

## **WEST MIDLANDS INTERCHANGE – SUMMARY OF WRITTEN REPRESENTATION FOR DEADLINE 2 SUBMISSION**

As an interested party to the examination of the West Midlands Interchange DCO Highways England has submitted a Written Representation. This is a summary of the same.

### **Deemed Consent**

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

Highways England is a strategic highway company operating under the terms of the Infrastructure Act 2015 including a licence issued by the Secretary of State for Transport.

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 as only Highways England under section 5(2) of the 2015 Act and its license has the locus to carry out this function. Our statutory duty to have regard to the safety of users of our highways is negated by the very principle of deemed consent. Anything that can create an ongoing safety risk, and liability for the public purse, should not be subject to deemed consent due to the inherent risks that creates.

### **Development Phasing**

Beyond the development quantum set for Phase 1, the rail terminal forms an integral element of the transport equation for the assessment of the traffic impacts of the development in accordance with the requirements of DfT Circular 02/2013 “The strategic road network and the delivery of sustainable development”.

The traffic mitigation package submitted by the applicant is directly related to the assessments made which include an active rail terminal. The issue of phasing and its treatment in the DCO is of direct concern to us given its traffic implications.

### **Road Safety Audit**

We are continuing to progress the completion of the RSA stage 1 with the applicant.

We envisage completion within the Examination timescales. Whilst the subsequent submission of the RSA reports and approvals to the Examination are a matter for the applicant we envisage this occurring in due course.

### **Drainage Strategy**

Our concern in respect of the applicant's drainage strategy is due to the need to protect the SRN against the adverse implications of the change in land use and associated changes in the catchment and run off rates produced by the WMI development.

### **HGV Management Plan**

We await the applicant's further revision of this document.

### **Bond and Surety Matters**

We await the further draft DCO to be issued by the applicant at Deadline 3 with regard to the proposed bond and surety levels before we respond further.