



Preliminary Meeting Note

Summary of key points discussed and advice given

Application: M42 Junction 6 Improvement Scheme

Reference:

Time and date: 21 May 2019, 10am

Venue: Ramada Hotel, Solihull

This meeting note is not a full transcript of the Preliminary Meeting (PM). It is a summary of the key points discussed. An audio recording of the event is available on the National Infrastructure Planning website.

INTRODUCTION

David Cullingford (DC) welcomed those present and introduced himself as the lead member of the Panel of Examining Inspectors (The Panel), the Examining Authority (ExA) whose role is to examine the application by Highways England (HE) for M42 Junction 6 Improvement Scheme. Second member of the Panel, Richard Jones (RJ) also introduced himself.

Following the introduction, the ExA provided a summary of the several elements that the proposal entails consisting of modifications and measures to improve traffic flows and capacity around Junction 6 on the M42 in Solihull.

EXAMINING AUTHORITY'S (EXA'S) REMARKS ABOUT EXAMINATION PROCESS AND THE ROLE OF THE EXA

The ExA described the examination process:

- It is primarily a written process in which ExA asked questions and parties reply through written submissions.
- The process is inquisitorial and not adversarial. The Panel is to focus on evidence and justification, not on assertion.
- The project will be examined in line with the National Policy Statement for National Networks. It is not ExA's role to consider the merits of the policy, but to consider the merits of the project within the parameters of the policy.
- The ExA have six months to examine the application and up to three months to make a report to the Secretary of State (SoS) for Transport with recommendations. The SoS then has a further 3 months in which to make a decision.

The ExA informed that although the examination process is primarily a written one, there is scope to hold three different types of hearings throughout the examination:

Issue Specific Hearing (ISH), Open Floor Hearing (OFH), and Compulsory Acquisition Hearing (CA).

The ExA then explained that the decision whether to hold an ISH is for the Panel. They will be held if the ExA decide it is necessary to ensure adequate examination of an issue (or to provide an Interested Party with a fair chance to put its case)The ExA clarified that to allow an opportunity for individuals and community groups to speak directly to the ExA an Interested Party may request an OFH and if a request is made an OFH must be held. The third form of hearing relates to the Compulsory Acquisition of land and rights over land. The applicant's draft DCO provides for compulsory acquisition and temporary possession. Affected persons have a right to be heard at a CA hearing.

The ExA announced that as part of the examination process the Panel will be conducting site inspections, both unaccompanied (USI) and accompanied (ASI). The purpose of these is to see features of the proposal within the context of the evidence put forward.

The ExA further explained their "flexible" approach to examination insofar that by Deadline 1, anyone can recommend locations from where they think the project should be seen during an ASI and/or request OFH and CA hearings to be held. When the itinerary for the ASI is published it will include a further deadline by which anyone interested in attending the ASI should give notice of their wish to do so. Similarly, when the hearing notice is published it will include a further deadline by which anyone interested in attending it should give notice of their wish to do speak.

DC advised that there is potential to award costs if a party's unreasonable behavior causes another party to incur wasted expenditure and pointed towards a relevant guidance on the PINS website. DC also alerted everyone to treat the examination seriously and act expeditiously and recommended members of the public to familiarize with "PINS Advice Note 8 - overview of nationally significant infrastructure planning process".

INITIAL ASSESSMENT OF PRINCIPAL ISSUES

The ExA informed that Annex B to the Rule 6 letter of 23 April sets out the initial assessment of the principal issues (PI) around which the examination is likely to focus but it is not necessarily a comprehensive or exclusive list of all relevant matters. DC provided additional clarification on the following issues contained in Annex B:

PI-1 – The need for improvements at junction 6 on the M42 is not just about the contents of the NPS but also about local policies (in Local Plans and perhaps Local Enterprise Partnerships) and to integrate those with business and commercial planned proposals and to set those against the way in which the junction operates now (congestion and pollution etc) to create a comprehensive picture of what the need might be and referenced statement of reasons.

PI-2 – Traffic and other improvements predicted due to the proposed scheme and the effects of possible variations, increase in capacity created by the scheme and the robustness of the project in accommodating anticipated growth at the airport, the NEC and that likely to be generated by the UK Central Hub proposals etc. DC stated that the design of the junction was already used by HE elsewhere and asked the Applicant to provide evidence of how effected it was. HE agreed to provide info on other schemes, if available. However, the scheme specifically mentioned (junction 10a on the M20) was only just about to become operational.

PI-5 - The impact of the scheme on the landscape, heritage assets, local settlements and the countryside is also intended to include its effects on footpaths and other non-motorised transport routes, the Green Belt and the Meriden Gap. Open Spaces Society made a request for footpaths to be added to the heading to which DC agreed.

PI-6- The impact of the scheme on visual amenity and living conditions is also to encompass such matters as the impact of construction compounds or the reconfiguration of the WGAA site on residential amenity.

The ExA asked all parties to suggest any other points beyond the ones listed above and asked if there are any further comments regarding the principle issues.

CPRE Warwickshire asked about baseline conditions (BC) and baseline perceptions (BP), DC explained the difference informing that BC is essentially looking what the traffic is now and what should be done about the junction, congestion and delays that occur where BP is a perception of what is going to change from the current situation and the differences between temporary and permanent changes.

Warwickshire CC asked where the matters they would like to raise would fit within the principle issues ie, construction traffic routing, traffic management and diversion routes, communication strategy around the works with local community, planning authority and highway authority. DC confirmed these would fall under the PI-3. DC also confirmed that PI-3 is the place to examine how different schemes will be incorporated with this project (MSA, HS2, Birmingham Airport expansion), the clashes with the scheme and how these would integrate with each other.

HE drew the attention to Annex E as an example where the Applicant and HS2 have been asked to produce the Statement of Common Ground to show how to sequence the works.

CPRE Warwickshire asked about the legal status of the proposal, whether the link road formed the trunk road or whether only the ramps should (s10 of the Highways Act), why alternatives were not to be considered and whether a highway NSIP should properly originate with Solihull Metropolitan Council. DC confirmed the ExA will look to see how this scheme accommodates the likely growth arising from the proposal and robustness and efficiency of it but expressed his reservation as to whether there is a need to know the origins of the scheme in order to do so. DC explained that the examination would focus on the DCO as submitted and that alternative road alignments had been considered in submitting the DCO. The examination was proceeding under the provisions of the PA 2008 rather than the Highways Act. DC confirmed that he will be happy to hear from CPRE at the appropriate time, including whether an obviously better alternative could be demonstrated. HE confirmed that the environmental statement (ES) contains details of the history of the scheme

DEADLINES

The ExA informed that following the PM, and the consideration of any requests for modifications to the timetable, a firm timetable will be issued as soon as practicably possible after this meeting as part of the Rule 8 letter. DC then read out the deadlines as they are in the draft timetable.

SUBMISSIONS

The ExA introduced the documents that are necessary and potentially very useful for the examination:

- Written representations – including summaries of those that exceed 1500 words;
- Local Impact Reports prepared by LAs;
- Statements of Common Ground – see Annex D to the letter of 23 April in which various SoCG have been requested.

The Exa then read out the deadlines for receipts of these documents and comments on them and informed about possible rounds of questions the ExA might issue throughout the examination.

DC advised that it is unlikely that it will be necessary for the ExA to prepare a Report on the Impact on European Sites (RIES); due to European sites identified being all some distance from any part of the project scheme.

For the full and complete timetable detailing the deadlines for receiving the documents, comments, issuing a written questions and reports etc please refer to the Rule 8 letter, which was issued following the PM:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010027/TR010027-000377-20190528%20M42j6%20-%20Rule%208%20Letter%20and%20ExA%20WQ1%20Final.pdf>

The ExA asked if there are any more comments on the written material, as required by the draft timetable?

Pegasus Group asked about the provisional timetable, specifically about providing comments at Item 4 and Item 9. DC explained the differences and which comments on which documents to submit at relevant deadlines.

DC was asked to clarify the possible Variations that HE is putting forward as part of the remit of the DCO and what is permissible within the proposed variations. The ExA explained that different variations and the effects of them will be looked at under several examination items and that Variations do not mean other schemes.

Pegasus Group also asked about Item 3 – relationship of the scheme to other projects and whether there is a list of such projects. DC confirmed that the list is still open but it already includes Birmingham Airport expansion, NEC expansion, HS2, MSA, UK Central HUB and Birmingham Business Park.

HEARINGS AND ACCOMPANIED SITE INSPECTIONS (ASI)

The ExA noted that the key document in the examination process is the draft DCO therefore the first ISH will be on the draft DCO. DC also ran through the key dates in relation to examining the draft DCO ie the further scheduled ISHs on DCO and deadlines for submitting the documentation.

DC also said that the Panel provisionally planned for 2 ISHs on Compulsory Acquisition and further ISHs to address the possibility that the Examination of some of the principal issues might benefit from discussion.

DC noted the Panel's intention is to allow some flexibility for additional OFHs to cater for the emergence of concerns that might not yet be known or might emerge as the Examination progresses and outlined the key dates in relation to the potential OFHs.

RJ informed that a date of Tuesday 2 July has been allocated for an accompanied site inspection and reminded everyone that the suggestions as to the sites that parties feel should be visited should be made by Deadline 1, midnight Monday 3 June.

HE recommended two days for the ASI due to a large number of locations and therefore stops (5mins/10mins) to be made. The ExA agreed to this suggestion.

PROCEDURAL DECISIONS TAKEN BY THE EXA

The ExA pointed out that the procedural decisions already made by the Panel are set out at Annex E of the Rule 6 letter, the key ones being:

- Statutory Parties and certain Local Authorities must have decided whether they wish to be considered as an Interested Party and notified the Planning Inspectorate of their decision by Monday 3 June 2019 (Deadline 1).
- The Panel indicated that the LIRs to be received by Deadline 2, midnight Monday 24.
- The ExA requested a series of SoCG between the applicant and various parties on different topics by Deadline 2, midnight Monday 24 June. HE confirmed that they will talk to parties indicated and that some of the joined SoCG requested might get separated into individual ones. HE also stated that potentially there might be more SoCGs than originally requested (or representations during the examination) as already in discussion with more parties. It was also agreed that there is no need to have a SoCG between HE and OSS. Furthermore, Warwickshire County Council and Birmingham Airport asked to enter SoCG with HE.
- The period for receiving the relevant representations beyond 28 March 2019 was extended for the West Midlands Police and Crime Commissioner, Highways England Historic Railways Estate and a new Book of Reference with certificates.
- A decision had been taken to accept Additional Submissions from Birmingham City Council, Harlaxton Energy Networks Ltd, NATS, Public Health England, Birmingham Airport, Historic England West Midlands, Birmingham Dogs Home, Ministry of Defence, the Open Space Society, Severn Trent Water Ltd and Coventry City Council.

ANY OTHER MATTERS

CPRE Warwickshire queried the implications of the scheme and motorway services area (MSA) if permission is granted for it and concerns about the modeling and consideration of alternatives. The ExA confirmed that would be happy to receive the representation from CPRE re alternative arrangements. HE explained that the relevant representation received from Avon Caravan Park was submitted by HE in order to help the owner and residents of the Caravan Park.

CLOSURE

The ExA closed the meeting.

Please refer to the timetable in the Rule 8 letter for details about submitting the relevant documents regarding the examination.