



**Application By** : **Highways England for M54 to M6 Link Road**

**Responses** : **South Staffordshire Water plc (SSW)**

**SSW's Reference** : **20025357**

**Responses on behalf of South Staffordshire Water plc to extracted questions from the Examining Authority's written questions and requests for information (ExQ1) - Issued on 20 July 2020**

M54 to M6 Link Road - Development Consent Order

Extracted questions from the Examining Authority's written questions and requests for information (ExQ1) - Issued on 20 July 2020

| EXQ1    | Question to:  | Question:  | Answer by SHMA  |
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| 1.5.19. | The Applicant<br>Statutory Undertakers<br>SCC<br>ShC<br>WCC | <b>Article 23(6)</b><br>This provision allows the undertaker to create right for third parties. However, this appears to be very widely drawn and does not specify which third parties and thus could apply to any legal person. Could the parties consider whether this should be more tightly drawn to specify a limit and/or purpose for those third parties? | Perhaps it should be limited to a third party who needs a right to gain access to their properties, or for other utility companies, however any such right is subject to provisions which protect the assets belonging to the utility companies   |
| 1.5.25. | The Applicant<br>Statutory Undertakers                      | <b>Article 37</b><br>There appears to be a possible difference between the dDCO and the EM. The dDCO states that section 264(3) refers to cases in which land is to be treated as not being operational land for the purposes of that Act. However, the EM suggests that the land within the order limits is operational land. Can this be clarified.            | I think that this is more of a matter of interpretation of S264, however is the EM saying that as the land is treated as "operational land of a statutory undertaker" that the person responsible will benefit from permitted development rights, whereas the DCO is stating that the order will act as a specific planning permission? In essence I agree that it needs clarifying as to whether specific planning permission will exist or will the permitted development rights provide a level of consent. SSW plc's position is that strict interpretation of S264(3) is that it cannot be considered operational land because |

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|         |  |  | planning permission is being granted by the DCO.  |
| 1.5.33. | The Applicant<br>Telecommunication<br>Statutory Undertakers  | <b>Schedule 1, Work 67</b><br>This refers, among other matters, to "BT".<br>As this is company specific, should it be better referred to generically as "telecommunications"?  | SSW agree that the term "telecommunications" should be used because of SSW's requirement for telemetry in the utilities corridor.   |
| 1.5.52. | Severn Trent PLC<br>Cadent Gas Limited<br>Western Power<br>Distribution (West<br>Midlands) PLC<br>Openreach Limited<br>Virgin Media Limited<br>Vodafone Limited<br>South Staffordshire Water<br>PLC<br>Zayo Infrastructure (UK)<br>Limited | <b>Schedule 9</b><br>For each of the statutory undertakers, could they please confirm that they are content with the provisions set out in the draft DCO in relation to their apparatus, the latest situation in relation to resolving these matters, and if not, please explain fully your reasoning? | SSW are not content with the provisions as set out in the draft DCO and our concerns are covered in the amendments that have been made to schedule 9 and forwarded to the applicants legal team. SSW are committed to working towards an agreement with the applicant. In essence however, it should be appreciated that SSW is under an obligation to continue to supply clean water at all times, the apparatus in question serves a large area and many thousand homes and businesses and therefore its obligation should override the requirements of Highways England. The proposed route of the diversion of SSW apparatus has not been agreed, in particular the locations for connections into the SSW network have not yet been assessed due to no survey information being available. It is hoped that an agreed methodology for capturing this information can be agreed between the parties and |

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|          |   |   | incorporated into an agreement with the applicant.  |
| 1.11.10. | The Applicant<br>South Staffordshire Water<br>Plc | <b>Potable water</b><br>Has the risk of flooding from potable water supplies been assessed? If not, could this be undertaken. | <p>The risk of flooding as a consequence of the new 24" potable water main failing has not been formally assessed, primarily because the likelihood of a failure of a new main, constructed of modern durable materials, is extremely low.</p> <p>If the main did fail, the consequence to the M54-M6 Link Road and the wider highway network would be significant. However, the impact on the highway network from a future failure of the main would be no different to a present day failure of the existing main. There is no mitigation available if the new main fails, the only option to avoid such a scenario would be to move the location of the M54-M6 Link Road.</p> |