



26 March 2019

Your ref:

Our ref:

By e-mail to M42Junction6@planninginspectorate.gov.uk

Dear Sirs

**PLANNING ACT 2008 (AS AMENDED) – SECTION 55
APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT
CONSENT FOR THE M42 JUNCTION 6 IMPROVEMENT SCHEME**

Birmingham Airport wishes to become an Interested Party in respect of the above application submitted by Highways England. As such, please accept this letter as our 'Relevant Representation'.

Introduction

Birmingham Airport strongly supports Highways England's proposal to bring forward improvements to M42 Junction 6 to address the existing and significant congestion issues associated with this key part of the strategic road network. This congestion has a significant impact on passengers travelling to and from the airport and this will only worsen as the airport and the surrounding area grows. Indeed, our recently published draft Master Plan highlights surface access as one of the three key constraints to future growth, stating the following:

"We are at the heart of the UK road and rail networks, but congestion frequently impacts passengers' journeys to and from the Airport. It is essential that major improvements are made to public transport and road connectivity to secure the future economic prosperity of the region. In particular HS2 (including a replacement people mover from the HS2 interchange station with sufficient capacity and frequency); new capacity on the West Coast Main Line released by HS2 for more regional train services to Birmingham International Station; the completion of new Metro and Sprint services from Birmingham city centre; and a new junction on the M42 to relieve the chronic congestion on the motorway network (along with a further review of additional capacity on the M42 itself). All these proposed developments are strongly supported by partners across the region, particularly Midlands Connect and Transport for West Midlands."

(Page 5, Birmingham Airport Draft Master Plan, published November 2018.)

The proposed M42 Junction 6 Improvement Scheme is also important as there are ambitious and significant developments proposed in the immediate area surrounding the airport. For example, the HS2 Interchange Station adjacent to Junction 6 is scheduled to open in 2026 and Solihull

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Urban Growth Company is promoting commercial and residential development within the 'UK Central Hub Area' on a c.160 hectare site adjacent to the HS2 Interchange Station. This site is proposed to be released from the Green Belt in the Draft Solihull Local Plan (November 2016) and it's development will put even greater pressure on the congested road network that should be addressed by the Highways England proposal. Furthermore, there are also plans for significant residential and commercial development on land currently occupied by NEC surface car parking.

However, we feel there remain issues that need resolving before the application is determined to ensure that the resultant scheme maximises the positive benefits that it can bring to the road network and surrounding area. These have been raised in previous consultations prior to the application being submitted but for ease of reference, this letter summarises those issues.

Clock Interchange- Segregated Left Turn Lane

The Airport previously had concerns that the location of the segregated left turn lane may preclude the provision of two merging lanes onto the A45 westbound, as part of any future works required to be implemented by the airport to facilitate growing passenger numbers. Additional detail has been provided in the current application where the proposed scheme design now indicates that two lanes are able to exit the Clock Interchange circulatory carriageway onto the A45 westbound, in addition to the proposed segregated left turn.

However, concerns previously raised relating to potential high growth at the airport necessitating the reconstruction of Clock Interchange and in turn requiring the segregated left turn to be relocated remain valid.

In addition, the plans showing the proposed scheme also highlight a very short length of queue storage between the stop line at Clock Interchange and the diverge point of the segregated left turn, which is dictated by the existing bridge width. This short length of queue storage suggests that blocking back of the segregated left turn lane may occur during busy periods when queues develop back from the stop line. Whilst the LinSig modelling exercise undertaken as part of the Transport Assessment did not highlight significant blocking back from the junction, the high volumes of traffic which are likely to use the segregated left turn lane mean this is potentially a cause for concern.

We also have concerns that the proposals may struggle to accommodate future traffic growth associated with large scale developments such as the UK Central Hub Area, NEC or JLR, all of which are likely to result in increased volumes of traffic passing through Clock Interchange during peak periods.

As such we strongly recommend that any changes which would increase the queue storage area, or move the segregated left turn diverge further back from the roundabout stop line are investigated to maximise junction capacity and provide operational flexibility in future years.

New M42 Junction- Northbound On-slip / Southbound Off-Slip

Whilst a northbound on-slip / southbound off-slip at the proposed southern M42 junction would not strictly be required to accommodate airport related traffic movements, it is noted that a significant proportion of traffic associated with potential developments such as the UK Central Hub Area, NEC or JLR would require these slip roads to avoid congestion being created on the existing highway network, which in turn may affect access to / from the airport. For example, it would allow road users travelling from the north to access the airport/ NEC and UK Central Hub area from the new junction if Junction 6 is heavily congested.

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There does not appear to be anything contained within the application which would preclude the northbound on/off-slips from being constructed at a later date. Birmingham Airport would support the provision of these slips when development in the surrounding area is implemented that necessitates their construction to reduce the likelihood of congestion on the existing highway network.

Planning Permission for Runway Extension

In 2009 Solihull Council granted planning permission for the airport runway extension (Council Reference 2008/22). The majority of the runway extension was subsequently built and became operational in 2014.

However, part of the permitted proposal included the tunnelling of the diverted A45 to facilitate the construction of a Runway End Safety Area (RESA). This part of the scheme was not implemented at that time but is likely to be required at some point in the future. As such the proposed new motorway junction and link road should not prejudice the construction of the RESA.

The plans submitted with the Highways England application do not show the extent of the tunnelling included in the runway extension proposal. However, it appears that the tie-in point of the segregated left turn lane which joins the A45 westbound carriageway from Clock Interchange is very close to the extent of the tunnel portal shown in the runway extension planning application drawings. As such, further clarification is needed to ensure that Highways England proposal would not prejudice the tunnelling of the A45 that forms part of the extant runway extension planning permission.

All the documents associated with the permission for the runway extension can be found on Solihull Council's website at:

<https://publicaccess.solihull.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZV1KOETA285>

M42 to A45 Westbound Free-Flow Link

The existing free-flow link between the M42 northbound off-slip and A45 westbound is a key part of the highway network for the airport, allowing vehicles to enter the airport with minimal interaction with general traffic at M42 Junction 6. Whilst the creation of the new motorway junction and dual carriageway link will effectively duplicate this existing provision, it is noted that a significant volume of traffic travelling towards the A45 westbound will also be using the dual carriageway link.

In the event of an incident creating congestion along the new dual carriageway link or at the new southern motorway junction, traffic wishing to access the airport from the northbound M42 carriageway would be required to continue along the M42 to Junction 6. As such, in the event of the existing free-flow link being closed to general traffic, all airport related traffic would be required to travel through the junction itself, which has the potential to cause queuing and delays at this already congested location. We therefore consider it would be preferable to retain the potential to use this free-flow link to guard against these possible circumstances.

Furthermore, Birmingham Airport part-funded the construction of the free-flow link to mitigate the impact of the proposed increase in passenger numbers following the completion of the runway extension in 2014. As such, if this free flow link is removed we seek assurance that we will not be required to fund an alternative scheme in the future to compensate for its loss should we carry out further development on or adjoining our site.

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Signage

The proposed highway works will result in a choice of options for road users to access the airport and neighbouring uses such as the NEC and Resorts World. Furthermore, it will allow for alternative routes when a traffic incident or congestion impacts the surrounding road network. Having a clear, flexible and cohesive signage strategy is therefore vital if road users are to be directed via the most efficient route under both normal and exceptional circumstances to their destination. Given the importance of this issue we would ask that the signage strategy is agreed prior to the application being determined to ensure that such an important part of the proposal forms part of the approved scheme.

Provision for Cyclists

A pedestrian footbridge is proposed to cross the A45 adjacent to the West Coast Mainline. However, cyclists should also be able to ride across this bridge without the need to dismount. This would encourage the use of sustainable transport to access the airport and surrounding area in accordance with paragraph 102 of the National Planning Policy Framework which states the following:-

“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that...opportunities to promote walking, cycling and public transport use are identified and pursued”

It remains unclear from the application whether the bridge would be suitable for cyclists and pedestrians. However, as the existing footpath is proposed to be removed from the eastern side of Clock Roundabout to accommodate an additional traffic lane, it is strongly recommended that the proposed A45 footbridge incorporates cycle provision without requiring riders to dismount.

Land and Property

Highways England have previously been made aware that Birmingham Airport Limited (BAL) has easements in its favour over a large part of the land included in the Order limits for the Development Consent Order to the South of the A45 Coventry Road. These are to ensure we can reduce the height of trees to below the level of the Obstacle Limitation Surface for the Airport runway in the interests of aviation safety. No provisions are included in the application to preserve and maintain these easement rights following acquisition of land for the Scheme. In addition, BAL has issued a draft Order under Section 44 of the Civil Aviation Act 1982, the Birmingham Airport (Rights over Land) Order 2014 seeking to acquire such rights over other areas of land as shown on the plan forming part of the draft Order (see attached). Assurance is sought that land included in the draft Order that is also required for the scheme will have the same rights granted by Highways England.

The extent of land owned by BAL and First Castle Developments Limited (a company in the Birmingham Airport Group) included within the Order limits of the Development Consent Order application, both for acquisition and temporary use, is also greater than indicated by Highways England previously. Details of these are set out below.

1. An area of about 1 acre from a total holding of 27 acres owned by First Castle Developments Limited at the junction of Catherine-de-Barnes Lane and Shadowbrook Lane (plot 3/32a) is shown for acquisition when it was understood a quarter to a third of this would be required for the realigned Shadowbrook Lane. The requirement for the acquisition of the larger area is questioned by First Castle Developments Limited as owners.
2. The requirement for rights for the temporary use of a field at the junction of Catherine-de-Barnes Lane and St Peters Lane (plot 51a) was not raised in previous discussions with

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Highways England and BAL is unaware of the purpose for which the land is required for and the duration of that use. A small strip of this land (plot 3/51b) is shown for acquisition contrary to indications given during previous discussions prior to the application being submitted and we are not aware of the purpose and justification for the acquisition of this area.

3. The application shows an area of about 6 acres at Castle Hills Farm (plot 3/32c) owned by First Castle Developments Limited, forming part of the Bickenhill Meadows Site of Special Scientific Interest, as required for temporary use. The purpose and duration of that use and why the whole area is required have not been explained.
4. The requirement to acquire the land forming an embankment (plots 4/1au and 4.1j) was not advised during consultations and discussions prior to the submission of the application. This is land dedicated as public highway and we do not understand why there is the need to acquire this land when adjoining areas of land dedicated as public highway are shown as required for temporary use and acquisition of permanent rights.
5. First Castle Developments Limited are the owners of ten residential properties on Clock Lane. The use and enjoyment of these properties by the tenants will inevitably be adversely affected by the scheme for the duration of the works. As owners we need to be satisfied that any Development Consent Order for the Scheme will include robust, effective conditions and measures to mitigate the adverse impacts and to compensate occupiers for disruption during the works.

BAL would welcome the opportunity to discuss the above with Highways England in order to reach agreement on the land required and rights granted prior to the examination.

Construction

With regard to the delivery of the proposed scheme, if the construction works have a significant impact on the ability of passengers to access the airport then some are likely to choose to fly from other airports, possibly outside the region, which will mean that a proportion of the economic benefits that global connectivity brings to the Midlands will be lost to other regions in the north and south. We would therefore ask that Highways England work with us to produce a strategy to ensure that the impact of the construction works on the 13 million passengers who use our airport is minimised. For example, the works required for the new segregated left turn should not result in the closure of the existing westbound free flow link until the scheme is completed as this would lead to further congestion at Junction 6 during construction.

Such a strategy would ideally be agreed prior to determination and form part of the approved scheme. However, if this is not possible, a condition should be attached that requires its submission and approval prior to the commencement of the development.

Safeguarding

Aerodrome safeguarding is an important consideration as the proposed development would be located directly to the south of our runway. Safeguarding issues include the following.

Construction

During construction a high degree of liaison and co-ordination will be required to ensure that there are no impacts for aircraft performance or Obstacle limitation Surfaces. In addition, there will need to be significant efforts made by the contractor to ensure that adequate bird control is maintained throughout the works. It is worth noting that Manchester Airport have been going through a very similar exercise recently which resulted in Airfield Operations staff being seconded

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to the contractors to ensure adequate bird control and obstacle limitation on site. The issues to be considered during construction also include ensuring appropriate locations for site accommodation including offices and welfare facilities.

Obstacle Management upon Completion

The design needs to ensure that following completion there are no new obstacle features that will either infringe Obstacle Limitation Surfaces or compromise the Type A chart, potentially reducing aircraft performance on departure from Runway 15. This would have to be achieved through significant height limitation of street furniture and indeed the vehicles themselves with the CAA assuming a mobile obstacle height on the road of some 4.5m.

Bird Hazard upon Completion

The design should not allow for landscaping or drainage features that have the potential to attract either wetland or flocking birds that can become a strike hazard for aircraft departing and arriving at the airport.

Other Safeguarding Issues

Other issues to be aware of include light distraction, primarily during construction and the potential for radio altimeter issues to arise as aircraft pass over the below current ground level part of the proposed road. This latter issue was one that arose during construction of the revised A45 and could arise again.

Consideration should be given to the Department for Transport's Public Safety Zone Policy. It may be that there is no issue arising, however it should be taken into consideration by Highways England.

Conclusion

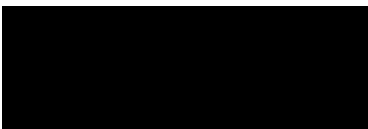
Birmingham Airport strongly supports Highways England's proposal to bring forward improvements to M42 J6 to address the existing and significant congestion issues associated with this key part of the strategic road network. This congestion has a significant impact on passengers travelling to and from the airport and this will only worsen as the surrounding area is developed.

However, it is considered there are issues that, if resolved, would address airport concerns and further enhance the benefits of the scheme. Birmingham Airport looks forward to working with Highways England to reach agreement on these issues prior to the determination of the application. We would welcome producing a Statement of Common Ground with Highways England to address this.

We will submit further details of our views if necessary and we would be pleased to answer any questions you may have on the matters we have raised during the forthcoming examination period.

If you require any further information please do not hesitate to contact me.

Yours sincerely



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