



The Planning
Inspectorate

Preliminary Meeting Note

Application: M54 to M6 Link Road

Reference: TR010054

Time and date: Thursday 1 October 2020

Venue: Virtual meeting online

Please note that this meeting note is not a full transcript of the Preliminary Meeting Part 1. It is a summary of the key points discussed. Full digital recordings of the Meeting are available on the project page of the Planning Inspectorate's National Infrastructure website:

[Recording of M54 to M6 Link Road Preliminary Meeting Part 1 Thursday 1 October 2020](#)

[Recording of M54 to M6 Link Road Preliminary Meeting Part 2 Tuesday 20 October 2020](#)

1. Welcome and Introduction (Session 1; 0:00:07 to 0:21:00)

Robert Jackson (RJ) welcomed those present and introduced himself as the lead member of the Examining Authority panel (ExA) appointed on 4 June 2020 under s65 of the Planning Act 2008 (PA08) to examine the M54 to M6 Link Road application. Kenneth Stone (KS) introduced himself as the other Examining Inspector on the ExA.

RJ and KS confirmed that they had no declarable interests with this project in accordance with the Planning Inspectorate's (PINS) conflict of interest policy.

RJ introduced members of the PINS Case Team who were also present and advised that the current Case Manager Eleanor Church would be replaced following this meeting by Louise Evans.

RJ stated that this event would be held online, but that the format would remain similar to face to face Preliminary Meetings (PM) and hearings held for previous projects. RJ drew attention to Annex B of the Rule 6 Letter issued 20 August 2020 which sets out an introduction to the PM process.

RJ confirmed that the second part of this meeting would be held on 20 October 2020.

RJ set out a summary of the application and drew attention to the PINS project website where documents would be provided which would assist in the Examination.

RJ referred to the Applicant's consideration of making amendments to the proposed developments and confirmed that until the changes were submitted and accepted, the application would remain as it is currently. RJ stated that the proposed changes would be discussed later in the agenda. The agenda for the meeting was shared on-screen.

RJ explained that a full digital recording of the Preliminary Meeting (PM) would be made available on the project page of the Planning Inspectorate's National Infrastructure website shortly after the adjournment of the meeting and that comments on the recording or any other arrangements for the Examination should be submitted in writing by Procedural Deadline B (Monday 12 October 2020).

RJ asked that in order to assist others accessing the recording, attendees should introduce themselves each time before speaking, and confirmed that although it had been under consideration, live streaming would not be taking place for the PM.

KS asked the attending parties present to introduce themselves, advising that attendees would also be listening to the recording during and after the event, and that their participation was just as important as those present.

KS advised that the recordings of the meeting would form public record and referred to the General Data Protection Regulations (GDPR).

[Further info relating to the GDPR can be found in the [Planning Inspectorate's Privacy Notice](#).]

KS advised that the meeting was being recorded, and that by participating attendees would be consenting to the retention and publication of the digital recording.

KS advised attendees not to give any information that they would prefer to keep private and confidential, and outlined the procedures relating to private and confidential information forming part of attendee's representations.

During her introduction Christine Baggott (representing Allow Limited and A & I Simpkin) asked that as she had several points to make which could come under different agenda items, if her points could be dealt with under one item in order to save time and avoid repetition. KS confirmed that her representations could be made at Agenda Item 4 (Main Issues)

KS asked the attendees representing more than one client to confirm at each point which client they were speaking on behalf of.

2. Virtual Preliminary Meeting Process (Session 1; 0:21:25 to 0:26:49)

RJ set out the practical procedures for how the virtual Preliminary Meeting would be held.

RJ advised that comments on the Preliminary Meeting Part 1 must be submitted in writing following the event by the Procedural Deadline B (Monday 12 October 2020) to the project mailbox, and that all both written and oral representations provided by the deadline would be given equal consideration.

RJ stated that as an Examination is issues based if any speakers repeated points already made, they would be asked to move on to their next point, and advised that any parties who interrupted or were discourteous to others would be warned, and that costs may be issued against those who continued to disrupt the proceedings and may also be asked to be removed from the meeting.

RJ advised that the PM would be adjourned to provide a period for written submissions to summarize the points made and to comment on those made by others. RJ stated that the PM would recommence on Tuesday 20 October 2020 and advised that points should be submitted by Procedural Deadline B to allow the ExA to consider them prior to the reconvened meeting.

RJ drew attention to the recently published [PINS Advice Note 8.6 Virtual Events](#) published on the National Infrastructure website and advised attendees to familiarize themselves with it as this would be referred to going forward replacing Annex A provided in the Progress Note.

3. The ExA's remarks about the Examination process (Session 1; 0:26:54 to 0:42:03)

KS explained the process for PMs and examining applications for nationally significant infrastructure projects (NSIPs) under the Planning Act 2008 (PA2008). He referred to the more detailed information set out in Annex B to the Rule 6 Letter and encouraged participants to read it.

KS advised that there is still uncertainty about holding face to face meetings during the Examination, and that therefore the ExA had tried to retain as much flexibility as possible within the timetable.

KS set out the events likely to take place during the Examination and how these would be prepared and take place. He advised that these might be wholly or partially virtual depending on the government's Covid-19 restrictions at that time; it was also advised that these events would be kept under review as a face to face hearing may be possible later on in the Examination process.

In reference to the Open Floor Hearing 1 (OFH1) scheduled for Wednesday 21 October 2020 following PM2 (with a reserve date of Thursday 22 October), KS advised that as per the guidance under the PA2008 and the Infrastructure Planning and Procedure Rules 2010, the ExA would probe, test and assess the evidence through direct questions of the persons making oral representations, and cross questioning from other parties would only be allowed by the ExA if deemed necessary in order to ensure representations are adequately tested and that each person has had a fair chance to submit their case. KS noted that it is not normal procedure at OFHs for the ExA to permit cross questioning.

KS confirmed that as per the usual practice for face to face OFHs, each registered participant would be granted ten minutes in which to speak, however if connection was lost the ExA would grant further time to that person. KS advised that any points that could not be given in the allotted ten minutes could be submitted in writing at Deadline 1 (3 November 2020).

KS confirmed that an Unaccompanied Site Inspection (USI) has already taken place, with an accompanying note published on the National Infrastructure website, and advised that there is currently space provided in the draft timetable for an Accompanied Site Inspection (ASI) in December which would allow the ExA to view land to which there is usually no public right of access or with no clear view from nearby locations with open public access; KS gave a reminder that submissions from Interested Parties (IPs) for requests to visit any locations during an ASI are due by Deadline 1 (Wednesday November 3 2020). KS stated that in the event of an ASI not being able to take place due to Covid-19 restrictions, that another USI

may be scheduled instead so that the ExA could view the sites suggested by IPs by Deadline 1, and that there would be no participation in the Inspection on site.

KS set out the alternative various visual media methods as provided in the recently published [Advice Note 8.6 on Virtual Events](#) and confirmed that in the event that a conventional ASI could not take place, there were two alternatives available. KS invited any comments on these alternative solutions by Deadline B (Monday 12 October 2020). KS stated that if matters changed later on in the Examination process that there were also dates scheduled in March 2021 for a possible ASI.

[Further information can be found in [Advice Note 8.4](#).]

4. Main Issues for The Examination (Session 1; 0:42:06 to 0:58:08)

RJ explained that the Main Issues for the Examination as provided in Annex C of the Rule 6 Letter, which had been refined from the original Initial Assessment of Principal Issues in the Progress Note of 20 July 2020, provided a framework of issues for the Examination going forward, and did not preclude them from the removal or addition of issues at a later stage. RJ advised that the issues were being discussed at this point in the PM and that the examination of them would be discussed later.

Christine Baggott (CB) representing Allow Limited

CB stated that approximately three hectares (ha) of Allow Limited's land was proposed to be taken by the scheme works, as well as a further 8.25ha for environmental mitigation which has been reduced in the recent scheme changes proposed by HE from approximately 14.7ha of additional land for mitigation.

RJ advised CB that the proposed changes provided by the Applicant approximately six weeks prior had not yet been formally submitted as part of the scheme proposal, and that the PM was dealing with the application as it had been submitted and not as it might be changed.

CB stated that Allow Limited considered that a disproportionate area of the replacement mitigation planting is proposed to be on Allow Limited's land compared to other parts of the scheme, and that the burden placed on Allow Limited's land is disproportionate to the adverse effects arising upon it.

CB stated that Allow Limited's main concern is that the quantity of proposed woodland planting is excessive in terms of replacing those trees lost to the scheme

in the locality, and their opinion is that the assessment of woodland taken across the whole scheme has been incorrectly assessed and therefore the area required for mitigation is flawed and overstated.

CB stated that Highways England (HE)'s assertion is that approximately 50 acres of established woodland would be lost across the scheme, which requires mitigation, and that Allow Limited's cursory review of the route and aerial photography illustrates that the proposed scheme does not cut through any significant areas of woodland, but more generally across open fields.

CB stated that plans provided by the Applicant (HE) to allow, which informed the Applicant's initial mitigation requirements calculations, illustrate excessive estimates which to Allow Limited are clearly not currently woodland on the ground, and which include significant areas of mown grass, roadside verges, pavements and gorse scrub areas on motorway embankments and slip roads.

CB stated concern for the standards of mapping by HE which have recorded all areas from roadside curb to curb, which they state has given rise to considerable differences between the woodland areas lost to the scheme stated by HE and those actually on the ground. CB stated that the Applicant's figures for the area of woodland taken for the scheme is a total of 20.59ha, and that following Allow Limited's own mapping exercise it is their assessment that a figure of approximately 14ha is a more accurate assessment of the woodland present on the ground.

RJ advised CB to focus on the main issues as had been set out, and not to focus on merits at this point. CB confirmed that she agreed that the list of Main Issues is appropriate for the analysis of the DCO, but was concerned that the evidence put forward by the Applicant in relation to these issues is flawed and that consequently IPs may not be fairly treated in this process. RJ responded that this point would be for the evidence that would be considered as part of the Examination. CB requested to reserve the right to raise this point in relation to the Examination Timetable which was agreed by RJ.

Nigel Billingsley representing Messrs Nigel and Paul Simkin, Mr B Jones and Mrs V Jones, Mrs Elizabeth Whitehouse and Mrs Stella Arblaster (NB)

NB confirmed he had two issues to raise on behalf of his clients concerning Biodiversity, Ecology and Natural Environment; firstly NB stated that they found it difficult to understand how HE could progress on these points over the next couple of months when there were still ongoing changes to the project, and in particular did not understand how HE could inform their position in the absence of facts and information, given that HE are currently still looking to undertake access to the land for surveys, some of which were not due to take place until September 2021. NB

stated that they also had concerns that some information put forward around this is not necessarily correct and does not look discreet/discrete(?).

NB made his second point which is that due to their size, large documents on the project website such as the Environmental Master Plan were not easy to download or view in conventional software particularly for people such as his clients who were accessing the information as private individuals as opposed to businesses who may have access to a wider range of software.

RJ responded that the ExA had requested the Applicant to provide lower resolution versions of the drawings which would hopefully assist with this issue. RJ also advised NB to contact the Applicant outside of the PM for further assistance on this matter.

Toni Weston on behalf of the Applicant (TW)

TW stated that HE is content that processes they've adopted in considering ecology and biodiversity issues as part of the application have been soundly and robustly carried out in accordance with all industry standards and practices, and have at each stage of the processes been informed by a dialogue with Natural England and other key stakeholders.

In response to the issue raised by CB concerning woodland loss, TW stated that HE is aware of Allow Limited's concerns and met with them on 24 September. Allow Limited shared their assessment with HE on 23 and 29 September of where HE's calculations on woodland loss are incorrect; TW confirmed that HE is currently considering that information and hopes to resolve those points in due course.

In response to the issue raised by NB concerning low resolution documents, TW confirmed that HE had previously indicated to Interested Parties that printed documents and USB sticks can be provided on request if required, and that any person experiencing issues with accessing documents should contact HE for assistance.

Regarding NB's concern regarding surveys undertaken, TW asked RJ if they should respond to this now or at another point. RJ confirmed that it would be better if this was addressed when discussing the draft timetable, due to the implications that this may have on it.

RJ advised that any new questions concerning the Main Issues should be submitted in writing by no later than Procedural Deadline B (Monday 12 October).

5. Draft Examination Timetable (Session 2; 0:01:33 – 0:25:38)

Before commencing Item 5 on the agenda, RJ announced that PINS IT department had reported an issue with Teams affecting overall performance, and that in the event of the recording being affected a transcript could be published.

KS shared the draft Examination Timetable from Annex D of the Rule 6 letter on screen and confirmed that this Item would deal with the overall structure of the draft timetable.

Caroline Baggott on behalf of Allow Limited and I & A Simkin (CB)

CB stated that her views on behalf of her clients at Agenda Item 4 concerning environmental mitigation were linked to the proposed timetable and that HE's application had not been adequately justified. CB stated that surveys had still not been undertaken, and that the development consent order (DCO) should be postponed until fair and accurate information to justify HE's compulsory purchase of their land could be provided to the IPs with time allowed for their consultants to review the information provided.

KS gave a reminder that the PM dealt with procedural issues, not the merits of the proposed development. KS stated that if HE had not provided sufficient evidence to arrive at their conclusions this would be dealt with in the Examination and was not a timetable issue.

KS asked CB what would be an appropriate amount of time to allow for a response once the information required from HE had been provided. CB responded that it could take weeks for consultants to provide a technical review of the information, and an issue was that they did not know when the information would be provided by HE. CB stated that Allow Limited's concerns regarding woodland mitigation and lack of survey results had been provided to HE but that a meeting to discuss these issues had only just taken place during the previous week.

Nigel Billingsley on behalf of Messrs Nigel and Paul Simkin, Mr B Jones and Mrs V Jones, Mrs Elizabeth Whitehouse and Mrs Stella Arblaster (NB)

NB stated that their concern on behalf of their clients is that the timetable does not give enough time for a proper review of the biodiversity, ecology and natural environment information, and that as surveys were still to take place over the next 12 months, that the timetable should either be extended or the scheme should be postponed to allow for IPs to consider all data once it had been collated by the acquiring authority. NB also stated that they did not feel that there was enough

time or data provided for them to properly represent their clients at the Issue Specific Hearings (ISH).

Toni Weston on behalf of the Applicant (TW)

TW stated that in response to the issues raised concerning biodiversity and ecology information, and the assessment work carried out the Applicant, that they were content both with the approaches taken to these issues and that these could be dealt with within the Examination Timetable as prepared.

In response to the issues raised concerning results of surveys not being available to allow for sufficient time to respond during the Examination, TW stated that all surveys needed to inform the examination of the DCO application have been completed, most of which were undertaken last year. TW stated that surveys still to be carried out are to inform the delivery of the scheme effectively and are not required to inform the Examination. Further survey work undertaken at the beginning of this year on great crested newts which has informed the Applicant's design changes which will be made available at the end of the following week along with the Applicant's application for design changes. TW summarized that there will no further survey work over and above that which was made available at the end of the previous week and did not see the further surveys still to be carried out as having an impact on the Examination Timetable going forward.

In response to CB's concerns regarding woodland information, TW stated that Allow Limited had provided further information on their assessment of the woodland calculations within the previous fortnight and was currently being considered. TW confirmed that the Applicant's response would be provided by Deadline 1 or sooner if possible.

In response to concerns that the Applicant hasn't communicated or shared information promptly, TW stated that HE has had extensive engagement with stakeholders throughout the Pre-Examination period and have made their information available and responses as soon as possible. TW stated that HE is in the process of reviewing and collating the results of the great crested newt survey, and these would be made available the following week.

KS stated that any further comments on this matter should be submitted by Procedural Deadline B (12 October 2020), so that the ExA could address their conclusions in PM Part 2 and the Rule 8 letter where the Examination Timetable would be set out.

6. Deadline for submissions and notifications (Session 2; 0:25:40 to 0:35:32)

KS stated that Statements of Common Ground (SoCGs) were included within this item, and noted that the list set out in Annex F of the Rule 6 letter omitted the last page which had previously been included in the Progress Note issued 20 July 2020; a Procedural Decision had been issued 28 August 2020 confirming that the full list as set out in the Progress Note was required.

Christine Baggott on behalf of Allow Limited and I & A Simkin (CB)

On behalf of both her clients CB stated that in reference to the unresolved issues already raised by her during this meeting, her concern was that there were too many unresolved issues and the scheme proposals were unclear, and therefore to impose deadlines at this stage for providing written representations to the ExA could lead to unfair treatment of the IPs.

KS advised again that once Examination started CB could question the merits of the case.

Nigel Billingsley on behalf of Messrs Nigel and Paul Simkin, Mr B Jones and Mrs V Jones, Mrs Elizabeth Whitehouse and Mrs Stella Arblaster (NB)

On behalf of Mr and Mrs Jones, NB stated that they were concerned to receive a SoCG in August as they understood that others may have received one earlier.

NB's colleagues attended a site visit on behalf of all his clients with the Applicant's representatives yesterday, to which HE were expected to attend but did not, where it was suggested that further SoCG documentation was being put forward in three weeks' time; NB stated that this would put pressure on timescales for responses.

Toni Weston on behalf of the Applicant (TW)

TW stated that as SoCGs are a record of the common ground reached as well as the areas of dispute, that they were only submitted to parties once discussions had reached a point where sufficient progress had been made and issues were clear with a view to documenting the position, and that there was no priority assigned to any particular stakeholder or landowner. TW stated that it was correct that not all stakeholders or landowners had received SoCGs at the same time or to date, as

active dialogue was still ongoing and therefore it would not be appropriate to send SoCG at that time.

KS confirmed that the purpose of the SoCGs to highlight areas of dispute as well as common ground is helpful as part of the Examination process to assist the ExA's understanding of the issues, and that it would be helpful if SoCGs could be provided as quickly possible, although it is understood that SoCGs are living documents that can be updated as matters progress.

7. Dates and format for Open Floor Hearing (OFH), Compulsory Acquisition Hearing (CAH), Issue Specific Hearing (ISH) and for Accompanied Site Inspections (ASI), if held (Session 2; 0:35:35 to 0:44:54)

KS reiterated his points made at Agenda Item 3 concerning arrangements for events during Examination, stating that decisions concerning hearings and site inspections would be kept under review until if the government's current Covid-19 restrictions are relaxed, but at this point all hearings would be held virtually as included in the current draft timetable. KS confirmed that if the format of the scheduled events was to change, that as much notice as possible would be given, and advised that the project website should be monitored.

KS stated that a USI had already taken place, and another site inspection was scheduled in the draft timetable, which could take place either virtually (as set out in [Advice Note 8.6 Virtual Events](#)) or as another USI.

Christine Baggott on behalf of Allow Limited and I & A Simkin (CB)

CB stated that there were concerns about the considerable time pressure on parties being able to meet the requirements of the deadlines as set out in the timetable, particularly in the absence of sufficient information in relation to the scheme from the Applicant.

KS asked if there were any particular deadlines that caused concern and any suggestions as to how this could be alleviated, or if the concern was related to the matters already raised by her previously.

CB confirmed that the concerns followed her points raised at previous points during this meeting but were specifically related to the ISHs, and that a full knowledge and understanding of the proposal and supporting data was needed from the Applicant

so that they could gain technical advice from their own consultants on specific issues in order for them to be adequately represented at the ISHs.

CB stated that they were concerned that this may not be achievable in the current draft timetable, and that although the Applicant had stated that results of the great crested newt surveys would be available next week, that they had experienced delays of information being provided to them when requested. CB stated that this information had originally been requested during Spring of this year.

CB also stated that it was difficult to see how they could adequately represent themselves at a CAH when they still did not know when the Applicant would respond to them concerning the unresolved issues regarding land to be compulsorily acquired as already raised by her previously during this meeting.

Nigel Billingsley on behalf of Messrs Nigel and Paul Simkin, Mr B Jones and Mrs V Jones, Mrs Elizabeth Whitehouse and Mrs Stella Arblaster (NB)

NB confirmed that comments already made by him on behalf of all his clients at Agenda Items 5 and 6 would stand for Agenda Item 7.

Toni Weston on behalf of the Applicant (TW)

TW stated that the Applicant are content with the proposed hearing dates in the draft timetable

In response to the points made by CB, TW stated that the proposed design changes including information on the great crested newt surveys were due to be submitted imminently. Based on the timetable given earlier by CB of four to six weeks to allow enough time to respond, this would give sufficient time to respond before the hearings in December.

In relation to site inspections, TW stated that it would be helpful if any assistance was needed from HE in organising the event if they could be informed as soon as possible.

TW requested that the Applicant was made aware of any changes to the hearing dates or format as early as possible in order that newspaper notices were issued on time and also to ensure their compliance with statutory timescales.

KS stated that any further comments on these matters should be submitted by Procedural Deadline B (12 October 2020), as well as any comments or thoughts on the alternatives proposed to the ASI.

8. Latest position as regards the Applicant's proposed changes to the application, related procedural matters and/or timetable provisions

(Session 2; 0:44:59 to 0:54:53)

In relation to the proposed changes as mentioned by TW, RJ stated that if a change request was formally made then it would follow the procedures set out in the relevant Regulations, and use the Planning Inspectorate's [Advice Note 16 How to request a change that may be material](#) as the basis for consideration of the matter.

RJ set out the two changes that made be made to an application, material and non-material, highlighting that material changes were more significant than non-material, and a non-material change had already been accepted into the Examination for this project. RJ stated that they were aware of seven more potential changes, and these would be submitted for consideration as to whether they would be accepted in early October.

RJ asked TW to confirm current position on submission of design changes

TW confirmed that application for design changes would be submitted to PINS at the end of the following week and would contain all the information necessary for the ExA to consider those changes and whether to accept them into the Examination.

TW stated that although there had been a small consultation which had resulted in some tweaks and refinement as the Applicant has had regards to the responses received, the seven changes were the same as had been previously put forward to the ExA.

RJ stated that IPs were not expected to the comment on the changes at this time, as they would not become part of the Proposed Development unless they were accepted.

RJ stated that if and once the changes had been submitted, the ExA would need to consider whether the proposed changes, whether individually or cumulatively, are acceptable within the application and whether they would represent material or a non-material changes, and that if the changes were accepted, the Examination would proceed on the basis of the application as amended.

RJ confirmed that following the close of the PM (20 October 2020), the Rule 8 letter would be issued which would include the final Examination Timetable, however due to the timing given for the proposed change, it would be unlikely that these changes could be incorporated into the Examination Timetable within the Rule 8

letter; therefore if the changes were to be accepted, a Procedural Decision may be issued in order to amend the timetable.

RJ asked TW if the Applicant had any comments on the possible change to the timetable.

TW stated that they did not have any comments at this time, and that they believed there would be sufficient time in the timetable once the changes had been submitted.

Christine Baggott on behalf of Allow Limited (CB)

Following on from TW's comments, CB enquired as to when the information on proposed changes would be made available to them.

CB stated that they had reviewed the information concerning the most recently proposed changes made available a few weeks ago, and she had raised concerns to HE who were still reviewing their response. CB's concerns are related to the exact areas to be taken for the scheme, as the proposals showed significant changes to her client's land which they had not been forewarned of, such as increase to woodland felled on her the land, as well as the accompanying rationale being unclear and contradictory.

CB respectfully requested that adequate time could be allowed for both her clients and HE to understand, and explain their own plans and proposals to IPs, and provide sufficient time for responses to be made to the ExA.

Nigel Billingsley on behalf of Messrs Nigel and Paul Simkin, Mr B Jones and Mrs V Jones, Mrs Elizabeth Whitehouse and Mrs Stella Arblaster (NB)

NB confirmed that they would consider the new changes once they had been submitted, and also stated that there were not any substantial changes to their client's land set out in the recently submitted changes, despite the proposals and representations put forward by them; this would be raised at a later point.

TW clarified in response to CB that the application for the design changes would be made next week and would include the seven changes as were outlined to the ExA previously. In response to Allow Limited's comments on the woodland calculations, TW stated that a response would be given at Deadline 1, and the woodland calculations would not make an impact on the design changes which would be submitted the following week.

9. Any remaining questions or submissions regarding procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate in advance of the Preliminary Meeting (Session 2; 0:54:57 to 0:55:39)

RJ stated that they had not been advised of any requests to speak on this agenda item prior to the meeting, and asked in light of the discussions held that day, if there was anything anybody else in attendance at the PM Part 1 wished to ask or say on procedural matters relating to the Examination, to which there were no responses. RJ also confirmed that any comments or questions relating to matters discussed during the PM Part 1 could be submitted in writing by no later than Procedural Deadline B (Monday 12 October 2020).

10. Any other matters (Session 2; 0:55:41 to 0:58:36)

RJ and KS confirmed that the ExA did not have any other matters to raise.

Nigel Billingsley on behalf of Messrs Nigel and Paul Simkin, Mr B Jones and Mrs V Jones, Mrs Elizabeth Whitehouse and Mrs Stella Arblaster (NB)

NB stated that all of his clients felt that the consultation held had not been as consultative as it might have been, and they felt that their views haven't particularly been listened to by HE. NB stated that this would be picked up further along into the inquiry, but that his clients had requested this to be raised by him today.

RJ confirmed that this point had been noted and asked if the Applicant wished to respond. TW stated that they had no further points.

RJ stated that any further points or responses on matters discussed should be submitted in writing by Procedural Deadline B (Monday 12 October 2020), and that the ExA would consider these prior to the resumption of the PM (Tuesday 20 October 2020) where they would be addressed if necessary.

The PM was adjourned.



The Planning
Inspectorate

Note of the resumed Preliminary Meeting

Application: M54 to M6 Link Road

Reference: TR010054

Time and date: 10:00am on Tuesday 20 October 2020

Venue: Virtual meeting online

Please note that this meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed. Full digital recordings of the Meeting are available on the project page of the Planning Inspectorate's National Infrastructure website, which is:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m54-to-m6-link-road/?ipcsection=overview>

1. Resumption of the Preliminary Meeting and Welcome (00:40 to 14:40)

RJ reintroduced himself as the lead member of the ExA. KS reintroduced himself as the other member of the ExA.

RJ gave a brief summary of the proposed development and stated that information about the application and documents produced for this Examination were on the project page of the Planning Inspectorate's National Infrastructure website.

RJ clarified that the Proposed Changes documents that were published on 16 October 2020 state that they have been "Accepted at the discretion of the Examining Authority". This acceptance is for consideration as part of the application, not that they have been accepted into the Examination.

RJ stated that although he would not normally expect comments on the timetable or process for the Examination following the closure of the Preliminary Meeting, if anyone had any comments on this meeting or was unable to make comments at the PM Part 2 due to connectivity issues, these could be submitted as part of their Written Representations, which are due at Deadline 1 (3 November 2020).

KS reminded parties that it is important that anyone wishing to attend future Examination events registers by the stated deadline in the timetable, otherwise they may not be able to be accommodated. As recordings of the events are subsequently published online, they would also be able to view the event at a later date.

KS reminded attendees that the recordings of the meeting would form public record and referred to the General Data Protection Regulations (GDPR).

[Further information relating to the GDPR can be found in the [Planning Inspectorate's Privacy Notice](#)]

KS introduced the other attendees and confirmed the agenda items they wished to speak on.

Responses to Information Submitted (14:40 – 26:20)

RJ advised that [three written responses](#) to matters discussed at the first part of this Preliminary Meeting had been received for Procedural Decision B, and that these had been published on the website (Councillor Bob Cope, Nurton Developments (Hilton) Ltd, and the National Trust).

RJ stated that the response from the National Trust relates to arrangements for the Site Inspection and reminded attendees that the situation on possible further Site Inspections remains fluid due to the ongoing Covid-19 pandemic situation.

RJ confirmed that the Inspectorate's recently published Advice Note on Virtual Events (Advice Note 8.6) would be taken into account in their decision concerning any possible future site inspections.

Councillor Cope (Cllr Cope)

Cllr Cope made a comment on behalf of Cllr Dawes, who was unable to attend, on the lack of tree planting to mitigate the visual impacts to the residents of Dark Lane.

RJ stated that this had been noted and would be a matter for the Examination, once it had started.

Cllr Cope raised a point regarding the lack of a direct cycle path once Junction 1 of the M54 had been removed. It was reported that this is used by local residents for recreation and commuting to and from work, with the potential for further employment facilities in the area in future, particularly to the south of Junction 1.

RJ advised Cllr Cope that these comments should be included in his Written Representation for Deadline 1 (3 November 2020) and could be considered as both social-economic effects and for traffic and transport.

Chris Lambart (CL)

Chris Lambart (CL) of the National Trust sought confirmation on the need of the ExA to visit Moseley Old Hall and advised that, due to COVID-19, access was restricted and that an accompanied site inspection would be required.

RJ explained that the ExA had briefly visited the exterior of the building and that it was for the National Trust to consider if it thought it was important for the ExA to view a location from within the building.

CL stated that Mr Whitgreave's Study was a particularly significant room that faces in the direction of the scheme, that he would like the ExA to visit.

RJ stated that it was unclear if the ExA would be able to undertake site inspections in early December 2020, but that National Trust should begin to make arrangements for that contingency.

KS agreed and clarified that the visit would be considered as an access required visit, as opposed to an accompanied site inspection.

RJ stated that a reserve date in March 2021 had been included in the timetable for a site inspection if the December 2020 date was unviable and that the timetable could be altered to provide a site inspection in early 2021, as circumstances dictate.

RJ thanked the parties for the comment and stated that the ExA's current intentions would be provide in the Rule 8 letter.

Applicant's Proposed Changes to the Application (26:20 – 40:40)

RJ confirmed that the [proposed changes were submitted last Friday, 9 October 2020](#).

RJ proclaimed that currently none of the proposed changes have been accepted into the Examination and that they were being considered by the ExA, particularly in the light of the relevant Government Guidance as set out in paragraphs 109 to 115 of DCLG Guidance '[Planning Act 2008: Examination of Applications for Development Consent](#)' and the [Planning Inspectorate's Advice Note 16](#).

RJ stated that the ExA has 28 days from when the Proposed Change was submitted in which to decide whether to accept them, and that a decision would be made on or before Friday 6 November 2020. RJ confirmed that unless the Proposed Changes were accepted into the Examination, all representations should be based on the application as it is currently.

RJ confirmed that if the ExA made a procedural decision to accept the Proposed Changes, then time for comments and representations on these would be provided and the ExA may need to amend the timetable to take that into account. RJ advised that the timetable submitted as part of the Rule 8 Letter which would be published shortly after the close of the PM would not include any provision for this, and if changes were required these would be communicated as soon as possible via the Inspectorate's project website.

RJ confirmed that the ExA may need to issue written questions to the Applicant for clarification on the proposed changes, in addition to the questions asked at the PM.

RJ asked the Applicant to clarify whether the changes in their documents submitted Friday 9 October related solely to the Proposed Changes identified, or if they included any other matters.

Toni Weston (TW) confirmed that in addition to the seven proposed changes for which consent has been sought, other minor changes had been identified and included within the documents.

Alison Leeder (AL) stated that document 8.5 contains a table describing the changes to the documents, and that some of these changes were in response to the ExA's written questions and relevant representations.

AL stated that if the proposed changes were not accepted, then some of these documents would need to be resubmitted to reflect this new information but without reference to the proposed change request.

RJ asked the Applicant to confirm what their approach would be if the Proposed Changes were included into the Examination after Deadline 1 (3 November 2020), and how the changes, particularly in reference to the tracked changes documents, were likely to be presented.

AL explained that there would be two parallel sets of documents that had been prepared until a decision had been made on accepting the request for a proposed change; one on the basis of the application as it is currently being examined, and another where the information would change as a result of the proposed change request being accepted.

AL confirmed that if the change request documents of 9 October were accepted by the ExA, these would supersede the previous versions.

RJ asked how this might affect the draft DCO and associated documents in response to written questions that hadn't been answered to date.

TW answered that if the changes were accepted, any updates that came out of the Written Questions would be included in their documents and submitted at the next deadline.

RJ asked the Applicant to confirm the ExA's understanding in relation to Compulsory Acquisition and Temporary Possession for the proposed change; firstly, that no additional land had been included within the 'red line' of the Application site; secondly, that there is now some land where Compulsory Acquisition was currently sought, but if the Proposed Changes were accepted the Applicant would only be seeking Temporary Possession or the imposition of rights, and; thirdly, that for land that currently sought for Temporary Possession or the imposition of rights, that the Applicant was not seeking any additional rights.

TW confirmed that the ExA's understandings were correct.

Christine Baggott on behalf of Allow Ltd (CB). 35:30 – 38:35

CB stated that they had raised a number of queries with the Applicant via email and virtual meetings in September, specifically requesting explanation of the proposed scheme changes to the application and the accompanying consultation documents.

CB stated that the documents and plans provided by the Applicant for interested parties to comment upon in the consultation were unclear and contradictory, and therefore were not appropriate documents for IPs to reasonably assess the implications of the proposed scheme.

In relation to the further change request documents submitted to the Inspectorate on 9 October 2020 CB stated that it was their belief that the consultation period should not have proceeded without those recent submissions which contained further important data, specifically the great crested Newt survey results and amendments to the application documents that were put out for consultation.

CB stated that upon reviewing the formal request for the Applicant's proposed scheme changes as submitted to the Inspectorate, they had learned the answers to a number of the queries they had put to the Applicant, however, they had not received any direct communication informing them of these explanations.

CB confirmed that they were still awaiting an updated Statement of Common Ground from the applicant, which was due to be submitted by Deadline 1 (3 November 2020).

CB stated their concern that if the development consent order (DCO) timetable were to continue without sufficient clarity of information regarding the scheme, and survey results being made available to IPs in sufficient time for them to review and consider the proposals, they may be unfairly treated and have their land interests compromised.

CB requested that the information required should be made available to her clients by the Applicant within the next two weeks, and that they would then request an extension of two months to the current proposed timetable.

RJ advised that the timetable that would be issued shortly would be based on the scheme without any changes, and confirmed that the ExA would reflect on the comments and consider, should the changes be accepted, the need to amend the Examination timetable.

TW stated that they were aware of the comments regarding consultation for the change request as well as the request for further information. TW confirmed that the Applicant has been in discussion with CB and had shared a draft SoCG in April 2020, on which no comment had yet been received. TW confirmed that a revised SoCG is being prepared.

Procedural Decisions (40:40 – 41:10)

RJ confirmed that the ExA did not have any procedural decisions to make at this time.

There were no comments from any party present.

Any other matters (41:15 – 43:00)

There were no comments from any party present.

RJ thanked all parties for their participation and confirmed that the examination period would start on the following day, Wednesday 21 October 2020, and must conclude by Tuesday 20 April 2021.

RJ confirmed that a written note of the Preliminary Meeting (Parts 1 & 2) would be published, along with the Rule 8 letter which would set out the confirmed Examination Timetable, as well as details of any procedural decisions made, notice and details of hearings, as well as information about the availability of representations and application documents.

RJ stated that the first hearing would be the Open Floor Hearing which will take place on-line at 10.00am Wednesday 21 October. with the Arrangements Conference starting from 09:30am.

RJ closed the Preliminary Meeting.