

**M42 Junction 6 Improvement
Scheme Number TR010027
Volume 6
6.1 Environmental Statement
Chapter 1 - Introduction**

Regulation 5(2)(a)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

January 2019

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms
and Procedure) Regulations 2009**

M42 Junction 6 Improvement
Development Consent Order 202[]

**6.1 Environmental Statement
Chapter 1 Introduction**

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1 Introduction

1.1 Purpose of the report

- 1.1.1 As the Government-owned company responsible for the operation, maintenance and improvement of England's motorways and major A-roads, Highways England is proposing to undertake improvements on the strategic road network (SRN) on and adjacent to Junction 6 of the M42 motorway in Birmingham as part of the "M42 Junction 6 Improvement" (the Scheme).
- 1.1.2 This Environmental Statement reports the findings of an Environmental Impact Assessment (EIA) undertaken by Highways England to identify the likely significant environmental effects of the Scheme. It forms one of a series of documents that comprise the Development Consent Order (DCO) application submitted to the Planning Inspectorate (the Inspectorate) to obtain consent to construct, operate and maintain the Scheme.

1.2 Overview of the project

- 1.2.1 M42 Junction 6 provides connections between the national motorway network and the A45 Coventry Road, which provides strategic access to Birmingham to the west and Coventry to the east. The junction is located north of Solihull, approximately 15km from Birmingham city centre, and is surrounded by a unique mix of major commercial assets that serve the local, regional and national economy.
- 1.2.2 Current congestion and journey reliability issues on the M42 motorway at Junction 6 are causing severe delays on parts of the SRN. The junction does not have sufficient capacity to accommodate the predicted growth in traffic associated with future planned development in the area, and without investment to improve the junction, major investment opportunities of national significance could be limited.
- 1.2.3 The Department for Transport (DfT) identified in its Road Investment Strategy (RIS) for the 2015-2020 period [REF 1-1] that a comprehensive improvement scheme is required to M42 Junction 6, the objectives being to:
- a. promote the safe and reliable operation of the road network;
 - b. increase the capacity of the junction;
 - c. improve access to key businesses and support economic growth; and
 - d. helping cyclists, walkers and other vulnerable users of the network.
- 1.2.4 Since March 2015 Highways England (formerly Highways Agency) has developed, consulted upon and assessed a range of different options to improve Junction 6, the purpose being to identify a solution that, on balance, best meets these objectives.
- 1.2.5 Following detailed studies, a Preferred Route Announcement [REF 1-2] was made by Highways England in August 2017. This presented Highways England's preferred option for the Scheme to the public.

- 1.2.6 Statutory consultation on the preferred option was undertaken between 9 January and 9 March 2018, with further targeted consultation undertaken between 4 September to 2 October 2018. The outcomes of the consultation process are reported in the Consultation Report [TR010027/APP/5.1], the feedback from which has been used to inform the development of the Scheme design on which the EIA has been undertaken.
- 1.2.7 The Scheme location is depicted on **Figure 1.1** in TR010027/APP/6.2 and is described in detail in Chapter 3 The project. In summary, the Scheme comprises the following works:
- a new junction approximately 1.8km south of the existing Junction 6 off the M42 (referred to as M42 Junction 5A);
 - a new 2.4km long dual carriageway link road between M42 Junction 5A and Clock Interchange, with a free flow slip road to the A45 Coventry Road;
 - capacity and junction improvements at Clock Interchange;
 - new free flow links between the A45 and M42 motorway at M42 Junction 6;
 - the realignment and modification of the B4438 Catherine-de-Barnes Lane and St. Peters Lane west of the M42 motorway, and of East Way and its connection from the M42 Junction 6;
 - modifications to the location and spacing of emergency refuge areas, overhead gantries and message signing along the M42 motorway;
 - modifications and improvements to public rights of way, footbridges and private accesses; and
 - the reconfiguring of the Warwickshire Gaelic Athletic Association sports facility at Páirc na hÉireann.
- 1.2.8 Subject to the DCO for the Scheme being granted, construction works would be undertaken from spring 2020. For the purposes of the EIA, it is assumed that the Scheme would then open for traffic in late 2023.

1.3 Legislative and policy framework

Planning Act 2008

- 1.3.1 The Planning Act 2008 [REF 1-3] (the Act) sets out the thresholds above which certain types of major development are considered to be a Nationally Significant Infrastructure Project (NSIP).
- 1.3.2 The Scheme is an NSIP as it comprises the construction of a highway, as defined under section 14(1)(h) and section 22(1)(a) of the Act. As the Scheme is an NSIP, consent for the Scheme can only be granted by a DCO, Highways England has submitted an application under section 37 of the Act to the National Infrastructure Directorate of the Inspectorate.
- 1.3.3 Following a process of examination, the Secretary of State for Transport (SoS) will decide on whether to make the DCO for the Scheme based on the findings and recommendations of the Inspectorate.

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

- 1.3.4 The requirements of Section 37 of the Act are given effect by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 [REF 1-4] and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. These set out the documentation required to accompany a DCO application, and stipulate that an Environmental Statement is to be provided where an NSIP is EIA development.

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

- 1.3.5 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 as amended [REF 1-5] (the EIA Regulations) transpose the requirements of EU Directive 2011/92/EU (the EIA Directive) [REF 1-6] and subsequent amendments made by EU Directive 2014/52/EU [REF 1-7], and apply to certain types of development that are likely to have significant environmental effects.
- 1.3.6 The Scheme has been subjected to EIA procedures on the basis that: it is listed within Schedule 2 Regulation 3(1) Part 10 (f) Construction of roads of the EIA Regulations [REF 1-5]; and has the potential to generate significant environmental effects by virtue of its nature, scale and location.
- 1.3.7 As a result, a scoping opinion [REF 1-8] was sought in 2017 from the Inspectorate which served the following two purposes:
- a. to confirm Highway England's assumption that the Scheme had the potential to generate significant environmental effects, thus an EIA would be required to inform applicable consenting process; and
 - b. to agree the scope of individual environmental assessments within the EIA.
- 1.3.8 The outcomes of the EIA are reported within this Environmental Statement, and have been used to inform the development of the Scheme's design.

National Policy Statement for National Networks

- 1.3.9 National Policy Statements are documents that form the backbone of the Planning Act 2008 regime. They set out the need for certain types of infrastructure and the impacts that should be assessed by project promoters and decision-makers.
- 1.3.10 The National Policy Statement for National Networks (NPSNN) [REF 1-9] sets the policy against which the SoS makes decisions on applications for DCO's on the road and rail networks and strategic rail freight interchanges. It also provides planning guidance and imposes requirements on matters such as good scheme design, as well as the treatment of environmental impacts.
- 1.3.11 Guidance contained within the NPSNN [REF 1-9] has been referenced by Highways England in undertaking the EIA of the Scheme, and compliance with it is set out in the Planning Statement [**TR010027/APP/7.1**].

National Planning Policy Framework

- 1.3.12 The National Planning Policy Framework (NPPF) [REF 1-10] sets out the Government's planning policies for England, and provides guidance for local planning authorities and decision-makers in drawing up their plans and making decisions about planning applications.
- 1.3.13 Although not containing specific policies for NSIPs, the strategic aims of the NPPF [REF 1-10] and the NPSNN [REF 1-9] in achieving sustainable development are broadly consistent.
- 1.3.14 In delivering new schemes, the Government expects promoters to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF [REF 1-10]. In this regard, the framework has been an important consideration in the EIA of the Scheme and has a role in informing the decision-making process.
- 1.3.15 The EIA has given regard, where appropriate, to the policies contained within the NPPF [REF 1-10].

Department for Transport Road Investment Strategy 2015 to 2020

- 1.3.16 The DfT published its first RIS for the 2015 to 2020 period [REF 1-1] in 2015, which outlines a long-term investment programme for the improvement of England's motorways and major roads.
- 1.3.17 The document identifies the Scheme as a committed new project, involving a *"comprehensive upgrade of the M42 Junction 6 near Birmingham Airport, allowing better movement of traffic on and off the A45, supporting access to the airport and preparing capacity for the new HS2 station."*
- 1.3.18 The Scheme is Highways England's solution to delivering this investment commitment.

Highways England Delivery Plan 2015 to 2020

- 1.3.19 The Highways England Delivery Plan for the 2015 to 2020 period [REF 1-11] sets out how the vision for the strategic road network presented in the RIS [REF 1-1] will be met, and provides a high-level timeline for all planned schemes.
- 1.3.20 Highways England has submitted a DCO application to the Inspectorate for the Scheme and, subject to authorisation, intends to commence construction works in 2020 – the target date set out in their Delivery Plan [REF 1-11].

Highways England Environment Strategy

- 1.3.21 The Highways England Environment Strategy [REF 1-12] sets the vision that will guide Highways England's environmental actions and activities over the five year period outlined in the RIS [REF 1-1].
- 1.3.22 The document communicates the approach to securing environment improvement, founded on the following vision: *"A strategic road network working more harmoniously with its surroundings to deliver an improved environment"*.

1.3.23 Through its Environmental Strategy [REF 1-12], Highways England has identified a series of strategic levers and plans which place environment at the heart of design. These have been considered as part of the design-development and environmental assessment of the Scheme.

Highways England Sustainable Development Strategy

1.3.24 The Highways England Sustainable Development Strategy [REF 1-13] communicates Highways England's approach and priorities for sustainable development to its key stakeholders.

1.3.25 By "*encouraging economic growth while protecting the environment and improving safety and quality of life for current and future generations*", Highways England seeks to protect manage and enhance the human and natural environment whilst ensuring value for money and efficiency is achieved in the development of schemes identified in the RIS [REF 1-1].

1.3.26 The design-development of the Scheme has given regard to the principles contained in the Sustainable Development Strategy [REF 1.13].

Highways England Air Quality Strategy

1.3.27 The Highways England Air Quality Strategy [REF 1-14] explains Highways England's strategy to improving air quality on the SRN, in order to deliver a cleaner network and improve the health of its neighbours and customers.

1.3.28 The document identifies the importance of clean air and the need to explore new and innovative ways to tackle the impact that vehicle emissions have on air quality and human health.

1.3.29 Avoiding and mitigating poor air quality has been a key consideration in the design-development and environmental assessment of the Scheme.

Highways England Biodiversity Plan

1.3.30 The Highways England Biodiversity Plan [REF 1-15] forms a key component of the Environment Strategy [REF 1-12] and seeks to ensure that existing and future road schemes are developed and managed in a way that positively supports biodiversity.

1.3.31 The document acknowledges that highway verges and associated land have a key role in improving the quality of wildlife areas and connecting fragmented habitats.

1.3.32 Through the EIA process, potential effects on ecological habitats and species have been considered and measures have been included within the Scheme design to avoid, mitigate and enhance biodiversity. These have been developed in a way that furthers the objective of delivering a net biodiversity gain on the SRN by 2040 [REF 1-1].

1.4 Competent expert evidence

Background

- 1.4.1 Directive 2014/52/EU [REF 1-7] requires that experts involved in the preparation of Environmental Statements for projects subject to EIA are appropriately qualified and experienced.

AECOM

- 1.4.2 This Environmental Statement, and the EIA carried out to identify the likely significant environmental effects of the Scheme, has been undertaken by AECOM on behalf of Highways England.
- 1.4.3 AECOM is one of the founding members of the EIA Quality Mark¹, a voluntary scheme operated by the Institute of Environmental Management and Assessment (IEMA) through which AECOM's EIA activity is independently reviewed to ensure it delivers excellence in EIA practice.

Competent experts

- 1.4.4 This Environmental Statement has been prepared by competent experts and has been subject to detailed checking and technical review, in line with AECOM's quality assurance procedures.
- 1.4.5 The overall EIA lead and competent expert responsible for this Environmental Statement is Jamie Gleave CEnv CSci MIEMA MIEnvSc. Details of his professional qualifications and experience are presented in Appendix 1.1 in **TR010027/APP/6.3**.
- 1.4.6 Information summarising the competency of the environmental specialists responsible for the technical assessments reported within this Environmental Statement is presented within the introductory sections of Chapters 6 – 16.

¹ Further information regarding the IEMA EIA Quality Mark is available at: www.iema.net/eia-quality-mark.

1.5 References

REF 1-1	<p>Road Investment Strategy: for the 2015/16 – 2020/21 Road Period. Department for Transport (2015).</p> <p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/408514/ris-for-2015-16-road-period-web-version.pdf</p>
REF 1-2	<p>M42 junction 6 Improvement scheme: Preferred route announcement. Highways England (2017).</p> <p>https://highwaysengland.citizenspace.com/he/m42-junction-6-improvement/results/m42-j6-preferred-route-announcement_web.pdf</p>
REF 1-3	<p>Planning Act 2008. HMSO (2008).</p> <p>https://www.legislation.gov.uk/ukpga/2008/29/contents</p>
REF 1-4	<p>The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. HMSO (2009).</p> <p>https://www.legislation.gov.uk/uksi/2009/2264/contents/made</p>
REF 1-5	<p>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. HMSO (2017).</p> <p>http://www.legislation.gov.uk/uksi/2017/572/contents/made</p>
REF 1-6	<p>Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification). Official Journal of the European Union (2011).</p> <p>https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0092</p>
REF 1-7	<p>Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment. Official Journal of the European Union (2014).</p> <p>https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0052</p>
REF 1-8	<p>M42 Junction 6 Improvement Scheme: Environmental Impact Assessment Scoping Report. Highways England (2017).</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010027/TR010027-000016-M42%20Junction%206%20Improvement%20Scheme%20-%20EIA%20Scoping%20Report.pdf</p>

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REF 1-11	Highways England: Delivery Plan 2015-2020. Highways England (2015). https://www.gov.uk/government/publications/highways-england-delivery-plan-2015-2020
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REF 1-15	Highways England: Our plan to protect and increase biodiversity. Highways England (2015). http://scate.org.uk/wp-content/uploads/2015/07/Highways_England_Biodiversity_Plan.pdf