

PINS ref: TR010054

Planning Inspectorate Case Team M54/M6
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M54 to M6 Link Road Scheme – Deadline 9

Please find enclosed the following documents from the Applicant for Deadline 9:

- 1.5 Guide to the Application (version P16 to supersede version P15 submitted on 7 April 2021). Clean and tracked changes versions; and
- 8.30 Letter of No Impediment for Great Crested Newt.

By way of update and in response to the representations submitted at Deadline 8, the Applicant confirms as follows:

Cadent Gas

The Applicant has carefully reviewed the representations submitted by Cadent Gas at Deadline 8. When reviewed against the protective provisions contained in the draft Development Consent Order submitted at Deadline 8, which were provided to Cadent Gas prior to Deadline 7, the Examining Authority will see that the outstanding issues are limited to the three matters relating to cost sharing, betterment and deferral of renewal and consequential loss as set out in the Applicant's response at Deadline 8. We therefore do not repeat them here.

In relation to consequential loss, the only new point raised by Cadent Gas at Deadline 8 is the reliance it seeks to place on the decision in the A1 Birtley to Coal House Development Consent Order 2021 relating to representations specific to Network Rail. This approach does not alter express consideration given by the Secretary of State to consequential loss in relation to Cadent Gas' undertaking in the A38 Derby Junctions Development Consent Order 2021 and the M42 Junction 6 Development consent Order 2020. In particular, please see paragraphs 7.10.38 to 7.10.39 of the A38 Derby Junctions Recommendation Report and paragraph 87 of the Secretary of State's Decision letter dated 8 January 2021. On both occasions, the Secretary of State found that the exclusion of indirect or consequential loss which is not reasonably foreseeable was consistent with Highways England's position as a publically funded body and that Cadent's

disagreements with respect to consequential loss were at variance with the tests set out in section 127 of the Planning Act 2008.

Notwithstanding the above, dialogue between the Applicant and Cadent Gas in respect of the outstanding issues is continuing. A meeting has been arranged between the Applicant and Cadent Gas on 20 April 2021 to discuss the outstanding points. We will provide a further update following the meeting.

National Trust – Whitgreave's Wood

We confirm that the amendment requested by the Examining Authority in its letter dated 13 April 2021 has been incorporated into the draft Planning Obligation.

The Applicant is arranging for a final form of the Planning Obligation to be executed. We note the request for submission of the completed Planning Obligation prior to the close of the Examination and confirm that we are doing everything possible to achieve this.

Vodafone

Since Deadline 8, the Applicant has received confirmation from the legal representatives for Vodafone that the protective provisions contained within the draft Development Consent Obligation are acceptable to Vodafone.

1 Park Road, Featherstone, Wolverhampton

The Case Officer has advised that the Planning Inspectorate has received correspondence indicating that the above property has been sold, the proprietor has moved out and the address is vacant. The former proprietor held a Category 3 interest and will have been notified at all relevant stages in accordance with the requirements under the Planning Act 2008. The Applicant has not been provided with details of the new owner nor are the details expected to be able discoverable from the Land Registry before the close of the examination. Nonetheless if the Planning Inspectorate is able to provide a forwarding address for the former proprietor as has been suggested, the Applicant will make diligent inquiries.

Please feel free to contact me if you have any queries.

Yours Sincerely



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