



# Issue Specific Hearing 3      Draft Development Consent Order

<b>Examining Authority</b>	M54 to M6 Link Road
<b>Date</b>	Wednesday 9 December 2020
<b>Start Time</b>	10:00 am (Arrangements Conference opens at 09.30 am)
<b>Venue</b>	Virtual on Microsoft Teams

## Agenda

<b>Item 1</b>	<b>Welcome, introductions and arrangements for the Hearing</b>
<b>Item 2</b>	<b>Purpose of the Issue Specific Hearing (ISH)</b>
<b>Item 3</b>	<b>Draft DCO Articles</b>  3.1 The Applicant will be asked to provide a very brief overview of each part of the draft DCO. The ExA will then ask questions in respect of DCO powers, seeking responses where appropriate from the Applicant, the local councils, and other Interested Parties. Interested Parties will also be invited to ask questions of clarification in relation to DCO Articles and Schedules.
<b>Item 4</b>	<b>Part 1</b>  4.1 Article 2(1) – Should a definition of “adjacent land” be included, in the context of maintenance of adjacent land which will be responsibility of third parties? Would the provisions allow works outside the Order Limits? Could this involve the loss of trees or other features? If so, how would any replacement of landscaping or other features and/or compensation be provided for?  4.2 Article 2(1) – Should the definition of “maintain” be time limited in respect of land which will be the responsibility of third parties? (see also Article 4)



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<b>Item 5</b>	<b>Part 2</b> <p>5.1 Article 3(3) – What benefit is there to the Applicant or the public by having certain works being deemed not to fall within the definition of ‘commencement’? Should this be re-drafted to ensure that any matter, for example, archaeological investigations take place in accordance with an approved scheme?</p> <p>5.2 Article 8(4) – Should these provisions should be made more specific, relating to the individual statutory undertaker?</p>
<b>Item 6</b>	<b>Part 3</b> <p>6.1 Article 16 – Should the cul-de-sac area of Cannock Road south of the junction with The Avenue be the subject of parking restrictions, and if so, what should they be?</p> <p>6.2 Article 16 – Should the cul-de-sac area of Dark Lane north of the junction with Park Road be the subject of parking restrictions, and if so, what should they be?</p>
<b>Item 7</b>	<b>Part 4</b> <p>7.1 Article 17(7) – Could the Applicant explain why they believe that this provision should not be made site specific?</p>
<b>Item 8</b>	<b>Part 5</b> <p>8.1 Issues may be raised by the ExA in respect of Part 5 after its review of information submitted for the Deadlines leading up to the Hearing.</p>
<b>Item 9</b>	<b>Part 6</b> <p>9.1 Articles 34 and 35 – What is the reason for these being separate provisions?</p>
<b>Item 10</b>	<b>Part 7</b> <p>10.1 Article 40 – How should certified documents and any approvals pursuant to Requirements be made publicly available, and for what period of time?</p>



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<b>Item 11</b>	<b>Schedule 1</b> <p>11.1 Please could the Applicant confirm the approach to the identification and definition of 'significant effects' and demonstrate the adequacy of the Mitigation Schedule in ensuring that all necessary mitigation measures that are relied upon in the EIA will be readily auditable at the discharge of Requirements? Are any parties aware of instances where this may not be the case?</p> <p>11.2 Are all of the necessary parameters of the Proposed Development that require a 'Rochdale envelope' for the purposes of the EIA included in, and thus assured in the draft DCO? Are any parties aware of instances where this may not be the case? A</p> <p>11.3 Work 68 – Should this provision be amended to require the removal of any redundant gas main, rather than it being amended?</p>
<b>Item 12</b>	<b>Schedule 2</b> <p>12.1 What is the background to, and purpose of each of the draft Requirements?</p> <p>12.2 Consultation arrangements – is the drafting clear, and does it provide for all necessary consultees for the subject matters?</p> <p>12.3 Are any obligations placed on a consultee appropriate and should they be recompensed if appropriate?</p> <p>12.4 Is approval undertaken to be undertaken at the proper level given the overall tenet of good administration that that approvals are undertaken at the lowest appropriate level?</p> <p>12.5 Are any further requirements necessary?</p>
<b>Item 13</b>	<b>Schedule 9</b> <p>13.1 Whether SCC should benefit for protective provisions in respect of matters relating to its interests?</p> <p>13.2 Please could the Applicant provide an update on progress of negotiations on protective provision wording and the likelihood of resolution with the relevant statutory undertakers?</p>
<b>Item 14</b>	<b>Any other matters arising from discussions at ISH 1 or ISH2.</b>



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<b>Item 15</b>	<b>Consents, licences and other agreements</b> The Applicant will be asked to provide an update of progress and timescales for completion. The ExA will then ask questions, including discussing whether any section 106 agreements are proposed and if they are indicative timescales for finalising them.
<b>Item 16</b>	<b>Review of issues and actions arising</b>
<b>Item 17</b>	<b>Close</b>

Please Note:

1. Should all of the matters set out above not be concluded on Wednesday 9 December the meeting will be adjourned to Wednesday 16 December 2020 also virtually on Microsoft Teams. Details of timings will be announced at the hearing.
2. The ExA may well refer to the following documents during the Hearing and suggests that parties have copies to hand:
  - (a) Draft Development Consent Order [REP2-005/REP2-006]
  - (b) Explanatory Memorandum [REP2-007/REP2-008]
  - (c) Lands Plans [AS-065]
  - (d) Works Plans [AS-066]
  - (e) General Arrangement Plans [AS-067]
  - (f) Traffic Regulation Measures Plans [AS-069]
  - (g) Environmental Masterplan [APP-057 to APP-063]
  - (h) Environmental Mitigation Approach [REP1-057]

Participants should be aware that the Applicant submitted a number of low-resolution versions of documents at Deadline 3. These are available via the relevant webpage and may be easier to use during Hearings than the full-sized documents.

3. It is generally not appropriate to introduce documents at a Hearing. The ExA has set out a list of existing documents that it is likely to refer to above. Should a party consider that any other documents already submitted may need to be referred to in light of the areas for discussion set out above, they should contact the Case Team at [M54toM6linkroad@planninginspectorate.gov.uk](mailto:M54toM6linkroad@planninginspectorate.gov.uk) by 12.00 noon on Friday 4 December 2020.
4. There are matters on this agenda which may have already been covered in earlier Issue Specific Hearings. Subject to timings, the ExA only wishes to discuss matters once, and this will normally take place at the earlier hearing(s).



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