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By Email

17 December 2020

Dear Sirs

**M54 TO M6 LINK ROAD SCHEME ("THE SCHEME")  
PINS REF: TR010054  
APPLICATION TO CORRECT SHEET 6 OF THE LAND PLANS (DOCUMENT  
REFERENCE AS-065)**

At the compulsory acquisition hearing held on Thursday 10 December 2020, the Examining Authority was advised of an error on sheet 6<sup>1</sup> of the Land Plans. The purpose of this letter is to formally request an amendment to that plan.

Plot 6/25

The Examining Authority will recollect that the original land plans submitted with the application (Document reference APP-007) identified Plot 6/25 as land to be acquired permanently for the works to construct the embankment at Junction 11 of the M6 as part of the works to realign the southbound merge slip road ("the Junction Works") and for the provision of environmental mitigation.

In August/September 2020, Highways England consulted on proposed changes to the Scheme, which included proposed design change 7 to reduce the extent of land required for environmental mitigation. A revised Environmental Masterplan was published as part of that consultation exercise and showed part of Plot 6/25 as being required for the Junction Works and the remainder as no longer being required for environmental mitigation. The proposed change to Plot 6/25 was communicated to the landowners, I

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<sup>1</sup> Sheet 5 of the Land Plans also displays plot 6/25 and 6/38 beyond the cut lines and has been updated for completeness.

& A Simkin, who were supportive of the reduction in area to be permanently acquired at plot 6/25.

In early October 2020, Highways England formally applied to make the changes to the DCO application. That application was accompanied by the Works Plans (Document reference AS-066) and Environmental Masterplan (Document reference AS-086 to 092) which, in the area of Plot 6/25, were consistent with the August/September 2020 consultation documentation. Unfortunately, however, the Land Plans (Document reference AS-065) submitted with the application were inconsistent with these drawings because they showed Plot 6/25 as being required for temporary possession only (for use during construction) rather than as being part permanent acquisition for the Junction Works and part temporary possession for construction purposes. This error was also present on a draft Land Plan sent to the landowner for comment on 14 September 2020. This was in error and contrary to the changes which have been consulted on and communicated to the landowners.

The Land Plans document with corrected sheet 6 is enclosed which shows a reduced Plot 6/25 as temporary possession for construction purposes and a new Plot 6/38 as permanent acquisition for the Junction Works. As indicated above, Sheet 5 of the Land Plans also displays plot 6/25 and 6/38 beyond the cut lines and has been updated for completeness. We confirm that all other plans are accurate and no other changes or corrections to the DCO plans are necessary.

Plot 6/38 is required for construction of the realignment of the M6 Junction 11 southbound merge slip, construction of the new M6 Junction 11 circulatory carriageway and the realignment of the A462 to M6 Junction 11 (Works numbers 34, 36 and 37 as shown on sheet 6 of the Works Plans). The works include a widened verge to enable visibility to the junction and a 7 m wide corridor to allow for a drainage ditch, boundary hedge and fence.

#### Additional Land

As the Examining Authority will be aware, the owners of Plot 6/25, I & A Simkin, are aware of the error in sheet 6 of the Land Plans, having made representations on this issue via their appointed representative, Mrs Baggott, as part of their Deadline 3a submission [REP3A-002] and at the compulsory acquisition hearing on 10 December 2020. A draft copy of the revised sheet 6 of the Land Plans was issued to the landowner's representative on 10 December 2020 and a meeting held on site to discuss the new plan on 16 December 2020. The landowners are aware that Highways England is making this application.

Highways England is mindful, however, that the correction to sheet 6 of the Land Plans to change the new Plot 6/38 from temporary possession to permanent acquisition amounts to the inclusion of 'additional land' within the DCO and is subject to the Infrastructure Planning (Compulsory Acquisitions) Regulations 2010 ("the Regulations").

Highways England intends to seek consent to the acquisition of the additional land from the landowners, I & A Simkin. If that consent can be secured then Regulation 4 will apply and the procedure for the acquisition of additional land set out in Regulations 5 to 19 will not apply.

As it may not be possible to secure consent in a timely manner, however, Highways England wishes to commence the process to secure authorisation to acquire additional land by compulsory acquisition. Consequently, please treat this letter as a formal request for an amendment to the DCO application to acquire additional land pursuant to Regulation 5.

We enclose, as required by Regulation 5, the following documents:

1. Guide to the Application updating the version numbers for the documents below (tracked and clean versions).
2. Revised Land Plans showing the new plot 6/38 and revised plot 6/25 boundary.
3. Revised Book of Reference (tracked and clean versions).
4. Revised Statement of Reasons (tracked and clean versions).
5. Plan showing the General Arrangement for the Scheme overlaid on the revised Land Plans to illustrate why the 'additional land' is required.

The funding position remains as set out in the Funding Statement (Document reference APP-022) and it is therefore not necessary to submit a revision to that document. The Funding Statement was prepared on the basis of the Scheme as submitted in January 2020, which originally included the compulsory acquisition of the whole of plot 6/25. The change requested here consequently still represents a reduction in land to be acquired permanently compared to that assessed in the Funding Statement.

We do not consider that any other amendments are required to the DCO application documentation in order to give effect to this change.

Timetable

Highways England considers that this request can be accommodated within the Examination timetable and suggests that the following timetable is realistic:

Request for the change made	17 December 2020
Acceptance decision made by the Examining Authority	7 January 2021 – whilst the Examining Authority has a maximum of 28 days to consider whether to accept this request, we hope that, given the limited change requested, the full period for consideration of acceptance will not be necessary
Notice of the proposed change served on persons specified in the Regulations	12 – 19 January 2021
Publication of press notices for two successive weeks in accordance with the Regulations	12 and 19 January 2021
Certificates of compliance issued in accordance with the Regulations	20 January 2021

End of representations period (at least 28 days)	17 February 2021
Consideration of representations by Examining Authority	18 February – 12 March 2021
Consideration of any issues at the hearings already scheduled	16 – 18, 23 March 2021
Close of Examination	20 April 2021

In the event that the Examining Authority requires the full 28 days to consider this request then the above timetable can be adjusted and Highways England is satisfied that the requirements as prescribed in the Regulations can still be completed in sufficient time before the end of the Examination to allow any representations to be considered.

#### Nature of the Requested Change

Finally, in making this request, Highways England has had regard to the 'Guidance for the examination of applications for development consent' and 'Advice Note 16: How to request a change which may be material' and confirms that it does not consider this change to be material. Whilst the inclusion of additional land can be a material change to a DCO application, this change amounts only to a correction to align the Land Plans with the other DCO drawings. The October 2020 changes to the DCO application have significantly reduced the extent of permanent acquisition powers sought within Plot 6/25 when compared to the submitted application, thereby reducing the impact of the Scheme on the owners of this land.

We look forward to hearing from you.

Yours sincerely



**Andy Kelly**

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Enclosures:

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