

M42 Junction 6 Development Consent Order

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8.3 Comments on the Relevant Representations

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Comments on the Relevant Representations

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Applicant's Comments on Relevant Representations

The purpose of this document is to set out the Applicant's comments on the Relevant Representations (RR) from the interested parties.

These can be found in **Table 1-1** below.

Table 1-1 Applicant’s Responses to the Relevant Representations (RR)

Reference Number	Comment from Relevant Representation	Response to Relevant Representation
RR001	Mr Heath Cotterill	
RR001a	<p>“the building of this new dual carriageway on the existing Catherine De Barnes Lane as it will blight my property in terms of view from my house and garden which currently overlooks fields”.</p>	<p>The findings of the assessment of Viewpoint I are presented in Chapter 8 of Volume 1 of the Environmental Statement [APP - 053/ Volume 6.1]. This concluded that both the construction and long term operation of the Scheme would result in a significant visual effect from this location.</p> <p>A range of viewpoints have been identified which provide a representative sample of the views available from different locations in which construction activity and/or new road infrastructure may be visible. This approach follows current best practice guidance.</p> <p>Within the assessment, Viewpoint I represents the outlook available from properties on Church Lane in Bickenhill, which includes Mr Cotterill’s property. The location of Viewpoint I and photographs showing the nature of the existing view from this location are illustrated on Sheet 15 of Figure 8.2 in Volume 2 of the Environmental Statement [APP- 089/ Volume 6.2]. Requirement 5 of the DCO requires Highways England to set out a landscaping scheme, following consultation with the local planning authority. The landscaping scheme is illustrated in the Environmental Masterplan [APP-095/ Volume 6.2] which has been designed to integrate the scheme into the local landscape pattern and provide visual screening.</p> <p>Detailed assessments have been carried out of how the Scheme would alter existing views, both during and after its construction, and Highways England refer Mr Cotterill to Chapter 8 of the Environmental Statement that was submitted as part of the Development Consent Order [APP- 053/Volume 6.1].</p>
RR001b	Additional street lights/ lampposts will have	Please see Paragraphs 5.3.56- 5.3.61 of the Planning Statement [APP-

	<p>a detrimental effect on the green belt land</p>	<p>173 / Volume 7.1] which articulates the need for the Scheme and demonstrates the very special circumstances that exist that justify any harm caused to the character of the Green Belt by the Scheme.</p> <p>With regards to lighting of new and improved sections of road within the Scheme, lighting has been confined to locations where road safety is a priority. This is set out in Paragraph 3.5.134 of Chapter 3 of Volume 1 of the Environmental Statement [APP – 048/ Volume 6.1].</p> <p>Highways England uses the latest lighting technology to minimise light spill.</p> <p>Please also see the Statement of Statutory Nuisance [APP-170/ Volume 6.9] which confirms that:</p> <p><i>“With the application of mitigation measures included in the OEMP, no statutory nuisance under section 79(1)(fb) would arise during construction or operation of the Scheme as a result of artificial lighting.”</i></p>
<p>RR001c</p>	<p>“There will also be increased noise levels and pollution due to the extra traffic and the fact that the dual carriageway is being located closer to my property than where the existing Lane is</p>	<p>Detailed assessments of how changes in traffic flows arising from the Scheme would alter existing noise levels and local air quality have been undertaken, and Highways England refer Mr Cotterill to Chapters 6 [APP-051/ Volume 6.1] and 12 [APP-057/ Volume 6.1] of Volume 1 of the Environmental Statement submitted as part of the Development Consent Order</p> <p>A combination of monitoring and computer modelling has been used to establish existing noise and pollutant levels, and to predict the changes that would arise from the Scheme, once open to traffic in the future.</p> <p>The noise assessment concluded that there would be a negligible increase in noise at Mr Cotterill’s property in the year 2023 (the first year in which</p>

		<p>the Scheme would be open to traffic), and in the year 2038 (fifteen years after the Scheme would be open to traffic). These increases would not result in a significant effect on the occupants of this property.</p> <p>The air quality assessment identified and modelled pollutant levels at a number of locations in proximity to the Scheme. These included location references R46, R52 and R60 located in the Bickenhill area, as illustrated on Sheet 3 of Figure 6.2 of Volume 2 of the Environmental Statement [APP- 080/Volume 6.2].</p> <p>The assessment of R46, R52 and R60 concluded that existing air quality is good and that the predicted increases in concentrations of nitrogen dioxide and particulate matter – the two main pollutant types assessed – would remain well below the national limit values in the year 2023. These increases would not result in a significant effect on the occupants of this property.</p>
RR002	The Woodland Trust	
		Highways England is progressing the points raised by The Woodland Trust within the Relevant Representation by means of a Statement of Common Ground, as per the request of the Examining Authority within the Rule 6 Letter issued on the 23.04.19.
RR003	Natural England	
		Highways England is progressing the matters raised by Natural England within the Relevant Representation by means of a Statement of Common Ground.
		The SoCG incorporates the matters raised in the relevant representation.
RR004	Warwickshire Wildlife Trust	
		Highways England is progressing the matters raised by Warwickshire Wildlife Trust within the Relevant Representation by means of a Statement of Common Ground.
		The SoCG incorporates the matters raised in the relevant representation.
RR005	The National Exhibition Centre	
		Highways England has responded to the points raised in the National Exhibition Centre’s relevant representation by

	<p>letter. This letter has been attached to this relevant representation response for information. Please see Appendix A. Highways England will continue to liaise with the National Exhibition Centre to address its concerns.</p>	
RR006	Genting Solihull Limited	
RR006a	<p>In summary, we welcome and are generally in agreement with the M42 Junction 6 Improvement Scheme proposed by Highways England (the “Scheme”). In the long term we believe that the Scheme will facilitate improved traffic flows on routes feeding into and surrounding Junction 6. We anticipate that the Scheme will result in better traffic flows during normal conditions but also, more importantly, ease congestion during peak times, including for example when events are held at Resorts World and the National Exhibition Centre.</p>	<p>Highways England welcomes Genting Solihull Limited’s support for the Scheme.</p>
RR006b	<p>We are hopeful that the Scheme will also mitigate the effects of future proposed developments in the area surrounding Junction 6 which may result in additional road users and journeys.</p>	<p>Noted.</p>
RR006c	<p>We are concerned that the works undertaken as part of the Scheme could create heavy traffic congestion (in particular, and most importantly, when events are held) and, as a result, “drive away” potential visitors to Resorts World. Suggestion: We would suggest that a detailed traffic management plan is</p>	<p>Highways England will mitigate and seek to minimise the impact of construction on the local and strategic road network. Accordingly, Highways England will prepare a detailed traffic management plan in accordance with Requirement 10.</p> <p>Highways England welcomes any input from major trip generators in the vicinity in order to develop a robust traffic management plan for the Scheme.</p>

	<p>prepared by Highways England before the Scheme commences. We would also suggest that Highways England seeks the opinions and agreement of interested parties in the area, including Resorts World and the National Exhibition Centre, as to such traffic management plan.</p>	
RR006d	<p>We note that as part of the Scheme, Highways England proposes to temporarily use the car parks to the East and South East of Resorts World and the National Exhibition Centre. As with the potential increased traffic congestion, we are concerned that if visitors are unable to park at or within close proximity of Resorts World this could “drive away” potential visitors. Suggestion: We would suggest that a detailed plan is agreed between the interested parties (namely, Resorts World, the National Exhibition Centre, and Highways England) as to the use and management of the car parks before the Scheme commences. We would expect that a well thought out car park management plan would enable any disruption to the visitors’ use of the car parks to be minimised.</p>	<p>See above.</p>
RR006e	<p>Resorts World is a mixed leisure facility which includes the Genting Hotel and Genting International Casino. Resorts World is therefore considered to be a “24/7 operation” with visitors, staff and suppliers</p>	<p>Highways England recognises that the Scheme will require significant construction works in the area of Genting Solihull Limited. Highways England has reviewed the design from a constructability perspective and has presented to Genting Solihull Limited a programme of works to demonstrate that the operation of the South Way access and egress</p>

	<p>arriving and leaving around the clock. Concern: We are concerned that access to and from Resorts World may be restricted or stopped as part of the Scheme during off-peak times or “unsociable hours”. Suggestion: We would suggest that a plan is agreed between Resorts World and Highways England (as well as the National Exhibition Centre, if interested) as to how best to maintain access to and from Resorts World before the Scheme commences. We would expect that such a plan would enable access to and from Resorts World to be preserved 24/7.</p>	<p>remains operational.</p> <p>The Contractor will liaise with relevant parties including Genting Solihull Limited during both the planning and construction stages, to identify key events where specific construction works or night time traffic management closures should be avoided.</p>
RR007	Catherine-de-Barnes Resident Association	
RR007a	<p>The new site sits in prime Green Belt land, and although some of the construction sits within a cutting, the impact on the openness of the green belt is significant</p>	<p>Please see Paragraphs 5.3.56- 5.3.61 of the Planning Statement [APP-173 / Volume 7.1] which articulates the need for the Scheme and demonstrates the very special circumstances that exist that justify any harm caused to the character of the Green Belt by the Scheme.</p>
RR007b	<p>We are greatly concerned that the DCO seems to make no reference to the current planning application 2015/51409 for a motorway service area (msa) which if the application is approved will have direct access to the first roundabout at the southern end of the proposed new link road. Any msa at this point will have a significant safety implications. In the event that the M42 is blocked or slow running at this site there is a probability that the both roundabout could be blocked with stationary traffic which could well impact</p>	<p>The MSA is addressed in Section 2.4 of the Planning Statement [APP-173/Volume 7.1], which was submitted as part of the Development Consent Order Application.</p>

	traffic leaving the m42 at the new junction intending to go to the Clock I/C. This would result in the slip road, part of the ATM system, filled with stationary traffic which would directly impact the M42.	
RR007c	Based on a recent decision by HE to review, almost at the last minute, its traffic volumes submitted as part of its response to the planning application mentioned above we feel that HE should conduct a further review of its traffic figures vis a vis this DCO.	Refer to Highways England’s response to Applegreen’s Relevant Representations.
RR007d	We feel the current design has been bought about by HE taking into account a possible msa at the bottom end of the link road and the most appropriate, safest solution would have been direct ingress and egress slip roads to and from the M42.	<p>Since the Scheme inception in 2014 a detailed process has been used to develop and assess design solutions to meet the Scheme objectives. This process is described in detail in the Environmental Statement Chapter 4 Scheme History and Alternatives [APP – 049/Volume 6.1]. Plans for a Motorway Service Area (MSA) on land south west of the proposed Junction 5A have been in the public domain since a planning application was submitted to Solihull Metropolitan Borough Council in June 2015.</p> <p>The Scheme has been developed with knowledge of MSA planning application, but as set out in Section 2.4 of the Planning Statement [APP – 173/Volume 7.1] the MSA has not been treated as committed development.</p> <p>We note that The Examining Authority has asked a specific question on this issue [1.0.10] and a full written response will be provided at Deadline 2.</p>
RR008	Birmingham Airport Limited	
	Highways England welcomes Birmingham Airport Limited (BAL) support for the Scheme.	

	<p>Highways England is progressing the matters raised by BAL within the Relevant Representation by means of a Statement of Common Ground (SoCG).</p> <p>Highways England is responding directly to matters raised in BAL’s relevant representation.</p>	
RR009	Bracebridge Holdings	
	<p>Bracebridge Holdings Limited operate the National Motorcycle Museum and Conference Centre which takes direct access from M6 Junction 6 gyratory. The proposed works will impact on the access to the site. At this stage the impact is unclear as is the extent and purpose of land required from the site. Accordingly I therefore wish to register an objection until such time that the access implications and the impact on the operation of the site is clarified and confirmed to be acceptable.</p>	<p>Noted.</p> <p>Highways England has engaged and continues to engage with Bracebridge Holdings in respect of potential impacts of the Scheme on access to its site.</p> <p>The land required from Bracebridge Holdings is in place to improve the existing footpath along the A45 westbound offslip; to provide safer pedestrian/ cyclist access from M42 Junction 6 to the east.</p>
RR010	MSA Extra Solihull Limited	
	<p>Highways England is progressing the matters raised by MSA Extra Solihull Limited within the Relevant Representation by means of a Statement of Common Ground (SoCG).</p> <p>The SoCG incorporates the matters raised in the relevant representation.</p>	
RR011	Applegreen PLC	
RR011a	<p>Applegreen fully supports the principle of HE’s DCO Scheme to improve M42 Junction 6. It is recognised that this is a long planned investment, first announced in the Autumn Statement 2014 and subsequently included in the Road Investment Strategy (RIS) 2015-2020.</p>	<p>Highways England welcomes Applegreen PLC support for the Scheme.</p> <p>Noted.</p>
RR011b	<p>The purpose of, and need for, the DCO Scheme is clearly described in HE’s</p>	<p>Noted.</p>

	<p>submitted Planning Statement (in Chapter 3). The justification for the project is to provide additional highway capacity around the existing M42 Junction 6 area for the new HS2 station and other planned and existing development. The other projects are described as follows:</p> <p>Birmingham Airport which currently employs more than 6,000 people and manages the flow of 13 million passengers per year and Birmingham International Railway station which serves 4.5 million passengers per year. Both are looking at expanding their operations over the coming years as set out in their respective strategic plans. In addition, that there are two large scale employment sites currently expanding their facilities:</p> <p>Birmingham Business Park which is home to over 100 companies including Rolls Royce, Fujitsu, EE and IMI. Its existing 148 acre site has planning consent for a further 17 acres of development land.</p> <p>Jaguar Land Rover at Solihull, which currently employ more than 10,000 staff and have recently invested in technology upgrades to build the next generation of Land Rover models and are looking to expand their facilities in the future. It is</p>	
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	<p>stated that both sites would benefit from a greater reliability and resilience in the network to ensure consistency and continuity for their activities.</p> <p>To maximise the economic benefits that HS2 will bring to the region, there are proposals to utilise the surrounding 350 acres to create a mixed-use development site called Arden Cross for housing, commercial, retail and leisure space. The accessibility to the new station is reliant on alleviating the current congestion.</p>	
RR011c	<p>The Planning Statement describes how various investments form an essential part of a larger £1.63 billion Government Growth Strategy which is being developed with local partners, through UK Central (UKC) and Solihull Urban Growth Company (UGC). In combination all these developments in the area create a gateway to the Midlands as part of the Midlands Engine Growth Strategy</p>	Noted.
RR011d	<p>In addition to the extensive medium and long term growth in the area, the following are also noted as being relevant to the need for the DCO Scheme: • Birmingham's successful bid to host the Commonwealth Games in 2022, with 7 of the 17 events being held at the NEC. • The presence of the NEC which holds around 500 events per year, bringing approximately 6 million</p>	Noted.

	visitors into the area annually. With a car parking capacity of over 16,500, this creates heavy peak movements of traffic at the most popular events. • The National Motorcycle Museum which has an annual visitor tally of 250,000 directly connecting off the M42 Junction 6. • Resorts World, a shopping, entertainment and leisure destination adjacent to the NEC contributing to the regular movement of visitors to the area.	
RR011e	In short, the improvement works to Junction 6, a £282 million scheme, are a Government sponsored project whose primary, if not sole, objective is to create more highway capacity on and around M42 Junction 6. This additional capacity is of paramount importance to the delivery and ongoing functionality of the aforementioned planned and existing developments. As such, Applegreen strongly supports the DCO Scheme.	Noted.
RR011f	However, a fundamental issue facing the DCO Scheme is that the location of the new, proposed Junction 5a, is in the same place as a proposed new dedicated junction to serve a proposed Motorway Service Area (MSA), promoted by Extra MSA Group, hereafter referred to the 'Extra MSA'.	Noted, this matter is addressed in Section 2.4 and Sections 3-6 of Appendix 4 in the Planning Statement [APP-173/Volume 7.1].
RR011g	The Extra MSA is currently the subject of an undetermined planning application	Noted.

	<p>made to Solihull Metropolitan Borough Council (SMBC), application reference: PL/2015/51409/PPOL, and described as: A Proposed MSA between Junctions 5-6 at Catherine-de-Barnes, Solihull.</p> <p>The MSA junction design to serve the Extra MSA is understandably very different to the Junction 5a design promoted as part of the DCO Scheme. Reference to the respective application drawings shows that the following differences and incompatibilities are evident: i. The DCO Scheme does not include the north facing slip roads onto the M42. ii. The DCO Scheme does not include the access road into the Extra MSA. iii. The Extra MSA scheme does not include the proposed dual carriageway main line link to the A45. iv. In the DCO Scheme the northbound and southbound Emergency Refuge Areas to the north of the junction are to be retained; in the Extra MSA scheme they are to be closed, as they clash with the proposed north facing slip roads. v. In the DCO Scheme the vertical alignment of Solihull Road west of the overbridge drops down to tie in to the existing road earlier than on the Extra MSA scheme; this would affect the available headroom for the MSA access road that passes below Solihull Road. vi. The DCO Scheme does not</p>	
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	require the M42 between Junction 5 and 6 to be converted to All Lane Running, while the Extra MSA scheme does.	
RR011h	Accordingly, there are now two undetermined applications for different junction designs in the same place on the M42. However, the most significant point is understanding the impact of any MSA on the DCO Scheme, specifically the operation of the new Junction 5a.	Noted.
RR011i	As described above, the fundamental point of the DCO scheme is to add new capacity to Junction 6, for the extraordinarily important reasons previously identified. Any MSA on the new Junction 5a will simply absorb new capacity that is being created	<p>Highways England acknowledges that there are two schemes (the Extra MSA and the current DCO application) proposing a new Junction 5A on the M42 and that elements of these schemes differ.</p> <p>Highways England has consistently taken the view that as planning permission for the MSA is not certain, the DCO Scheme should stand alone and that the MSA should not be treated as a committed development as set out in paragraph 2.4.5 of the Planning Statement [APP-173/Volume 7.1].</p> <p>Highways England has sought, where practicable, in the event that both schemes were to be granted approval, the DCO scheme would not preclude the MSA proposal at Junction 5A from being implemented.</p> <p>To further understand whether the presence of the MSA would materially impact the DCO Scheme, Highways England has undertaken further traffic modelling to establish whether the MSA will absorb the capacity provided by the Scheme.</p> <p>As set out in Section 6 of Appendix 4 to the Planning Statement [APP-173/Volume 7.1] this additional demand could be accommodated through the following modifications:</p>

		<ul style="list-style-type: none"> • Junction 5A dumb-bell arrangement modified to a “Dog Bone” arrangement. • Three lanes approach at the stop line on the M42 northbound off-slip. • Three lanes on the western side of the gyratory. • The new mainline Link Road should exit the roundabout with three lanes, then merge into two lanes downstream of the junction. • A segregated left turn lane for M42 into MSA traffic. <p>These modifications are capable of being delivered within the DCO, or through modifications to the Extra MSA planning application, subject to complying with detailed design requirements.</p> <p>If the MSA scheme is approved, therefore, it will not absorb the capacity of the Junction.</p>
RR011j	<p>By way of context, it is noted that the Extra MSA application Transport Assessment has never been updated to consider the DCO Scheme and provides no assessment whatsoever of the adverse impact the MSA would cause.</p>	<p>This representation is in reference to the MSA planning application and so Highways England has no comments.</p>
RR011k	<p>Equally concerning to the success of the DCO Scheme is the fact that the DCO application, which was made subsequent to the Extra MSA application, also presents no assessment of the impact of the MSA on the capacity of the new Junction 5a. The DCO application Transport Assessment states (paragraph 3.9.1): “Various sensitivity tests were undertaken</p>	<p>See response for RR011i.</p>

	<p>to assess the impact on the design of the scheme improvements. These included: d. junction 5A motorway service area (MSA) – traffic demand tests for the potential increase in traffic at Junction 5A, should the proposed MSA at this location be approved...”. However, the results of the sensitivity testing are not included in the DCO application documentation and nowhere in the extensive DCO application documentation does it state that the impacts on the capacity of the new junction would be acceptable and / or the residual cumulative impacts on the road network would not be severe</p>	
RR011l	<p>The interface between the 2 schemes is referenced in the DCO application Planning Statement with several neutral and worryingly ambiguous statements e.g. at paragraph 2.4.5 which says (extract and our emphasis): “Nevertheless, Highways England has engaged with the applicant for the MSA scheme and sought to ensure that, where practicable, the design of Junction 5A would not preclude the MSA scheme being delivered if authorised following the implementation of the Scheme”</p>	<p>Highways England does not consider its position to be ambiguous: the Scheme does not preclude, nor cater for the proposed MSA.</p>
RR011m	<p>The above references are far from unequivocal that the DCO Scheme and the Extra MSA can actually co-exist and beg the question as to where the two schemes</p>	<p>The design rationale for Junction 5A is included in Sections 3-6 of Appendix 4 to the Planning Statement [APP-173/Volume 7.1], which sets the range of factors that were considered. One of the objectives was not to preclude the MSA but there were a number of other factors that were also</p>

	<p>are left with those incompatibilities that were not 'practicable' to resolve. In fact, it is readily evident from the DCO Planning Statement that HE is trying to avoid stating that their scheme precludes the MSA for the sole reason of avoiding an objection from Extra to the DCO Scheme – refer to PDF page 146, an Appendix setting out the design rationale for Junction 5a, which states: "The M42 J6 improvement works must not be seen to preclude this design as it would most likely result in an objection being lodged by the MSA developer at DCO application"</p> <p>In Applegreen's view such an approach is misguided as it risks fundamentally undermining the efficacy of the critically important DCO Scheme.</p>	<p>taken into account.</p>
RR011n	<p>The only assessment of the impact of the MSA on the capacity of the new DCO Scheme Junction 5a, that is currently in the public domain, is within the Scheme Assessment Report which formed part of HE's December 2016 consultation documentation. This states (on PDF page 148): "To incorporate the new link road to Clock Interchange (and potential new MSA connection), the western roundabout size has been developed to the maximum recommended size in TD 16/07 (100m inscribed circle diameter). An ARCADY</p>	<p>Noted.</p>

	<p>(Assessment of Roundabout Capacity and Delay) analysis was undertaken on the new southern junction with and without the MSA. It shows that without the MSA the western and eastern dumb-bell roundabout have spare capacity. When considering a new southern junction with an MSA, the western dumbbell entry from M42 northbound diverge and entry from the MSA are over the recommended ratio of flow to capacity (RFC = 0.85), by 0.97 and 1.76 respectively. It is recommended that the ARCADY analyses are re-run once the micro-simulation (VISSUM) traffic modelling has been completed. Consideration can be given to widening entry widths but this is likely to result in an ICD over the recommended size. In terms of impact to the MSA, discussions should be held with the developer on the interaction with their planning application”</p>	
RR011o	<p>In short, the assessment work showed that the new Junction 5a worked without the MSA, but materially failed with it, with unacceptable levels of congestion forecast. In fact the flow on the exit from the Extra MSA would be double the recommended level of flow for the capacity provided. No subsequent analysis is provided in the DCO application that demonstrates that what was clearly an unacceptable position has in anyway changed, or been</p>	See response for RR011i.

	acceptably resolved	
RR011p	In light of the foregoing, it is considered essential that DCO application includes a detailed analysis of the potential impact of the Extra MSA on the new, proposed Junction 5a, in order to establish definitively whether the presence of the MSA fundamentally undermines the overriding purpose of the DCO Scheme i.e. to add more capacity on motorway / non-motorway junctions and links in the M42 Junction 6 area.	See response for RR011i.
RR011q	It appears to Applegreen, based on the above information, that far from HE looking to mitigate against receiving an objection from the prospective MSA operator, they should be seeking to ensure that the publicly stated purpose of the DCO is not fundamentally compromised by the MSA.	For the reasons given above Highways England does not accept that the DCO is fundamentally compromised by the MSA.
RR011r	Applegreen acknowledges that with regard to the provision of a MSA on the M42 between junctions 3a and 7, HE is wearing two hats. This is due the widespread acceptance that a new MSA is required on this stretch of the M42 in order to support the safety and welfare of motorway users. Secretaries of State have twice determined this need (at MSA planning inquiries) in 2001 and 2009. In 2001 he stated: “The Secretary of State notes that the stretch of motorway between Junction 4 and Junction 6 of the M42 has	Alternative MSA applications are a matter for Solihull Metropolitan Borough Council.

	<p>one of the highest motorway flows in the country and he agrees with the Inspector that there is a significant number of vehicles per day travelling between excessive gaps in MSAs on this stretch, demonstrating a substantial amount of unsatisfied need”</p> <p>In 2009 she stated: “For the reasons given by the Inspector she [the Secretary of State] agrees with him that there remains a significant unmet need for one additional MSA serving traffic travelling in both directions on this stretch of the M42, and that this need is somewhat greater than that which existed in 2001 ...”</p> <p>Thus, there might be support (in Applegreen’s view not warranted) for HE accepting a DCO Scheme compromised by the Extra MSA, if there were no alternative options for MSA provision on this length of the M42. However, that is not the case. Applegreen also has undetermined planning application with SMBC (application reference: PL/2016/02754/MAJFOT) for an MSA on land adjacent to M42 Junction 4, that would equally well resolve the unmet MSA demand. In short, there is a clear alternative to the Extra MSA and one which has no interface with, or impact</p>	
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	<p>upon, HE's DCO Scheme.</p>	
<p>RR011s</p>	<p>In terms of timescales for the two schemes, the granting of the DCO is programmed for very early 2020, circa 12 months from now. The Extra Scheme is planned to go to SMBC's planning committee on 27th March 2019. In the event that SMBC refuses permission the interface issue goes away, unless Extra appeal. In such an event the Extra Scheme would require a circa 24 month period for the lodging of an appeal, a public inquiry and the subsequent decision making process, and thus be finally determined long after the DCO Scheme. In fact, it would not be determined until around Q2/3 2021, well over a year after the DCO Scheme is planned to start construction (i.e. in Q1/2 2020).</p> <p>Alternatively, in the event SMBC resolves</p>	<p>Highways England refers Applegreen to the previous responses and Appendix 4 of the Planning Statement [APP-173/Volume 7.1].</p>

	<p>to approve the Extra MSA, that decision will be referred to the National Planning Case Work Unit. All historic evidence then points to the overwhelming likelihood that it would be called in for determination by the Secretary of State following a planning inquiry. In such circumstances, a similar 24 month period would ensue and the Extra Scheme would again be determined long after the DCO Scheme, and over 12 months after the DCO Scheme has commenced construction. (The likelihood of call-in is amplified by the existence of the alternative MSA proposal promoted by Applegreen at M42 Junction 4. The circa 24 timescale for determination either via appeal or call-in is evidenced by the fact that the last time competing MSA proposals were considered on this stretch of the M42, the Junction 4 MSA appeal was lodged in June 2006, subject to a co-joined public inquiry with a MSA proposal at Catherine-de-Barnes, and the Secretary of State issued his decision in January 2009; a 30 month period).</p> <p>Thus, it is important to understand the impact on the DCO Scheme in the likely event that, where the Extra Scheme ever to be consented, this would occur after the DCO Scheme was well into its construction period.</p>	
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	<p>The submitted DCO Planning Statement (at Appendix 4 paragraph 6.1) assists in understanding this scenario, stating: “Should the planned MSA be authorised after the M42 Junction 6 Improvement Scheme is operational, the western roundabout at Junction 5A and approach and departure arms would require geometric modifications, this would include the following works:</p> <p>The junction would be altered from a dumb-bell arrangement to a ‘Dog Bone’ layout. This would mean extending the central reserve island on the link road between the two roundabouts to connect with the roundabout island, subsequently severing the gyratory at each roundabout.</p> <p>A segregated left-turn lane would be required from the M42 northbound diverge slip road into the MSA.</p> <p>The M42 northbound diverge slip road would be widened to 3 lanes from 2 lanes 80m before the give way line.</p> <p>The western side of the roundabout would be widened to 3 lanes from 2 lanes to accommodate the 3 lanes traffic movements from the south at the M42</p>	
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	<p>diverge slip road travelling north at the main line.</p> <p>The New Link Road would be widened at exit from the roundabout to three lanes before merging into two lanes downstream of the junction”.</p>	
RR011t	<p>Applegreen also notes that:</p> <p>There is the obvious point that two north facing slip roads would be added to Junction 5a. This would result in a weaving length between the new Junction 5a and existing Junction 6 of 1.175 km northbound and 1.16 km southbound (refer to DCO Planning Statement at Appendix 4 paragraph 3.16). This is a very significant Departure from Standard from the 2 km requirement.</p> <p>No mention is made in the DCO Planning Statement of the need to introduce All Lane Running between J5 and J6 if the MSA is to be accommodated. This comes with the inherent risk of the motorway operating as Dynamic Hard Shoulder Running between J3a and J5 and J6 and J7, while J5 to J6 would operate with All Lane Running (no hard shoulder);</p> <p>The vertical alignment of Solihull Road</p>	<p>Highways England refers Applegreen to the previous responses and Appendix 4 of the Planning Statement [APP-173/Volume 7.1].</p> <p>Paragraph 3.16 of Appendix 4 of the Planning Statement, [APP-173/Volume 7.1] refers explicitly to the need for All Lane Running to be provided by MSA Extra should it receive planning permission. The north-facing slip roads are not part of the DCO scheme.</p>

	<p>west of the overbridge would have to be raised in order to provide the headroom for the MSA access road that passes below Solihull Road; and</p> <p>The DCO Scheme includes a Departure from Standard to reduce the forward visibility on the northbound off slip. The proposed DCO junction overbridge carrying Solihull Road is long enough to accommodate this reduced forward visibility. The sketch that has been prepared to indicate how access to the MSA could be accommodated (Planning Statement Appendix 4 Figure 4) includes a free flow left turn slip. This would require drivers on the slip road to see further to the left along this free flow slip. From the sketch layout provided, it appears that the Solihull Road bridge proposed in the DCO Scheme will obstruct the ability to see along the free flow left turn slip and it is possible that the bridge, if built as currently proposed, would need to be demolished and rebuilt to accommodate the forward visibility required by the access to the MSA.</p>	
RR011u	<p>Accordingly it can be seen that seeking to 'retrofit' the MSA into the DCO Scheme will have a huge impact on the latter. It should</p>	<p>In the event that it was necessary for the MSA scheme to be varied, this would be a matter for resolution between MSA Extra and Solihull Metropolitan Borough Council as the local Planning Authority.</p>

	<p>also be noted that these design features / requirements do not form part of the Extra MSA planning application, which has been submitted in detail in respect of access. In short, this means that in the most likely scenario that the DCO is granted before the Extra MSA, the Extra scheme is not deliverable without needing to go through a new, separate planning application process, and securing a subsequent approval. As such, the DCO scheme will either be very well developed, or even complete, before the massive disruption that would be caused by the MSA materialises.</p> <p>Applegreen cannot see how such disruption could ever be compatible with the DCO Scheme objectives, or acceptable to HE.</p>	
RR011v	<p>The DCO Scheme for the improvement of M42 Junction 6 is a £282 million Government sponsored project whose primary, if not sole, objective is to create more highway capacity on and around M42 Junction 6. This additional capacity is of paramount importance to the delivery and ongoing functionality of the Midlands Engine Growth Strategy, including the new HS2 station. As such, Applegreen strongly supports the principle of the project.</p>	<p>Matters in this summary are addressed above.</p>

	<p>With the submission of the DCO application alongside the Extra MSA proposal there are now two undetermined applications for different junction designs in the same place on the M42. Accordingly, the precise impact of any MSA on the DCO Scheme, specifically the operation of the new Junction 5a, needs to be understood.</p> <p>The primary issue, given that the fundamental point of the DCO scheme is to add new capacity to Junction 6, is to fully understand the extent to which any MSA located on the new Junction 5a will absorb the new capacity that is being created. The DCO application provides no such assessment.</p> <p>Work carried out by HE, earlier in the DCO pre-application consultation process, demonstrated that the new Junction 5a worked without the MSA, but materially failed with it, with unacceptable levels of congestion forecast. In fact the flow on the exit from the Extra MSA would be double the recommended level of flow for the capacity provided. No subsequent analysis is provided in the DCO application that demonstrates that what was clearly an unacceptable position has in anyway changed, or been acceptably resolved.</p>	
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	<p>In light of the foregoing, it is considered essential that DCO application includes a detailed analysis of the potential impact of the Extra MSA on the new, proposed Junction 5a, in order to establish definitively whether the presence of the MSA fundamentally undermines the overriding purpose of the DCO Scheme i.e. to add more capacity on motorway / non-motorway junctions and links in the M42 Junction 6 area.</p> <p>For the reasons provided, it is almost certain that the determination, and very likely approval, of the DCO Scheme will take place before the determination of the Extra MSA application. In fact the DCO Scheme is highly likely to be over 12 months into construction before the MSA determination.</p> <p>It has been shown, and explicitly acknowledged in in the DCO application, that seeking to 'retrofit' the MSA into the DCO Scheme will have a huge impact on the latter, with extensive and disruptive works required. Further, the current Extra MSA planning application does not even include the works necessary for it to be 'accommodated' within the DCO Scheme and future planning approvals would be required. As such, the DCO scheme will</p>	
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	<p>either be very well developed, or even complete, before the massive disruption that would be caused by the MSA could ever materialise. Applegreen cannot see how such disruption could ever be compatible with the DCO Scheme objectives, or acceptable to HE.</p> <p>It is acknowledged that HE recognises and supports the need for a new MSA on the stretch of the M42 between Junctions 4 and 6. However, there is no need for the DCO scheme to be fundamentally compromised by an MSA on the new, proposed Junction 5a. A second viable alternative MSA proposal exists on land adjacent to M42 Junction 4, that would equally well resolve the unmet MSA demand. In short, there is a clear alternative to the Extra MSA and one which has no interface with, or impact upon, HE's DCO Scheme.</p> <p>Based on the foregoing, whilst Applegreen strongly supports the principle of the DCO Scheme, the company submits that it is essential that all of the potential effects of the Extra MSA on the DCO Scheme are assessed in detail and explored through the DCO Examination process.</p> <p>Applegreen's identified concerns over the</p>	
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	<p>effects of the Extra MSA on the DCO Scheme are summarised as:</p> <p>The impact on the capacity of the new Junction 5a.</p> <p>The impact of the additional works required to deliver the Extra MSA on the DCO Scheme, which is likely to be in advanced construction or even complete by the time the Extra MSA application could ever be approved.</p> <p>he combined effects of the DCO Scheme and the Extra MSA proposal on the very sub-standard weaving length between junctions 5a and 6, that would arise in the event the north facing slip roads on Junction 5a were ever implemented under the MSA scheme.</p> <p>The combined risk of the DCO Scheme and the Extra MSA proposal with the motorway operating as Dynamic Hard Shoulder Running between J3a and J5 and J6 and J7, while J5 to J6 would be operating with All Lane Running (no hard shoulder), that would arise in the event the north facing slip roads on Junction 5a were ever implemented under the MSA scheme.</p> <p>If, following full and detailed evaluation, the possible incorporation of the Extra MSA</p>	
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	into the DCO scheme is shown to have material adverse impacts on the DCO Scheme and its primary purpose, it is recommended that the integrity of the DCO Scheme is maintained through HE lodging an objection to the Extra Scheme	
RR012	Páirc na hÉireann - Gaelic Athletics Association	
	Highways England continues to engage with the WGAA in regard to a mitigation solution and will report back to The Examining Authority by Deadline 2.	
RR013	Lansdowne Group	
	The Lansdowne Group seek confirmation that the propose highway improvement scheme makes appropriate provision to ensure that safe and suitable access is maintained to their property at Long Acre Farm. The residential site is located to the north of the A45 between the A45-B4438 junction and M6 junction 6. It is currently accessed by a left in – left out crossover on the eastbound A45 carriageway. At this stage it is unclear how the proposals will impact on the site and accordingly I wish to register an objection until such time that the access implications and the impact on the site is clarified and confirmed to be acceptable.	The existing access to Long Acre Farm will not be impacted by the Scheme, with works to construct the A45 Eastbound to M42 Northbound free flow link being implemented to the east of the existing access point off the A45. However, Highways England is happy to meet with the Lansdowne Group to discuss the Scheme in more detail.
RR014	Josephine Smyth on behalf of Damian Smyth	
	The proposed realigned Catherine de Barnes route will effect the residents of Clock Lane. At present we can turn right and left onto Catherine de Barnes, the	The existing connection of Catherine-de-Barnes Lane to Clock Interchange will be stopped up to accommodate the new dual carriageway mainline link road.

	<p>proposal will only allow us to turn right, there will be no left turn to access Clock Interchange. This will effect the residents on Clock Lane who wish to enter the A45, Birmingham International Rail or Birmingham Airport. All residents will have to turn right and then go further up Catherine de Barnes Lane to turn around to access the routes on the A45 etc. The residents of Clock Lane will be impacted by this route and proposal</p>	<p>This decision was made in collaboration with Solihull Metropolitan Borough Council and other interested stakeholders in order to separate the Highways England road infrastructure from the local authority infrastructure and prevent excess traffic using the existing local road network to connect with Highways England infrastructure in a way that may have an adverse social and environmental impact on the local residents.</p> <p>Access to Residents of Clock Lane will be maintained by the realigned Catherine-de-Barnes Lane</p>
RR015	Estate of Mr D Rogers	
	<p>The haulage transport depot will be effected by the realigned Catherine de Barnes route. All vehicles will be unable to turn right to access the A45 and M42 roads. At present we can turn left onto Catherine de Barnes, the proposal will only allow us to turn right, there will be no left turn to access Clock Interchange. The transport vehicles will have to turn right and access a turning to turn around to proceed back to the Clock Interchange. This will have an effect on the Mayfield transport depot and its operation</p>	<p>The existing connection of Catherine-de-Barnes Lane to Clock Interchange will be stopped up to accommodate the new dual carriageway mainline link road.</p> <p>This decision was made in collaboration with Solihull Metropolitan Borough Council and other interested stakeholders in order to separate the Highways England road infrastructure from the local authority infrastructure and prevent excess traffic using the existing local road network to connect with Highways England infrastructure in a way that may have an adverse social and environmental impact on the local residents.</p> <p>Access to commercial enterprises on Clock Lane will be maintained by the realigned Catherine-de-Barnes Lane.</p>
RR016	Philip O'Reilly	
RR016a	<p>DCO application document 'M42J6_6-1_Environmental_Statement_Chapter_4' clause 4.4.47 (c) confirms 'progression of the southern option would bring the WGAA site closer to an existing residential property' i.e. my property. I object in the</p>	<p>The Scheme would have a direct impact on the Warwickshire Gaelic Athletic Association (WGAA), due to the new mainline link road, Work No.7, directly impacting two of the existing three sports pitches used by the sports facility. Highways England have therefore, through the Development Consent Order Application, sought to provide a proportionate and equivalent reconfiguration of the WGAA.</p>

	<p>strongest possible terms to the WGAA reconfiguration options in the DCO which involve the development of the land adjacent to my property as the impact has not been fully considered and I have had no proper consultation on the WGAA proposals</p>	<p>An assessment of the southern reconfiguration options identified for the WGAA was undertaken as part of the Environmental Impact Assessment, the findings of which were reported within Volume 1 of the Environmental Statement [Volume 6.1]. A summary of the predicted effects on Mr O'Reilly (Four Winds) associated with both the WGAA southern reconfiguration options and the new dual carriageway has been prepared as part of the response to this representation. See Appendix B.</p> <p>During initial discussions with the WGAA, and informed by the findings of the options assessment, Highways England concluded that Option E was the primary option to progress and develop further for the purposes of the DCO application.</p>
RR016b	<p>However, despite the assurances and statements repeatedly made by HE, the DCO application: - includes five options for the reconfiguration of the WGAA, all of which will have a significant effect on my property - includes five options for the reconfiguration of the WGAA, all of which do not include new access roads - proposes two out of the five options will include a new clubhouse being constructed immediately adjacent to my boundary - proposes four out of the five options will include a new car park being constructed immediately adjacent to my boundary - proposes four out of the five options will be in close proximity to my boundary, at a maximum distance of 10m and a minimum distance of 7m - proposes only one out of the five options will permit the construction</p>	<p>Noted.</p> <p>Highways England will provide an update on the WGAA at Deadline 2</p>

	<p>of a soil bund to mitigate increased noise levels as the other four options are too close to my boundary - proposes that any new clubhouse will be more than twice the size of the existing clubhouse, thereby considerably exceeding like for like replacement - proposes that any new car park will be more than four times the size of the existing car park, thereby considerably exceeding like for like replacement - fails to mention all WGAA requirements, such as new floodlighting - proposes to create a site compound directly behind my property</p>	
RR016c	<p>HE have steadily shifted in their view on the impact of the scheme on my property from an initial 'no impact' to what they suggest is 'minimal impact' that warrants the construction of a considerable soil bund with acoustic fencing and planting to mitigate the 'minimal impact'</p>	<p>Refer to response for RR016a.</p>
RR016d	<p>The DCO confirms that HE are actively supporting and progressing a 'southern option' for the reconfiguration of the WGAA, despite the fact they have not tabled any drawings for discussion at any of the five meetings I have had with them and have consistently confirmed that 'all options' are still on the table</p>	<p>Highways England refers Mr O'Reilly to Chapter 4 of Volume 1 of the Environmental Statement [APP-049/Volume 6.1], Section 4.4.43 to 4.4.52, which describes the history of the WGAA reconfiguration.</p>
RR016e	<p>With regard to the WGAA reconfiguration the DCO makes no reference to our property, or any concerns expressed, other</p>	<p>A summary of the predicted effects on Mr O'Reilly (Four Winds) associated with both the WGAA southern reconfiguration options and the new dual carriageway has been prepared as part of the response to this</p>

	than a throwaway line advising that 'progression of the southern option would bring the WGAA site closer to an existing residential property'	representation. See response to RR016a. The Environmental Statement [Volume 6.1] reports the assessments undertaken to identify the effects that the WGAA southern reconfiguration options would have on Mr O'Reilly's property.
RR016f	The WGAA reconfiguration options included in the DCO application do not appear to have considered the actual route of the ESSO pipeline and have simply assumed that it runs in a straight line, which is incorrect	Highways England continues to liaise with Esso and its appointed representatives in relation the protection of their asset. Following a meeting with ESSO on 22 March 2019, ESSO has provided as built records of their assets and the alignment of the fuel line on any plans associated with the Scheme shall be updated in due course.
RR016g	HE do not appear to have fully established the true ownership of the existing three pitches at the site. Previous planning applications at the site indicate that Warwickshire GAA (WGAA) applications are related to the two pitches adjacent to the existing clubhouse and Sean McDermotts GAA applications are related to the standalone pitch in the adjacent field	Highways England as part of the Development Consent Order has completed a comprehensive review of land titles that established current ownership. For further detail on land titles, Highways England refers Mr O'Reilly to the Book of Reference [APP-020/Volume 4.3], which was submitted as part of the Development Consent Order Application.
RR016h	HE should not be spending public money overcompensating an affected party for the sole purpose of silencing or removing an objection to their scheme	As part of the Development Consent order application, Highways England has provided a reconfiguration proposal that delivers a proportionate and equivalent facility for the WGAA.
RR016i	My property, which sits in open green belt, cannot be fully mitigated from the impact of the 'southern options' in the DCO without such mitigation creating an adverse visual impact, as well as having a considerable detrimental effect on its amenity and character	Please see Paragraphs 5.3.56- 5.3.61 of the Planning Statement [APP-173 / Volume 7.1] which articulates the need for the Scheme and demonstrates the very special circumstances that exist that justify any harm caused to the character of the Green Belt by the Scheme. A summary of the predicted effects on Mr O'Reilly (Four Winds) associated with both the WGAA southern reconfiguration options and the new dual

		carriageway has been prepared as part of the response to this representation. Refer to response for RR016a.
RR016j	HE have repeatedly failed to be transparent in their actions and discussions and have blatantly lied about their proposals for the WGAA site and how it will impact my property	<p>Highways England does not accept that it has lied about its proposals. Highways England acknowledges that proposals have evolved which may have given rise to some confusion.</p> <p>At the Open Floor Hearing, held on the 21 May 2019, Highways England made a commitment to document all previous communication and information provided to Mr O'Reilly in order to provide transparency on the status of discussions held to date.</p> <p>This document [Document 8.5] was submitted to The Planning Inspectorate on the 3 June 2019, (Deadline 1).</p>
RR016k	HE have repeatedly refused to cover the cost of professional advice which I believe I am entitled to given the significant impact to my property	<p>Highways England does not cover legal advice for those persons objecting to the application proposals.</p> <p>Highways England has however, reinforced the importance of Mr O'Reilly submitting his relevant representation and that the Planning Inspectorate will consider all relevant representations with equal weighting.</p>
RR016l	The proposals will have a significant detrimental impact on the value of my property	<p>Highways England notes Mr O'Reilly's concerns and refers Mr O'Reilly to the Part I compensation claim advice and discretionary purchase advice that is available on Highways England's website.</p> <p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/425148/M150005_Compensation_booklet_v3.pdf</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/645174/Your_property_and_discretionary_purchase.pdf</p>
RR016m	As far as I am aware, at the time of writing, no agreement has been reached between	As part of the Development Consent Order application, Highways England has provided a reconfiguration proposal that delivers a proportionate and

	<p>The WGAA and HE as to the acceptability of any of the submitted options or any variation/ additional option that may be offered. Therefore, I am sure you will appreciate the unfortunate predicament I find myself in through no fault of my own. I cannot understand how a scheme can be put forward when such a major consequence of it, i.e. the relocating/reconfiguring of the WGAA, is still to be resolved and its impact on me yet to be fully established</p>	<p>equivalent facility for the WGAA. Refer to the response to RR016a.</p> <p>Highways England understands that the WGAA do not believe that this provides equivalent mitigation and Highways England are continuing to discuss the way forward.</p>
RR016n	<p>New roundabout adjacent Dogs Home on Catherine de Barnes Lane will increase noise and pollution at my property due to traffic braking on approach, standing traffic, and traffic accelerating away, particularly at night</p>	<p>Highways England, as part of the Development Consent Order application, has undertaken traffic modelling to understand how the Scheme would alter traffic movements on the road network. The outputs from this modelling have formed the basis of the air quality and noise assessments reported within the Environmental Statement.</p> <p>A combination of monitoring and computer modelling has been used to establish existing noise and pollutant levels, and to predict the changes that would arise from the Scheme, once open to traffic in the future.</p> <p>The findings of the air quality and noise assessments, which considered changes in road traffic noise and pollutant levels are reported in Chapter 6 [APP-51/Volume 6.1] and Chapter 12 [APP-57/Volume 6.1] of Volume 1 of the Environmental Statement respectively.</p>
RR016o	<p>The DCO submission is incorrect as it proposes to locate my property on a new access road off an access road off Catherine de Barnes Lane. HE are fully aware that this is not acceptable and tabled a drawing at a meeting on 01/03/19</p>	<p>Highways England notes Mr O'Reilly's comments in regard to the shared private means of access.</p> <p>Highways England is working with Mr O'Reilly and other parties to provide a revised private means of access for the sole use of Four Winds from the B4438 Catherine-de-Barnes Lane as requested.</p>

	which showed access to my property would be directly off Catherine de Barnes Lane and the rear entrance to my property would become a private, fully gated/ fenced off access which I would own	
RR016p	Extending the current access lane to Woodhouse Farm up to the new roundabout, and creating a 'private' access road to the WGAA will create ongoing issues with regard to taxis, travellers, lorry drivers, anti-social behaviour, fly-tipping, vehicles racing, loss of privacy, unknowns hanging around, etc.	Highways England is currently discussing a revised access with the WGAA in order to provide them with a direct access off the B4438 Catherine-de-Barnes Lane, removing the need for the current access road.
RR016q	Lighting to new roundabout will causes a light nuisance adjacent to my property	<p>Lighting at Barbers Coppice roundabout has been identified as essential for road user safety.</p> <p>Highways England uses the latest lighting technology to minimise light spill.</p> <p>Please also see the Statement of Statutory Nuisance [APP-170/Volume 6.9] which confirms that:</p> <p><i>“With the application of mitigation measures included in the OEMP, no statutory nuisance under section79 (1)(fb) would arise during construction or operation of the Scheme as a result of artificial lighting.”</i></p>
RR016r	Roundabout location adjacent St. Peters Lane will turn St. Peters Lane into a rat run to Bickenhill village	Although Catherine-de-Barnes Lane is no longer connected to Clock Interchange, it will remain the most convenient means of access to Bickenhill and Clock Lane, thereby minimising the potential for 'rat running'.
RR016s	'New cycleway' appears to be using existing cycleway which is too narrow and not fit for purpose	Highways England can confirm that the realigned Catherine-de-Barnes Lane where a proposed shared footway cycleway has been identified in the Development Consent Order application, has been designed to 3m width

		and adheres to latest design standards.
RR016t	At no time have Highways England (HE) voluntarily offered to meet with me and any meeting we have had has been chaired by Hampton in Arden Parish Councillors	Refer to response to RR016j.
RR017	Philip O'Reilly (Second Representation)	
RR017a	On 19/03/2019 I, and the Hampton in Arden Parish Council, received a copy of drawing number 'HE551485-ACM-GEN-ZZ_SW_ZZ_ZZ-DR-ZH-0109 Rev.P02' attached to an email from AECOM with an accompanying note which read 'Also attached is the reconfiguration option, Option I, which is the layout that has been included for consideration in the DCO application and that is currently being discussed with the GAA. Please note however that Highways England is in on-going dialogue with WGAA to determine if this layout is acceptable to them or could be further developed in order to better meet their needs'	Noted.
RR017b	On 22/03/2019, I received a copy of the same drawing attached to an email from Highways England. The accompanying note read 'Please see attached the drawing . . . which shows the proposed DCO mitigation for the WGAA site'	Refer to response to RR016j.
RR017c	I have today, 28/03/2019, had a further meeting with Highways England and AECOM. It was my understanding, and also that of the Hampton in Arden Parish	Refer to response to RR016j.

	<p>Councillors who attended, that the purpose of the meeting was to finalise some issues relating to access to my property and its boundary, and to also review the drawing I had been sent on 19/03/2019 and 22/03/2019</p> <p>HE and AECOM confirmed at the meeting that the drawing I had been sent ('HE551485-ACM-GEN-ZZ_SW_ZZ_ZZ-DR-ZH-0109 Rev.P02'): o had been submitted as part of the DCO application o was the drawing that was being discussed and finalised with the WGAA</p>	
RR017d	<p>As the meeting progressed, HE and AECOM acknowledged that this drawing:</p> <p>Had not been submitted with the DCO application</p> <p>was not the actual drawing being discussed and finalised with the WGAA</p> <p>was actually the default position if no agreement was reached with the WGAA</p> <p>bore little resemblance to the actual drawing being discussed and finalised with the WGAA</p>	<p>Highways England note Mr O'Reilly's comment and can confirm that drawing HE551485-ACM-GEN-ZZ_SW_ZZ_ZZ-DR-ZH-0109_P02 is a refinement of Option 5 presented in the Environmental Statement of the Development Consent Order application following further liaison with the WGAA.</p>
RR017e	<p>HE and AECOM then confirmed that the actual drawing being discussed and finalised with the WGAA loosely resembles</p>	<p>As part of the Development Consent Order application, Highways England has provided a reconfiguration proposal that delivers a proportionate and equivalent facility for the WGAA.</p>

	<p>'Figure 3.5e, Warwickshire Gaelic Athletic Association, Option 5 (HE551485-ACM-EGNM42_SW_ZZ_ZZ-DR-DC-0249') but now includes: o a new licensed clubhouse, with a proposed GIA more than twice the size of the existing clubhouse, to be moved over 300m south of the existing clubhouse, sited approximately 100m from my property, with clear green field between, and fronting onto Catherine de Barnes Lane o a new car park, with proposed parking provision more than six times the existing provision, to be moved over 300m south of the existing parking provision, to be sited approximately 100m from my property, with clear green field between, and fronting onto Catherine de Barnes Lane o additional land being acquired outside the red line boundary on DCO drawings (which was supposed to mark the 'limits of land to be acquired') to accommodate football pitches o pitches being moved further West, deeper into the green belt, and thus more into our line of view across open countryside</p>	<p>Highways England is aware that the WGAA has aspirations to improve its facilities in line with its perceived status as the premier Gaelic Sports facility in England. Mr O'Reilly's relevant representation makes reference to a number of the WGAA's aspirations for the site which do not currently align with this Development Consent Order application.</p> <p>Highways England understands that the WGAA, currently, does not believe that this provides equivalent mitigation and Highways England is continuing to discuss the way forward.</p>
RR017f	<p>HE and AECOM appear to have no concept or understanding of the considerable consequences of their actions or the legacy they leave behind. All they appear to be doing is overcompensating an affected party, with the sole purpose of silencing and removing</p>	<p>Noted, see response RR016m from Mr O'Reilly's first relevant representation.</p>

	an objection to their scheme, rather than addressing the impact their decisions will have on others both now and in the future	
RR017g	By way of example, the WGAA have said from day one that they want to install floodlights to one of their pitches but they are currently restricted due to being located under the flightpath to Birmingham Airport. Any proposal to move their pitches away from the flightpath allows them a greater chance of succeeding with a subsequent planning application to install floodlights	Noted. The mitigation proposed as part of the Development Consent Order application does not include flood lighting. This provision is not seen as proportionate and equivalent as the WGAA currently do not have this facility.
RR017h	I also note that despite the growing impact of the scheme on my property HE and AECOM refuse to acknowledge any impact and still refuse to cover the cost of professional advice which I have repeatedly requested and believe I am entitled to. It is my understanding that this request is being blocked by senior management at HE, who coincidentally are negotiating with the WGAA on the reconfiguration of their site	Mr O'Reilly's request is being treated in accordance with Highways England's approach as set out in response to RR016k.
RR018	Barbara Tocher	
RR018a	Until last night we local people had no idea that a huge compound for this project is planned to be on fields adjacent to our homes. I believe this site plan was available somewhere on your endless website and we all seem to have missed it!!!! Certainly it was NOT shown on your	Highways England notes Mrs Tocher's concerns in regard to the siting of the main site compound to the north of the village of Bickenhill, as set out in the DCO application documents. Highways England met with residents of Bickenhill on the 30 May 2019 to discuss their concerns and provide further details on the site compound.

	Feb. 1018 Brochure showing the plans for the road.	Highways England shall continue to liaise with the residents of Bickenhill to provide any additional information in regard to the site compound as the layout and phasing is developed by the appointed Contractor.
RR018b	We understand that this compound will be in use for 4 years, and the movement of machinery, site noise and light pollution from such a big site will make our lives intolerable and our properties unsaleable.	
RR018c	Whilst we understand the need for this road improvement we don't feel these works effects on our lives have even been considered.	
RR019	Ministry of Defence	
	Highways England note the Ministry of Defence's Relevant Representation.	
RR020	Coventry City Council	
	Highways England note Coventry City Council's Relevant Representation.	
RR021	Public Health England	
	Highways England note Public Health England's Relevant Representation.	
RR022	Birmingham Dogs Home	
RR022a	we are affected by the proposed scheme and had a meeting with Highways England the day before yesterday regarding the purchase of some of our land (by agreement or compulsory purchase). I can provide the detail regarding my communications with Ardent and Aecom to demonstrate that we have already raised concerns and asked for feedback so I would very much hope that our Representation will be considered. The last reply from Ardent was that I should speak to Steph which was what I did this week and hence my email to you on there same day.	Highways England has met with representatives of the Birmingham Dogs home to discuss potential impacts of the Scheme on their land interest and charitable operations. Highways England intends to continue these discussions
RR022b	The proposed scheme will I'm sure provide much better transport links within the local area and it is clear that the current infrastructure is unable to cope with the current	

	volume of traffic.	
RR022c	This is a positive thing and if the effects of traffic pollution and noise are managed properly then the impact of the completed scheme will be less significant	
RR022d	One of my concerns is the impact to Birmingham Dogs Home and the surrounding area during the construction phase. Reordering of Catherine-de-Barnes Lane immediately outside our current entrance will have a significant impact on the flow of traffic into and out of our centre. We provide care to our dogs seven days a week and any interruption to this will have dire consequences for the welfare of our dogs.	
RR022e	The proposed scheme also has a requirement for land currently owned by Birmingham Dogs Home. This land does not currently form part of our operational activity but losing it may impact on the way we carry out our operation and certainly will impact on the way in which we promote Birmingham Dogs Home. The land at our entrance/alongside Catherine-de-Barnes Lane currently has our promotional signage on it and losing ownership of this land will jeopardise at best or more likely prevent us from highlighting ourselves to passing traffic. This ability to promote ourselves generally and signal where we are to intended visitors is crucial to the ongoing operation of Birmingham Dogs Home	
RR022f	I very much hope that this Representation will be considered and there will be an opportunity for further discussion regarding the detail of the construction work outside and around Birmingham Dogs Home specifically relating to ease of access and regarding the landscaping and signage on the approach to Birmingham Dogs Home along Catherine-de-Barnes Lane and the new link road.	

RR023	Historic England	
RR023a	Thank you for your recent consultation following the Planning Inspectorate's acceptance of your application for a DCO (on behalf of the Secretary of State)	Highways England note Historic England's Relevant Representation.
RR023b	<p>You have sent us a comprehensive package including the accepted application and a copy of the Environmental Statement</p> <p>We have assessed the documentation submitted and we have concluded that we do not wish to make any representations on the scheme at this stage to the Planning Inspectorate. There are no issues in this application upon which there are sufficient concerns to necessitate substantive representations to the Planning Inspectorate on behalf of Historic England</p>	
RR024	Birmingham City Council	
	Highways England welcomes Birmingham City Council's support for the scheme.	
RR025	Bickenhill and Marston Green Parish Council	
RR025a	<p>I would be grateful if you could send over a detailed location plan for the compound so we are clear on proposed boundaries, as well as any more operational information, and proposed mitigation that will help residents understand this better. I will then send on to all local residents to make sure awareness is where it needs to be.</p>	<p>Highways England notes the concerns in regard to the siting of the main site compound to the north of the village of Bickenhill, as set out in the DCO application documents.</p> <p>Highways England met with residents of Bickenhill on the 30 May 2019 to discuss their concerns and provide further details on the site compound.</p> <p>Highways England shall continue to liaise with the residents of Bickenhill to provide any additional information in regard to the site compound as the</p>

RR025b	<p>I appreciate Jonathan’s comments on Tuesday to help look at ideas that will mitigate the impact of the compound. I think it would be good to address this as soon as possible, particularly in the light that this is a nationally important infrastructure project and Bickenhill village will be suffering to enable this. A specific meeting with villagers might be a good way forward.</p>	<p>layout and phasing is developed by the appointed Contractor. Highways England note Bickenhill and Marston Green Parish Council’s concerns in regard to the siting of the main site compound to the north of the village of Bickenhill.</p>
RR026	Open Spaces Society	
RR026a	<p>Principal requests included the retention and enhancement of the north-south footpath M106</p>	<p>Highways England developed the diversion of existing public rights of way for routes affected by the provision of the Scheme in coordination with the Ramblers association, Solihull Metropolitan Borough Council (SMBC), Solihull Cycling Association, Cycling UK and Transport for West Midlands.</p> <p>The existing footway route between Birmingham International Station and the footpath network to the south of the A45 is currently connected by the existing M-106 footway south of the A45 and located on the eastern overbridge at the Clock Interchange roundabout.</p> <p>The footway M-106 south of A45 will be affected by the removal of Catherine-de-Barnes Lane on approach to Clock Interchange. The footway located at the eastern arm of the roundabout at Clock Interchange will be removed to accommodate the conversion of the roundabout to a 3 lane carriageway from its existing 2 lane carriageway, this is to utilise the existing 14m wide cross section at the overbridge and provide additional capacity for forecasted traffic growth within this area.</p> <p>To maintain continuity of the north-south footway, the footway connecting with M-106 footway will be diverted further east, adjacent to the A45 eastbound on-slip road and will connect with the new combined</p>

		<p>footway/cycleway overbridge crossing the A45 dual carriageway. On the South the of the A45 carriageway, the footway would return west adjacent to the A45 carriageway before turning south towards the connection with the southern end of the stopped up existing M-106 footway.</p> <p>The existing Green Man Trail would be diverted via the existing footway/cycleway adjacent to the existing Airport Way and Airport Way Connector Road. The Trail will be diverted towards the existing Clock Lane via a new ramp running down the embankment at a safe rate accessible to pedestrians.</p> <p>The alternative provisions will increase safety for non-motorised road user groups as any crossing interface with high frequency traffic will be eliminated through the provision of a new footway/cycleway overbridge crossing the A45 east of the Clock Interchange.</p> <p>The diverted Green Man Trail will reduce the number of live carriageway crossing points to a single crossing north of the Airport Way roundabout and a crossing at the realigned Catherine-de-Barnes Lane intersection with St Peters Lane where traffic frequency will be minimal.</p>
RR026b	The provision of a link to connect footpath M107 to an underpass beneath the A45	<p>The connection of the existing M-107 footway with the East Way currently sits beyond the scope of this Scheme to deliver its objectives for the wider public. Furthermore, the extension of the M-107 footway to connect with the East Way loop will likely incur environmental impact associated with the clearance of trees and vegetation located on the cut slopes on the outside bend of the East Way loop.</p> <p>Furthermore, the inside verge of the East Way loop is currently clear of any vegetation, this is to retain a safe and acceptable forward visibility envelope for vehicles travelling on the loop road. The provision of a footway on the outside bend would require verge clearing and removal of</p>

		<p>trees and vegetation too.</p> <p>In light of this the project team has proceeded to retain the existing connectivity between the M-107 footway and the East Way Loop.</p>
RR026c	The retention of a segment of footpath M109	Highways England recognises the need to retain the existing M-109 footway between the realigned Catherine-de-Barnes Lane and St Peters Lane and have as such retained this section of footway as part of the Draft Development Consent Order.
RR026d	The provision of a footbridge, so footpath M112 could cross the proposed link road	<p>Highways England has reviewed the opportunity to provide a new footbridge structure over the proposed new dual carriageway to retain the alignment of footpath M112.</p> <p>This section of road is located beneath Birmingham Airport’s flight surface safeguarding zone, the new dual carriageway link road is located on a tight radius with limited forward visibility for traffic.</p> <p>The provision of a bridge at this point will require a number of piers in the central reserve and the verge, this will impact on the forward-looking visibility for traffic on the dual carriageway link road and therefore have safety implications on road users.</p> <p>The provision of a new simply supported structure with a specialist construction method that would avoid protruding through the Airports Safeguarding would incur a significant increase in costs which cannot be justified by Highways England, as a public body, against the alternative option of diverting M112 via the realigned Catherine-de-Barnes Lane.</p> <p>Due to these issues, Highways England has decided not to pursue this option.</p>
RR026e	The diversion of footpath M113A	Highways England has reviewed the option of maintaining connectivity

		<p>between the existing footway M113A and M122.</p> <p>In order to maintain a safe and viable route between the footway intersection to the east of Four Winds Property and M122 located to the east of the new dual carriageway link road, the existing M113A footway will be diverted towards the new Barbers Coppice roundabout via the existing section of Catherine-de-Barnes Lane which will be stopped up and converted to a footway/cycleway.</p> <p>A dedicated footway access off the roundabout will be provided running at the top of the cutting slope for the merge slip road. The footway will combine with an Accommodation Access overbridge to allow access to the east of the mainline link road and connect with the existing M122.</p>
RR027	The Ramblers – Warwickshire Area	
	Highways England has engaged with The Ramblers in the development of the Scheme design and will continue to engage with The Ramblers where appropriate.	
RR028	High Speed Two (HS2) Ltd (High Speed Two (HS2) Ltd)	
	<p>Highways England is progressing the matters raised by HS2 within the Relevant Representation by means of a Statement of Common Ground.</p> <p>The SoCG incorporates the matters raised in the relevant representation.</p>	
RR029	National Grid	
RR029a	National Grid's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted	Highways England is progressing the matters raised by National Grid within the Relevant Representation by means of a Statement of Common Ground and protective provisions.

RR029b	National Grid will require protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards.	
RR029c	National Grid’s primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligation	
RR029d	National Grid reserves the right to make further representations as part of the examination process but in the meantime will negotiate with the Promoter with a view to reaching a satisfactory agreement.	
RR030	Cadent Gas Limited	
RR030a	Cadent’s rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits including should be maintained at all times and access to inspect such apparatus must not be restricted.	Highways England is progressing the matters raised by Cadent Gas within the Relevant Representation by means of a Statement of Common Ground and protective provisions.
RR030b	Cadent has been engaged with the Promoter since early 2018 and since May 2018 has expressed concerns about the interactions of the scheme with its apparatus	
RR030c	Cadent has advised that Design Studies (or C4 quotes) will be required as a minimum to identify the likely impacts of	

	<p>the scheme and requirements for the relocation of Cadent's apparatus which includes medium pressure mains, high pressure pipelines and a gas compound. Payment has only recently been made by Highways England to progress Design Studies for the high pressure pipelines and gas compound. These studies will take up to 12 weeks to complete</p>	
RR030d	<p>At present only C3 estimates have been provided in relation to the medium pressure diversions.</p>	
RR030e	<p>Having reviewed the Order limits Cadent is concerned that there will be insufficient permanent and temporary land included within the Order for the purposes of undertaking these diversionary works. It is essential that the works and the land rights for any of the above necessitated by the Highways England scheme are incorporated into the DCO to prevent programme delays or impediments. This includes the potential relocation of the Bickenhill AGI (including inlet and outlet pipework)</p>	
RR030f	<p>Cadent cannot provide any further clarification until Design Studies are complete</p>	
RR030g	<p>Furthermore Cadent requires adequate protective provisions to be included within the DCO to ensure that its apparatus and land interests are adequately protected</p>	

	and to include compliance with relevant safety standards	
RR030h	Cadent has been seeking to discuss a form of Protective Provisions to be included within the Order since October 2018	
RR030i	Cadent has submitted its required form of Protective Provisions to the Promoter for review however to date we have had no substantial discussions on this. Cadent welcomes discussions at the earliest opportunity	
RR030j	Cadent's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. Adequate protective provisions for the protection of Cadent's statutory undertaking have not yet been agreed or discussed between parties	
RR030k	Cadent wishes to reserve the right to make further representations as part of the examination process but in the meantime will seek to engage with the promoter with a view to reaching a satisfactory agreement	
RR031	Esso Petroleum Company Limited	
RR031a	Please note that Esso has funded, constructed and now operates this pipeline as a private company and not pursuant to any statutory undertaker powers	Highways England is progressing the matters raised by Esso within the Relevant Representation by means of a Statement of Common Ground and protective provisions agreement.
RR031b	This pipeline is protected by easements	

	secured through deeds of grant with the individual landowners and occupiers who host the pipeline	
RR031c	Subject to the comments below, whilst Esso does not have concerns with the Project as a whole, Esso does have concerns over any impact to the operation of its pre-existing pipeline	
RR031d	Esso therefore objects to any interference with, extinguishment or suspension of the land rights relating to the pipeline or any Project activity that risks the operation of the pipeline	
RR031e	Barring infrequent maintenance, the pipeline operates on a continual 24/7 basis and interruption to its operation will have a significant impact on fuel supply in the Midlands and will have serious financial consequences for Esso	
RR031f	There is a risk to the pipeline if HE carries out works within 3m of the pipeline involving excavations deeper than 300mm and if Esso is not given the opportunity to supervise the works	
RR031g	Esso also needs to carry out protective works to minimise this risk. HE and Esso will therefore need to agree protective provisions to be included in the DCO to regulate how HE will work in proximity to the pipeline asset, and will also need to enter into a Pipeline Protection Agreement (PPA) to ensure Esso's pipeline is	

	protected.	
RR031h	Esso fully expects these works to be at HE's cost and in addition Esso expects, in the usual way, that HE will cover its advisor's costs in preparing and negotiating the protective provisions and the PPA	
RR031i	Esso's lawyers, VWV, first approached Aecom (agents for Highways England) for a costs undertaking on 6 August 2018. VWV finally received an acceptable undertaking for protective provisions and the PPA on 8 March 2019	
RR031j	Therefore, despite Esso's (and its advisors) best efforts and its proactive engagement with HE, Esso has been unable to progress at this stage the necessary documentation or state it is close to an agreed position with HE	
RR032	Network Rail	
	Network Rail's relevant representation is noted and Highways England will continue to liaise with Network Rail through the examination process.	
RR033	Western Power Distribution	
RR033a	Article 24 of the draft Development Consent Order (DCO) (Document Reference 3.1) provides power to the undertaker to compulsorily acquire the rights of WPD over any of the Order land and to extinguish or remove or reposition WPD's assets within the Order land	Highways England is progressing the matters raised by Western Power Distribution within the Relevant Representation by means of a Statement of Common Ground and protective provisions.
RR033b	Schedule 1 of the draft DCO sets out the authorised development. This includes the	

	diversion of WPD's 132kv underground power cables as referenced at works numbers 64 and 65 in the draft DCO. In addition to these works there are a significant number of plots over which WPD have an interest	
RR033c	Protective provisions for the benefit of WPD have been included in Part 1 of Schedule 10 of the draft DCO. WPD confirm that the applicant has approached WPD to discuss the terms of the diversions and WPD has engaged with the applicant to discuss an engineering solution to the diversions	
RR033d	The applicant has not engaged with WPD on the terms of the draft DCO or the protective provisions. 7. As currently drafted WPD consider that the protective provisions are not in a form that is acceptable to WPD	
RR033e	Whilst WPD consider that it is likely that agreement on the applicability of the provisions can be reached, at this stage the tests for the protection of serious detriment to WPD's assets as set out in the Statement of Reasons have not been satisfied. WPD cannot therefore agree at this stage that it will not suffer serious detriment to the carrying on of the undertaking as result of the compulsory acquisition of land rights or rights over land.	

RR033f	In particular WPD considers that the timing of the requirement to undertake the diversions and the obligations on WPD as set out in the protective provisions to complete diversions is uncertain.	
RR033g	It is also uncertain whether the diversions can be completed by WPD without the need to acquire third party interests in land outside the Order land	
RR033h	The protective provisions place obligations on WPD to undertake works that places developer risk on to WPD. Without resolution therefore WPD objects to the form of protective provisions and the powers sought by the applicant to compulsory acquire its assets or interests in land over which they are placed. 9. WPD however intends to work with the applicant to resolve the issues of concern following which it should be in a position to confirm its agreement to the proposed development	
RR034	Severn Trent Water	
RR034a	STW owns land and operates assets which are located in close proximity to the proposed works. A number of parcels of land owned by STW are included within the draft Order for permanent or temporary acquisition by Highways England. A number of STW's assets, which consist principally of two categories, namely (1) public water mains and (2) public sewers,	Highways England is progressing the matters raised by Severn Trent Water within the Relevant Representation by means of a Statement of Common Ground and protective provisions.

	may require diversion or are otherwise affected by the Scheme. Such land and assets are owned and operated pursuant to statutory powers.	
RR034b	Whilst Schedule 10 Part 1 of the draft DCO contains provisions for the protection of electricity, gas, water and sewerage undertakers, STW wishes to ensure that it will remain able to deliver its essential public services at all times during the implementation of the Scheme.	
RR034c	Any acquisitions of STW's land, and any works required to be carried out on STW's assets, must be planned and performed to avoid risk of supply interruption or contamination, damage to the integrity of the water or sewerage networks, or environmental damage.	
RR034d	Further, it is essential to STW that in the event of any alteration to or relocation of its assets, such work is carried out pursuant to STW's statutory powers, so as to ensure that both existing and new water supply and sewerage assets unquestionably form part of STW's statutory undertaking.	
RR034e	STW therefore intends to seek to conclude an agreement with Highways England, incorporating appropriate provisions to enable STW to ensure that delivery of its statutory functions and essential public services are not put at risk.	

RR035	Harlaxton Energy Networks Ltd	
	Noted.	
RR036	North Warwickshire Borough Council	
	Highways England has sent a letter to North Warwickshire Borough Council confirming that there will be no impact on those junctions identified. Please refer to Appendix D.	
RR037	Solihull Metropolitan Borough Council	
	Highways England is progressing the matters raised by SMBC within the Relevant Representation by means of a Statement of Common Ground. The SoCG incorporates the matters raised in the relevant representation.	
RR038	DWF Law LLP on behalf of The Arden Hotel Limited	
	Highways England notes the concerns raised by The Arden Hotel and continues to engage to establish if impacts on the hotel can be reduced further.	
RR039	CPRE Warwickshire	
RR039a	Our objections to the proposal as published are in summary as follows: (1) The M42 east of Birmingham was constructed as the SW-NE through motorway route to carry long-distance traffic and to replace previous trunk roads. It was not built for local traffic. The frequency of junctions along the Solihull Section (Juncs 3A-7) have caused the motorway to become overloaded with local traffic particularly at peak hours. Development in the Solihull area, plus the NEC and Birmingham Airport expansion, have added pressure to the motorway. Despite widening to 4-lane (ATM) this has worsened. The proposals for Junction 6 would increase local use of the motorway	The Transport Assessment Report [APP-174/Volume 7.2] demonstrates that the proposals being implemented by the Scheme will improve traffic flows at Junction 6 and provide future resilience. Chapter 6, paragraph 6.8.7 of the Environmental Statement [APP-051/Volume 6.1] confirms that there will not be any significant adverse effects on air quality from the operation of the Scheme.

	and (it appears) add traffic to it. There would also be harmful environmental effects from worsening of air quality caused by high traffic volumes.	
RR039b	(2) The Junction 6 proposals are related to the plan for 'UK Central Hub' which would if implemented further add traffic to the M42, much of it short-distance. 'UK Central (as described in various documents including the Solihull Local Plan Review) would with the Junction 6 proposals impose more delay on existing road users and harm the interests of national through traffic on the M42	Highways England recognise the aspirations of the UK Central Hub but for the purposes of the Development Consent Order this has not been treated as a committed development. At such time as these proposals are firmed up and consent for them is sought, UK Central Hub will need to consider its impact on the local and strategic road network.
RR039c	(3) The published Junction 6 proposals would contribute to reducing the value and efficiency of the M42 as part of the national system of routes for through traffic, and this is likely to be used as part of a justification for developing another SW-NE route through the Midlands, the A46(T) between M5 Junction 9 and M6 Junction 2. It would contribute to creating a situation where longer-distance through traffic would use A-class roads instead of the higher-standard and safer motorway. Diverting through traffic from a motorway to an A-class trunk road would be to move traffic from a road with a low accident rate to a higher rate, so as to make more room on the motorway for shorter-distance traffic.	The Transport Assessment Report [APP-174/Volume 7.2] demonstrates that the proposals being implemented by the Scheme will improve traffic flows at Junction 6 and provide future resilience.

	The proposals for the A46(T), as they are currently understood, would have a high cost and adversely affect local interests along that route. Part of the Cotswolds AONB would be directly affected by the A46(T) proposals. These consequences would make the Junction 6 proposals contrary to Highways Act S.10.	
RR039d	(4) The Junction 6 proposals would require significant new road construction in the Green Belt south of the A45, which is here of particular importance being part of the Meriden Gap. The Meriden Gap separates Birmingham and Coventry but is being undermined by various development proposals, the Junction 6 plans being one. The aims of the Green Belt are not met by the proposals.	The impact of the Scheme on the Green Belt has been considered in Section 5, paragraph 5.3.56 to 5.3.61 of the Planning Statement, Volume 7.1.
RR039e	(5) The Junction 6 proposals include a new junction half-way between Junctions 5 and 6 at Aspbury's Copse, next to the B4102 Solihull Road, in Hampton-in-Arden Parish. This junction would be in the middle of the Green Belt between the villages of Hampton-in-Arden and Catherine-de-Barnes, and undermine the rural character of the area, which has already been affected by the M42 as widened and lit.	See response to RR039d.
RR039f	(6) The new junction is designed for, and would make possible, the building of a Motorway Service Area on the west side of the motorway in the Green Belt. This MSA	Paragraph 2.4.5 of the Planning Statement [APP-173/Volume 7.1] , confirms that the MSA has not been treated as a committed development.

	is subject to an undetermined planning application which would not be granted without the approval of the Junction 6 proposals. The developer would not fund the junction and is awaiting the publicly-funded works; he would then only need to pay for the north-facing slip roads at this junction.	
RR039g	(7) The Junction 6 proposals by including the junction adjacent to the B4102 bridge over the M42 would create spacing between junctions which is below national standards and involve departures. The high level of congestion on the M42 between Junctions 5 and 6 at many times (not just peak hours) make departing from standards in principle less desirable. It is unclear why a presumption against departures has not been applied in this situation.	The design rationale for Junction 5A is included in Sections 3-6 of Appendix 4 to the Planning Statement [APP-173/Volume 7.1] , which sets out the range of factors that were considered.
RR039h	(8) Alternatives to the published Junction 6 proposals, which would not have the adverse effects outlined above, should be invited, assessed and costed. There has not been an opportunity to submit alternatives for two years, and new and updated traffic figures not then published, and other information, are now available. The Examination should not proceed until the opportunity to submit alternatives and have them examined, as provided for by the Highways Act 1980, has been offered	The Development Consent Order application must be considered in accordance with the Planning Act 2008. The Scheme is not being considered under the Highways Act 1980.

	to all registered parties.	
RR039i	(9) The Junction 6 proposals include significant harm to local rights of way, in the Bickenhill and Catherine-de-Barnes area south of the A45. This is Green Belt with a high density of well-maintained and waymarked footpaths. Its proximity to the urban area makes these footpaths popular, and ensures that they are looked after. The plans take only limited account of the RoWs. We support the detailed objections submitted to the Examination by Warwickshire Ramblers on rights of way.	Highways England has considered the impact of the Scheme rights of way network and has sought to introduce mitigation measures as appropriate. Chapter 13 of the Environmental Statement [APP-058/Volume 6.1] reports the outcomes of this assessment.
RR039j	(10) The proposed new junction half-way between Junctions 5 and 6 at Aspbury's Copse, next to the B4102 Solihull Road, would be near the eastern boundary of the Hampton-in-Arden Conservation Area, which extends down the slope from the hill on which the village stands. This would be an impact on a heritage asset.	Chapter 7 of the Environmental Statement [APP-052/Volume 6.1] reports that there will be slight adverse effects during both construction and operation on Hampton in Arden Conservation Area, the Garden Terrace, Walls and Steps at Hampton Manor (asset NHLE 1342867) and Hampton Manor (asset NHLE 1055754). These two assets are located adjacent to the western boundary of the Hampton in Arden Conservation Area.
RR039k	(11) The new junction by making possible the proposed Motorway Service Area would cause harm to the setting of the Grade II* Walford Hall Farmhouse (at OS SP 186803). The long-term future of this heritage asset will be at risk if the MSA is built. We are disappointed that the Environmental Statement Non-Technical Summary, usually a key document and a starting point for understanding major road proposals, does not have any plan or	Chapter 7 of the Environmental Statement [APP-052/Volume 6.1] does not identify Walford Hall Farmhouse (asset NHLE 1342830) as being subject to any constructional or operational effects as a result of the M42 Junction 6. The asset is identified and located on Figure 7.1 of the Environmental Statement Figures [APP-083/Volume 6.2] .

	drawing with it. (At least, the NTS posted on the website has no map or plan.) Usually NTSs do contain a general plan with main details shown. In this case, one needs to refer to Fig 2.1 and Fig 8.8 of the main ES to understand the proposals.	
RR040	Sport England	
	Highways England note the comments raised by Sport England in relation to the Scheme's impact on the WGAA. Highways England is continuing to engage with the WGAA in regard to a mitigation solution and will provide an update to The Examining Authority by Deadline 2.	
	The mitigation proposed through the DCO will deliver a reconfigured site, providing proportionate and equivalent facilities for the WGAA.	
RR041	Health and Safety Executive	
	Noted.	
RR042	BNP Paribas Real Estate on behalf of Royal Mail	
	Noted.	
RR043	Open Spaces Society second representation	
	Noted.	
RR044	NATS	
	Noted.	
RR045	Heath Cotterill second representation	
	I have attended the Marston Green and Bickenhill Parish Council meeting this evening where I was informed that you are planning to build the compound for housing machinery and vehicles for this application in the field directly behind my house which I was unaware of. Upon returning home from this meeting I ironically received an email from yourselves this evening confirming the agendas for the above	Highways England notes Mr Cotterill's concerns in regard to the siting of the main site compound to the north of the village of Bickenhill, as set out in the DCO application documents. Highways England met with residents of Bickenhill on the 30 May 2019 to discuss their concerns and provide further details on the site compound. Highways England shall continue to liaise with the residents of Bickenhill to provide any additional information in regard to the site compound as the layout and phasing is developed by the appointed Contractor.

	meetings. I would like to attend all three meetings and am urgently trying to rearrange my work schedule to do so. I will definitely be able to attend the Open Floor Meeting and Issue Specific Meeting and intend to attend the Preliminary Meeting but may not be able to arrive by 10am and may well be late. I would like to ensure this acceptable to yourselves as I would like to raise my obvious concerns that the housing of this compound directly behind my property bring to myself and my family.	
RR046	Canal and River Trust	
	Noted. Highways England does not consider the Scheme is likely to affect the Grand Union Canal or land within the ownership of the Trust.	
RR047	Lydia Barnstable on behalf of Mr Heathcliffe Boswell (Haven Caravan Park)	
	Highways England continues to engage with representatives of the Haven Caravan Park and Solihull Metropolitan Borough Council in relation to the possible provision of a secondary access.	
RR048	Birketts LLP on behalf of The Trustees of the Sir Major Timothy Gooch Will Trust	
RR048a	The MSA Land Extra MSA Solihull Limited (“Extra”) submitted planning application Ref: PL/2015/51409/PPOL to The Metropolitan Borough of Solihull on 30 June 2015 for outline planning permission for the development of a motorway services area on the MSA Land. The Gooch Estate has seen Extra’s relevant representation which the Gooch Estate fully support and endorse. Like Extra, the Gooch Estate consider that both the Scheme and the MSA will bring substantial benefits to the area and the co-location of	Noted.

	<p>the new Junction 5A required by both schemes provides an opportunity to capture significant 'added value'. While the Gooch Estate reserves the right to raise concerns in subsequent written representations should the work underway necessitate this, it looks forward to Extra updating the Planning Inspectorate on positive progress towards a combined scheme.</p>	
RR048b	<p>The Remaining Land - Summary of Key Concerns Although the Gooch Estate does not in principle object to the Scheme, it has some concerns regarding the specific content of the DCO more particularly in the way in which the Scheme would impact on the Gooch Trust's land interests, its operational/farming activities and access routes over its land, both during construction and in the operation of the Scheme.</p>	<p>Noted.</p> <p>Highways England is continuing to engage with the Gooch Estate to understand how it will be impacted by the Scheme and to establish if there are further ways to reduce the impact on the Estate.</p>
RR048c	<p>Transport/Highways: 1. Maintaining Existing Field Access Points The Gooch Estate must maintain access to existing fields in the vicinity of the Scheme, and there are at least two existing access points that could be affected by the Scheme. The General Arrangement plan (Sheet 2 of 7) does not provide sufficient detail to conclude whether existing field access points will be retained. The two existing access points are: (i) B4102</p>	<p>Highways England has sought to re-provide access where existing field access points are impacted by the Scheme.</p> <p>Highways England refers the Gooch Estate to the Streets, Rights of Way and Access Plans, [APP-009/Volume 2.5], which detail the location of any accesses to be stopped up and relocated.</p> <p>The identification markers provided in the Streets, Rights of Way and Access Plans are cross-referenced in more detail within Schedule 5, Parts 3, 4 and 5 of the Draft Development Consent Order, [APP-015/Volume 3.1].</p>

	<p>Solihull Road – there is an existing field access east of the M42 located off Solihull Road immediately to the west of the powerline. This provides access to the fields north of Solihull Road (close to the proposed new eastern dumbbell of Junction 5a). Confirmation is required that the existing field access will be maintained, and the proposed earthworks associated with the proposed Solihull overbridge (i.e., any gradient changes) does not preclude access for agricultural vehicles in and out of this existing access point. (ii) B4438 Catherine-De-Barnes Lane – there is an existing field access east of Catherine-De-Barnes Lane located approximately 160m south of the proposed Barber’s Coppice Roundabout. Confirmation is required that the existing field access will be maintained as a result of the proposed road realignment.</p>	<p>Highways England is continuing to engage with the Gooch Estate to understand how it will be impacted by the Scheme and to establish if there are further ways to reduce the impact on the Estate.</p>
RR048d	<p>Transport/Highways: 2. Proposed Access Track – Dual Purpose There is a proposed access track shown on the General Arrangement plan (Sheet 2 of 7) within the Gooch Estate’s ownership located south of the B4102 Solihull Road. This is to access the proposed drainage feature located next to the M42. The Gooch Estate would benefit from having rights of access to use this private access track to gain access to the southern field parcels. This would be</p>	<p>Highways England note the Gooch Estate’s request and is prepared to consider this issue further at future meetings.</p>

	for agricultural vehicles, in particular combine harvesters and therefore must be wide enough to accommodate such a vehicle.	
RR048e	<p>Transport/Highways: 3. Proposed Public Right of Way Footbridge There is a proposed accommodation footbridge over the proposed Link Road to prevent severance of Public Rights of Way M122 and M123. The proposed accommodation overbridge should also be an agricultural overbridge to provide continued access to severed land to the north of the proposed Link Road. Without such an overbridge provision, access to the severed northern field parcels as a result of the Scheme will only be via Shadowbrook Lane. Shadowbrook Lane is a narrow rural lane (4-4.5m in width) and not appropriate for agricultural vehicles (combine harvesters). The proposed 90 degree bends at either end of the accommodation overbridge should also be capable of accommodation turning of agricultural vehicles, and should be adjusted accordingly.</p>	<p>Following feedback from Statutory Consultation events, held between January and March of 2018, Highways England incorporated an accommodation overbridge, Work No. 38, into the Scheme to mitigate the severance of Public Rights of Way M122 and M123 whilst ensuring that the Gooch Estate can continue to access its estate positioned either side of the mainline link road, Work No.7.</p> <p>Highways England can confirm that the accommodation overbridge structure has been designed to accommodate 40 tonne vehicles in accordance with the Design Manuals for Roads and Bridges, document number BD100/16. This design also takes cognisance of accommodation bridge's requirement to serve farm vehicles, pedestrians and cyclists.</p> <p>Highways England currently does not consider the turning of vehicles either side of the accommodation bridge will be compromised.</p> <p>However Highways England will discuss this matter with the Gooch Estate in future meetings.</p>
RR048f	<p>Transport/Highways: 4. Catherine-De-Barnes Roundabout On the General Arrangement plan (Sheet 2 of 7) the existing roundabout is shown to be within the Order Limits, with a section of the Gooch Estate's land taken on the eastern side of Friday Lane and on the southern</p>	<p>Highways England has included the B4438 Catherine-de-Barnes Lane roundabout and its adjacent land within the Development Consent Order to enable Highways England to undertake any road marking and signage modifications necessary to reflect the wider Scheme traffic routing strategy.</p>

	<p>side of Solihull Road. Clarification is required as to why this roundabout (and land) is required within the Order Limits since no reference can be found in the application material to mitigation/enhancement works at this roundabout. Furthermore, our client requests sight of the ARCADY junction capacity assessment model results for this existing roundabout.</p>	
RR048g	<p>Transport/Highways: 5. Catherine-De-Barnes Lane / Shadowbrook Lane realigned priority T junction The parcel of land to the north-east of the proposed junction is shown to be within the Order Limits but does not appear to be utilised in the Scheme. We would request that any remnants of the parcel of land not used is transferred to the Gooch Estate to provide the potential to enhance the junction in the future should the Gooch Estate severed northern land parcel be required for land use reasons. We also request sight of the PICADY junction capacity assessment model results that support the proposed Catherine-De-Barnes Lane / Shadowbrook Lane realigned priority T junction.</p>	<p>Highways England notes the Gooch Estate’s comments and shall provide further clarity at future meetings.</p> <p>In regard to junction capacity assessments, Highways England refer the Gooch Estate to the Transport Assessment Report [APP-174/Volume 7.2], submitted as part of the Draft Development Consent Order application.</p>
RR048h	<p>Transport/Highways: 6. Barber’s Coppice Roundabout The new roundabout and road network make some of the Gooch Estate’s land geographically isolated and difficult to access. In order to ensure that the land</p>	<p>Highways England notes the Gooch Estate’s comments and shall seek further clarity at future meetings.</p>

	can be adequately accessed, the Gooch Estate requests a fifth arm to the new roundabout to afford access to their land to the south.	
RR048i	Land Use 1: Attenuation Pond On the General Arrangement plan (Sheet 2 of 7) a proposed drainage feature (an attenuation pond) is shown on plot 2/3ac. The layout of the attenuation pond appears ill-shaped with the result that an extensive area of the Remaining Land needs to be acquired permanently. An alternative design should be considered to provide a suitable drainage feature which requires less land to be permanently taken.	<p>Highways England note the Gooch Estate’s concerns in regard to the proposed drainage feature.</p> <p>The proposed attenuation and treatment units in this area consist of an underground attenuation tank and reed bed system. These devices have been designed in accordance with the latest design standards and shaped in a manner to discourage bird migration which would otherwise pose a risk to Birmingham Airport operations and bird strikes with landing and taking off aircraft.</p> <p>Highways England can confirm that the underground attenuation tank will be designed to allow agricultural vehicles overrun.</p>
RR048j	Land Use: 2. Environmental mitigation On the General Arrangement plans Sheets 2 and 3 of 7, extensive areas of land are to be acquired permanently to provide "environmental mitigation". While the Gooch Estate is concerned about the extent of the Remaining Land proposed to be acquired for "environmental mitigation" generally, it is particularly concerned about the extent of the land in plots 2/3v and 3/4a to be taken for this purpose. No justification for this extensive permanent land acquisition has been provided. The Gooch Estate’s position is that the land earmarked for environmental mitigation should not be permanently acquired. If this	<p>Land within plots 2/3v and 3/4a is required to both accommodate the engineering components of the Scheme and to deliver the measures identified as being necessary to mitigate its environmental effects on ecological habitats, landscape character, landscape features and the visual environment.</p> <p>Highways England refer the Gooch Estate to Figure 8.8 within Volume 2 of the Environmental Statement [APP-095/Volume 6.2] which presents the Environmental Masterplan for the Scheme and illustrates the form and function of the environmental mitigation measures associated with plots 2/3v and 3/4a.</p> <p>The environmental measures proposed within plots 2/3v and 3/4a comprise retained woodland habitat, grassland, hedgerows and scrub. Plot 2/3v is also proposed to accommodate enhancement measures for protected species.</p>

	<p>land needs to be maintained in perpetuity, it should remain in the Gooch Estate's ownership with an agreement to secure future maintenance including a financial contribution to the Gooch Estate to fund that maintenance.</p>	<p>The principal functions of these measures are to: visually screen components of the Scheme in existing views; integrate elements of the Scheme into the receiving landscape pattern; mitigate effects associated with grassland and scrub habitat lost elsewhere on the Scheme; and to secure nature conservation and enhancement benefits.</p> <p>The need for these measures has been demonstrated through the findings of the environmental impact assessment process, as reported within the Landscape assessment presented in Chapter 7 of Volume 1 of the Environmental Statement [APP-052/Volume 6.1], and the Biodiversity assessment presented in Chapter 8 of Volume 1 of the Environmental Statement [APP-053/Volume 6.1].</p> <p>Highways England is prepared to discuss future land ownership matters with the Gooch Estate at upcoming meetings.</p>
RR048k	<p>Land Use: 3. Plot 2/3w Temporary use of plot 2/3w is sought for "construction of a temporary two lane single carriageway; and for the stockpiling of construction materials". The temporary two lane single carriageway is to be constructed within plot 2/3ac. A barn to the west of plot 2/3w has been excluded from the proposed CPO but a small area of land to the west and north of the barn is proposed for temporary acquisition. This land is a considerable distance from the proposed temporary two lane single carriageway and therefore cannot be required its provision. It would be illogical to use this land for the "stockpiling of construction materials". The</p>	<p>Highways England notes the Gooch Estate's comments and will discuss this matter further at upcoming meetings.</p>

	<p>temporary use of this land cannot be justified and should be removed from the CPO. The Gooch Estate also generally question the need to temporarily take possession of plot 2/3w, a considerable area of land, simply to “stockpile construction materials”. This land cannot be required for the temporary two lane single carriageway and seems an excessively large area for the storage of materials.</p>	
RR048l	<p>Land Use: 4. Temporary access to land associated with the provision of environmental mitigation Temporary use of plots 2/22 and 2/3h is proposed to access land associated with the provision of environmental mitigation. Since HE seeks to acquire temporary possession of 2/3r and 2/3d, it is unclear why access to the environmental mitigation cannot be gained from these plots. The temporary use of 2/22 and 2/3h seems excessive.</p>	<p>Highways England has identified land parcels 2/22 and 2/3h within the Development Consent Order Application to ensure that Highways England can access, monitor and maintain the Scheduled Ancient Woodland and any environmental mitigation proposed in the vicinity of the northbound verge to Junction 5A.</p>
RR048m	<p>Land Use: 5. Ancient Woodland Plots 2/3j and 2/3g consist almost entirely of ancient woodland. Both plots are "required to provide temporary access to land associated with the provision of environmental mitigation". The Gooch Estate query whether an access route will actually be created through ancient woodland and if it will not, this land should be excluded from the DCO.</p>	<p>Highways England has identified land parcels 2/3j and 2/3g within the Development Consent Order Application to ensure that Highways England can access, monitor and maintain the Scheduled Ancient Woodland and any environmental mitigation proposed in the vicinity of the northbound verge to Junction 5A.</p>

RR048n	Draft DCO Provisions: 1. The Gooch Estate has concerns regarding the potential for the draft DCO to restrict the operation of its land within the Order Limits and reserves the right to raise concerns in subsequent representations. The Gooch Estate wishes to continue its existing positive dialogue with HE and its advisers, in particular to engage further to consider the various effects of the Scheme on the estate in its entirety and upon its individual parts.	Highways England notes the points raised within the Gooch Estate's Relevant Representation and will continue to engage with the Gooch Estate in regard to the interaction between the Scheme and the Estate.
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Appendix A

Letter to National Exhibition Centre

Our ref: M42 Junction 6_NEC

Mr A Rhead
Gerald Eve
72 Welbeck Street
London
W1G 0AY

Chris Harris
Project Manager
Floor 5
2 Colmore Square
Birmingham
B4 6BN

Tel: 0300 123 5000
29 May 2019

Dear Mr Rhead,

RE: National Exhibition Centre Relevant Representation

Thank you for a copy of the National Exhibition Centre's (NEC's) Relevant Representation, submitted to the Planning Inspectorate in reference to the M42 Junction 6 Improvement (the Scheme), accepted into Pre-Examination on the 30 January 2019.

Highways England welcomes your comments and has provided the following responses to the points raised as part of your Relevant Representation:

Redline Boundary and Construction Timeframe

Highways England recognises the NEC's concerns regarding the extent of land designated as permanent acquisition or temporary possession as part of the Scheme's Development Consent Order (DCO) application.

The parcels of land designated for permanent acquisition are essential for the Scheme to implement the proposed A45 Eastbound to M42 Northbound free flow link as shown on Sheet 5 of the General Arrangement Drawings submitted with the DCO application. This free flow link shall contribute to the overall reduction in the number of vehicles using the interchange and it is therefore essential to provide the required improvements to capacity at Junction 6.

The parcels of land identified as temporary possession in the Land Plans submitted as part of the DCO application are required in order to undertake the following works:

- construction of the A45 Eastbound to M42 Northbound Free Flow Link; and
- diversion of Western Power Distribution (WPD) overhead 132kV cables.

Temporary land has been identified to ensure that the construction of this free flow link can be undertaken in a safe manner. However, following consultation with the NEC during August 2018 and March 2019 where the NEC raised concerns, the Contractor shall seek to maximise the use of the main Scheme compound in order to minimise the

temporary land take required in car parks S5 and S7 for stockpiling, or site and welfare facilities.

Highways England has identified car parks S7, E5 and E4 on the NEC estate as temporary possession to enable WPD to optimally divert the existing 132kV overhead pylons impacted by the provision of the new A45 Eastbound to M42 Northbound free flow link.

To provide a greater level of clarity on the nature of these diversions, Highways England has commissioned WPD to complete a detailed design study. Upon the receipt of these detailed design proposals, Highways England will review and take all reasonable measures to reduce the extent of the temporary land take required. However, until Highways England is in receipt of this information and have thoroughly co-ordinated these proposals with other developments in the vicinity, principally HS2, Highways England is not in a position to minimise the land take at this time.

Maintaining Access to the Estate

Highways England recognises that the Scheme will be undertaking significant and complex construction works in the vicinity of the NEC. Highways England has thoroughly reviewed the design from a constructability perspective and has presented to the NEC a programme of works to ensure that the operation of the South Way access and egress onto the NEC site remains operational.

To enable the continued operation of South Way, it is proposed that the A45 Eastbound to M42 Northbound free flow link underpass structure is constructed in six phases and shall utilise temporary widening of the existing verges. This will allow the existing carriageways to be moved onto temporary alignments as the bridge construction progresses.

To ensure that the proposed construction works are fully co-ordinated with the NEC event calendar, the Contractor will liaise with the NEC during both the planning and construction stages to identify key events where specific construction works or night time traffic management closures should be avoided.

M42 Southbound to A45 Eastbound

The inclusion of the M42 Southbound to A45 Eastbound free flow link as part of the Scheme has necessitated a number of changes to the highway geometry in this location. To preserve the existing East Way Overbridge, which provides an alternative means of access and egress to the NEC development, the existing 'loop' configuration has been removed and shall be replaced with a revised diverge arrangement off the M42 connecting into the northern side of a relocated East Way roundabout.

Highways England notes the NEC's concerns raised in their relevant representation in regards to changing priorities at the proposed East Way roundabout. This junction has been considered by our traffic specialists. Based on future year traffic forecasts and operational junction capacity assessment, it is concluded the junction will operate well

within capacity up to the year 2041 in both the morning (08:00-09:00) and evening (17:00-18:00) peak hours.

M42 Junction 6 Dedicated South-West Slip Road to Airport Way

In its current operational configuration, Highways England recognises that this free flow link caters for large numbers of vehicles travelling to Birmingham Airport and Birmingham International railway station from the M42.

As part of the Scheme, the introduction of a new junction on the M42, Junction 5A, and the construction of a new 2.4km dual carriageway link road will offer a new means of access off the strategic road network to and from Birmingham Airport. Traffic modelling identifies that Junction 5A, and the new link road, will significantly reduce the amount of northbound traffic entering Junction 6 and travelling west towards Clock Interchange. Therefore, traffic will be primarily directed via the new dual carriageway link road from Junction 5A.

However, the closure of the segregated left turn at Junction 6 is anticipated to bring further improvements to the junction in the form of an additional fourth lane at the stop-line. This improvement has been modelled and the results indicate benefits to the overall future performance of the junction. This is because the amendment now permits two continuous lanes to exit the junction interchange onto the A45 westbound, whereas previously the two exiting lanes merged into one.

An important point to note is that, if the free flow link were to be retained, the reduction in traffic utilising this link may lead to an increased risk of traffic weaving between the M42 Junction 6 and Clock Interchange across the existing 'ladder' road marking. This increased risk in traffic weaving across the 'ladder' road marking, combined with the lower frequency of traffic and therefore increased travelling speed, is likely to incur side swipe and rear shunt accidents and may lead to fatal or serious injuries to the road users.

Signalling

Highways England is working closely with Solihull Metropolitan Borough Council (SMBC) and Highways England's Operations Directorate to develop a robust signage strategy catering to the demands of the strategic and local road networks alongside any flexible requirements to cater for key businesses within the region.

Highways England notes the NEC's desire to continue its partnership agreement in regards to managing its peak event flows and will involve the NEC in discussions for the finalisation of the signage strategy.

Traffic Modelling

We note that you may request an independent Transport Consultant to review the Transport Assessment Report (Volume 7 of the DCO application; TR010027). In the meantime, we would like to draw your attention to Section 6.4 of the report which provides information on the variability in NEC traffic recorded using South Way during

2017 and the level of traffic represented in the traffic modelling, and Section 3.7 and Paragraph 7.6.4 confirming that the HS2 Birmingham Interchange station traffic has been included.

We note the NEC's comments regarding HS2 and Arden Cross; the traffic modelling has taken into account committed developments in the vicinity of the scheme. These include:

- the Resorts World proposal for the NEC, catering for 1,158 new jobs;
- the proposed Jaguar Land Rover Logistics Operations Centre, catering for 1,437 new jobs; and
- HS2 Birmingham Interchange station.

The traffic model forecasts do not, however, include UK Central Hub developments unless these have been commenced through the planning process.

The Transport Assessment Report can be viewed online at the following web address:

https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010027/TR010027-000262-TR010027_M42J6_7-2_Transport_Assessment_Report.pdf

North-Facing Slip Roads

Operational traffic modelling of Junction 6 indicates that the junction will perform in a satisfactory manner up to the year 2041 during average conditions. The traffic modelling indicates zero traffic demand for north-facing slips at Junction 5A due to the greater distances and travel times that will be incurred. As such, although north-facing slip roads were considered at an earlier stage of the Scheme development, they are no longer proposed for the new Junction 5A.

It is recognised traffic volumes using Junction 6 can vary due to changes in seasonal demand for travel to/from the airport and daily changes due to different event traffic associated with the NEC, National Motorcycle Museum (NMM) and National Conference Centre (NCC) respectively. The junction is currently heavily managed by Highways England and the NEC to reduce problems during major events, and it is anticipated that a reduced level of management may need to continue with the improvement scheme in place. With increased traffic demand in the future it is, however, possible that the junction may on occasion become congested, but these occurrences are likely to be infrequent.

The provision of north-facing slip roads could provide an alternative to using Junction 6. However, it is not Highways England's policy or remit to provide alternative capacity for such infrequent events.

Please note the proposed junction layout and design at Junction 5A will not preclude north facing slip roads being introduced to the junction at a later stage if the need arises. For example, should the proposed new Motorway Service Area (MSA) receive planning permission and subsequently be constructed, north-facing slip roads will be

provided by the developer of the MSA as per their planning application. Under such circumstances it is recognised that, the north-facing slip roads will then provide a level of network resilience while also serving the MSA.

Free Flow Link to Clock Interchange

Highways England notes the NEC's support of the inclusion of the free flow link to the A45 Westbound from the new 2.4km dual carriageway mainline link.

Clock Interchange Footpaths

Highways England notes the NEC's support of the alternative footway / cycleway arrangements proposed as part of the Scheme to replace the existing provisions affected due to the improvements at Clock Interchange.

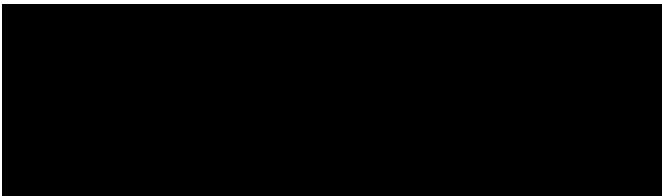
These proposals have evolved through extensive dialogue with SMBC and feedback received from the public and key user groups during Statutory Consultation events.

In summary

Highways England notes that the NEC welcomes the engagement with the project team and shall continue to meet with the NEC to provide surety to alleviate some of the outstanding issues that the NEC have noted above.

If you have any further queries on the scheme or the responses above, please don't hesitate to contact me. I look forward to working with the NEC as the scheme progresses.

Yours sincerely,



Chris Harris
Project Manager, M42 junction 6 Improvement
Email: M42Junction6@highwaysengland.co.uk

Appendix B

Environmental Statement Volume 1 Chapter Ref.	Receptor(s) Ref.	Summary of Effects of Scheme as a whole	Effects of WGAA Options
Chapter 6: Air Quality	Receptor R42	<p>The air quality assessment identified and modelled pollutant levels at receptor R42 (Four Winds), as illustrated on Sheet 5 of Figure 6.2 of Volume 2 of the Environmental Statement [TR010027/APP/6.2].</p> <p>The assessment concluded that Four Winds is predicted to experience a negligible decrease in annual mean concentrations of nitrogen dioxide ($-0.3\mu\text{g}/\text{m}^3$) and particulate matter ($-0.1\mu\text{g}/\text{m}^3$) in year 2023 (the first year the Scheme would be open to traffic).</p> <p>As a change in predicted annual average concentrations of NO_2 or PM_{10} of less than $0.4\mu\text{g}/\text{m}^3$ is considered to be imperceptible, operation of the Scheme would accordingly not result in a significant effect on local air quality at the property.</p>	<p>The assessment considered the design variations associated with the five southern WGAA options and concluded there would be no difference in respect of effects on air quality.</p>
Chapter 7: Cultural Heritage	Not Applicable	<p>The property is not a listed building and is not located within a conservation area. Accordingly, no cultural heritage effects are predicted to occur on the property.</p>	<p>The assessment considered the design variations associated with the five southern WGAA options and concluded there would be no difference in respect of effects on cultural heritage.</p>

Chapter 8: Landscape	Receptor EE – Four Winds	<p>The assessment assessed the Scheme in its entirety, which included consideration of whether the WGAA would be visible as part of the overall M42 development in the existing outlook from the property.</p> <p>The assessment identified the following effects of the Scheme on visual amenity experienced at the property:</p> <ul style="list-style-type: none"> • Construction phase: a temporary large adverse effect (significant effect) caused by large scale machinery and construction activity dominating the view during the construction period. • Year of opening 2023 (winter): the view of the new link road in cutting and partial view of traffic would result in a large adverse effect (significant effect). • Fifteen years after opening 2038 (summer): the view of the new link road would remain prominent and would result in a large adverse effect (significant effect). <p>The large adverse effects during Scheme operation principally relate to the introduction and operation of new road infrastructure associated with the new link road, an effect within which the reconfigured WGAA would be a much smaller contributor.</p>	<p>The assessment considered the design variations associated with the five southern WGAA options and concluded there would be no difference in respect of effects on landscape.</p> <p>The existing view from the property is mainly orientated towards Catherine-de-Barnes Lane, with ground floor views well screened by established hedgerows between the property and Catherine-de-Barnes Lane. Any visibility to the north where the reconfigured WGAA would be implemented is, and would remain, limited by a combination of boundary hedgerows and outbuildings.</p>
Chapter 9: Biodiversity	Not Applicable	No biodiversity effects are predicted to occur at the property.	The assessment considered the design variations associated with the five southern WGAA options and concluded there would be no difference in respect of effects on biodiversity.
Chapter 10: Geology and Soils	Not Applicable	No geology or soils effects are predicted to occur at the property.	The assessment considered the design variations associated with the five southern WGAA options and concluded there would be no difference in respect of effects on geology and soils.
Chapter 11: Material Assets and Waste	Not Applicable	No material assets and waste effects are predicted to occur at the property.	The assessment considered the design variations associated with the five southern WGAA options and concluded there would be no difference in respect of effects on material assets and waste.

<p>Chapter 12: Noise and Vibration</p>	<p>Receptor C4 – Four Winds</p>	<p>The noise assessment identified that construction of the Scheme would likely result in disturbance to the occupants of the property. This would be associated with earthworks and surfacing works from the realignment of Catherine-de-Barnes Lane, with breaks in these periods of disturbance. The assessment concluded these disturbance effects to be not significant; however the assessment identified a potential requirement for localised site hoarding to shield the property from certain construction works.</p> <p>A significant night-time noise effect was identified at the property during the demolition of Solihull Road overbridge, which would likely to be present for the duration of the demolition works.</p> <p>The assessment identified that the Scheme would not result in significant effects on occupants of the property once open to traffic. A negligible decrease in noise is predicted in the short term (year 2023), and a negligible increase in noise is predicted in the long term (year 2038).</p>	<p>The assessment considered the design variations associated with the five southern WGAA options, the outcomes of which were reported in Appendix 12.4 of Volume 3 of the Environmental Statement [TR010027/APP/6.3].</p> <p>The approach to the noise assessment of the effects of the reconfigured WGAA facility on the property was agreed with SMBC’s Environmental Health Officer. This assessment considered all five design options for the WGAA southern reconfiguration and concluded that the layout presented in Option 3 (Option C) would likely result in the greatest noise impact on the property, this being attributed to the use of the new hurling wall, club house, sports pitches and car parking. In line with best practice, the assessment accordingly considered and reported the effects of Option 3 (Option C) on the property to present the worst case scenario effect(s) on occupants of the property.</p> <p>The assessment of the remaining four WGAA southern reconfiguration options concluded that Option 5 (Option E) would result in the lowest noise impacts on the property, overall. In particular, the predicted sports pitch noise levels would generally be lower than or similar to the existing ambient noise levels at the rear of Four Winds.</p> <p>In noise terms, this layout was considered to be the preferred solution for the WGAA site. Accordingly, Option 5 (Option E) formed the basis of the design for the WGAA which has been developed following submission of the Development Consent Order application to the Planning Inspectorate.</p>
<p>Chapter 13: Population and Human Health</p>	<p>Not Applicable</p>	<p>The population and health assessment predicted that no significant effects would occur at the property.</p>	<p>The assessment considered the design variations associated with the five southern WGAA options and concluded there would be no difference in respect of effects on population and health.</p>

Chapter 14: Road Drainage and the Water Environment	Not Applicable	The road drainage and the water environment assessment predicted that no significant effects would occur at the property.	The assessment considered the design variations associated with the five southern WGAA options and concluded there would be no difference in respect of effects on road drainage and the water environment.
Chapter 15: Climate	Not Applicable	The climate assessment predicted that no significant effects would occur at the property.	The assessment considered the design variations associated with the five southern WGAA options and concluded there would be no difference in respect of effects on climate.
Chapter 16: Assessment of Cumulative Effects	Not Applicable	<p>The assessment identified the following combination of effects, which would occur at the property during construction of the Scheme:</p> <ul style="list-style-type: none"> • Visual: large adverse effect (significant effect). • Noise: short term effect (significant effect). 	The assessment took account of the individual assessments, which considered design variations of the southern options (where applicable).

Appendix C

Letter to North Warwickshire Borough Council

Our ref: M42J6NWBC

Jeff Brown
North Warwickshire Borough Council
Council House
South Street
Atherstone
CV9 1DE

Jonathan Pizzey
Senior Project Manager
Highways England
2 Colmore Square
Birmingham
B4 6BN

Tel: 0300 123 5000
17 May 2019

Dear Jeff,

M42 Junction 6: impact on Junctions 9 and 10 of the M42

It was noted during our recent meeting that North Warwickshire Borough Council seeks to understand the impact of the M42 Junction 6 scheme on local roads and Junctions 9 and 10 of the M42.

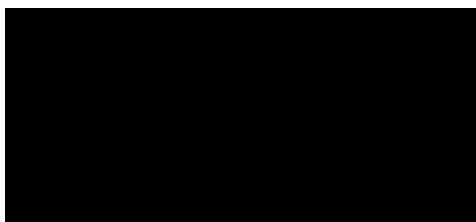
The traffic impact of the M42 Junction 6 Improvement scheme has been forecast and assessed using the M42 Junction 6 Local Area Model (LAM). The size of the LAM was identified using the larger PRISM model to understand the 'area of effect' of the M42 Junction 6 scheme. Consequently, the LAM only covers the area of the network, which could be affected by the scheme, rather than the whole midlands network. The LAM covers a wide area including the Birmingham motorway box and extends eastwards to include parts of Coventry.

The LAM has a 2016 base year and has been set up to produce future year forecasts for 2021, 2026, 2031 and 2041. To assess the traffic impacts of the M42 Junction 6 scheme, the LAM has been run without the scheme ('Do Minimum' scenario) and with the scheme included in its network coding ('Do Something' scenario). Development of the LAM and its forecasts/assessment are described in the DCO Transport Assessment Report (TAR).

We have reviewed the LAM regarding the potential traffic impacts at M42 Junctions 9 and 10. Junction 10 is beyond the extent of the model area and therefore also beyond the 'area of influence' that was defined when developing the model. Junction 9 is on the edge of the model area. We have checked the model flow differences at Junction 9 between the Do Minimum and Do Something runs in the morning (08:00-09:00) and evening (17:00-18:00) peak hours for year 2041, which has the highest forecast traffic flows. The model shows that the difference in total traffic using Junction 9 will be minimal and less than 1%. We therefore conclude that the M42 Junction 6 scheme will not cause any consequential highway impacts at Junctions 9 and 10.

With regards to the noise and air quality assessment for the scheme, the traffic model defines the extents of traffic movements associated with the scheme, which is then subsequently screened to determine the study area for each relevant assessment. As stated above, Junction 10 is beyond the extent of the 'area of influence' for traffic movements as a result of the scheme. As such, changes in emissions and/or noise levels relating to traffic are not considered applicable and therefore not included within each assessment.

Yours sincerely



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Senior Project Manager
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