



# The Planning Inspectorate

National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer Services: 0303 444 5000

e-mail: [M42Junction6@planninginspectorate.gov.uk](mailto:M42Junction6@planninginspectorate.gov.uk)

To Interested Parties, Statutory Parties  
and Other Persons invited to the  
Preliminary Meeting

Your Ref

Our Ref TR010027

Date 31 May 2019

Dear Sir/ Madam

## **The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 etc**

### **Application by Highways England for an Order Granting Development Consent for the M42 Junction 6 Improvement**

#### **Examination Timetable and procedure and notification of hearing(s)**

This letter provides you with the Examination Timetable, details of the publication of the Examining Authority's (ExA) Written Questions and other important information about the Examination.

All documentation associated with this project, including a note of the Preliminary Meeting and the audio recording taken at that meeting, can be found using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m42-junction-6-improvement/?ipcsection=docs>

#### **The Examination Timetable**

We have made a Procedural Decision about the way the application will be examined. The final Examination Timetable is attached at **Annex A**.

The Examination Timetable replaces the draft timetable that was included in the Rule 6 letter dated 23 April 2019<sup>1</sup>. In finalising the Examination Timetable, we have sought to accommodate requests and suggestions made at the Preliminary Meeting and in representations submitted in advance of that meeting.

---

<sup>1</sup> Your invitation to the Preliminary Meeting

Please note that the Examination Timetable contains a number of deadlines for receipt of information by the Planning Inspectorate. All midnight deadlines are at 23:59 on the date specified. Please ensure submissions arrive by the deadline. If you do not make your submissions by the dates specified in the timetable, we may disregard them.

We request that Interested Parties send, where practicable, electronic copies of their submission as email attachments to [M42Junction6@planning\\_inspectorate.gov.uk](mailto:M42Junction6@planning_inspectorate.gov.uk) on or before the applicable deadline. Electronic attachments should be clearly labelled with the subject title and not exceed 12MB for each email. Providing links to websites where your submissions can be viewed is not acceptable; these links may be redacted and will not be reviewed by the Panel. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

If we consider it necessary to vary the Examination Timetable during the Examination, notification will only be sent to Interested Parties and Other Persons<sup>2</sup> invited to the Preliminary Meeting. The changes will be published on the application's project page of the National Infrastructure Planning website.

If an Interested Party wishes there to be additional OFH or specific hearings, eg Compulsory Acquisition, please notify the Inspectorate by Midnight on **Monday 3 June 2019**, Deadline 1 in the Examination Timetable (**Annex A**).

### **Other Procedural Decisions**

**Annex B** contains important details and clarifications about our other Procedural Decisions made at, or following, the Preliminary Meeting. These include:

- Statements of Common Ground
- Compulsory Acquisition Hearing will be held
- Local Impact Reports
- Accompanied Site Inspections
- Hearings

### **Written Representations**

All Interested Parties are invited to submit Written Representations and any comments on the Relevant Representations already submitted. These should be submitted by Midnight on **Monday 3 June 2019**, Deadline 1 in the Examination Timetable (**Annex A**).

Written Representations can cover any relevant matter and are not restricted to the matters set out in our Initial Assessment of Principal Issues discussed at the

---

<sup>2</sup> Other Persons are persons that we chose to invite to the Preliminary Meeting, in addition to the prescribed persons listed in section 88(3) of the Planning Act 2008 – see 'Your status in the Examination and future notifications' below

Preliminary Meeting and included in our Rule 6 letter<sup>3</sup>. Nor are they restricted to the content of our Written Questions (see next heading, below).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why<sup>4</sup>. Interested Parties should also provide with their Written Representations "*the data, methodology and assumptions used to support their submissions*"<sup>5</sup>.

Further written submissions will be requested by the ExA at various points in the Examination.

Any Written Representations, and any further written submissions requested by the ExA in the course of the Examination which exceed 1500 words should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

### **ExA's Written Questions**

We have compiled our first set of Written Questions (WQ) about the application. These are published on the National Infrastructure Planning website and can be accessed through the following link:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m42-junction-6-improvement/?ipcsection=docs&stage=4>

Answers to our WQs must be provided by Midnight on **Monday 24 June**, Deadline 2 in the Examination Timetable (**Annex A**).

### **Hearings**

We have decided to hold a series of hearings on **2 July 2019**. Notice of the dates, times and places of these hearings is provided at **Annex C** along with other important information about these events including details about what Interested Parties should include in a request to be heard at a hearing and the procedure that will be followed at hearings. The dates and times of hearings are also confirmed in the Examination Timetable at **Annex A**.

The Examination Timetable at **Annex A** includes periods of time reserved for any hearings to be held, and we will notify all Interested Parties of future hearings scheduled as part of the Examination at least 21 days in advance of them taking place. That notification will include an additional deadline for Interested Parties to inform the Planning Inspectorate if they wish to attend the notified hearing(s).

---

<sup>3</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010027/TR010027-000328-Rule%206%20Final%20for%20M42%20J6%20.pdf>

<sup>4</sup> Required under Rule 10(4) of The Infrastructure Planning (Examination Procedure) Rules 2010

<sup>5</sup> <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

## Accompanied Site Inspection

Information about the Accompanied Site Inspection, scheduled to take place on **Wednesday 3 and Thursday 4 July 2019**, is also contained in **Annex B**.

## Availability of application documents and representations submitted to the Examination

All documentation and audio recordings associated with the Examination of this application can be found using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m42-junction-6-improvement/?ipcsection=docs>

**Annex D** provides details of locations in the vicinity of the Proposed Development at which all Examination documents can be viewed electronically, free of charge.

Advice to Interested Parties about how to access and navigate the Examination Library is also provided at **Annex D**.

## Your status in the Examination

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008 (PA2008).

If you have made a Relevant Representation, have a legal interest in the land affected by the application, or are a relevant Local Authority (reference numbers beginning with 42j6-AFP, 42j6-s57, 200), you have a formal status as an Interested Party in the Examination. Interested Parties will receive notifications from the Planning Inspectorate about the Examination throughout the process and may make written and oral submissions regarding the application.

If you are a statutory party (ie body specified in the relevant regulations supporting the PA2008) or a local authority bordering the local authorities in which the development is proposed; but have not made a Relevant Representation (reference numbers beginning with 42j6-SP) you will not automatically be an Interested Party. However, following the Preliminary Meeting, you will have a further opportunity to notify the Panel that you wish to be treated as an Interested Party.

If you are not an Interested Party or a statutory party (ie a body specified in the relevant regulations supporting the PA2008), you have received this letter because we wish to invite you to the Preliminary Meeting as an 'Other person' because it appeared to us that the Examination could be informed by your participation. 'Other persons' have a reference number beginning with 42j6-OP. You will not receive any further correspondence in the course of the Examination unless it is to inform you that the Examination Timetable has changed<sup>6</sup>, or the ExA has specific questions for you.

If you are not sure whether you are an Interested Party, please contact the Case Team using the details at the top of this letter. Information regarding the formal

---

<sup>6</sup> Rule 8(3) of The Infrastructure Planning (Examination Procedure) Rules 2010

status of Interested Parties and how you can get involved in the process is set out in the Planning Inspectorate Advice Note 8 Series on the National Infrastructure Planning website:

<http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Further information on your status in the examination can be found here:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2019/02/Status-faq.pdf>

### **Award of costs**

You should be aware of the possibility of the award of costs against parties who behave unreasonably.

To assist understanding of what 'unreasonable behaviour' means in the context of an Examination under the PA2008, you may find it helpful to read the government guidance 'Awards of costs: examinations of applications for development consent orders' (July 2013)<sup>7</sup>. It is in everyone's interest that information is brought forward as early as possible in the Examination process so you are encouraged to do so.

### **Management of information**

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the ExA) and a record of any advice which has been provided, is published at:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m42-junction-6-improvement/?ipcsection=overview>

All Examination documents can also be viewed electronically at the locations listed in **Annex D**.

Please note that in the interest of facilitating an effective and fair Examination, we consider it necessary to publish some personal information. To find out how we handle your personal information, please view our Privacy Notice.

We look forward to working with all parties in the Examination of this application.

Yours faithfully

*David Cullingford*

**David Cullingford, Lead Member of the Panel**

### **Annexes**

**A** Examination Timetable

---

<sup>7</sup> <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

- B** Procedural Decisions made by the Examining Authority
- C** Notice of hearings and requests to appear and procedure to be followed at hearings
- D** Availability of representations and application documents

This communication does not constitute legal advice.  
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

## Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Due Dates
1	10.00 Preliminary Meeting 18.30 Open Floor Hearing	<b>Tuesday 21 May 2019</b>
2	14.00 Issue Specific Hearing: Content of the draft Development Consent Order (DCO 1)	<b>Wednesday 22 May 2019</b>
3	Issue by the Panel of: <ul style="list-style-type: none"> <li>Examination Timetable</li> <li>The Panel's First Written Questions</li> </ul>	<b>As soon as practicable following the PM</b>
4	<b>Deadline 1 (D1)</b> Deadline for the receipt of: <ul style="list-style-type: none"> <li>Notification of wish to speak at a Compulsory Acquisition Hearing</li> <li>Request to hold a further Open Floor Hearing</li> <li>Notification of wish to speak at an Issue Specific Hearing</li> <li>Notification of suggested locations, and their justifications, for the Accompanied Site Inspection (ASI) on 3 and 4 July and any comments on the current draft ASI – which was submitted prior to the PM where 2 days for the ASI was agreed</li> <li>Notification by statutory parties of wish to be considered as an Interested Party</li> <li>Notification of wish to have future correspondence electronically</li> <li>Comments on Relevant Representations (RRs)</li> <li>Written Representations (WRs) and summaries of all WRs which exceed 1500 words</li> <li>Any further information requested by the Panel for this Deadline</li> </ul>	<b>Midnight Monday 3 June 2019</b>
5	<b>Deadline 2 (D2)</b> Deadline for receipt of: <ul style="list-style-type: none"> <li>Local Impact Reports (LIRs) from local authorities</li> <li>Statements of Common Ground (SoCGs) requested by the Panel – see Annex B</li> <li>Responses to the Panel's First Written Questions</li> <li>Applicant to provide a final ASI itinerary based on</li> </ul>	<b>Midnight Monday 24 June 2019</b>

Item	Matters	Due Dates
	<p>requests received at D1 and discussions with Case Team</p> <ul style="list-style-type: none"> <li>• Post hearing submissions including written submissions of oral case, arising from hearings held on 21 or 22 May</li> <li>• Comments on any additional information and submissions received for D1</li> <li>• Comments on any further information requested by the Panel for Deadline 1</li> </ul>	
6	<p>Issue Specific Hearing (10.00) on: Content of the draft Development Consent Order (DCO 2)</p>	<b>Tuesday 2 July 2019</b>
7	<p>Issue Specific Hearing (14.00) on: Need for improvements at junction 6 on the M42</p>	<b>Tuesday 2 July 2019</b>
8	<p>Accompanied Site Inspection, to include for example:</p> <ul style="list-style-type: none"> <li>• Junction improvements</li> <li>• NEC, Airport, Arden Hotel, Sports club, businesses</li> <li>• Bickenhill, Catherine de Barnes, Hampton in Arden</li> <li>• Locations requested as necessary</li> </ul>	<b>Wednesday 3 and Thursday 4 July 2019</b>
9	<p><b>Deadline 3 (D3)</b> Deadline for receipt by the Panel of:</p> <ul style="list-style-type: none"> <li>• Comments on WRs which were received at D2</li> <li>• Any responses to comments on RRs which were received at D1</li> <li>• Comments on LIRs which were received at D2</li> <li>• Comments on responses received at D2 to the Panel's First Written Questions</li> <li>• Post hearing submissions including written submissions of oral cases, arising from Hearings on 2 July 2019</li> <li>• Updates to Statements of Common Ground</li> <li>• Responses to any further information requested by the Panel</li> <li>• Comments on any additional information or submissions received for the previous deadline</li> </ul>	<b>Midnight Monday 15 July 2019</b>
10	<p>Issue of the Panel's Second Written Questions (if required)</p>	<b>Monday 5 August 2019</b>



Item	Matters	Due Dates
11	Issue Specific Hearing (10.00) on: Compulsory Acquisition (CA) and Temporary Possession (TP)	<b>Tuesday 20 August 2019</b>
12	Issue Specific Hearing 10.00 on: Content of the draft Development Consent Order (DCO.3)	<b>Wednesday 21 August 2019</b>
13	Date reserved for Issue Specific or other Hearing, if required	<b>Thursday 22 August 2019</b>
14	<b>Deadline 4 (D4)</b> Deadline for receipt of: <ul style="list-style-type: none"> <li>• Responses to the Panel's Second Written Questions (if required)</li> <li>• Responses to any further information requested by the Panel</li> <li>• Updates to Statements of Common Ground (SoCG) requested by the Panel</li> <li>• Comments on any additional information or submissions received by previous deadline</li> </ul>	<b>Midnight Monday 2 September 2019</b>
15	Issue of the Panel's Third Written Questions (if required)	<b>Monday 16 September 2019</b>
16	<b>Deadline 5 (D5)</b> Deadline for receipt of: <ul style="list-style-type: none"> <li>• Applicant's revised draft DCO</li> <li>• Responses to further information requested by the Panel</li> <li>• Post hearing submissions including written submissions of oral cases, arising from Hearings on 20-22 August 2019</li> <li>• Comments on any additional information or submissions received by previous deadline</li> </ul>	<b>Midnight Monday 16 September 2019</b>
17	Publication by the Panel of <ul style="list-style-type: none"> <li>• Report on the Implications for European Sites (RIES) (if required)</li> </ul>	<b>Monday 23 September 2019</b>
18	Dates reserved for Issue Specific and any other Hearings (if required)	<b>Tuesday 1 to Thursday 3 October 2019</b>

Item	Matters	Due Dates
19	<p><b>Deadline 6 (D6)</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Comments on the draft DCO, submitted on D5</li> <li>• Responses to the Panel's Third Written Questions (if required)</li> <li>• Responses to any further information requested by the Panel</li> <li>• Comments on any additional information or submissions received by previous deadline</li> </ul>	<p><b>Midnight Friday 11 October 2019</b></p>
20	<p>Draft DCO to be submitted by the Applicant in the statutory instrument (SI) template with the SI template validation report, together with a revised version of the Explanatory Memorandum</p>	<p><b>Tuesday 15 October 2019</b></p>
21	<p>Issue Specific Hearing on:</p> <p>Revised content of the draft Development Consent Order (DCO.4)</p>	<p><b>Tuesday 22 October 2019</b></p>
22	<p>Issue Specific Hearing on:</p> <p>Further consideration of Compulsory Acquisition (CA) and Temporary Possession (TP)</p>	<p><b>Wednesday 23 October 2019</b></p>
23	<p>Date reserved for Issue Specific and any other Hearing (if required)</p>	<p><b>Thursday 24 October 2019</b></p>
24	<p><b>Deadline 7 (D7)</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Responses to comments on the draft DCO (if required), submitted on 15 October</li> <li>• Comments on responses to the Panel's Third Written Questions (if required)</li> <li>• Responses to further information requested by the Panel</li> <li>• Comments on the Report on Implications for European Sites (RIES) if one is required</li> <li>• Comments on any additional information or submissions received by previous deadline</li> <li>• Post hearing submissions including written submissions of oral cases, arising from Hearings on 1-3 October 2019 and 22-24 October 2019</li> </ul>	<p><b>Midnight Monday 28 October 2019</b></p>
25	<p>Final draft DCO to be submitted by the Applicant in the statutory instrument (SI) template with the SI template</p>	<p><b>Tuesday 5 November 2019</b></p>

Item	Matters	Due Dates
	validation report, together with a revised version of the Explanatory Memorandum	
26	The Panel is under a duty to complete the Examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting	<b>Wednesday 20 November 2019</b>
27	The Panel is under a duty to complete the Report to the Secretary of State within 3 months from the close of the Examination	<b>Wednesday 20 February 2020</b>

\*midnight means 11.59pm on the day stated

### Publication dates

All information received will be published on the project page of the National Infrastructure Planning website as soon as practicable after each deadline for submissions.

### Hearing agendas

We will aim to publish a draft agenda for each hearing on the project page of the National Infrastructure Planning website at least five working days in advance of the hearing date. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

### Report on the Implications for European Sites

Where the Applicant has provided a No Significant Effects Report (NSER) or a Habitats Regulations Assessment Report (HRAR) with the DCO application, the ExA may decide to issue a Report on the Implications for European Sites (RIES) during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of the Habitats Regulations<sup>1</sup> and/ or Regulation 28 of the Offshore Marine Regulations.

---

<sup>1</sup> The Conservation of Habitats and Species Regulations 2017

## Procedural Decisions made by the Examining Authority

We have made a number of Procedural Decisions following the Preliminary Meeting<sup>1</sup>:

### 1. Examination Timetable

Changes to the draft timetable issued in the Rule 6:

- Clarification of deadline requirements
- Additional ASI date and subsequent amendments of the dates for hearing and ASI
- Deadline 6 moved to Friday 11 October 2019

### 2. Examining Authority's Written Questions

The link to our Written Questions is provided in the covering letter.

Some of our Written Questions (WQ) are directed to specific Statutory Parties which have not, at the time of writing, confirmed that they wish to become Interested Parties for the purposes of the Examination of the application.

All relevant Statutory Parties will receive this correspondence and we request for each to check our WQs carefully in order that they may identify and respond to any questions posed to them.

No party should feel inhibited or restricted in responding to any question we ask, even if it is directed elsewhere.

For the avoidance of doubt, Statutory Parties are defined as the parties listed in Schedule 1 to The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015<sup>2</sup>.

### 3. Statements of Common Ground (SoCG)

The submission of SoCGs will be of great help to us in carrying out the Examination by identifying areas of agreement and, where relevant, issues on which it has not been possible to reach agreement.

The Applicant is taking the lead in the preparation of SoCGs and it will aid the smooth running of the Examination if all Interested Parties who are participating in the preparation of SoCGs liaise and co-operate with the Applicant in respect of their production. Final signed versions (joint or individual) of the SoCGs listed below are requested to be submitted by **24 June 2019** (Deadline 2, **Annex A**). This list is not exhaustive and HE may enter into further SoCG with other parties, these should also be submitted by Deadline 2.

A. **The Applicant and Solihull Metropolitan Borough Council**, to include:

---

<sup>1</sup> Section 89(1) of the Planning Act 2008

<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/legislation/>

- The agreed enhancements to the scheme
- A strategic signing strategy and its effects
- Traffic management measures
- The ability of the scheme to cater for planned development
- Environmental impact – habitats, noise, air quality, living conditions, Green Belt, landscape, heritage assets, public rights of way

**B. The Applicant, Natural England, Warwickshire Wildlife Trust and the Woodland Trust, to include:**

- Habitats, ecology and nature conservation relating to the measures of protection or mitigation for:
  - Bickenhill Meadows SSSI and any other SSSI (if necessary)
  - Aspbury's Copse Ancient Woodland/ potential Local Wildlife Site (pLWS)
  - Priority habitats
  - Effects on European sites

**C. The Applicant National Grid Electricity Transmission PLC, Western Power Distribution (West Midlands) PLC, to include:**

- Measures to mitigate the effects of the scheme on transmission and distribution systems including:
  - The 400kV transmission lines above ground
  - The 132kV (and below) transmission lines above and below ground

**D. The Applicant, Cadent Gas Limited and the Health and Safety Executive, to include:**

- Measures to mitigate the effects of the scheme on transmission systems and equipment including:
  - The Bickenhill AGI
- The safety of the measures proposed

**E. The Applicant, the Esso Petroleum Company Limited and the Health and Safety Executive, to include:**

- Measures to mitigate the effects of the scheme on transmission systems and equipment
- The safety of the measures proposed

**F. The Applicant and High Speed Two (HS2) Limited, to include:**

- Measures to mitigate the effects of the scheme on operations and planned facilities at the HS2 Birmingham Interchange Station including:
  - The Automated People Mover (APM)
  - Diversion and maintenance facility
  - Compound facilities
  - Sequence of works

At the Preliminary Meeting both Birmingham Airport and WCC indicated that they would wish to enter into a SoCG with the Applicant and the ExA look forward to receiving these by D2.

**All of the SoCGs listed above should cover the Articles and Requirements in the draft DCO.** Any Interested Party seeking for an Article or Requirement to be reworded should provide in the SoCG the form of words which are being sought.

Where a particular SoCG cannot be agreed between the parties by Deadline 2, or in so far as any local authority position represents an officer level view only, draft versions of that SoCG are requested to be submitted by the Applicant to Deadline 2. The position of the relevant Interested Parties should then be confirmed in the course of the Examination.

The content of SoCGs is necessary to help inform us as to the need to hold any Issue Specific Hearings, and to enable us and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

#### **4. Local Impact Reports (LIRs)**

A LIR is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs see our Advice Note One: Local Impact Reports<sup>3</sup>.

Local authorities<sup>4</sup> are invited to submit LIRs by **24 June 2019** (Deadline 2, **Annex A**).

#### **5. Accompanied Site Inspection (ASI)**

Time has been reserved in the Examination Timetable to undertake an ASI on **3 and 4 July 2019**.

The Applicant submitted to the Examination a draft itinerary for the ASI timetabled to take place on 2 July 2019. This was prior to the Preliminary Meeting where a decision was taken to extend the inspection, to two days. The draft itinerary has been published to the National Infrastructure Planning website and is available to view, here:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010027/TR010027-000358-AS%20Highways%20England%20-%20ASI%20Itinerary%20%E2%80%93%20pre-PM.pdf>

We now invite comments from any Interested Party on the Applicant's draft itinerary by **3 June 2019** (Deadline 1, **Annex A**).

Requests by Interested Parties to attend the ASI should be provided by **midnight, Monday 20 June**. As explained in our Rule 6 letter, the Interested Parties attending the ASI will include representatives of the Applicant, councils, together with other Interested Parties (or their representatives).

---

<sup>3</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

<sup>4</sup> Defined in s56A of the Planning Act 2008

It may be necessary to limit the numbers of persons who accompany us for logistical and safety reasons, but it should be possible for arrangements to be made for Interested Parties (or their representatives) to join the inspection at specified locations within the itinerary. Please contact the Case Team if you wish to meet the inspection at a specific location within the itinerary, or at a new location, as proposed in your comments. Please be aware that the Case Team are not able to guarantee precise timings due to the nature of the visit.

The final itinerary will be submitted by the Applicant at Deadline 2 and will be published on the project page of the National Infrastructure Planning website shortly after.

Interested Parties should be aware that ASIs are **not** an opportunity to make any oral representations to the ExA about the Proposed Development. However, we may invite participants to indicate specific features or sites of interest.

## Notice of hearings and requests to appear and procedure to be followed at hearings

Requests to hold a CAH were received at the Open Floor Hearing and these will be held as timetabled at Annex A. No requests to hold an additional Open Floor Hearing were received; requests for this to be held can be provided in writing, see section on Requests to appear at hearings below.

The Examination Timetable now reserves 2 periods of time for hearings to be held as set out below:

Hearing	Location	Time	Date	Access and parking
Issue Specific Hearing – DCO2	Ramada Hotel, The Square, Solihull, West Midlands, B91 3RF	10.00am	2 July 2019	Parking at the hotel Nearest bus stops on New Road, Solihull beside St Alphege Parish Church routes 812, A7 and A7W Nearest station is Solihull
Issue Specific Hearing – Need for improvements at Junction 6	Ramada Hotel, The Square, Solihull, West Midlands, B91 3RF	2.00pm	2 July 2019	with trains to and from Birmingham, Kidderminster, Worcester and London Marylebone

Information about hearings is included in the Planning Inspectorate's 'Advice Note 8.5: The examination: hearings and site inspections', available on the National Infrastructure Planning website here:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

If you wish to attend any of these hearings please contact the Case Team using the details at the top of this letter prior to the event and stating whether:

- you wish to speak at the hearing and the issues about which you wish to make oral representations;
- if you have any special needs (eg disabled access, hearing loop etc).

Seating will be available at the venue 30 minutes prior to the start of the hearing to enable a prompt start. The hearing will finish as soon as the Examining Authority (the Panel) deems that all those present have had their say and all matters have been covered. Depending on the numbers wishing to speak at the hearing, it may be necessary for the Panel to limit the time allocated to each speaker.

## Requests to appear at Open Floor or Compulsory Acquisition hearings

Interested Parties are required to notify the Examining Authority (ExA) in writing of their wish to take part in an Open Floor Hearing (OFH) or Compulsory Acquisition Hearing (CAH).



We remind Interested Parties of the Procedural Decision issued with the Rule 6 letter requesting notification from Interested Parties in this regard on or before **Midnight 3 June 2019** (Deadline 1, **Annex A**).

If an Interested Party wishes to attend an OFH or ISH they should indicate which topics in their Relevant Representation or Written Representation they wish to address at the hearing. Similarly, any Affected Person wishing to attend a CAH should identify clearly the plots of land about which they wish to speak.

Notifications from Interested Parties in respect of the above should be sent separately from any other written submission, and appropriately titled to allow us to quickly identify which event the notification relates to.

If no written requests to take part in an OFH or CAH are received by the above deadline, we are not required to hold such a hearing; although we may choose to do so nonetheless. We may also choose to hold Issue Specific Hearings (ISH) about topics that we think need to be explored orally.

The time, date and place of any confirmed hearing will be notified in writing to all Interested Parties, providing at least 21 days' notice.

### **Procedure at hearings**

The procedure to be followed at hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010<sup>13</sup>. Any oral representations must be based on either the Relevant Representation or Written Representation made by the person by whom, or on whose behalf, the oral representations are made.

The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties<sup>14</sup>. Our Examination will be principally undertaken through the exchange of written submissions, and we will decide whether a hearing on a particular issue or topic is necessary. This decision is not connected to how relevant or important we consider an issue or topic to be.

### **Hearing agendas**

We will aim to publish a draft agenda for each hearing on the project page of the National Infrastructure Planning website at least five working days in advance of the hearing date. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

### **Availability of representations and application documents**

All application documents and representations submitted to the Examination are available to view on the project page on the National Infrastructure Planning website:

[https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m42-  
junction-6-improvement/?ipcsection=overview](https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m42-<br/>junction-6-improvement/?ipcsection=overview)

---

<sup>13</sup> Rule 14

<sup>14</sup> Rule 14(5)

For ease of navigation, we recommend that you use the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records:

- each application document;
- each representation accepted to be read in conjunction with the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is provided with a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the National Infrastructure Planning website is provided. **Please use the unique reference numbers applied in the EL when referring to any Examination documents in representations that you make.**

Documents can also be viewed electronically at the following locations close to the application site, free of charge. If you have difficulty accessing any documentation please contact the Case Team using the details provided at the top of this letter.

Local authority	Venue address	Opening hours	Access
Solihull Metropolitan Borough Council	Marston Green Library, Land Lane, Marston Green, Birmingham, B37 7DQ	Mon: 10am – 1pm and 2pm – 6pm Tue: CLOSED Wed: 10am – 1pm Thu: 10am – 1pm and 2pm – 6pm Fri: CLOSED Sat: 10am – 1pm Sun: CLOSED	Free computer access (up to 2 hours per day) to members, £1.25 to non-members. A4 printing (25p per page black & white, 80p per page colour).
Solihull Metropolitan Borough Council	Solihull Central Library (The Core), Homer Road Solihull, B91 3RG	Mon: 9am - 8pm Tue: 9am – 6pm Wed: 10am – 6pm Thu: 9am-8pm Fri: 9am – 6pm Sat: 9am – 5pm Sun: CLOSED	Free computer access (up to 2 hours per day) to members, £1.25 to non-members. A4 printing (25p per page black & white, 80p per page colour).
<b>Link to all council library locations</b>			
<a href="http://www.solihull.gov.uk/Resident/Libraries/Find-a-library">http://www.solihull.gov.uk/Resident/Libraries/Find-a-library</a>			

## **Application by Highways England for an Order Granting Development Consent for the M42 Junction 6 Improvement**

### **The Examining Authority's written questions and requests for information (ExQ1)**

**Issued on 31 May 2019**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived principally from the Application documents.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [M42Junction6@planninginspectorate.gov.uk](mailto:M42Junction6@planninginspectorate.gov.uk).

Responses are due by **Deadline 2: 24 June 2019**.

## Abbreviations used

<b>PA2008</b>	The Planning Act 2008	<b>LIR</b>	Local Impact Report
<b>Art</b>	Article	<b>LPA</b>	Local planning authority
<b>ALA 1981</b>	Acquisition of Land Act 1981	<b>MP</b>	Model Provision (in the MP Order)
<b>BoR</b>	Book of Reference	<b>MP Order</b>	The Infrastructure Planning (Model Provisions) Order 2009
<b>CA</b>	Compulsory Acquisition	<b>NPS</b>	National Policy Statement
<b>CPO</b>	Compulsory purchase order	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>dDCO</b>	Draft DCO	<b>R</b>	Requirement
<b>EM</b>	Explanatory Memorandum	<b>SI</b>	Statutory Instrument
<b>ES</b>	Environmental Statement	<b>SoS</b>	Secretary of State
<b>ExA</b>	Examining authority	<b>TP</b>	Temporary Possession

## The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010027/TR010027-000278-M42%20J6%20Examination%20Library%20PDF%20Version.pdf>

It will be updated as the examination progresses.

## Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1.1.1 – refers to question 1 in this table.

ExQ1	Question to:	Question:
1.0	<b>General and Cross-topic Questions</b>	
1.0.1	Applicant and SMBC	<p><b>Lighting</b>            Paragraph 7.8.6 of the ES explains that lighting of new and improved sections of road within the Scheme has been confined to locations where road safety is a priority, in order to reduce the potential for light spill to intrude into the setting of heritage assets. Paragraph 3.5.137 states that consideration has also been given in the lighting design to minimise the potential for lighting to intrude into existing night time views. Can the Applicant therefore confirm whether a lighting strategy has been produced and can be made available to the Examination? Also, could the Applicant and SMBC confirm how it is intended that the final lighting scheme would be controlled? Could the Applicant confirm whether consideration has been given to the effects of traffic headlights on heritage assets (and the living conditions of local residents)?</p>
1.0.2	The LPAs, Natural England (NE) and Campaign to Protect Rural England, Warwickshire Branch (CPRE) and the Open Space Society are asked for their views on this.	<p><b>Lighting</b>            Paragraph 8.3.6 of the ES explains that <i>“Following a review of the type and location of road lighting incorporated into the design of the Scheme it was determined that night time visual effects would not be significant on visual receptors due to the distance between receptors and the components of the Scheme that would be lit. Furthermore, it was identified that the M42 motorway corridor and development such as the National Exhibition Centre (NEC) and Birmingham Airport are already lit, and, are the principal source of light spillage in existing night time views within the landscape. Accordingly, night time visual effects associated with road lighting were scoped out of the assessment.”</i> The LPAs, Natural England (NE) and Campaign to Protect Rural England, Warwickshire Branch (CPRE) and the Open Space Society are asked for their views on this.</p>

ExQ1	Question to:	Question:
1.0.3	SMBC	<b>Motorway Service Area (MSA)</b> Could SMBC provide an update on the progress of the two undetermined planning applications for MSAs at Junctions 4 and 5?
1.0.4	Applicant, SMBC and Extra MSA Solihull Ltd and Applegreen plc	<b>MSA</b> Paragraph 4.3.5 of the ES explains that north facing slip roads were removed from the proposed new Junction 5a as it was considered that the junction is too close to Junction 6 and providing them would cause safety and operational issues. Paragraph 3.1.9 of the ES states that <i>"Although the MSA currently does not benefit from planning consent, Highways England has engaged with the applicant for the MSA and has sought to ensure that, where practicable, the design of Junction 5A would not preclude delivery of the MSA, should the MSA be authorised by SMBC following the implementation of the Scheme."</i> However, the proposed MSA for Junction 5a includes northern slip roads. Could the Applicant, SMBC and Extra MSA Solihull Ltd and Applegreen plc comment on this potential contradiction.
1.0.5	Applicant	<b>MSA</b> Has the positioning of the proposed MSA influenced the proposed siting and design of Junction 5a? If it has, should this be determinative given that the planning application remains undetermined and there is an alternative site at Junction 4 being considered under a separate planning application?
1.0.6	The Applicant, SMBC, WCC, Extra MSA Solihull Ltd and Applegreen plc, David Cuthbert	DRMB (4.35) indicates that for Rural Motorways (as the M42 nominally is) the desirable minimum weaving length must be 2km. However, the distance likely to be available between any north facing slip roads at junction 5a and the south facing slip roads at junction 6 is roughly 1.7km. In view of the high traffic flows on the M42 (nearly 7,000 vph northbound by 2041 in the AM peak and over 6,000vph southbound, APP-174, Figure 7.2) a longer weaving section might be warranted or desirable. What is the justification for countenancing the potentially sub-standard arrangement envisaged?

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1.0.7	The Applicant, SMBC, WCC, Extra MSA Solihull Ltd and Applegreen plc	Other than potential trips to and from the MSA proposed at junction 5a, please enumerate other journeys that might depend on the provision of north facing slip roads at junction 5a and outline the circumstances in which such trips might serve a useful purpose.
1.0.8	The Applicant, SMBC, WCC, Extra MSA Solihull Ltd and Applegreen plc	Sensitivity tests have been undertaken entailing provision at junction 5A for the proposed motorway service area (MSA) [APP-174, 3.9]. What are the results of those tests?
1.0.9	The Applicant, SMBC, Extra MSA Solihull Ltd and Applegreen plc	Do the tests referred to in ExQ1.0.8 entail ARCADY outputs for the roundabouts at junction 5A? If so, what are the results and what do they demonstrate? If there is no ARCADY output, please justify its absence.
1.0.10	The Applicant, SMBC, Extra MSA Solihull Ltd and Applegreen plc, Mr David Cuthbert	In the absence of an MSA at junction 5a, would a junction designed along the lines indicated by Mr David Cuthbert [AS-018] be more efficient and represent something close to the optimum arrangement?
<b>Environmental Statement [APP-046 to APP-164]</b>		
1.1.	<b>The Project – ES Chapter 3</b>	
1.1.1.	Applicant	The ES indicates that a number of PRow would need to be closed or diverted. It is stated that these changes have been agreed with SMBC and designed in consultation with the local ramblers groups and associations. The Proposed Development includes the provision of replacement, and enhancement of existing, PRow. Please could the Applicant confirm which of these closures/diversions would be permanent or temporary and explain how this has been taken into account in the assessment of likely significance?

ExQ1	Question to:	Question:
1.1.2.	Applicant	Para 3.5.170 notes that National Grid (NG) maintains high voltage 400kV assets in close proximity to the proposed A45 eastbound to M42 northbound free flow link. It is explained that these may need to be turned off to protect the workforce during construction of the free flow link underpass structure (to avoid the need for diversion of the assets). Please could the Applicant identify the location of the NG assets, specify the period for which they may need to be turned off, and explain how any potential resulting impacts on the electricity distribution network would be avoided/reduced?
1.1.3.	Applicant	The limits of deviation (LoD) applied to the Proposed Development are described in the ES and the dDCO only by reference to deviations from the works shown on the Works Plans and the Engineering Drawings and Sections. Neither the LoD nor the parameters to which the LoD is relevant are specified in either the ES or the dDCO. Please can the Applicant specify the dimensions of the relevant parameters and the LoD, preferably in tabular form?
1.1.4.	Applicant	The areas of permanent and temporary land-take required for the Proposed Development are shown on the Land Plans [APP-006], however they are not quantified in the ES. Please can the Applicant quantify the area of permanent and temporary land-take?
1.1.5.	Applicant	ES Figure 3.4 illustrates the construction phasing for the Proposed Development. The legend refers to seven phases although only six phases are depicted. Section 3.6 of ES Chapter 3 refers only to Phases 1 and 2, and although it provides information on the construction activities that would take place it does not identify in which of the six/seven phases these activities would occur. Please can the Applicant clarify the number of construction phases and identify the anticipated activities that would be undertaken in each phase?



ExQ1	Question to:	Question:
1.1.6.	Applicant	ES Chapter 3 para 3.6.3 states that the Proposed Development would open for traffic in Autumn 2023 before the works were fully completed, however Table 3.3 indicates that Junction 5A would open to traffic in March 2022. Please can the Applicant clarify which is correct and confirm that it has been consistently reflected throughout the ES?
1.1.7.	Applicant	It is noted in Section 3.6 that an appointed contractor would be responsible for undertaking landscape management within the 'contract period' (after which longer term responsibilities would transfer to the Applicant) and for the preparation of a Handover Environmental Management Plan (HEMP) during that period, which is unspecified. Please can the Applicant identify the duration of the contract period and explain how the production of the HEMP is secured in the dDCO?
1.1.8.	Applicant	Please can the Applicant explain how the potential construction constraints and restrictions that would be in place during the staging of the Commonwealth Games in July/August 2022, including at the NEC, have been taken into account in the assessments reported in the ES?
1.2.	<b>Scheme History and Alternatives – ES Chapter 4</b>	
1.2.1.	Applicant	<p><b>Plans</b></p> <p>To make it easier to decipher, the Applicant is requested to provide plans which show the ES Figures 4.1 and 4.4 options plotted individually.</p>

ExQ1	Question to:	Question:
1.3.	<b>EIA Methodology and Consultation – ES Chapter 5</b>	
1.3.1.	Applicant	Chapter 5 of the ES indicates that the Register of Actions and Commitments (REAC) records all the proposed embedded mitigation measures. However, the preamble within the Outline Environmental Management Plan (OEMP) states that the REAC identifies 'certain key items' of embedded mitigation. Please can the Applicant confirm whether all of the proposed embedded mitigation measures are included in the REAC? If not, please can the Applicant provide a table that identifies all the mitigation relied upon in the ES and the mechanism by which that mitigation is secured, as recommended in Planning Inspectorate Advice Note Seven?
1.4.	<b>Air Quality – ES chapter 6</b>	
1.4.1.	Applicant	<b>Baseline</b> Please can the Applicant confirm whether the '20m' specified in Appendix 6.1, paragraph 1.1.10 [APP-120] relating to sensitive human health receptors is a textual error and should read '200m'?
1.4.2.	Applicant	<b>Baseline</b> Please can the Applicant also describe the type/extent of the areas that the selected receptors beyond 200m were chosen to represent.
1.4.3.	Applicant	<b>Cumulative impacts</b> Please can the Applicant identify how and where the mitigation referred to in the ES relevant to the assessment of air quality is secured, particularly with regard to the construction stage of the Proposed Development and the cumulative impacts from dust and other emissions at the proposed Motorway Service Area.

ExQ1	Question to:	Question:
1.4.4.	Applicant	<p><b>Mitigation and monitoring</b>            The REAC [APP-114] states that the CEMP must include an Air Quality Management Plan (AQMP) and cross-references to dDCO Requirement 4 (R4) (which is replicated in the OEMP [APP-172]). However, no further details of an AQMP are provided and the list of management plans in dDCO R4 that must be included in the CEMP does not include an AQMP. Please can the Applicant set out the measures that would be contained in the AQMP and what activities it will manage and explain where the requirement to provide an AQMP is secured in the dDCO or any other legally binding application document?</p>
1.4.5.	Applicant	<p><b>Consultation</b>            It is not indicated in ES Chapter 6 [APP-051] if the approach and findings of the assessment have been agreed with relevant consultees and other key stakeholders. Please can the Applicant set out the extent to which there was such agreement?</p>
1.5.	<b>Cultural Heritage ES Chapter 7</b>	
1.5.1.	Applicant	<p><b>Archaeology</b>            Proposed Work No.27 comprises the construction of a new free flow link road (approximately 750 metres in length) with single carriageway and hard shoulder on both embankment and in cutting, connecting the M42 Southbound to the A45 Eastbound. This would cut through one of the five recorded medieval settlements, namely that at Middle Bickenhill (10504) comprising a manor house and settlement founded as a secondary colony settlement to that at Bickenhill. However, this heritage asset is not included within those identified as having the potential to be affected by the scheme. The Applicant is asked why this is so?</p>

ExQ1	Question to:	Question:
1.5.2.	Applicant	<p><b>Archaeology</b>            Proposed Work No.16 comprises the construction of realigned new two-lane single carriageway Catherine-de-Barnes Lane, including the construction of the new Catherine-de-Barnes North Overbridge and tie in works to the existing St Peters Lane access to the village of Bickenhill. Work No. 73 comprises the construction of a temporary two-lane single carriageway to the north of the proposed Catherine-de-Barnes North Overbridge. Work no. 7 comprises a new 2.4km dual carriageway mainline link on both embankment and in cutting. Each of these appear to encroach into the western extent of the identified medieval parish of Bickenhill (10499). However, this heritage asset is not included within those identified as having the potential to be affected by the scheme. The Applicant is asked why this is so?</p>
1.5.3.	Applicant	<p><b>Archaeology</b>            Proposed Work No. 4 comprises the construction of a new M42 off-slip road both in cutting and on embankment that diverges from the M42 and connects to the new Junction 5A of the M42. Proposed Work No. 5 comprises the construction of a new M42 on-slip road both in cutting and on embankment that merges onto the M42 from the new Junction 5A of the M42. Both works cut through monument 4539 as shown on Sheet 2 of ES Figure 7.2. It appears to correspond at least in part with Aspbury's Copse ancient woodland but the significance of this heritage asset is not described within Chapter 7 of the ES. Could the Applicant address this and explain why this heritage asset is not included within those identified as having the potential to be affected by the scheme?</p>

ExQ1	Question to:	Question:
1.5.4.	Applicant	<p><b>Archaeology</b>            Appendix 7.1 of the ES provides a written scheme of investigation for archaeological evaluation trenching. Paragraph 7.4.16 of the ES states that the findings of the evaluation trenching shall supplement the information presented within Chapter 7 and shall be submitted during the Examination. Could the Applicant provide a timescale for this along with associated reporting of findings? Could the Applicant confirm whether the intention is to produce an addendum to Chapter 7 of the ES to re-evaluate the significance of effect on archaeological deposits?</p>
1.5.5.	County Archaeologist for Warwickshire's	<p><b>Archaeology</b>            What is the County Archaeologist for Warwickshire's view on the findings on the construction impacts and effects on known archaeological assets set out in Chapter 7 of the ES and any of the above archaeology related questions?</p>
1.5.6.	Applicant, LPAs and EH	<p><b>Assessment Methodology</b>            Table 7.1 of the ES apportions a high asset value to Grade I and Grade II* listed buildings as well as to conservation areas containing very important buildings. Conservation areas with important buildings are categorised as having a medium asset value. On this basis, the Applicant, LPAs and EH are asked whether there is a contradiction between the medium heritage value afforded to both Hampton in Arden Conservation Area and Bickenhill Conservation Area, insofar as the former contains one Grade I listed building and two Grade II* listed buildings, whilst the latter contains one Grade I listed building? If so, how would this affect the significance of effects for both of these heritage assets?</p>

ExQ1	Question to:	Question:
1.5.7.	Applicant, LPAs and EH	<p><b>Bickenhill Conservation Area</b>            Is there a discrepancy between the moderate adverse construction effects on Bickenhill Conservation Area set out in Table 7.7 with the large adverse construction effects predicted for Viewpoint J set out in Table 8.5 and large adverse effects on Landscape Character Area 2 (LCA2) set out in paragraph 8.9.10 of the ES?</p>
1.5.8.	Applicant, LPAs and EH	<p><b>Bickenhill Conservation Area</b>            Similarly, could the Applicant explain any perceived inconsistencies between the prediction of a neutral significance operational effect on Bickenhill Conservation Area as set out in Table 7.8 with the large adverse effects on visual amenity predicted for Viewpoint J in Table 8.6, both in year one and year 15 as well as the large adverse effect predicted for LCA2 in year 1, reducing to moderate adverse in year 15?</p>
1.5.9.	Applicant, LPAs and EH	<p><b>Bickenhill Conservation Area</b>            Given that the Scheme would result in the loss of several historic field boundaries of medieval origins, and the partial loss of medieval and post-medieval landscape as well as ancient woodland, could the Applicant provide further justification to the conclusion within the ES of a slight adverse effect on the historic landscape during the construction phase?</p>

ExQ1	Question to:	Question:
1.5.10.	Applicant, LPAs and EH	Paragraphs 7.8.2 – 7.8.4 of the ES states that the Scheme has been designed, as far as possible, to avoid and minimise impacts and effects on cultural heritage through the process of design development, and by embedding measures into the design of the Scheme. A number of standard measures have been identified, which would be implemented by the contractor to reduce the impacts and effects that construction of the Scheme would have on cultural heritage receptors. No compensation or enhancement measures have been identified as being required. The Applicant, LPAs and EH are requested to comment further on this position, having regard to paragraph 5.137 of the NNNPS, which states that applicants should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance.
1.6.	<b>Landscape – ES Chapter 8</b>	
1.6.1.	Applicant	Viewpoint C – The location and orientation of the viewpoint as shown at Figure 8.1 does not appear to correspond with the photographs provided at Figure 8.2 both in terms of the position and orientation. Can the Applicant confirm which is correct?
1.6.2.	Applicant	Viewpoint D –The summer and winter photographs presented at Figure 8.2 Plan B Sheet 10 appear to be the same?
1.6.3.	Applicant	Viewpoint F – Can the Applicant clarify whether the stated effect in summer year 15 should be slight adverse as set out in ES Appendix 8.1, or neutral as set out in Table 8.6?

ExQ1	Question to:	Question:
1.6.4.	Applicant	Viewpoint I - Could the Applicant explain the nature of the perceived influence from the M42 and NEC as a detractor to this view, particularly as the viewpoint faces away from the M42 and the major aspects of the NEC. Moreover, the summertime view provided appears to largely screen Clock Interchange and the A45 and Birmingham Airport beyond. Against these observations and the criteria set out in Table 8.1 relating to residential receptors and users of PRowS, can the Applicant give further justification for the moderate sensitivity of the viewpoint?
1.6.5.	Applicant	Viewpoint J - Given the degree of change against the baseline position, as well as the sensitivity of the receptor, please can the Applicant give further explanation as to the basis of the conclusion of a large adverse effect, as opposed to a very large adverse effect, particularly in the winter year one scenario?
1.6.6.	Applicant	Can the Applicant explain why viewpoint J, which represents one of the most sensitive viewpoints, has not been developed into a detailed visualisation?
1.6.7.	Applicant	Viewpoint K – Can the Applicant confirm whether the effects in winter year one are predicted to be moderate adverse, as set out in Appendix 8.1, or large adverse, as set out in Table 8.6?
1.6.8.	Applicant	Viewpoint L – Can the Applicant clarify whether the impact in winter year one is assessed to be major, as set out in Appendix 8.1, or moderate, as set out in Table 8.6?



ExQ1	Question to:	Question:
1.6.9.	Applicant	<p>Viewpoint S – Can the Applicant confirm whether the receptor sensitivity set out in Appendix 8.1 should be moderate rather than high, on the basis that the value and susceptibility is assessed to be moderate?</p> <p>Given the introduction into this view of two lit, elevated roundabouts, overbridge and initial section of the mainline link road along with the partial loss of woodland, please could the Applicant provide further justification for the assessment of a slight adverse effect in summer year 15. Or is it the Applicant's view that new hedge planting is sufficient to reduce the effect from moderate adverse in winter year 1?</p>
1.6.10.	Applicant	<p>Viewpoint T – The stated influence of the M42 is not readily evident in the viewpoint photograph whilst the overhead electricity infrastructure is low in the summertime view and largely invisible in the wintertime view. Against this can the Applicant provide further justification that the detractors to the view result in a moderate susceptibility? Given that the value of the view for users of the PRow is assessed to be high, could the Applicant give further justification for its position of moderate sensitivity?</p>

ExQ1	Question to:	Question:
1.6.11.	Applicant	<p>Given also the introduction into this view of two lit, elevated roundabouts, an overbridge and initial section of the mainline link road, along with the partial loss of woodland, is the introduction of hedge planting sufficient to reduce the magnitude of impact from major at winter year one to moderate in summer year 15? Please can the Applicant explain the discrepancy between a moderate adverse effect identified in Appendix 8.1 and a large adverse effect in Table 8.6 (winter year one)? Can the Applicant also confirm why, even if the sensitivity of the receptor is justifiably moderate and the magnitude of impact is also moderate, how the resulting effect set out in Appendix 8.1 is likely to be slight adverse? This also differs from the moderate effect set out in Table 8.6. Can the Applicant explain these discrepancies? Viewpoint V – Can the Applicant explain why this position was chosen over one further west which would potentially show both the new Junction 5a and raised approaches and new Solihull Road overbridge? Does the chosen position represent a worst-case assessment?</p>
1.6.12.	Applicant	<p>Viewpoint AA – Can the Applicant provide further justification why, in the absence of notable detractors, the susceptibility of the viewpoint from the PRow has been assessed as moderate, having regard to the criteria set out in Table 8.1? Can the Applicant also explain the reference to increased lighting associated with the Scheme remaining a visible element in the context of existing views of the lit M42 corridor, when the viewpoint itself faces away from the same?</p>

ExQ1	Question to:	Question:
1.6.13.	Applicant	Viewpoint BB - Can the Applicant explain why are the photographs in Figure 8.2 for viewpoint BB are taken behind a hedge when the receptors are vehicular users of Solihull Road? Moreover, does the visualisation of Viewpoint BB in Figure 8.7 represent a worst case assessment in this area? Wouldn't it be more useful to have positioned the viewpoint further east where the new embankments and overbridge might be visible in the context of the ancient woodland, as well as the dumbbell arrangement of J5a, particularly in the winter months? What would be the difference in the night time views? Are Year 1 visualisations to be prepared for this viewpoint?
1.6.14.	Canal and River Trust	Viewpoint DD – Are the Canal and River Trust satisfied that Viewpoint DD has been scoped out for further consideration in the assessment on the basis of the reasons set out in paragraph 8.3.32 of the ES?
1.6.15.	Applicant	Viewpoint EE/FF – Can the Applicant explain the sensitivity of these residential receptors against the criteria of Table 8.1?
1.6.16.	Applicant	<p>It is noted that the predicted landscape and visual effects are based on the successful delivery of embedded mitigation in the form of a 'planting strategy' that reflects the mitigation measures set out in the REAC [APP- 114] and is based on the planting depicted in ES Figure 8.3 [APP-090]. However, neither the REAC nor Figure 8.3 provide further details of what this would comprise, such as, for example, the species that would be planted. In the absence of this information the efficacy of the mitigation is uncertain. Please can the Applicant set out what the planting strategy would comprise, and explain how it is secured in the DCO or other legally binding application document?</p> <p>In addition, the 2038 assessment reports the predicted effects during the summer, when vegetation would be in full bloom. Please can the Applicant explain how this addresses the worst-case?</p>

ExQ1	Question to:	Question:
1.6.17.	Applicant	Paragraph 8.8.8 of the ES states that signage provision has been designed to minimise the potential for visual clutter along new and improved roads. Can the Applicant confirm on what basis this assertion has been reached? Has a signage strategy been produced and is it proposed that this be controlled by way of requirement or similar?
1.7.	<b>Biodiversity – ES Chapter 9 and HRA</b>	
1.7.1.	Applicant	<b>Baseline</b> The extent of the respective study areas used for the assessment of local statutory nature conservation designations and non-statutory designations is unclear, as conflicting information about 1km/2km study areas is provided within ES Chapter 9 [APP-054] and in associated appendices/figures. Please can the Applicant clarify the extent of the study areas used for the assessment of effects on local statutory and non-statutory designated sites and explain how these informed the assessment?
1.7.2.	Applicant	<b>Baseline</b> In addition, ES Appendix 9.1 Figure 9.1A [APP-129] depicts seven Local Nature Reserves (LNRs) beyond the 1km study area but within, on or adjacent to the 2km study area boundary. However, no reference is made to these sites in the assessment reported in the ES. Please can the Applicant confirm whether potential effects on these sites were considered, and if so where the assessment can be found?

ExQ1	Question to:	Question:
1.7.3.	Applicant	<p><b>Baseline</b>            Both ES Figures 9.1A (statutory designations) and 9.1B (non-statutory designations) [APP-129] include LNRs (although they are statutorily designated sites). The location of Elmdon Coppice LNR differs between the two figures. It is shown on Figure 9.1A as located beyond the 1km study area but within the 2km study area, however Figure 9.1B depicts it as extending into the 1km study area. Please can the Applicant confirm its location and on what basis it was considered in the assessment, and provide corrected figures as necessary</p>
1.7.4.	Applicant	<p><b>Methodology</b>            It is stated in ES Chapter 5 that the significance of an effect was determined by combining the importance of an ecological feature with the predicted magnitude of impact, using professional judgement guided by the CIEEM guidelines. However, no further details are provided of how the approach specified in the CIEEM guidelines was applied to this assessment. Please can the Applicant explain how individual importance and magnitude values were combined to determine each level of significance.</p>
1.7.5.	Applicant	<p><b>Assessment of effects</b>            The potential effects on a number of ecological receptors during the construction phase are unclear as the reported effects are those anticipated in the design year (operational Year 15), once mitigation measures have become established, eg in respect of Castle Hill Farm Meadows LWS, habitats losses and gains, habitat fragmentation, breeding and wintering birds, great crested newts and terrestrial invertebrates. Please can the Applicant provide an assessment of the predicted effects during construction on each of the identified ecological receptors?</p>

ExQ1	Question to:	Question:
1.7.6.	Applicant	In respect of construction effects on aquatic invertebrates it is stated in ES Chapter 5 [APP-050] that Hollybrook pLWS and Kingshurst Brook pLWS are of 'County' importance and could experience habitat loss and degradation, however only Hollybrook pLWS is subsequently assessed. Please can the Applicant explain the apparent omission and provide an assessment, as necessary, of potential habitat loss and degradation effects during construction on Kingshurst Brook pLWS?
1.7.7.	Applicant	The assessment of operational effects is mostly focussed on the potential effects of the Proposed Development in the design year and very little reference is made to the opening year, so the predicted effects at that stage are unclear. Please can the Applicant explain this approach and set out the potential effects during the opening year, as appropriate?
1.7.8.	Applicant	There appears to be a contradiction in relation to potential operational effects on barn owls and other birds in Section 9 of the ES Biodiversity chapter [APP-054]. Para 9.9.166 states that the design of the Proposed Development incorporates drainage areas along the verges rather than vegetation, which would reduce the risk of bird (other than barn owl) mortality. However, para 9.9.168 states that the risk of barn owl collisions would be managed through the establishment of tall vegetation on the verges. Please can the Applicant explain this apparent contradiction?

ExQ1	Question to:	Question:
1.7.9.	Applicant	<p>It is noted that baseline data was collected for the following in the summer and autumn of 2018: bat emergence/re-entry (negative, ie absence results only); bat activity; and aquatic invertebrates; and that surveys for lichen and fungi were to be carried out in early 2019, through updated surveys of Aspbury's Copse pLWS. It is stated in the ES that the findings of these 2018 and 2019 surveys are to be provided prior to or during the Examination. Please can the Applicant indicate when these survey results will be submitted, and explain if they have any implications for the assessments in the ES, notwithstanding that it is considered in the ES that their absence did not limit the assessment?</p>
1.7.10.	Applicant	<p>It is noted that dipwell monitoring was undertaken within the Bickenhill Meadows SSSI in August and September 2018 (and will be ongoing) and that the Applicant intends to submit the monitoring results during the Examination. Please can the Applicant indicate when the results will be submitted, and explain if they have any implications for the assessments in the ES, notwithstanding that it is considered in the ES that that the information gained to-date is valid and sufficient to identify potential impacts on the SSSI?</p>
1.7.11.	Applicant	<p><b>Mitigation and monitoring</b>          In their consultation response contained in ES Appendix 9.17 [APP-144], Natural England (NE) indicate that whilst they considered that a pumping solution would be effective to mitigate impacts on Bickenhill Meadows SSSI (SE unit), it would be a heavily engineered solution, and they preferred a more passive solution, based on adaption of the natural hydrological processes. The ExA notes that the Applicant states that they intend to agree any refinements to the solution with NE prior to commencement of the Proposed Development. Please can the Applicant provide an update on discussions on this matter with NE, and identify any proposed changes to the strategy and how they may affect the assessment of the effectiveness of the mitigation?</p>

ExQ1	Question to:	Question:
1.7.12.	Applicant	It is not explained where the embedded mitigation measures described in ES Section 9.8 [APP-054] in respect of habitat avoidance (retention of existing habitat), creation and replacement; habitat translocation; drainage; and protected species are secured in the dDCO [APP-015] or other documents. Please can the Applicant identify where they are secured within the application documents?
1.7.13.	Applicant	The ExA notes that the proposed standard construction mitigation measures include avoiding disturbance to breeding birds by not undertaking vegetation clearance and demolition work during the bird breeding season, but where this would not be possible, measures to avoid harm to birds and their nests would be implemented as appropriate. No measures are identified within the ES. Please can the Applicant describe the circumstances in which works would take place during the breeding season, and identify the potential mitigation measures that would be implemented in that event?
1.7.14.	Applicant	It is understood that a detailed Biodiversity Management Plan (BMP) would be produced as part of the Construction Environmental Management Plan (CEMP), the aim of which would be to ensure the Proposed Development delivers biodiversity benefits over the long term. No reference is made to the BMP in the Outline Environmental Management Plan (OEMP) [APP-172], on which the CEMP would be based. Please can the Applicant clarify how it is secured in the DCO or any other legally binding application document?



ExQ1	Question to:	Question:
1.7.15.	Applicant	<p>ES para 9.9.102 [APP-054] notes that pre-construction checks, as detailed in the OEMP, would be undertaken pre-construction to confirm the status of otter activity on the watercourses within the Order Limits, and appropriate avoidance measures would be implemented in the event that they were found to be present. Examples of the avoidance measures have not been provided. Please can the Applicant provide examples of measures that may be implemented in this event, explain how they are secured, and indicate if any relevant statutory body, eg NE, would have any role in agreeing the measures and ensuring they are implemented, where required?</p>
1.7.16.	Applicant	<p>It is noted that in relation to Bickenhill Meadows SSSI, dipwell monitoring, in order to record water table levels, is ongoing and is intended to continue for two years post-submission of the DCO application, the outcomes of which will be shared with NE. Further monitoring would be undertaken during construction (period to be agreed with NE) and the first five operational years of the Proposed Development, and would include hydrological and vegetation monitoring to determine the success of the mitigation solution. It is not indicated where this is secured in the DCO or other legally binding document, or what action would be taken in the event that the mitigation was found not to be effective. Please can the Applicant provide this information?</p>
1.7.17.	Applicant	<p>In respect of Aspbury's Copse pLWS, it is explained in the ES that the effectiveness of the compensation measures would be evaluated through post-construction monitoring and that, where necessary, the data would inform the prescriptions for its future management, although it does not indicate what these could be. Please could the Applicant provide examples of management measures that could be implemented, and indicate if any relevant statutory body, eg NE, would have any role in agreeing the measures and ensuring they are implemented, where required?</p>

ExQ1	Question to:	Question:
1.7.18.	Applicant	It is understood that the BMP would include monitoring measures to review the establishment of habitats and the use of ecological mitigation measures, eg mammal tunnels, by fauna, and that the result would be used to refine the management prescriptions in the BMP. Please can the Applicant provide examples of the potential management measures that could be implemented and indicate if any relevant statutory body, eg NE, would have any role in agreeing the measures and ensuring they are implemented, where required?
1.7.19.	Applicant	Please can the Applicant provide an update on progress in respect of the 'letter of no impediment' that they are seeking from NE in relation to protected species licences for badgers, bats and great crested newts?
1.7.20.	Applicant and NE	<b>Ancient Woodland</b> ES paragraph 9.9.30 states that the loss of ancient woodland from Aspbury's Copse totals 0.46ha. ES Appendix 9.2, Appendix 1, Figure 1 depicts the anticipated loss of ancient woodland as 0.58ha. NE, in their response of 2 October 2018 to the Applicant, state the loss would be 0.33ha in total. Please could the Applicant and NE address these discrepancies?
1.7.21.	Applicant	<b>Ancient Woodland</b> It is noted that an area of land to the south of Aspbury's Copse ancient woodland has been identified for new woodland planting (to compensate for the loss of ancient woodland resource), and for the translocation of ancient woodland soils and habitat. What is the Applicant's response to NE's view that the current compensation ratio of 3:1 is insufficient and disproportionate for irreplaceable habitat?

ExQ1	Question to:	Question:
1.7.22.	Applicant	<p><b>Ancient Woodland</b>            Has the Applicant revisited the scale and form of the ancient woodland compensation package as requested by NE?            What is the Applicant's response to NE's view that effective compensation expectations are for more functional blocks of woodland as opposed to linear strips?</p>
1.7.23.	Applicant	<p><b>Ancient Woodland</b>            What consideration has been given to NE's suggestion to explore further woodland creation contiguous with the western half of Aspbury's Copse?</p>
1.7.24.	NE	<p><b>Ancient Woodland</b>            What does NE consider to be a sufficient and proportionate compensation ratio?</p>
1.7.25.	Applicant, NE and the Woodland Trust	<p><b>Ancient Woodland</b>            The Applicant, NE and the Woodland Trust are asked how the success of the new woodland planting and translocation of ancient woodland soils and habitat might be affected by the proposed area being adjacent to the eastern boundary of the M42 motorway and new slip road?</p>
1.7.26.	Applicant	<p><b>Ancient Woodland</b>            It is noted that NE advised (in its response to the Applicant dated 2 October 2019) that a soil survey be carried out at the receiver site on the basis that evidence shows that translocations have only been successful where the receiver site soil types have been matched to the donor site. NE understand that such a survey was planned for October 2018. Can the Applicant confirm whether this has been carried out? NE's position is that if the soil types do not match, an alternative site (preferably close to another ancient woodland) should be sought. What is the Applicant's response to this?</p>

ExQ1	Question to:	Question:
1.7.27.	Applicant	<b>Ancient Woodland</b> What consideration has been given to mycorrhizae and mycelium network impacts?
1.7.28.	Applicant	<b>Ancient Woodland</b> It is noted that Chapter 4 (alternatives) of the ES states that a southern junction option is considered to represent the only viable solution to improve Junction 6. It is also noted that paragraphs 4.4.19 to 4.4.21 of the ES state that the proposed layout of M42 Junction 5a was developed to reduce the impact of the scheme on ancient woodland at Aspbury's Copse. However, can the Applicant explain why the dumb-bell layout for Junction 5a cannot be moved further north to avoid or further minimise the encroachment of the southern slip roads and associated works into or immediately adjoining Aspbury's Copse, particularly as the scheme is not constrained by providing slip roads to the north?

ExQ1	Question to:	Question:
1.7.29.	Applicant	<p><b>Ancient Woodland</b></p> <p>It is noted that the horizontal alignment of Solihull Road would remain largely the same as the existing to minimise land-take, although the new alignment would move off-line slightly to the north by 10m on the approaches to the overbridge, where the embankment height would be at its peak of 7.5m. Paragraph 3.5.21 of the ES explains that this offset would contribute towards reducing the amount of land-take required within Aspbury's Copse ancient woodland, and mitigating adverse impacts on properties to the south of the existing Solihull Road. However, if a new Solihull Road overbridge is to be built, can the Applicant explain why can't it, and the raised vertical alignment of its approaches, be positioned further to the north so as to avoid or further minimise encroachment into the Aspbury's Copse? Although the general arrangement drawings show relatively steep embankments to the raised sections of Solihull Road, they appear to take a considerable amount of land around the edges of the Aspbury's Copse. How would such earthworks be constructed without causing additional harm?</p>
1.7.30.	Applicant, NE and the Woodland Trust	<p><b>Ancient Woodland</b></p> <p>There appears to be little scope to provide effective buffer strips to Asbury's Copse alongside the southern slip roads so as to avoid root damage and to help protect the remaining ancient woodland from damaging edge effects, including chemical run off, air pollution, noise pollution, light pollution and litter. The ExA would welcome comments from the Applicant, NE and the Woodland Trust about this.</p>

ExQ1	Question to:	Question:
1.7.31.	Applicant	<p><b>Ancient Woodland</b>            Using the methodology set out in Chapter 5 of the ES, can the Applicant provide further justification to the findings for a magnitude of impact of moderate adverse, leading to a moderate adverse effect, as set out in ES paragraph 9.9.39? Moreover, as irreplaceable habitat can the Applicant provide further justification for the findings at paragraph 9.9.43 for a minor adverse magnitude of impact, resulting in a slight adverse effect in the design year in relation to habitat loss within Aspbury's Copse when compensatory measures are taken into account?</p>
1.7.32.	Applicant	<p><b>Habitats Regulations Assessment (HRA)</b>            No reference is made to decommissioning of the Proposed Development in the NSER, however it is included in the screening matrices contained in Appendix D. The ExA notes that it is stated in ES Chapter 3 [APP-048] that decommissioning has not been considered in the ES on the basis that it is highly unlikely that it would happen. Please can the Applicant clarify whether decommissioning was considered in the HRA and provide updated matrices, if necessary, that correctly reflect the position. If decommissioning was considered, please explain the approach that was taken to the assessment.</p>
1.7.33.	Applicant	<p><b>Habitats Regulations Assessment (HRA)</b>            The location of the Cannock Extension Canal SAC is unclear. Although it is described as being located to the north east of the Proposed Development throughout the NSER it is depicted in Appendix B as being located to the north west. Please could the Applicant clarify its location and provide a corrected figure if necessary?</p>

ExQ1	Question to:	Question:
1.7.34.	Applicant	<p><b>Habitats Regulations Assessment (HRA)</b>            It is not stated in the NSER whether the European sites and features to be included in the HRA and the methodology that was used were agreed with the statutory nature conservation body (SNCB) and/or other relevant body.</p> <p>i) Please can the NE confirm whether they are satisfied that the correct sites and features have been assessed in the NSER?</p> <p>ii) Please can the Applicant set out the extent of agreement with relevant consultees to the approach taken to undertaking the assessment?</p>
1.7.35.	Applicant	<p><b>Habitats Regulations Assessment (HRA)</b>            The ExA notes that it is explained in the NSER that the data used to assess the potential effects on European sites was that collected for the purposes of the EIA and described in the ES, which included ecological surveys, however the details and location of the relevant information within the ES is not identified. Please can the Applicant identify the specific data/reports used to inform the HRA and identify the location of this information within relevant application documents?</p>
1.7.36.	Applicant	<p><b>Habitats Regulations Assessment (HRA)</b>            The approach that was taken to the in-combination assessment in the NSER is unclear. No details of the other plans and projects considered or cross-reference to such information contained elsewhere in the application documents is provided in the NSER. The conclusion in Section 7 does not appear to address the potential for a non-significant effect alone to become significant in combination with effects of other plans and projects. Please can the Applicant provide details of the other plans and projects that were considered in the assessment, and justify this conclusion?</p>

ExQ1	Question to:	Question:
1.7.37.	Applicant	<p><b>Habitats Regulations Assessment (HRA)</b>            The screening matrices for the Cannock Extension Canal SAC (D-4) and the River Mease SAC (D-5) reference the construction stage only in respect of hydrological disturbance and omit construction in relation to in-combination effects. No explanation for this is provided. Please can the Applicant clarify whether this was a textual error and provide corrected matrices if so, or explain the approach if this was not an error?</p>
1.7.38.	Applicant	<p><b>Habitats Regulations Assessment (HRA)</b>            Appendix D Screening Matrix D-3 (Fens Pools SAC) incorrectly records the EU Species Code for the great crested newt as 1156 instead of 1166 (as shown on the Natura 2000 Standard Data Form and Natural England's Fens Pools SAC Conservation Objectives document). Please can the Applicant include this correction in any updated version of this matrix.</p>
1.7.39.	Applicant	<p><b>Habitats Regulations Assessment (HRA)</b>            Evidence Notes b), d), f), and h) in the Screening Matrices, in respect of in combination effects for each of the four European sites, cross-refer to paragraph 8.1.2 of Section 8 (NSER Conclusions), which contains a conclusion that the Secretary of State will not need to undertake an appropriate assessment. This does not appear to relate specifically to in-combination effects. Please can the Applicant confirm the position and correctly identify the location of the relevant evidence?</p>
1.7.40.	Applicant	<p><b>Habitats Regulations Assessment (HRA)</b>            It is noted in NSER Section 6 Tables 6-1 to 6-4 that no formal consultation had yet been undertaken with the relevant statutory bodies. Please can the Applicant state whether subsequent consultation has taken place, particularly with NE, and indicate the extent of any agreement with the conclusions of the HRA?</p>



ExQ1	Question to:	Question:
1.8.	<b>Noise and Vibration – ES Chapter 12</b>	
1.8.1.	Applicant	<b>Baseline</b> No baseline vibration data has been provided or cross-referenced in the ES. Please can the Applicant either provide the survey data on which the vibration baseline was determined or explain why it was not considered necessary to include it.
1.8.2.	Applicant	<b>Mitigation and monitoring</b> No additional mitigation has been proposed although significant adverse construction noise effects have been identified on a number of receptors in the noise and vibration assessment. Please can the Applicant explain the extent to which they have considered implementing additional mitigation measures to address these effects and why they were not progressed.
1.9.	<b>Road Drainage and the Water Environment – ES Chapter 14</b>	
1.9.1.	Applicant	<b>Baseline</b> Both the Environmental Statement and the Flood Risk Assessment state that hydraulic modelling was undertaken of flood levels on the land surrounding Hollywell Brook that demonstrated that it is in Flood Zone 1 (FZ1) and not FZ3, as suggested on the Environment Agency's (EA's) 'Flood Map for Planning'. Please could the Applicant state whether this conclusion and therefore the approach to the assessment was agreed with the EA.
1.9.2.	Applicant	<b>Methodology</b> The ES chapter identifies and provides justification for scoping a number of matters out of the assessment: impacts from maintenance activities; and impacts on the Grand Union Canal and the Coleshill and Bannerly Pools. Please can the Applicant indicate whether this approach was agreed with any relevant stakeholders.

ExQ1	Question to:	Question:
1.9.3.	Applicant	<p><b>Assessment of Effects</b>            ES Chapter 14 para 14.9.1 [APP-059] notes that the assessment has taken into account the embedded and standard mitigation measures, and the 'additional measures' identified in Section 14.8. It is unclear to what this refers, as it is stated in Section 14.8 that it describes standard and embedded mitigation, and no reference is made to any additional mitigation measures. ES Chapter 17 [APP-062] does not identify any additional mitigation proposed in respect of this aspect. Please can the Applicant explain the apparent discrepancy, identify any measures that are considered to be additional mitigation, and indicate where they are defined and secured within the DCO application documents.</p>
1.9.4.	Applicant	<p>ES para 14.9.11 [AP-059] notes that any discharges to surface water of 'unclean runoff' would require a Water Activity Permit from the EA. Para 14.9.67 states that the final position and orientation of each of the proposed outfalls would be subject to decisions relating to micro-siting during final design and agreed with the EA or SMBC as part of the application process for Environmental Permits (EPs) for works to Main Rivers or Ordinary Watercourse Consents. Please can the Applicant provide information on the progress made with any applications for EPs/Consents, or set out the anticipated programme for making such applications.</p>
1.9.5.	Applicant	<p>Descriptions of the anticipated location of the outfalls according to the preliminary drainage design layout for the Proposed Development are contained in ES Appendix 14.5: 'Drainage Strategy Report' [APP-160], Appendix D (Preliminary Drainage Design Layouts) of which depicts the proposed locations. Please can the Applicant explain how these were taken into account in reaching the conclusion of no likely significant effects.</p>

ExQ1	Question to:	Question:
1.9.6.	Applicant	It is stated in ES Chapter 14 that EPs for outfalls to Shadow Brook and Hollywell Brook may only be required where the outfalls would be greater than 300mm in diameter, which indicates that the design of the outfalls have not yet been finalised. However, the conclusion in the assessment of a neutral effect is based on the outfalls being of limited size and of 'good design'. Please can the Applicant identify the maximum design parameters for the outfalls, including the anticipated volume of water that each would discharge, and explain how these parameters relate to the assessment conclusion.
1.9.7.	Applicant	In relation to the potential risk of flooding from groundwater sources during construction, ES para 14.9.27 concludes that there would be a neutral effect as a result of measures included in a comprehensive groundwater mitigation strategy which would be considered at the detailed design stage of the Proposed Development. No reference is made to such a strategy in the Outline Environmental Management Plan (OEMP), Register of Environmental Actions and Commitments (REAC) or the draft Development Consent Order (dDCO). Please can the Applicant describe the measures that would constitute the mitigation strategy and explain how this mitigation is secured within the application.
1.9.8.	Applicant	In respect of the potential risk of flooding from drainage infrastructure during construction, ES para 14.9.29 concludes that there would be a neutral effect on the assumption that the appointed contractor would liaise closely with the applicable utility provider regarding the diversion and protection of such assets. No further information is provided on what this would entail in practice and no measures appear to be specified in any application document. Please can the Applicant explain what actions would be taken by the contractor and how this mitigation is secured within the application.

ExQ1	Question to:	Question:
1.9.9.	Applicant	There appears to be an inconsistency in relation to the assessment of the impacts of routine road runoff set out within para 14.9.47. It is concluded first that there would be a moderate beneficial effect (significant) and subsequently that there would be a slight beneficial effect (not significant) on the ditch to Shadow Brook. Please can the Applicant clarify this point.
1.9.10.	Applicant	<p><b>Mitigation and Monitoring</b></p> <p>The ES does not include a table, as advised in Planning Inspectorate Advice Note 7 (AN7), that identifies all the proposed mitigation measures and the mechanisms by which they are secured. The Register of Environmental Actions and Commitments (REAC) sets out the Applicant's commitments to address the potential environmental effects of the Proposed Development but is described as including commitments to 'certain key items of embedded mitigation'. Please can the Applicant provide the required information in respect of all the proposed mitigation in tabular form, as requested in AN7.</p>
1.9.11.	Applicant	<p><b>Mitigation and Monitoring</b></p> <p>Although the proposed drainage strategy, contained in the Drainage Strategy Report [APP-160], sets out proposed mitigation measures no cross-reference is made to it in the REAC [APP-114] or in dDCO Requirement 8 [APP-015], which requires that the Proposed Development cannot commence until written details of the surface and foul water drainage system, that reflect the mitigation set out in the REAC, have been approved. Please can the Applicant indicate how the measures contained within the Drainage Strategy, on which relevant assessment conclusions are based, are secured within the application.</p>
1.9.12.	Applicant	<p><b>Mitigation and Monitoring</b></p> <p>It is stated in ES Chapter 14 para 14.9.44 [APP-059] that the proposed mitigation for impacts resulting from the routine road runoff of the proposed outfalls was approved by both the EA and Birmingham Airport. Please can the Applicant identify the location of the evidence demonstrating this agreement.</p>

ExQ1	Question to:	Question:
1.9.13.	Applicant	<p><b>Mitigation and Monitoring</b></p> <p>It is stated within the ES [APP-059] that the pumped solution proposed to mitigate the potential effects on the Bickenhill Meadows SSSI will continue to be refined using data obtained from the ongoing dipwell monitoring and information gathered from further analysis of the local topography and existing water sources, and that agreement to any refinements would be sought from Natural England prior to commencement of the Proposed Development. This is similarly set out in the REAC [APP-114]. dDCO Requirement 8 [APP-015] provides that written details of the drainage system, that reflect the mitigation set out in the REAC, must be approved before the Proposed Development can commence. It appears that the final solution is not yet determined and would not be determined prior to DCO consent being granted, although the anticipated effects of the Proposed Development are based on the currently described pumping solution. Please can the Applicant indicate how it is secured within the DCO application that the post-consent final solution would achieve the required mitigation?</p>
1.10.	<b>Assessment of Cumulative Effects – ES Chapter 16</b>	
1.10.1.	Applicant	<p><b>Methodology</b></p> <p>It is stated in the ES and appendices that nine developments were shortlisted from the long list of 45 developments considered in the cumulative effects assessment. However, only eight developments are described in ES Appendix 16.3 and shown on ES Figure 16.2. Please can the Applicant clarify the position?</p>

ExQ1	Question to:	Question:
1.10.2.	Applicant	<p><b>Assessment of effect</b></p> <p>Although commentary is provided in Section 16.5 of Chapter 16 [APP- 061] about the anticipated cumulative effects during operation of the Proposed Development together with the extraction and processing of sand and gravel on land adjacent to and to the south of Common Farm, the conclusion of the assessment is not stated.</p> <p>In addition, the summary of cumulative residual effects provided in ES Chapter 17 [APP-062] makes no reference to any cumulative effects together with the sand and gravel development, although it is concluded in ES Chapter 16 in relation to construction that there would be moderate adverse effects on LCA 2.</p> <p>Please can the Applicant set out the conclusions of the assessment on the anticipated cumulative effects resulting from the two developments together during construction and operation of the Proposed Development.</p>
1.10.3.	The applicant	<p>It is stated that the long list of developments to be included in the cumulative effects assessment (CEA) was informed by feedback from SMBC and information on their planning portal. Please can the Applicant indicate the level of agreement with SMBC on the developments to be included in the CEA?</p>
1.10.4.	Applicant	<p><b>Mitigation and monitoring</b></p> <p>It is stated within the ES in Chapter 16, paragraphs 16.4.3 and 16.6.2 that no additional mitigation is considered appropriate to reduce the identified significant in-combination and cumulative effects. Please can the Applicant indicate whether this conclusion has been agreed with any key consultees and what additional mitigation measures have been considered beyond embedded and standard mitigation (presented in the OEMP and each technical chapter), with explanation as to why these have been discounted.</p>

ExQ1 Question to:		Question:
<b>Transport Assessment Report [APP-174]</b>		
1.11.	<b>The relationship to other projects and the robustness of the traffic modelling</b>	
1.11.1.	The Applicant, SMBC and WCC	Do the 'low' and 'high' traffic development demand scenarios identified in 3.9.1e of the TA [APP-174] equate to scenarios 1 and 3 respectively in the M42 ECONOMIC GATEWAY MASTERPLAN? If not, how do they differ?
1.11.2.	The Applicant, SMBC and WCC	For Solihull, the job totals for each relevant LAM zone are stated to have been derived from the employment land uses in scenario 2 as set out in the M42 ECONOMIC GATEWAY MASTERPLAN [APP-174, 3.4.26). That Plan posits a total of about 32,000 new jobs in Solihull by 2040 under scenario 2 and, in reasonable agreement (given the differing time periods and methods), the relevant table in Annex A of the TA [APP-174] identifies a total of 28,221 new jobs by 2041. However, several of those jobs are classified only as 'reasonably foreseeable' or 'hypothetical' both of which 'should be excluded from the core scenario' but may figure in alternative scenarios. Excluding those jobs would result in only some 9,655 new jobs being provided in Solihull by 2041 from that 'core scenario'. Is the interpretation outlined above correct?
1.11.3.	The Applicant, SMBC and WCC	How many additional jobs in Solihull are accommodated within the traffic modelling?
1.11.4.	SMBC	What are the views of Solihull MBC in relation to Q1.11.2

ExQ1	Question to:	Question:
1.11.5.	The Applicant, SMBC, and Birmingham Airport	<p>The external forecasts for growth at Birmingham Airport are calculated from DfT UK Aviation Forecasts, January 2013 Constrained Central Forecast, and CAA Passenger Survey Report, 2011 [APP-174, 3.3.1]. Those documents are now somewhat 'long in the tooth' and although they suggest some 12.2m and 17.3m passengers by 2021 and 2031 respectively, more recent forecasts (DfT UK Aviation Forecasts, 2017) indicate higher figures - 12m already (2016), 18m in 2030 and 27m in 2040, albeit that airport expansions elsewhere could reduce those numbers a bit.</p> <p>Is the traffic modelling based on a noticeable under-estimation of passengers at Birmingham Airport? And, if so, can adjustments be made to incorporate the most recent forecasts?</p>
1.11.6.	Birmingham Airport	<p>What are the views of Birmingham Airport in relation to Q1.11.5? Do the latest UK Aviation Forecasts chime with the aspirations of Birmingham Airport?</p>
1.11.7.	The Applicant, Arden Hotel, Applegreen PLC, Birmingham Airport, The Motorcycle Museum, Extra MSA Solihull Limited, Genting Solihull Limited, NEC Limited SMBC and WCC	<p>A feature of the traffic at Junction 6 on the M42 is its variability, both at peak times and over the year in response to exhibitions, events and holidays etc. Moreover, this variability appears to significantly affect congestion. In the TA this variability is addressed by the year of parking and traffic data obtained from the NEC and the resulting traffic flow on South Way for 2017 [APP-174, Figures 6.4-6.6]. However, the 2016 peak hour modelled flows of 782 AM and 762 PM [APP-174, Figure 6.2], reflect the average actually observed (600-800). It is therefore inevitable (not just possible) that flows higher than the modelled flows will occur quite frequently (and from the daily distribution, APP-174 Figure 6.4) on about 37% of days. The traffic modelling would thus appear to effectively ignore much of the variability identified, some of which is substantial. Is that a fair assessment? And, if not, why not?</p>



ExQ1	Question to:	Question:
1.11.8.	The Applicant, Arden Hotel, Applegreen PLC, Birmingham Airport, The Motorcycle Museum, Extra MSA Solihull Limited, Genting Solihull Limited, NEC Limited SMBC and WCC	What are the effects of such variation on the operation of junction 6? Perhaps examine those effects at $\mu+\sigma$ and at the 85%ile of the observed daily and peak hour distributions [APP-174, Figures 6.4-6.6] with the aid of LinSig, if appropriate. If LinSig would not be appropriate, please explain why.
1.11.9.	The Applicant, Arden Hotel, Applegreen PLC, Birmingham Airport, The Motorcycle Museum, Extra MSA Solihull Limited, Genting Solihull Limited, NEC Limited SMBC and WCC	How do those higher volumes of traffic leaving the NEC via South Way compare with the annual and peak hour distributions of traffic recorded in the TA [APP-174, Figures 6.4-6.6]?
1.11.10	The Applicant, Arden Hotel, Applegreen PLC, Birmingham Airport, The Motorcycle Museum, Extra MSA Solihull Limited, Genting Solihull Limited, NEC Limited SMBC and WCC	What is the effect of including weekends, school holidays and Bank Holidays on those distributions of traffic leaving the NEC [APP-174, Figures 6.4-6.6]?
1.11.11	The Applicant, NEC Limited, SMBC and WCC	What are the effects on the operation of the Clock Interchange and junction 6 of the higher traffic levels addressed in the sensitivity testing and relating to? APP-174, 3.9 b. NEC – the traffic demand tests for potential higher traffic volumes accessing or egressing the site, and APP-174, 3.9 e. the ‘low and ‘high’ traffic development demand scenarios for the UK Central development proposals? Please illustrate those effects with LinSig analyses and, if appropriate, by a suitable ‘screenshot’. For junction 6 a comparable table to Table 7.7 [APP-174] might also be useful.

ExQ1	Question to:	Question:
1.11.12	Arden Hotel, Applegreen PLC, Birmingham Airport, The Motorcycle Museum, Extra MSA Solihull Limited, Genting Solihull Limited, NEC Limited SMBC and WCC	What are the views of the Local Authorities and the operating businesses mainly served by the Clock Interchange and junction 6 on the approach to the likely variations in traffic flows in the TA [APP-174]?
1.11.13	<b>The effectiveness of the scheme</b>	
1.11.14	The Applicant	The overall traffic demand and the growth in traffic within the LAM matrices are shown in TA Tables 7.1 to 7.6 [APP-174] for the peak and average 'interpeak' hours. The 'do-minimum' and 'do-something' matrices are, in all cases, virtually identical, each accommodating an overall 32-34% growth in demand by 2041. Does that mean that the road network can accommodate the same volume of traffic whether or not the M42j6 scheme is implemented?
1.11.15	The Applicant	If the answer to Q1.11.14 is 'yes', please identify the consequences, particularly regarding the occurrence of congestion and delay. Is it possible to reproduce Figure 6.3 in the TA [APP-174] for the 'do-minimum' scenario in 2041?
1.11.16	The Applicant	If the answer to Q1.11.14 is 'no', please explain how the matrices should be interpreted. Do the figures represent actual journeys or only a theoretical demand?
1.11.17	The Applicant	At first glance the pattern of congestion shown in Figures 6.3 and 7.8 of the TA [APP-174] appear remarkably similar. Is it the case that the pattern of congestion at junction 6 remains similar before and after the implementation of the scheme, even though, presumably, the network will be accommodating traffic growth of 34%? How else can the Figures be interpreted?

ExQ1	Question to:	Question:
1.11.18	The Applicant, Arden Hotel, Applegreen PLC, Birmingham Airport, The Motorcycle Museum, Extra MSA Solihull Limited, Genting Solihull Limited, NEC Limited SMBC and WCC	The LinSig analysis for the Clock Interchange shows that the improved junction will operate within capacity, but only just during the AM peak with a PRC of just 1% (Table 7.9 of the TA [APP-174]). What are the consequences for the analysis of the variations or additions in traffic flows that are likely to occur? Please provide a comparable LinSig analysis for the current situation.
1.11.19	The Applicant, SMBC and WCC	The ARCADY output at TA table 7.11 [APP-174] demonstrates that the CdeB roundabout operates well above what is normally considered as a maximum operational capacity and with a mean maximum queue of 13 cars. Please explain what is happening here and indicate the traffic flows that are impeding entry onto the roundabout.
1.11.20	The Applicant, SMBC, WCC, Birmingham Dogs Home, and Mr Phillip O'Reilly	Please indicate the length of the 13-car queue referred to in Q1.11.19 and modelled in TA table 7.11 [APP-174] on a plan.
1.11.21	The Applicant	Please explain why a distinction is made in the TA [APP-174] between 'demand' (table 7.11) and 'actual' (table 7.12) flows in relation to this roundabout but (apparently) nowhere else.
1.11.22	The Applicant	What and where are the queues upstream of this roundabout that reduce the 'actual' flows into it and what is the size of that reduction from the 'demand' flows?
1.11.23	The Applicant	Can the operation of the signalised gyratory at junction 6 under existing conditions and as forecast under the proposed scheme in 2041 be assessed using LinSig? If so, what are the results and how do they compare to the existing situation? If not, why not?
1.11.24	The Applicant, SMBC, WCC, Bickenhill and Marston Green Parish Council, Mr Heath Cotterill, Ms Barbara Toucher.	What is the increase in travel time from St Peter's Church, Bickenhill to the Birmingham Airport terminal comparing current conditions and the routes possible once the 'do-something' scenario has been implemented?

ExQ1 Question to:		Question:
<b>Matters separate to ES</b>		
1.12.	<b>Draft DCO</b>	
1.12.1.		<p>Annex D to the Rule 6 Letter 23 April 2019 provided notice of an Issue Specific Hearing (ISH) on the dDCO which was held on 22 May 2019 (ISH1). Table 1 to Annex E to that letter set out a schedule of issues and questions for examination at ISH1 and at subsequent ISHs. The examination timetable provides that matters raised orally in response to that schedule are to be submitted in writing by <b>Deadline 2: 24 June 2019</b>. Comments on any matters set out in those submissions are to be provided by <b>Deadline 3: 15 July 2019</b>, which is the same as the deadline for responses to these questions. IPs who participated in ISH1 and consider that their issues have already been drawn to the ExA's attention do not need to reiterate their issues further. IPs are requested to review the Deadline 2 written submissions arising from ISH1 before responding to the questions in the schedule that still need to be addressed and are listed below. Matters set out in Deadline 2 written submissions arising from ISH1 are best responded to in Deadline 3 comments rather than in responses to the following listed questions, which aim to capture matters that were not raised at ISH1. Questions not specifically addressed at ISH1 and listed in Table 1 to Annex E of the Rule 6 letter:</p> <p>1.4, 1.5, 2.1, 2.2, 6, 7, 10, 11, 14, 16, 18-21, 27, 29-36</p>
1.12.2.	<b>Compulsory Acquisition</b>	
1.12.3.	Applicant	The Applicant is requested to complete Annex A of the attached Compulsory Acquisition Objections Schedule.

## ANNEX A

### LIST OF ALL OBJECTIONS TO THE GRANT OF COMPULSORY ACQUISITION OR TEMPORARY POSSESSION POWERS (EXQ1: QUESTIONS [EXQ1:1.12.4.] )

Obj No. <sup>i</sup>	Name/ Organisation	IP/AP Ref No <sup>ii</sup>	RR Ref No <sup>iii</sup>	WR Ref No <sup>iv</sup>	Other Doc Ref No <sup>v</sup>	Interest <sup>vi</sup>	Permanent/ Temporary <sup>vii</sup>	Plot(s)	CA? <sup>viii</sup>	Status of objection

<sup>i</sup> Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

<sup>ii</sup> Reference number assigned to each Interested Party (IP) and Affected Person (AP)

<sup>iii</sup> Reference number assigned to each Relevant Representation (RR) in the Examination library

<sup>iv</sup> Reference number assigned to each Written Representation (WR) in the Examination library

<sup>v</sup> Reference number assigned to any other document in the Examination library

<sup>vi</sup> This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who "would or might" be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

<sup>vii</sup> This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights

<sup>viii</sup> CA = compulsory acquisition. The answer is 'yes' if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.