential noise and air quality impacts during the closure.
- 3.5.2 Cultural heritage, landscape and visual, biodiversity, geology and soils, road drainage and the water environment assessments are all anticipated to be unchanged as a result of this design amendment however each will be reviewed to confirm.
- 3.5.3 Material assets and waste will be considered further due to the alteration in cut fill balance associated with the change. Climate may also require assessment dependent upon the outcome of the air quality modelling and cut fill balance calculations.

### 3.6 Change 5. Relocation of Hilton Lane Overbridge and change to PRow

- 3.6.1 Construction and operation noise and air quality modelling and assessment will be undertaken due to the change in the centre line and distance from receptors to identify any worsening or improvements to effects as reported in the ES.
- 3.6.2 Cultural heritage, geology and soils, road drainage and the water environment assessments are all anticipated to be unchanged as a result of this design amendment, however each will be reviewed to confirm.
- 3.6.3 Landscape and visual and biodiversity will be considered further due to reduced woodland loss.
- 3.6.4 Population and human health will be considered further due to the alteration to the PRow.
- 3.6.5 Material assets and waste will be considered further due to the alteration in cut fill balance associated with the change. Climate may also require assessment dependent upon the outcome of the air quality modelling and cut fill balance calculations.

### 3.7 Change 6: Change to Alignment to Reduce the Impact on Tower House Farm

- 3.7.1 Construction and operation noise and air quality modelling and assessment will be undertaken due to the change in the centre line and distance from receptors to identify any worsening or improvements to effects as reported in the ES.
- 3.7.2 Cultural heritage, landscape and visual, biodiversity, geology and soils, road drainage and the water environment, population and human health, material assets and waste, and climate assessments are all anticipated to be unchanged as a result of this design amendment, however each will be reviewed to confirm.

### 3.8 Change 7: Potential Reduction in Land for Environmental Mitigation

- 3.8.1 A review of the Biodiversity assessment will consider recent data and review impacts, mitigation requirements and effects due to the change in species numbers found within the scheme extents.
- 3.8.2 Noise, air quality, cultural heritage, population and human health, road drainage and the water environment, material assets and waste and climate assessments are all anticipated to be unchanged as a result of this design amendment, however each will be reviewed to confirm.
- 3.8.3 Landscape and visual and geology and soils assessments will be considered further due to any proposed alterations to biodiversity mitigation design associated with the change.

## 4 Consultation

### 4.1 Introduction

- 4.1.1 The Applicant recognises that it is for the ExA to conclude whether consultation is necessary and what constitutes adequate consultation. As such, the Applicant welcomes any comments from the ExA as to the need, scale and nature of consultation and, in particular, on the adequacy of the Applicant's proposed approach to consultation as outlined below.
- 4.1.2 AN16 states that before making a written request (Step 4 of Figure 1, page 4) it is recommended that applicants consult all those persons prescribed in the PA2008 under section 42 (a) to (d) who would be affected by the proposed change (giving a minimum of 28 days).
- 4.1.3 AN16 states that: *'it is advised that if a targeted approach to the identification of those affected by the request to materially change the application is adopted then detailed justification should be provided why it is deemed unnecessary to consult all of the prescribed persons. If applicable, applicants should identify any newly prescribed persons ie those who were consulted in relation to the proposed material change but NOT in regards to the original application.'*
- 4.1.4 The advice in AN16 has been taken into account in developing the strategy below.

### 4.2 Informal Consultation

- 4.2.1 The Applicant proposes to begin early engagement with host local authorities and other relevant Interested Parties imminently to inform them of the Applicant's intention to submit a request for proposed scheme changes and seek initial views on the proposed changes. It is considered likely that local authorities and affected landowners will be the parties most interested in the changes, although early consultation with Statutory Environmental Bodies and Parish Councils is also planned in this period if it is possible to organise discussions in this time period. The main purposes of this consultation will be to incorporate landowner views into the proposals presented for formal consultation to ensure changes to address their comments would be well received and to gain early views on the proposals and proposed consultation. Given the continuing restrictions related to the Covid-19 pandemic, this engagement is likely to be by telephone and/ or e-mail rather than in person.

### 4.3 Formal Consultation

- 4.3.1 The Applicant proposes to carry out a formal consultation with local authorities, prescribed consultees and persons with an interest in land affected by the proposed changes (Section 42 (a) to (d) parties).
- 4.3.2 The Applicant also proposes to consult the public on the proposed changes, including all parties within the area that received leaflets during the statutory consultation on the Scheme. This area was agreed with host authorities as part of development of the Statement of Community Consultation so forms a good basis for consultation.

- 4.3.3 Subject to the ExA's comments, the Applicant proposes a 28-day consultation period for all parties identified above, with consultees being provided a letter outlining the proposed changes, consultation scope, dates and how to participate in the consultation. The letters will refer recipients to the Applicant's website, which will contain further information to include:
- Consultation document providing further information on the changes and their likely impact.
  - Feedback form asking questions specifically on the proposed changes.
  - Plan showing the location of the changes within the Scheme.
- 4.3.4 Given current Covid-19 restrictions, the Applicant proposes making relevant documentation available online for consultees to access, rather than placing physical documentation on deposit. However, a phone number and e-mail address will be provided for people to request hard copies if there are difficulties viewing documents online. These contact details could also be used to contact the Applicant to ask questions on the changes proposed.
- 4.3.5 The Applicant proposes to publicise the consultation in the newspapers used for the statutory consultation and Section 56 process. This includes placing notices in:
- West Midlands Express and Star: Proposed to publish notices for two consecutive weeks with the 28 consultation period starting from the date of the first notice<sup>3</sup>.
  - The Times.
  - London Gazette.

## 4.4 Consultation Report

- 4.4.1 All responses to the consultation (including those received from parties who have not been written to specifically) would be analysed and considered by the Applicant. The results of the consultation would be reported in a Consultation Statement and submitted to the ExA as part of the formal request for changes. Any alterations to the nature or number of changes proposed as a result of consultation would also be reported in the Consultation Report.

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<sup>3</sup> The Applicant notes that there is no formal requirement for notices in the paper and therefore, no requirement for notices to be placed two weeks running. However, this approach has been adopted to assist with publicity during the Covid-19 pandemic.

## 5 Indicative Programme

- 5.1.1 The Applicant is mindful of the need to bring forward any proposed changes to the Scheme as soon as possible as encouraged by AN16. Further, the Inspectorate issued a letter on 20 July 2020 that stated: *'... in light of the representations to date or any other change in circumstance, should the Applicant wish to make any amendments, whether material or not material, the ExA would ask that these are processed at this stage. This would avoid delays later in the examination process. The Applicant is particularly referred to the Planning Inspectorate's Advice note Sixteen: How to request a change which may be material. The ExA particularly asks that should there be any such requests that these should be undertaken comprehensively rather than incrementally.'*
- 5.1.2 The above statement influenced the Applicant's decision to draw the Inspectorate's attention to the potential alteration to the Environmental Masterplan (change 7), although further work is required to determine the exact nature of the change required.
- 5.1.3 As a result of the need to put any changes forward in a comprehensive manner as early as possible, the Applicant proposes to adopt the timetable set out in Figure 1. The timetable has been devised with a view to ensuring that consultation on the proposed changes can be concluded and a formal request for the proposed changes can be made to the ExA before the start of the Examination process.
- 5.1.4 The programme provided in Figure 1 is aligned to the staged process set out in AN16, with the six stages being:
- **Stage 1:** Applicant decides to request a material change to an application which has been accepted for examination and informs the ExA in writing.
  - **Stage 2:** ExA provides advice to the Applicant about the procedural implications of the proposed material change and about the need, scale and nature of consultation that the Applicant may need to undertake. **Please note** the requested timeline for the ExA's response, to allow sufficient time for the Applicant to consider your advice.
  - **Stage 3:** Applicant carries out non-statutory consultation about the proposed material change. This step may be undertaken earlier if it would save time and inform the Applicant's approach.
  - **Stage 4:** Applicant makes a written material change request asking the ExA to examine the changed application by providing the information set out in Figure 3 (on page 5 of this advice note).
  - **Stage 5:** ExA makes a Procedural Decision on whether or not to examine the changed application and how it should be examined.
  - **Stage 6:** Where the ExA has decided that the changed application can be examined, the Examination proceeds in consideration of the changed application. Where the ExA has decided that the changed application cannot be examined, the Applicant will need to decide whether to proceed with the examination on the basis of the submitted application.

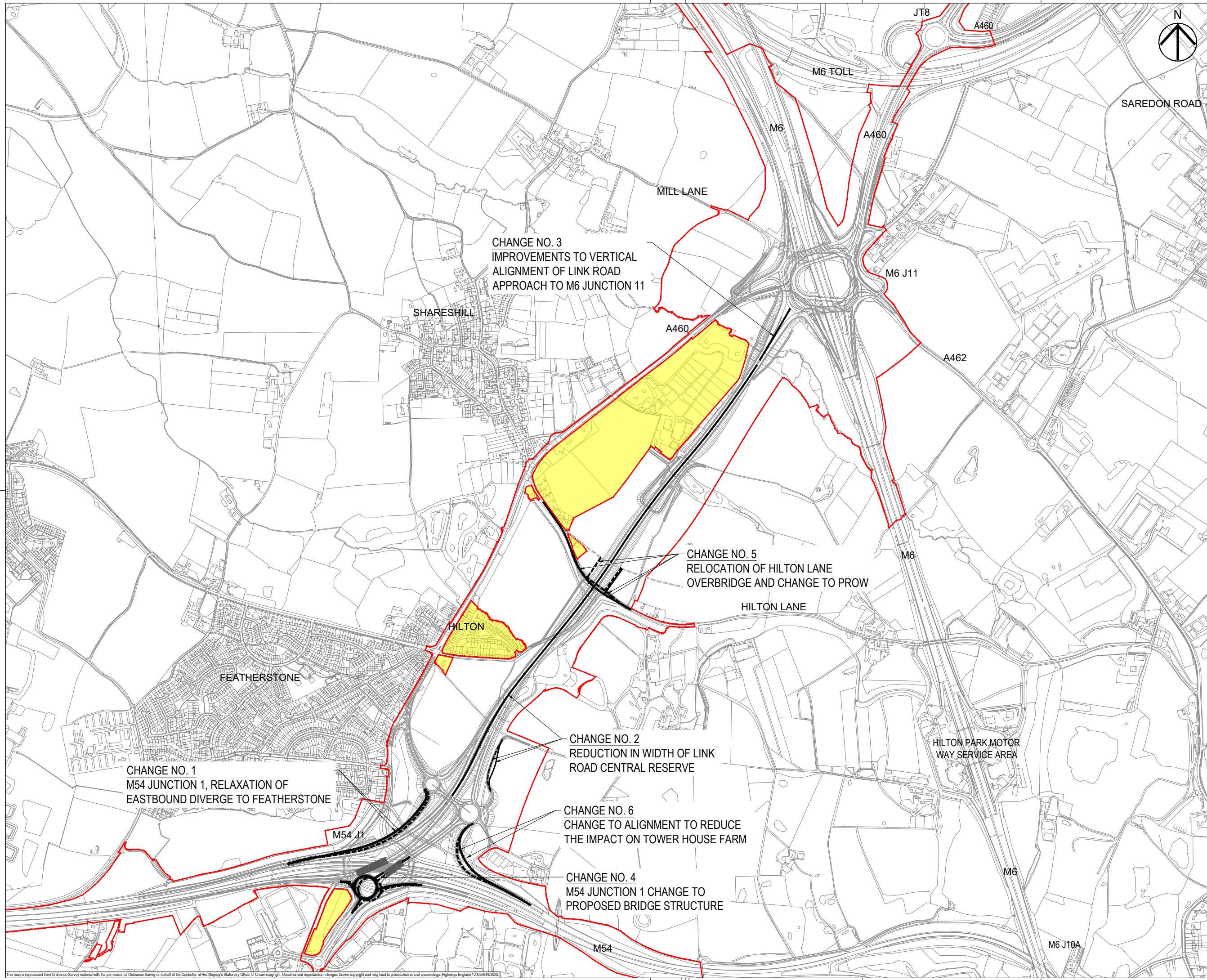
5.1.5 The timescale for stage 6 will be the same as for the overall Examination and is not included in the programme in Figure 1.

**Figure 1: Indicative programme for implementing changes to the Scheme**

Week beginning		27/07/2020	03/08/2020	10/08/2020	17/08/2020	24/08/2020	31/08/2020	07/09/2020	14/09/2020	21/09/2020	28/09/2020	05/10/2020	12/10/2020	19/10/2020	26/10/2020	02/11/2020	09/11/2020
<b>Task</b>	<b>AN16 Stage</b>																
Notification of changes to Inspectorate	1																
Inspectorate to provide views on consultation approach	2																
Informal consultation & consultation materials	N/A																
Notices in papers	N/A																
Consultation period (28d)	3																
Consultation Report	N/A																
Update DCO documents	N/A																
Formal request for changes	4																
28 day acceptance period	5																
Decision on whether to accept changes	5																

## **Appendix A: Plan of Scheme Changes**





- NOTES**
1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DOCUMENTATION.
  2. DO NOT SCALE FROM THIS DRAWING, USE ONLY PRINTED DIMENSIONS.
  3. ALL DIMENSIONS IN MILLIMETRES, ALL CHAINAGES, LEVELS AND COORDINATES ARE IN METRES UNLESS DEFINED OTHERWISE.
  4. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE PROJECT HEALTH & SAFETY FILE FOR ANY IDENTIFIED POTENTIAL RISKS.

- KEY**
- LIMITS OF LAND TO BE ACQUIRED OR USED PERMANENTLY OR TEMPORARILY (THE ORDER LIMITS)
  - LAND NOT INCLUDED WITHIN THE ORDER LIMITS
  - CURRENT DESIGN
  - PROPOSED DESIGN CHANGES
  - EXISTING PUBLIC RIGHT OF WAY

FIRST ISSUE	AM	RR	24/07/20	P01
Revision Details	By	Check	Date	Suffix

Purpose of issue  
**SUITABLE FOR INFORMATION**

Client  
Highways England  
Floor 5  
Two Colmore Square  
38 Colmore Circus  
Birmingham  
B4 6BN



Development Consent Order Number  
**TR010054**

Project Title  
**M54 to M6 Link Road**

Development Consent Order Drawing Number  
**TR010054**

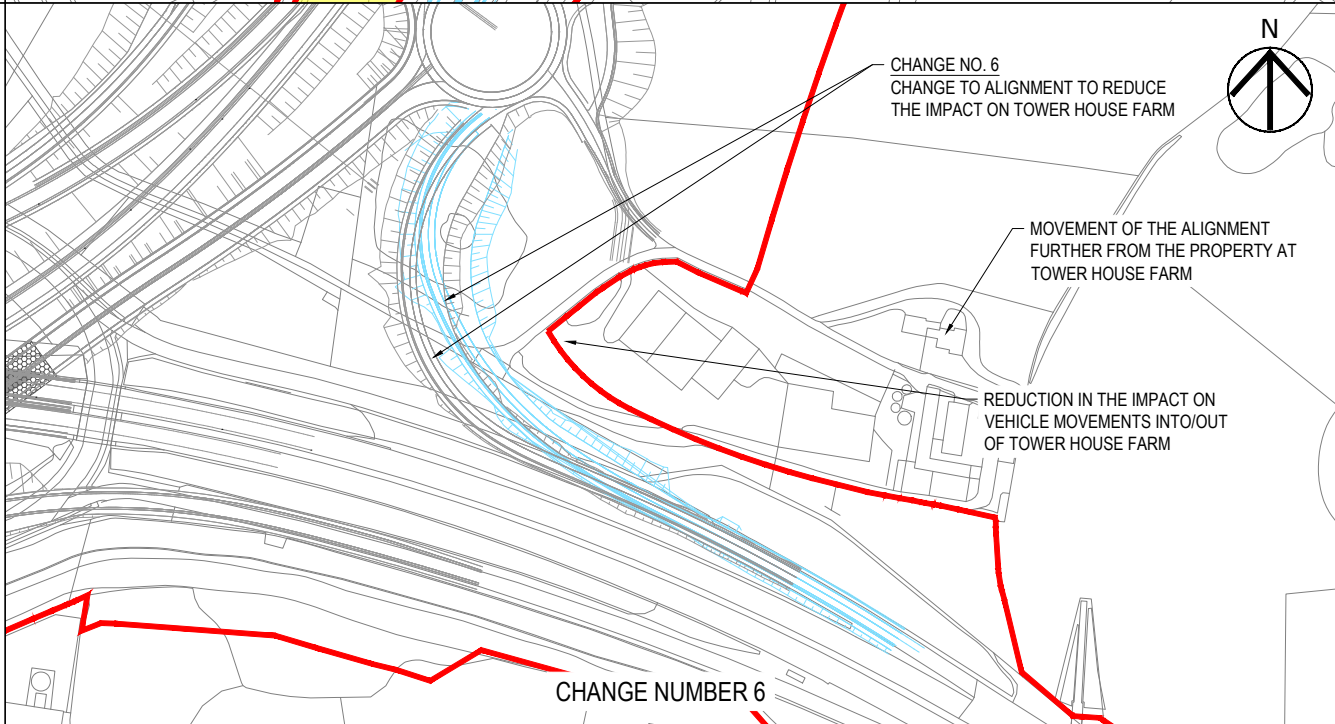
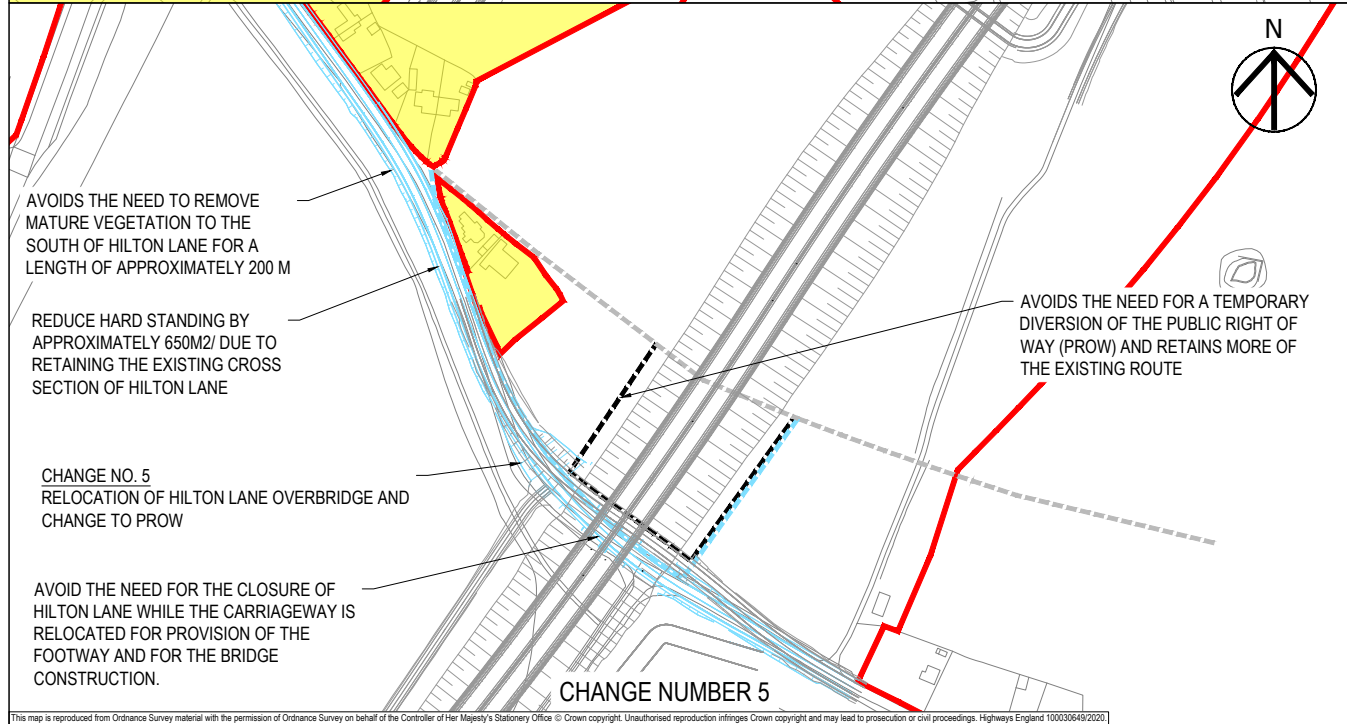
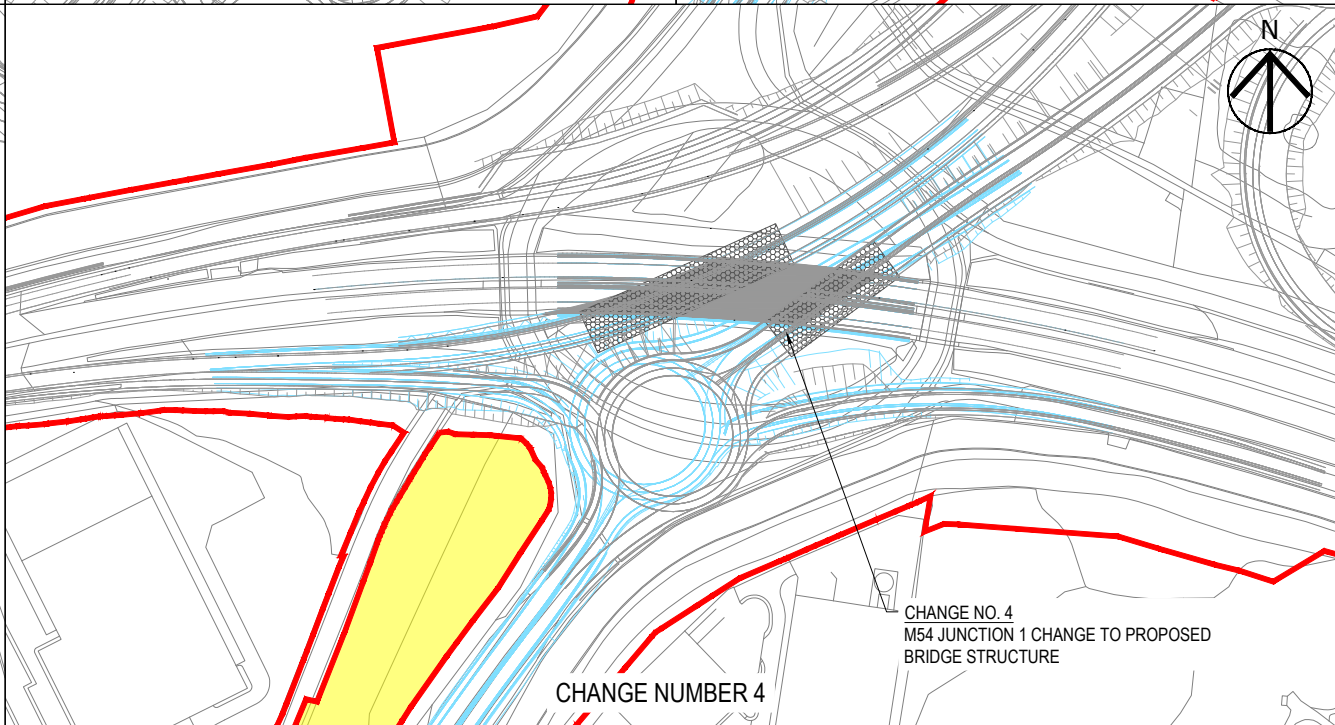
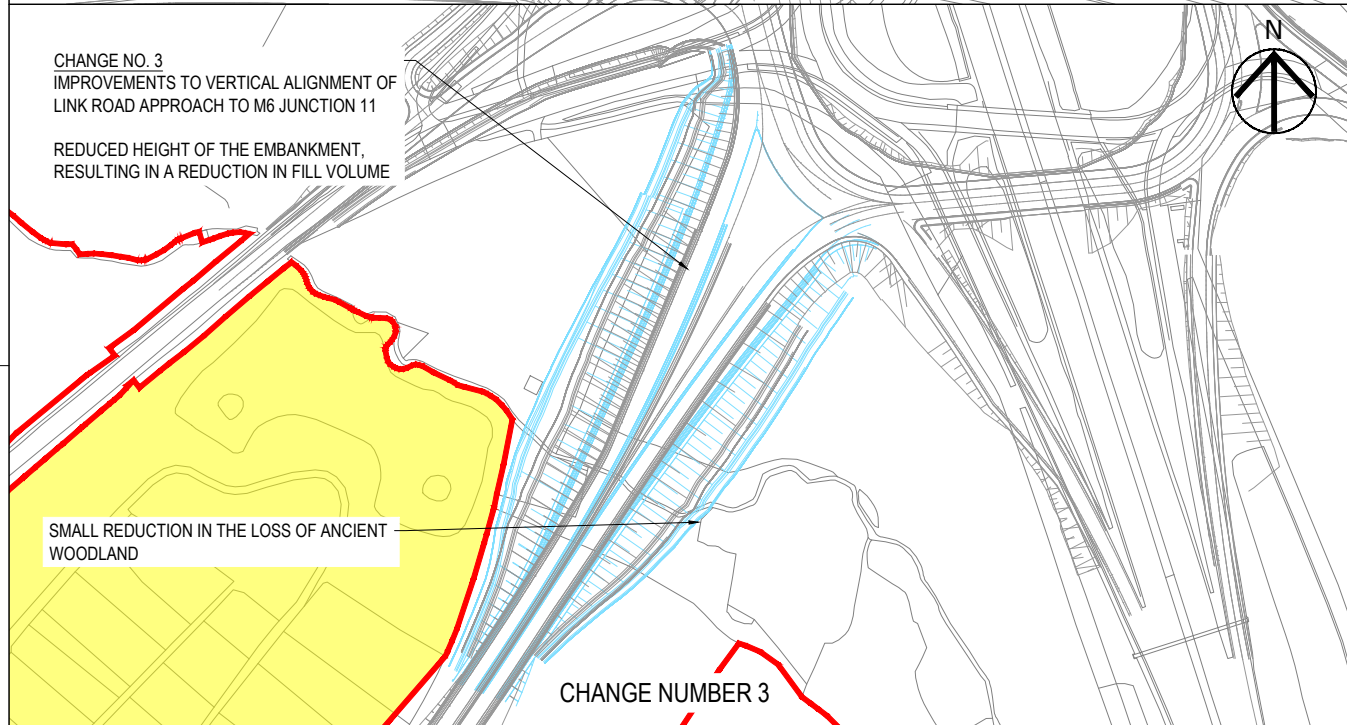
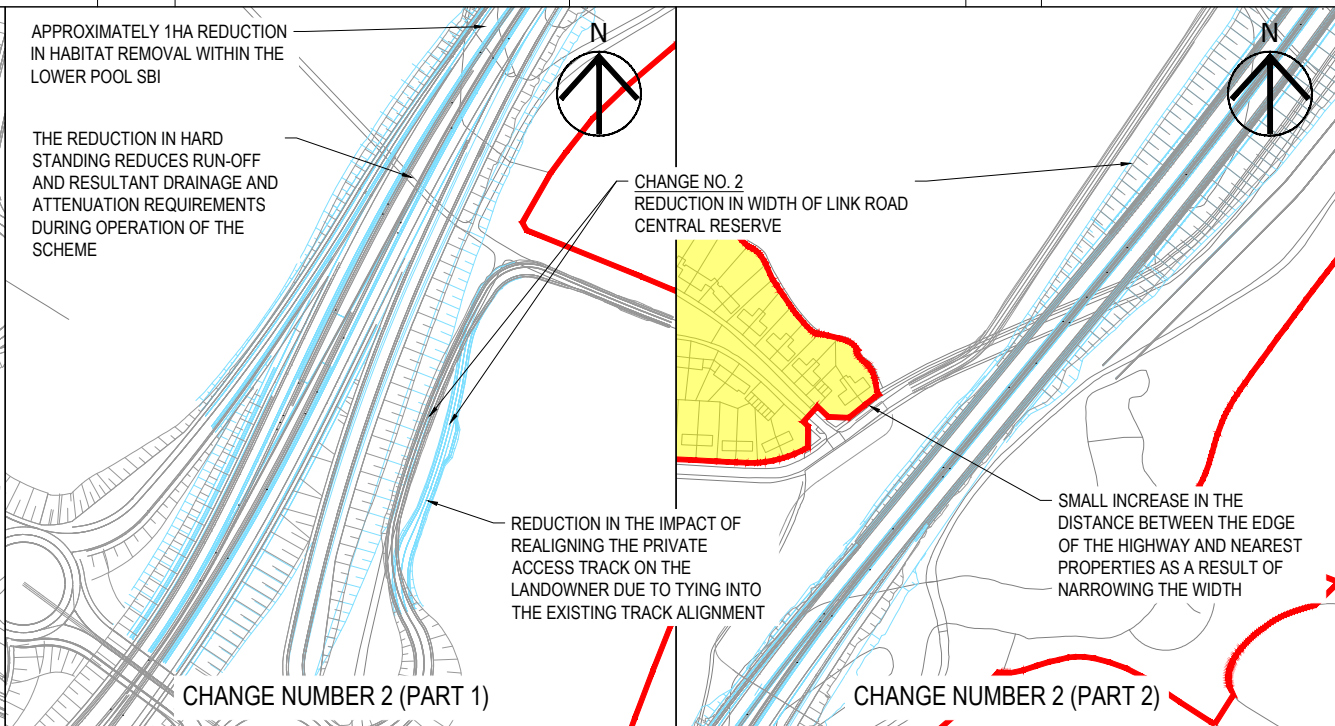
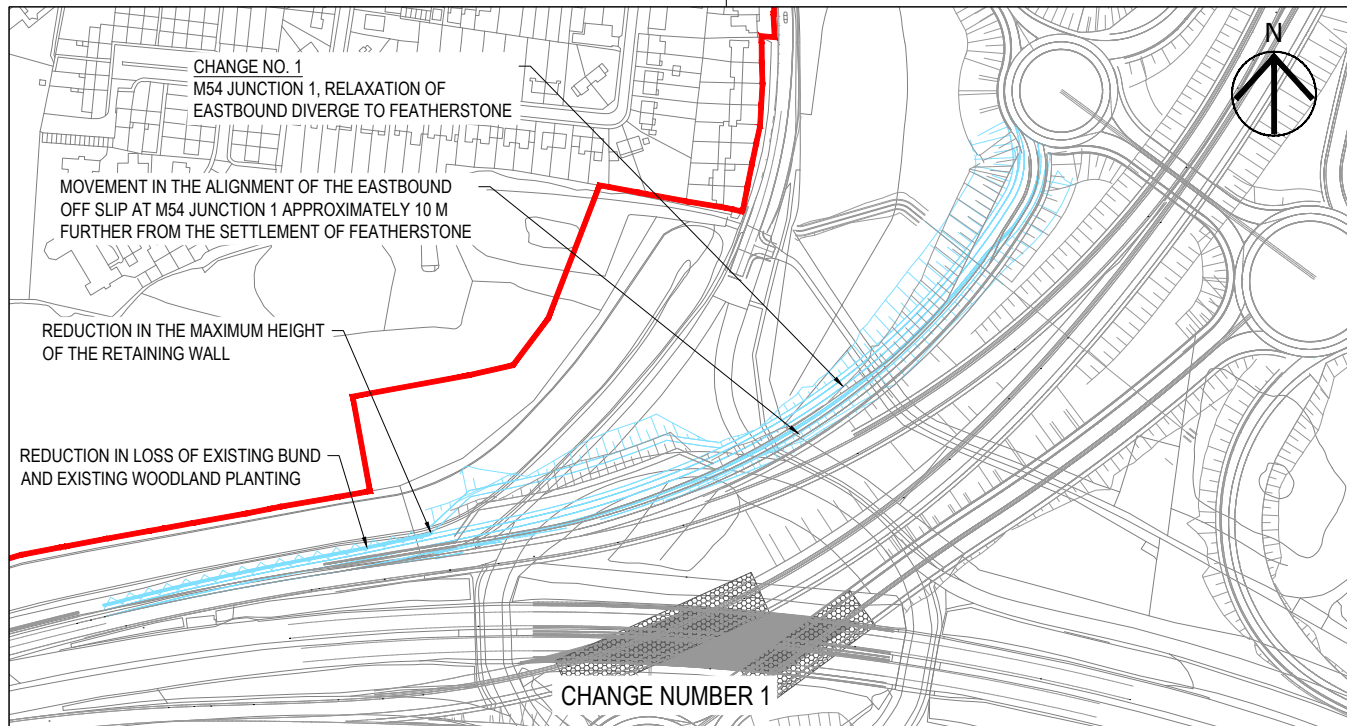
Drawing Title  
**SCHEME CHANGES DRAWING FOR THE INSPECTORATE SHEET 1**

Designed	Drawn	Checked	Approved	Date
AM	JH	RR	RR	24/07/20
Internal Project No.	Suitability			
60536736	S2			
Scale @ A1	Zone			
NTSH/NTSV	Highways General			

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HE514465	-ACM	-HGN-		P01
M54_ZZ_ZZ_Z		-DR-CH-1001		
Location	I Type	I Role	I Number	





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FIRST ISSUE	AM	RR	24/07/20	PO1
Revision Details	By	Check	Date	Suffix

Purpose of issue: **SUITABLE FOR INFORMATION**

Client: **Highways England**  
 Floor 5  
 Two Colmore Square  
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 Birmingham  
 B4 6BN

Development Consent Order Number: **TR010054**

Project Title: **M54 to M6 Link Road**

Development Consent Order Drawing Number: **TR010054**

Drawing Title: **SCHEME CHANGES DRAWING FOR THE INSPECTORATE SHEET 2**

Designed	Drawn	Checked	Approved	Date
---	AM	JH	RR	24/07/20
Internal Project No.	Subsidiary			
60536736	S2			
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1:2000H/1:2000V	Highways General			

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Drawing Number	Highways England PIN	1 Originator	1 Volume	Rev
HE514465	-ACM	-HGN-		PO1
M54_ZZ_ZZ_Z		-DR-CH-1002		
Location	1 Type	1 Role	1 Number	