

Our ref: 20015068
Your ref: West Midlands Interchange

Planning Inspectorate
West Midlands Interchange

Operations Directorate
The Cube
199 Wharfside Street
Birmingham
B1 1RN
www.highways.gov.uk

Direct Line: 0300 470 3045

Via Email:

12 March 2019

Dear Sir / Madam,

WEST MIDLANDS INTERCHANGE HIGHWAYS ENGLAND DEADLINE 1 SUMMARY STATEMENT

We make the following summary comments in respect of Deadline No 1; Our full statement covers the key issues in detail.

Deemed Consent

At the DCO issue specific hearing we raised the principle of deemed consent as a fundamental issue for Highways England.

The Infrastructure Act 2015 provides the statutory framework under which we operate along with a Licence issued by the Secretary of State.

We have set out our views in our Full Submission on the DCO Articles and Protective Provisions through which the applicant seeks to use deemed consent to negate the approval processes that we are bound to operate by statute and the terms of our operating license.

Only Highways England as the licensed highway authority can determine the safety implications of any development proposition that introduces changes to its network. This duty is non-delegable to third parties; our statutory duty to have regard to the safety of users of highways is negated by the very principle of deemed consent.

Issues raised at the Hearing Sessions

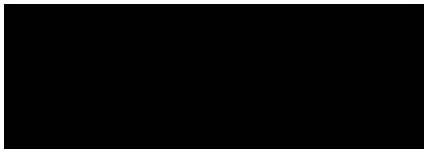
We have ongoing concerns on the issues noted below:

- Development Phasing
- Definition of “street authority”
- Definition of ‘verge’
- Approval of highway design changes by the LPA
- Scope of Landscaping works
- Railfreight coordinator
- New dedicated motorway junction
- Operational traffic matters

Closing observations

We look forward to continuing to work with the applicant to resolve the remaining outstanding matters. As part of this work we are intending to make further submissions to ExA as the examination progresses.

Yours sincerely



Neil Hansen, Asset Manager

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