

**From:** [Tony Bateman](#)  
**To:** [M42 Junction 6](#)  
**Cc:** [REDACTED]  
**Subject:** DCO - M42 junction 6 Improvement - Deadline 1 submissions  
**Date:** 30 May 2019 10:07:34  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[070\\_TB\\_NationalInfrastructurePlanning\\_BIR.4229\\_300519.pdf](#)  
[071\\_TB\\_NationalInfrastructurePlanning\\_BIR.4229\\_300519.pdf](#)

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Dear Sir

I attach the following documents required by Deadline 1:

1. Response to the Relevant Representation submitted by Axis on behalf of Applegreen
2. Requests to be present at the Issue Specific Hearing regarding Junction 5A and the MSA, together with a request to be present at the accompanied site visit.

Please acknowledge due receipt.

**Tony Bateman**  
Managing Director

**Pegasus Group**

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071\_TB\_ NationalInfrastructurePlanning\_BIR.4229\_300519

30 May 2019

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

Your Ref TR010027

Dear Sir

**Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010**  
**Application by Highways England for an Order Granting Development Consent for the M42 Junction 6 Improvement**  
**Deadline 1 : Response to Relevant Representations submitted by AXIS on behalf of Applegreen.**

I refer to the representations submitted on behalf of Applegreen (who are proposing a MSA at Junction 4 of the M42) on 13 March 2019 to the DCO. Extra have concerns that these representations misrepresent the highways position in relation to the proposed Extra MSA. Indeed, these representations are broadly similar to those submitted to Solihull by them on 4 March 2019. Extra submitted a response at that time to these representations on 11 March 2019. For convenience, and to save mere duplication in this response, I attach a copy of this which covers a number of the points raised in their representation to the DCO.

Subsequent to the Applegreen representations of 4 March 2019, it is important to be clear that in respect of the Extra MSA application, Highways England (HE) responded to Solihull on 14 March 2019 to confirm that they have no objections (subject to conditions) to the Extra application and that they now are content to allow Solihull to proceed to determine the MSA application. This letter is also attached to this response. The Panel of course have already at the Preliminary Meeting set out that they will be raising some questions on highway issues relating to the potential relationship between the MSA and HE's scheme at Junction 5A. Extra propose, therefore, to wait until we receive those questions giving any detailed response on the highway points raised in the Applegreen representation.

It is though important for the Panel to note that following the Preferred Route Announcement by HE (7 August 2017) Extra and HE have had extensive discussions regarding the design of junction 5A to ensure that neither scheme prejudices the other. Indeed, HE have been very clear that the DCO is not "fundamentally compromised" (to use Applegreen's words) by the provision of the MSA. It is also worth adding that the junction arrangement at junction 5A put forward by HE in the DCO application was that

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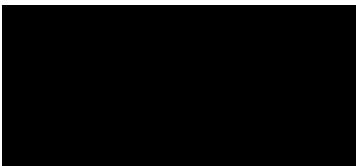
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considered best by the HE, following consideration of a variety of alternatives to meet both costs and impacts on the environment.

Lastly, reference is made to the provision of north facing slip roads by the Extra MSA. It is again important to be clear that this is the only way the north facing slips will be provided and whilst this is to primarily serve the MSA to ensure service directly off and onto the motorway, there is significant additional support for the MSA and the northern slips from UK Central Solihull Urban Growth Company, where the north facing slip roads are described as a key benefit; Birmingham Airport, on the basis that the north facing slip roads provide a safety valve if Junction 6 becomes blocked or congested; the NEC group, where they state that the inclusion of the north facing slip roads are a matter of great importance to the NEC to allow the continued growth of their business; and, the Greater Birmingham Chambers of Commerce. Copies of relevant correspondence is also attached.

At this stage I believe this letter and the attachments provide necessary context for the consideration of the Applegreen representation, although I reserve the right as I have set out above to respond further on these issues in due course, and particularly once we have seen the Panels questions on this issue.

Yours sincerely



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# APPENDIX 1

11 March 2019

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Dear Lawrence

**APPLICATION REFERENCES:**

**PL/2015/51409/PPOL and PL/2016/02754/MAJFOT  
PROPOSED MOTORWAY SERVICE AREA (MSA) M42 SOLIHULL**

I refer to the letter dated 4 March 2019 sent to Solihull Metropolitan Borough Council (SMBC) by Axis on behalf of their client Applegreen Plc, in respect of matters relating to the interface between the proposed Extra MSA and the recently submitted Highways England (HE) Junction 6 Improvement Scheme.

As you are aware, Extra and Highways England (HE) have been working together for a number of years, initially focused on ensuring that HE were satisfied that safe access to and from the M42 could be achieved in respect of Extra's proposed MSA development. In particular, this has more latterly also been to ensure that the Extra MSA proposals and the HE M42 Junction 6 Improvement scheme (inclusive of the new Junction 5A) are each compatible with the other, should both schemes be approved.

The Axis letter raises a number of matters and contains a series of inaccuracies, which Extra considers are important to robustly address. These are each set out below.

**1. Needs Case**

Extra agree with the Secretary of State (2009) 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..."*.

However, it is not the case, as Axis suggest, that an MSA located at Junction 4 equally meets that 'need'. Circular 02/2013 is clear, a 'need' exists where there is a gap in excess of 28 miles. The most significant gap on this part of the Motorway Network is between Warwick Services (M40) and Hilton Park Services (M6) and is 49 miles long. Quite simply a new MSA located at Junction 4 would leave a gap of 30 miles between it and Hilton Park Services whilst the Extra MSA, being located further north along the M42, would leave a gap of 26 miles to Hilton Park and 23 miles to Warwick Services. Thus one location is policy compliant (Extra) and addresses this significant gap, whilst the other (Applegreen) does not.

**In terms of properly and fully meeting the 'need' (as established by Circ 02/2013) the two locations are not equal; this can only be achieved by Extra's MSA development.**

## **2. DCO Application – The Economic Case**

From the outset of the Junction 6 Improvement Scheme project, key 'stakeholders' (Birmingham Airport, the NEC Group and the UGC) have publicly stated their desire to see the inclusion of 'north facing' slip roads at what will now likely be known as the new Junction 5A. This is because they would add to the economic resilience of the overall improvements, providing a 'safety valve' should either Junction 6 or its 'north facing' slip roads become blocked, or where additional capacity in the overall Network is required at peak times (Appendix 1 – 4) contains copies of the letters submitted to SMBC by Birmingham Airport, the NEC Group and the UGC, each confirming the economic importance of securing this significant benefit.

Whilst both Extra's MSA access junction and HE's new Junction 5A designs each include 'south facing' slip roads to/from the M42, the HE Junction 5A design does not include 'north facing' slip roads. However, it is otherwise fully commensurate with the approach adopted for the design of Extra's MSA access scheme (see section 3 below).

Further economic benefits would also be secured for the good of the public purse, were both schemes to proceed, as the Extra MSA development will also deliver further improvements to the M42 between Junctions 5 and 6, including provision of a continuous concrete barrier central reservation and conversion of this section of the M42 (from J5 – J6) to 'All Lane Running' (in place of the existing 'Dynamic' system). Furthermore, through the Section 278 Agreement there will be a significant contribution from Extra to the cost of construction for the new Junction 5A, inclusive of the 'north facing' slip roads, should both schemes be granted approval to proceed.

**Extra agrees that the economic gains associated with the co-location of the Extra MSA and HE's new Junction 5A (as forms part of the HE DCO scheme) are an important material consideration and emphasise the 'added economic value' that a combined HE / Extra MSA scheme can deliver.**

## **3. The Interface between the HE DCO scheme and the Extra MSA development**

It is important to keep in mind the fact that the Extra MSA Planning Application and the HE DCO Application are for good reasons, each separate and freestanding proposals, capable of being implemented on a separate or combined basis. This is because there is of course still a risk that one, or indeed both proposals, may not receive the required respective consent to proceed.

a. North facing slip roads

The provision of 'north facing' slip roads at the new Junction 5A can only occur if the required Departures from the Design Manual for Roads and Bridges (DMRB) design standards are secured. In the absence of the 'fatigue related' benefits associated with the provision of a new MSA facility in this location (i.e. reduction in accidents associated with the ability for drivers to stop and take a rest from their journey) the case for including 'north facing' slip roads on the HE Junction 5A scheme in isolation, is not sufficiently strong enough to secure these. However, with Extra's new MSA facility at this same location, Extra has obtained 'approval in principle' to such Departures, these being specific to its MSA access junction design and following a full and carefully considered Road Safety and Traffic Engineering detailed review process by HE. Whilst the full Departure approvals remain subject to HE's formal submission process, the level of scrutiny undertaken by HE in respect of the Extra MSA Application (to reach a position of 'approval in principle') is such that it is reasonable to assume these are capable of being granted as part of the agreed design for the new MSA access junction.

An indicative combined design for HE's new Junction 5A which includes 'north facing' slip roads as facilitated by Extra and its MSA development at this location, has been produced by HE (see layout below).

b. Design interface

As the DCO Application confirms, only minor modifications are required to bring the design of the two schemes together and, as set out in the DCO submitted documentation, there has been ongoing engagement between Extra and HE for some considerable time to ensure that this can be appropriately achieved. The result of this extensive work has been to enable HE to now confirm that, in the event that both schemes are approved to proceed, **"there is a combined scheme which could be built within the planning applications made"**. (HE letter dated 14 November 2018, Appendix 5). This same letter from HE also confirms that **"If the MSA application receives planning permission, we would be able to show the combined scheme to the Inspector as a demonstration of how we have been working together to produce a combined and complimentary solution"**.

Extra specifically draws attention to Section 6 and Figure 4 of Appendix 4 – Junction 5A Technical Note/Design Rationale of the Planning Statement which accompanies the DCO Application. This is copied in full below and describes the modifications required, as well as clearly concluding that all such modifications have been assessed and validated, confirming that the DCO scheme does not preclude the MSA development, should it receive Planning Permission before the DCO is confirmed, or at a later stage thereafter. The HE Appendix 4 and part of the DCO submission also includes a Figure 4 drawing showing an indicative layout for the combined HE and Extra MSA Junction 5A scheme, inclusive of the agreed 'north facing' slip roads and all other modifications as required.

The Axis letter 4 March as submitted on behalf of Applegreen Plc wrongly seeks to focus on the modifications as set out within paragraph 6.1 of Appendix 4 of the DCO submission, without taking into account what is then also further explained and concluded within that same Appendix. Indeed, the Axis 4 March letter wrongly excludes any reference to paragraphs 6.2, 6.3 and 6.4 of the HE Appendix 4 DCO submission, paragraph 6.3 clearly stating **"The proposed modifications have been assessed and validated through traffic assessments"**. This is then further endorsed by HE confirming in paragraph 6.4,

***“Whilst these modification works would be required and undertaken by the MSA, it does confirm that the current M42 Junction 6 Improvement Scheme does not preclude the planned MSA development”.***

**Extract from DCO Planning Statement Appendix 4**

**6 Modification Works Required for MSA Connection to Junction 5A**

6.1 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:

- 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.
- A segregated left-turn lane would be required from the M42 northbound diverge slip road into the MSA.
- The M42 northbound diverge slip road would be widened to 3 lanes from 2 lanes 80m before the give way line.
- 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 diverge slip road travelling north at the main line.
- The New Link Road would be widened at exit from the roundabout to three lanes before merging into two lanes downstream of the junction

6.2 An indicative layout of the proposed Junction 5A with the MSA in operation is provided in Figure 4 below.

6.3 The proposed modifications have been assessed and validated through traffic assessments.

6.4 Whilst these modification works would be required and undertaken by the MSA, it does confirm that the current M42 Junction 6 Improvement Scheme does not preclude the planned MSA development.



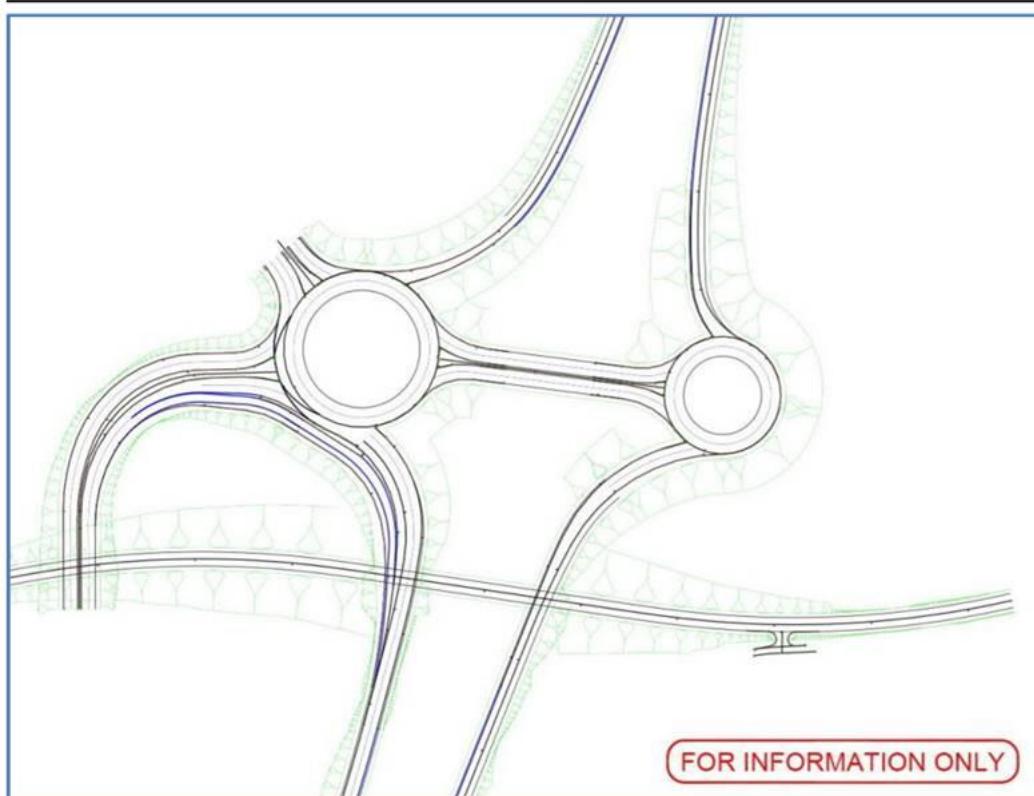


Figure 4 – Junction 5A with MSA in Operation (Indicative Layout)

#### 4. Timescale for Decision

A decision on the DCO Application is due at the end of March / early April 2020. Given the 27 March 2019 Planning Committee date and the required process for subsequent referral to the Secretary of State's National Planning Casework Unit, should SMBC confirm that they are minded to grant Planning Permission for the Extra MSA Development, **then it is quite possible that a final decision on the Extra Planning Application could be reached early in the DCO Examination process. As HE clearly confirm, there is nothing to preclude this arising from their DCO submission.**

Furthermore, Extra does not agree with Axis' assumption that history suggests that the MSA Planning Application would be 'called in'. Indeed, Leading Counsel has observed that **a third Public Inquiry into the provision of MSA facilities on this section of the Motorway Network would be neither a good use of time nor public money, especially when balanced against the continuing public safety and welfare risks to drivers on the M42 Motorway and other connecting Strategic Road Network routes.**

It is also worth noting that in 2001 the Secretary of State was 'minded to approve' an MSA on what is now the Extra site location, whilst dismissing two competing proposals at J5 Ravenshaw and J4 Shirley (the Applegreen site). On the second occasion in January 2009,

this was despite refusing the Swayfields Catherine de Barnes MSA proposals for reasons primarily related to access to the M42. At the time the M42 was a National 'Pilot Scheme' for Managed Motorways, trialled by Highways Agency/DfT and irrespective of the significant Road Safety 'need', the competing MSA proposal at J4 (the current Applegreen site) was still refused by the Secretary of State. The reasons for refusal of the Swayfields application have since been overcome.

As such the Secretary of State has, on what is now two separate occasions in 2001 and 2009, refused Planning Applications for MSA development at Junction 4 (on substantially the same site as the current Applegreen proposals), for reasons primarily relating to the adverse impact on this relatively narrow section of the Green Belt. These unacceptable impacts on the Green Belt in this location have not changed.

## **5. Impacts of the MSA on the DCO Junction, including its capacity**

Circular 02/2013, when indicating a preference for 'on-line' MSAs, does so on the basis that they "avoid the creation of any increase in traffic demand at existing junctions."

**Junction 5A does not exist and has currently not yet been consented. As with other Government projects, whilst there is a desire to see this delivered as soon as possible, there cannot yet be any certainty on this until the DCO is confirmed and it cannot, therefore, be considered to be an "existing junction".**

Furthermore, once the new HE Junction 5A is constructed, it would significantly differ from "existing" Junctions along the M42 in a specific and fundamental way, as local traffic would not be using this new Junction, other than to access or exit the Motorway. In essence, the new Junction 5A would only be used by Motorway Traffic and if, as intended, Junction 5A and the 'Link Road' to the Airport/A45 Clock Interchange are adopted by HE, then it would not form part of the local road network, but be part of the HE Strategic Road Network, with the new Junction 5A in effect being part of the Motorway infrastructure.

In terms of the capacity of the new Junction 5A, when combined with the access arrangements for Extra's MSA development, paragraph 6.3 of Appendix 4 of the HE Planning Statement that forms part of the DCO's submission confirms that **"the proposed modifications have been assessed and validated through traffic assessments.**

## **6. Differences / incompatibilities between the two schemes**

Extra believes that the Axis reference to paragraph 6.1 of the HE Planning Statement may have intended to be to paragraph 5.2 of the same document. This section considers the Influence of Legal Requirements on Junction Design Selection and forms part of the evaluation of four potential options for Junction design (A-D).

Paragraph 4.4, which immediately precedes Section 5, states "*The final assessment phase requires evaluating the options from a planning perspective. This parameter is deemed quite important as a planning application for the MSA development is submitted to SMBC and awaiting decision.*"

Section 5 (Influence of legal requirements) then continues as follows:

*"5.1 A concern for pursuing options C and D was that these options would preclude the future development of the MSA from constructing any north facing slip roads, should such*

*a MSA scheme be deemed acceptable in principle. To eliminate this risk, Option B was selected as the preferred solution on the basis that it had the least environmental impact compared to Option A. Option B would affect an additional 174m<sup>2</sup> of ancient woodland as compared to Option D."*

As is explained above, the provision of the 'north facing' slip roads is strongly supported by key 'stakeholders' in the area around the new Junction 5A location, who also made their views on this clearly known on this as part of the DCO Public Consultation process, fully supporting the benefits to be derived from a combined HE Junction 5A and Extra MSA access scheme. For the reasons that have been explained above, only Extra's MSA proposals can deliver these benefits.

Paragraph 5.2 then states (NB the final sentence highlighted in bold is missing from the Axis quote) that:

*"Whilst the MSA planning application is currently pending with SMBC for decision, there is a risk that if MSA application gets approval before the start of the M42 Junction 6 Improvement scheme, significant design changes would be required for the Junction 5A of the M42 scheme to make it consistent with MSA proposals. **This possibility raises a risk that any option other than option B would require rework and a re-evaluation of the MSA planning documents.**"*

Having eliminated Options C and D as they cannot accommodate the 'north facing' slip roads, only Options A and B remained. Table 1, Section 4 of Appendix 4 of the HE Planning Statement DCO submission confirms that in respect of Options A and B, it is Option B that has the advantage of a lesser impact on the Ancient Woodland to the western side of the M42 (reducing the loss from 3988m<sup>2</sup> in Option A to 1946m<sup>2</sup>).

As is significant for any correct interpretation and conclusions, when the above DCO respective Technical Appendices are properly read, it becomes clear why Option B is the preferred option and why the sentence highlighted above (wrongly omitted from the Axis quotation) is key to the correct position and understanding, as it confirms that if Option B is pursued (which is the Secretary of State's Preferred Route Announcement scheme as confirmed August 2017 and the Road Improvement Scheme on which the DCO Application is based) then a re-evaluation of Extra's MSA Planning Application documents, inclusive of its access proposals, is not required.

The conclusion of the Technical Note states (paragraph 7.4) that *"This technical note has demonstrated that Junction 5A has been located in the optimum engineering location subsequent to minimising the impact on the key design parameters. Furthermore, the reduced SSD on the northbound diverge slip road further mitigates the impact on the adjacent ancient woodland"*.

Paragraph 7.5 then confirms that *"The proposed option selected is Option B, this option will be prepared as part of the DCO application."*

Finally, it is completely wrong for Axis to suggest in their 4 March letter, that *"prior approval of the Extra MSA risks material delay to the delivery of the DCO Scheme."* Indeed it is in fact the contrary which is correct and true, that as noted above and confirmed in the HE letter dated 14 November 2018 (Appendix 5) *"If the MSA application receives planning permission, we would be able to show the combined scheme to the Inspector as a demonstration of how we have been working together to produce a combined and complementary solution."*

With regard to the Smart Motorway works, the proposals have been reviewed by HE's technical specialists, including the interface with the existing, adjacent operating regime and have been found to be acceptable. This was confirmed in writing to SMBC in HE's formal response to the application (Appendix 6) and further confirmed in their letter of 19 December 2017 (Appendix 7).

### **Extra Road Safety Audit**

It is for the relevant Highways Authority to reach a view on the safety case associated with each of the two competing MSA Planning Applications, with the decision based upon the merits of each particular proposal. In the case of the Extra MSA Planning Application, if HE had considered that the Departures were not going to be acceptable, then they would not have confirmed the position that they have for these. The existence or otherwise of an alternative MSA proposal is not a relevant consideration in this process. HE have provided a detailed confirmation to SMBC of their carefully considered position on these matters in their HEPR 16-01 letter dated 21 August 2017 confirming 'no objections', subject to respective conditions (Appendix 6) and their detailed letter dated 19 December 2017 (Appendix 7). This is further endorsed by the HE submissions forming part of their DCO Application.

Once HE as a Statutory Consultee has responded to each competing MSA Planning Application (which they have already done for the Extra MSA proposals, confirming no objections subject to respective agreed Conditions), it is for SMBC to reach a view on the overall 'planning balance'. On the basis that HE as the relevant Highway Authority for the Motorway Network has not raised an objection to a MSA proposal on safety grounds, the next 'safety' related issue to be considered is the extent to which a location is capable of addressing the 'need' for an MSA as defined by Circ 02/2013. As previously noted and explained, the Extra MSA location fully addresses this 'need' within 'key gap' as currently exists between Warwick Services (M40) and Hilton Park Services (M6), which the Applegreen MSA proposals at Junction 4 does not.

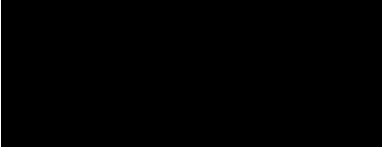
### **Conclusion**

Extra is concerned to ensure that matters of fact with regard to their MSA Planning Application, inclusive of its carefully considered relationship/interface with the HE Junction 6 Road Improvement Scheme (inclusive of the new Junction 5A DCO proposals) are accurately reported to the Planning Committee. As such, we wish to ensure that all of the comments and factual observations as correctly set out in this letter above are fully considered and properly taken into account, correcting what is inaccurately and wrongly misquoted and/or suggested in the 4 March Axis letter (Appendix 8) as sent on behalf of Applegreen.

It is also important to keep in mind, the fact that the Extra MSA Planning Application and the HE DCO Application are for good reasons, each separate and freestanding proposals, capable of being implemented on a separate or combined basis. This is because there is of course still a risk that one, or indeed both proposals, may not receive the required respective consent to proceed. The interface between the two schemes has, however, been the subject of extensive engagement between Extra and HE in order to ensure that, as noted by HE in their letter of 14 November 2018, "*in the event both schemes are successful in their different planning applications **there is a combined scheme which could be built within the planning applications made.***" This clear position is further endorsed by HE in the respective submissions forming part of their DCO Application.

Certainty is now needed for all parties involved and Extra looks forward to receiving a decision on its MSA proposals, as already in process for the simultaneous determination of both competing Planning Applications at the SMBC Planning Committee meeting to be held 27 March 2019.

Yours sincerely



**TONY BATEMAN**  
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CC: Kim Allen  
Ransford Stewart  
Anne Brereton

Enc. Appendices 1-8

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# APPENDIX 2



## Developments Affecting Trunk Roads and Special Roads

### Highways England Planning Response (HEPR 16-01)

### Formal Recommendation to an Application for Planning Permission

From: Catherine Brookes (Divisional Director)  
Operations Directorate  
Midlands Region  
Highways England  
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To: **Solihull Metropolitan Borough Council**

CC: [transportplanning@dft.gsi.gov.uk](mailto:transportplanning@dft.gsi.gov.uk)  
[growthandplanning@highwaysengland.co.uk](mailto:growthandplanning@highwaysengland.co.uk)

Council's Reference: **PL/2015/51409/PPOL**

Referring to the planning application referenced above, consultation dated 16 July 2015, **OUTLINE APPLICATION FOR A MOTORWAY SERVICE AREA, NEW MOTORWAY JUNCTION AND ASSOCIATED WORKS (MEANS OF ACCESS FOR CONSIDERATION)**, Proposed Motorway Service Area Solihull Road Hampton In Arden Solihull, notice is hereby given that Highways England's formal recommendation is that we:

- ~~a) offer no objection;~~
- b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);
- ~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~
- ~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B is relevant to this application.<sup>1</sup>

This represents Highways England's formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gsi.gov.uk](mailto:transportplanning@dft.gsi.gov.uk).

	<b>Date:</b> 14 March 2019
<b>Name:</b> Adrian Johnson <b>Position:</b> Asset Manager  <b>Highways England:</b> Highways England   The Cube   199 Wharfside Street   Birmingham   B1 1RN  <b><u>Adrian.Johnson@highwaysengland.co.uk</u></b>	

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<sup>1</sup> Where relevant, further information will be provided within Annex A.



## **Annex A    Highways England recommended Planning Conditions**

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to the above referenced planning application and has been prepared by Adrian Johnson, Asset Manager for Highways England’s Birmingham Box Patch.

The applicant has engaged with us in a series of discussions initially during pre-application stage in 2013 and continuing through submission of the planning application in July 2015 in consideration of technical matters required to consider the proposal. We subsequently responded initially to the application on 6 August 2015 setting out the reasons why the planning application should not be determined at that time. We subsequently continued to engage with the applicant as they refined their proposal to seek agreement of the necessary technical assessments with regards the implications of the application for the SRN.

Applications for Motorway Service Areas (MSA) are considered by us under the requirements of DfT Circular 02/2013 The Strategic Road Network and Sustainable Development (“the Circular”). Annex B of the Circular sets out specific criteria that Highways England need to apply to proposals for such roadside facilities in addition to the general requirements set out in the Circular.

The Circular sets out that it is the primary function of such facilities to support the safety and welfare of the road users with paragraph B4 making clear that such facilities “perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey.” In accordance with any other form of planning application the Circular also sets out that applicant should demonstrate that there will be no severe impacts upon the SRN.

At the planning application stage, we determined it was fundamental to our position that the design of the proposed new motorway junction be developed to a level at which it can be demonstrated that, in principle, a safe motorway access arrangement can be achieved. This is required to enable us to provide our consent to a new motorway access under Section 175B of the Highways Act 1980. The engineering design of this access is required to be developed in accordance with the standards of the Design Manual for Roads and Bridges (DMRB) which governs the design of Motorways and Trunk Roads in England.

During technical work undertaken by the applicant during 2015 to 2017 we maintained a position that the application should not be determined. Following submission of this work we subsequently wrote to you in August 2017 setting out our updated position that we could recommend planning conditions capable of suitable control the implications of the development for the SRN. We wrote to you further via letter dated 19 December 2017 outlining in greater detail how we reached this position including outlining in detail the matters of safety and engineering considered during our assessment of the application.

## **Our Updated Response**

We understand that it is now your intent to determine this application in March 2019 and therefore we have reviewed our position and considered whether any amendments would be required to the planning conditions we recommended would be necessary to address matters that may have arisen over this period. In particular we note that since we provided our response a number of changes have been made to the Design Manual for Roads and Bridges which provides the technical standards for the SRN.

We can therefore confirm that we have made a number of technical adjustments to the wording of these conditions detailed further below to reflect the updated standards and the consideration of best practice in the recommendation of such wording.

As set out to you in our previously, our response to MSA proposals given consideration in relation to our concurrent development of an improvement scheme for the M42 Junction 6. This had been material to our response to the planning application. Part of this scheme involves the delivery of a new motorway junction between Junctions 5 and 6 proposed to be located in the same location as the MSA proposals. Following announcement of the preferred route (“the PRA”) for this scheme during August 2017 we were able to confirm that these plans do not preclude delivery of the MSA should this receive planning consent.

The plans for our improvement scheme have now been further developed and are being considered under a separate application to the Secretary of State for Transport via a Development Consent Order, further details of this application can be found on the website of the Planning Inspectorate at the following web link:

<https://infrastructure.planninginspectorate.gov.uk/projects/West%20Midlands/M42-Junction-6-Improvement/>

Should the MSA development receive planning consent there would be a need for the delivery programmes of these two schemes to be managed in such a way that each could be delivered. A number of our recommended planning conditions and an agreement under Section 278 of the Highways Act are necessary to accommodate this.

## **General Principals of the response**

The safe operation of the SRN is our primary concern in responding to the application and the detailed work undertaken by the applicant to assess the safety case ensured this was complete to our satisfaction. The applicant has demonstrated that a safe access should be achievable in principle subject to the management of design and delivery processes through planning conditions and our detailed approvals process.

As stated above, benefits to safety that arise from the provision of an MSA facility relate to the opportunities such a facility provides to the public to take a break and rest on their journey. These benefits accrue as result of reductions in driver fatigue as a cause of road traffic collisions. Assessment of these benefits has therefore formed an important part of the overall safety case underpinning the application.

In this regards, the safety case is predicated upon evidence which includes the acceptance of a 'need' for such a facility along this section of the M42 motorway. As we set out to you in our original letter in response to the application dated 6 August 2015, this need had already been tested and accepted at previous public inquiries in respect of MSA provision on this section of the M42 motorway.

For avoidance of doubt, we refer to the section of the M42 motorway between Junction 3a and Junction 7 as being the locality where the previous inquires established 'need' for an MSA. In cognisance of your stated approach to co-determine the planning applications for two such proposals along the M42 we would reconfirm our position that the safety benefits of such facilities are predicated upon there being no present MSA facility within this general locality. Our assessment of the safety case has therefore been arrived at on this basis.

**On the basis of the above, and consistent with the requirements we have previously set out that are necessary to the manage the effective delivery of these proposals we recommend that the following planning conditions be attached to any grant of planning permission.**

**We also confirm that subject to satisfactory discharge of these conditions we grant our consent under section 175B of the Highways Act 1980 (as amended) to a new access to the M42 motorway as is proposed in the planning application.**

<b>M42 J5-6 Motorway Service Area – Application number PL/2015/51409/PPOL</b>
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<b>Highways England Recommended Planning Conditions August 2017</b>
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<b>Explanatory Note to be included within conditions</b>
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For the purposes of these conditions all references to 'Highways England' shall be understood to relate to the Highways Authority for the M42 Motorway as appointed by the Secretary of State for Transport including any such successor organisation that may exist.

**HE Condition 1**

Prior to making any submission to the local planning authority in respect of the discharge of any of the conditions herein, the developer shall first submit a written schedule setting out in respect of the relevant condition those matters (if any) that relate to the operation of the Strategic Road Network and shall provide written evidence to the LPA of the written confirmation of the acceptance of the Highway Authority for the M42 motorway.

**Reason** - In the interest of certainty of the implications of development for the safe operation of the Strategic Road Network in accordance with Policy P7 and P8 of the Solihull Local Plan.

**HE Condition 2**

No development shall commence until an agreement under Section 278 of the Highways Act 1980 between the Developer, Highways England and the Highways Authority has been entered into by all of the these parties. This agreement shall include (but not be limited to) the following matters:

- a) The Parties
- b) Scope of works – including but not limited to the following works – demolition of the Solihull Road overbridge, new bridge structures, new local highway, new M42 access roads and supporting infrastructure, All Lane Running on the M42 between Junction 5 and 6, new highway drainage, new site drainage
- c) Detailed Design approvals of road and highway structures to be obtained from Highways England and Solihull Metropolitan Borough Council
- d) Bonds, Cash Surety and Warranties to be provided to Highways England and Solihull Metropolitan Borough Council
- e) Fees and other associated payments for assessing and approving the design and preparation of the Section 278 Agreement To be paid to Highways England and Solihull Metropolitan Borough Council
- f) Certificates of completion and Works Acceptance
- g) Works contract & works programme

**Reason** – In the interest of certainty and to enable the development to proceed in accordance with Policy P7 and P8 of the Solihull Local Plan.

**HE Condition 3**

The development hereby permitted shall not be carried out except in accordance with the details shown on the submitted plans, numbers:

- BIR.4229\_41; (Location Plan)
- Bir.4229-281; (Illustrative masterplan – Fig 7.8B of 2<sup>nd</sup> Addendum to ES)
- Bir.4229-270; (Parameters Plan – Fig 4.1B of 2<sup>nd</sup> Addendum to ES\_
- SH11315-027-L (Drainage Strategy – Figure 4.6 of 2<sup>nd</sup> Addendum to ES)

**Reason** - To ensure compliance with the approved plans and details to safeguard amenity and the quality of the environment in accordance with Policy P14 and P15 of the Solihull Local Plan 2013.

**HE Condition 4**

Highways works associated with the development hereby permitted shall not be carried out except in accordance with the details shown on the submitted plans detailed below. These plans shall comprise:

- 223839-ARP-JN-XX-DR-CH-00101 Rev P01; (Proposed Highway Boundary)
- 223839-ARP-JN-XX-DR-CH-00109 Rev P01; (General Arrangement Junction Layout)
- 223839-ARP-SR-XX-DR-CH-00101 Rev P01; (Solihull Road General Arrangement)
- 223839-ARP-ZZ-ZZ-DR-CH-00101 Rev P06; (Proposed parking and access plan)
- 223839-ARP-ZZ-ZZ-DR-CH-00201 Rev P04; (Northbound diverge plan profile)
- 223839-ARP-ZZ-ZZ-DR-CH-00202 Rev P04; (Northbound merge plan profile)
- 223839-ARP-ZZ-ZZ-DR-CH-00203 Rev P02; (Southbound diverge plan profile)
- 223839-ARP-ZZ-ZZ-DR-CH-00204 Rev P02; (Southbound merge plan profile)
- 223839-ARP-ZZ-ZZ-DR-CH-00205 Rev P01; (Dumbell plan profile)
- 223839-ARP-ZZ-ZZ-DR-CH-00206 Rev P01; (Link road plan profile)
- 223839-ARP-ZZ-ZZ-DR-CH-00207 Rev P01; (Solihull Road plan profile)
- 223839-ARP-ZZ-ZZ-DR-CH-00303 Rev P01 (Cross sections)

**Reason** - In the interest of highway safety in accordance with Policy P7 and P8 of the Solihull Local Plan.

**HE Condition 5**

Prior to commencement of any development approval of the details of (a) appearance; (b) landscaping; (c) layout (to accord with Annexe B of Circular 02/2013); and (d) scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority, and with regards to any matters relating to the operation of the Strategic Road Network including but not limited to any matters relating to compliance with Annex B of Circular 02/2013, written approval shall be received from Highways England.

**Reason** - Pursuant to Article 3 (4) of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

**HE Condition 6**

The details of landscaping pursuant to Condition 4 of this outline planning permission shall be in general accordance with the illustrative landscape masterplan (drawing number Bir.4229\_28I).

**Reason** - To enhance the landscape and habitat of the site in accordance with Policy P10, P14 and P15 of the Solihull Local Plan.

#### **HE Condition 7**

No development shall commence until a programme detailing the proposed phasing and likely duration of works required to be undertaken under condition 58 above has been submitted to and approved in writing by the local planning authority following written confirmation of the acceptance of the Highway Authority for the M42 motorway. The programme will include details of, at least, the following phases:

- a) Initial Site mobilisation;
- b) Construction of motorway slip roads;
- c) Construction of new Motorway Service Area access motorway overbridge;
- d) Demolition of existing Solihull Road motorway overbridge;
- e) Re-alignment of Solihull Road motorway overbridge;
- f) Construction of replacement Solihull Road motorway overbridge; and
- g) Development of the internal road layout, car parking, landscaping and buildings.
- h) All Lane Running on the M42 between Junction 5 and 6

**Reason** - In order to secure a comprehensive development and access arrangement in accordance with Policy P7 and P8 of the Solihull Local Plan.

#### **HE Condition 8**

No development shall take place in any of the phases until a detailed Temporary Traffic Management Scheme for that phase has been submitted to and agreed in writing by the local planning authority and following written confirmation of the acceptance of the Highway Authority for the M42 Motorway.

The Temporary Traffic Management Scheme shall define construction access arrangements, construction vehicle routes and traffic management measures for both construction and non- construction traffic (including, where necessary, a scheme of signage and a methodology for encouraging driver compliance) for that phase. All Temporary Traffic Management Schemes impacting on the M42 motorway shall be compliant with the standards of the Traffic Signs Regulations & General Directions and the Traffic Signs Manual, Chapter 8, and be subject to Independent Road Safety Audit. The Temporary Traffic Scheme for any phase, as required by this condition, shall be in place prior to the commencement of development of that phase and all temporary management measures, including directional signage shall be removed within one month of the completion of construction of that phase.

**Reason** - In the interest of highway safety in accordance with Policy P7 and P8 of the Solihull Local Plan.

**HE Condition 9**

No development shall commence until a Construction Environmental Management Plan for the development has been submitted to the local planning authority and approved in writing following written confirmation of the acceptance of the Highways Authority for the M42 Motorway. The plan shall include details of:

- a) the hours of construction work and deliveries;
- b) area(s) for the parking of vehicles of site operatives and visitors;
- c) area(s) for the loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) wheel washing facilities;
- f) the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- g) mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- h) a scheme to minimise dust emissions arising from demolition / construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- i) waste management;
- j) routing of construction traffic during the phases of development.
- k) protection measures for hedgerows and grasslands.

**Reason** - Development shall take place in accordance with the approved Construction Environmental Management Plan.

**Lighting/CCTV/Advertisement**

**HE Condition 10**

No development shall take place until full details of all permanent and temporary external lighting of the site and new junction with the M42, have been submitted to and approved in writing by the Local Planning Authority and following written confirmation of the acceptance of the Highways Authority for the M42 Motorway. The Motorway Service Area shall not be available to members of the public until the permanent scheme of lighting contained in the approved details has been completed and is operational.

**Reason** - To safeguard the amenity of the area in accordance with Policy P7, P8 and P14 of the Solihull local Plan.

**HE Condition 11**

No advertisements shall be erected within the approved boundaries of the site without the prior written agreement of the local planning authority and written confirmation of approval of such details has been received from Highways England and provided to the local planning authority.

**Reason** - In the interest of highway safety in accordance with Policy P7 and P8 of the Solihull Local Plan.

## Highways

### HE Condition 12

No development shall commence until the following details in accordance with Condition 58 have first been submitted to and approved in writing by the Local Planning Authority following written confirmation of the acceptance of the Highways Authority for the M42 Motorway:

- a) full layout, design and construction details of the permanent means of access to and from the site from the M42 motorway;
- b) full layout, design and construction details of the new M42 Motorway Service Area access motorway overbridge; and
- c) full layout, design and construction details of the replacement Solihull Road motorway overbridge.

The details to be submitted under this condition shall include (but not be limited to):

- i. How the proposed works interface with the existing highway alignment, details of the carriageway markings and lane destinations;
- ii. How the proposed works interface, with the existing electronic system of traffic monitoring and management on the M42 motorway;
- iii. Full highway signing and highway lighting details;
- iv. Confirmation of compliance with the current Design Manual for Roads and Bridges (DMRB) and Departmental Standards (or approved relaxations/departures from such standards);
- v. Confirmation of compliance with Independent Stage 1 and 2 Road Safety Audits (RSAs) carried out in accordance with the current DMRB and advice notes;
- vi. Confirmation of compliance from the Highways Authority for the M42 Motorway with a Walking Cycling and Horse Riding Assessment and Review carried out in accordance with the current DMRB and advice notes;
- vii. Full geotechnical details;
- viii. Full drainage details;
- ix. Full planting and landscaping details

**Reason** - In the interest of highway safety in accordance with Policy P7 and P8 of the Solihull Local Plan.

### HE Condition 13

No part of the development hereby approved shall be first used by the public until all the permanent site access arrangements and associated highways and drainage works have been subject to an Independent Stage 3 Road Safety Audits (carried out in accordance with the current standards of Design Manual for Roads and Bridges (DMRB) and supporting advice notes) and have been constructed and are complete, to the written satisfaction of the Local Planning Authority



following written confirmation of the acceptance of the Highways Authority for the M42 Motorway .

**Reason** - In the interest of highway safety in accordance with Policy P7 and P8 of the Solihull Local Plan.

**HE Condition 14**

The land outside the running lanes of the M42 within 67 metres of the central reserve of the M42 shall not be used for any purpose other than that hereby permitted, or as has been approved via other application or, legally obtained powers. All works shall be constructed in accordance with the approved plans referred to in conditions 3, 10, 49 and 58. . A plan identifying the extent of the 67 metre zone shall be submitted to and approved in writing by the local planning authority following written confirmation of the acceptance of the Highways Authority for the M42 Motorway, prior to commencement of development.

**Reason** - To maintain the safeguarding of land for the M42 Motorway and in the interest of highway safety in accordance with Policy P7 and P8 of the Solihull Local Plan.

**HE Condition 15**

There shall be no access or egress to or from the M42 motorway via Solihull Road at any time during the construction period, except for designated construction vehicles under such circumstances as have been defined within the submitted Temporary Traffic Management Scheme, approved under Condition 7 above.

**Reason** - In the interest of highway safety in accordance with Policy P7 and P8 of the Solihull Local Plan.

**HE Condition 16**

No development shall commence on any phase of construction works until a Risk Assessment and Method Statement for that phase - which may include but not be limited to the following provisions has been submitted to and approved in writing by the local planning authority, following written confirmation of the acceptance of the Highways Authority for the M42 Motorway:

- a) The loading and unloading and storage of all construction plant and materials, to be used in constructing the development;
- b) The parking of vehicles including those of site operatives and other people who will be working at or visiting the site;
- c) Measures for ensuring that no mud, grit, dirt or other materials from the site is deposited on the strategic road network;
- d) Measures for controlling the emission of dust and dirt during construction
- e) Hours of construction, including collections and deliveries;
- f) The movement of vehicles associated with the recycling/disposal of waste resulting from demolition and construction works;
- g) Measures for the management of abnormal loads; and
- h) Details of temporary lighting.

The approved Construction Method Statement for any phase shall be adhered to throughout the construction period of that phase.

**Reason** - In the interest of highway safety in accordance with Policy P7 and P8 of the Solihull Local Plan.

**HE Condition 17**

No part of the development hereby approved shall be used by the public until details of all parking spaces, internal access roads, turning and manoeuvring areas, footpaths have been constructed and laid out in accordance with relevant plans listed in Conditions 3 and 4 and further such details which have first been submitted to and approved in writing by the Local Planning Authority following written confirmation of the acceptance of the Highways Authority for the M42 Motorway. The submitted parking details shall be constructed in accordance with the requirements of Annex B, Schedule 1 to Department for Transport Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development.

**Reason** - In the interest of highway safety in accordance with Policy P7 and P8 of the Solihull Local Plan.

**HE Condition 18**

No part of the development hereby approved shall be used by the public until a Management and Maintenance Plan for all highways within the curtilage of the site, including verges has been submitted to the local planning authority and approved in writing following written confirmation of the acceptance of the Highways Authority for the M42 Motorway. The Management and Maintenance Plans shall incorporate a drawing setting out the maintenance boundaries between the Motorway Service Area and the M42 motorway. Such details shall thereafter be adhered to.

**Reason** - In the interest of road safety and to safeguard the character and appearance of the area in accordance with Policies P7, P8, and P10 of the Solihull Local Plan.

**HE Condition 19**

The development hereby approved shall provide at least the minimum requirements for a Motorway Service Area as defined in Table B1 of Annex B page 17, to Department for Transport Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development. These requirements shall be met and maintained at all times once the site is operational.

**Reason** - In the interest of highway safety in accordance with Policy P7 and P8 of the Solihull Local Plan.

**HE Condition 20**

Prior to the commencement of development, a plan that sets out the legal framework regarding the securing of any necessary statutory Instruments and orders, shall be submitted to the local planning authority and approved in writing following written confirmation of the acceptance of the Highways Authority for the

M42 Motorway. The plan shall detail all statutory instruments and orders that are necessary to the opening and operation of the development and how these will be secured.

No part of the development hereby approved shall be used by the public until all necessary statutory instruments and orders have been obtained unless or as otherwise agreed with the Local Planning Authority following written confirmation of the acceptance of the Highways Authority for the M42 Motorway: The existing Statutory Instrument that governs the operation of the Variable Speed Limit on the M42 motorway shall be amended to include provisions relating to the operation of the additional motorway slip roads which provide access to the approved Motorway Service Area .

**Reason** - In the interest of highway safety in accordance with Policy P7 and P8 of the Solihull Local Plan.

**HE Condition 21**

With exception of during the construction phase vehicular access/egress to and from the site by users of the Motorway Service Area shall only be via the M42 motorway and no vehicular access/egress shall be provided from or to Solihull Road during the life time of the development.

**Reason** - In the interest of highway safety in accordance with Policy P7 and P8 of the Solihull Local Plan.

**HE Condition 22**

No part of the development hereby approved shall be used by the public until a Parking Management Plan has been submitted to the local planning authority and approved in writing following written confirmation of the acceptance of the Highways Authority for the M42 Motorway. The Parking Management Plan shall set out the measures which will be implemented to deter parking use at the site by non-Motorway Service Area users for Events or other use, and shall include regular liaison with representatives of key local attractions such as the Genting Arena, the NEC and Birmingham Airport and other relevant stakeholders.

**Reason** - To ensure that the Motorway Service Area is not used for long stay parking for events in the wider area in the interest of highway safety in accordance with polices P7 and P8 of the Solihull Local Plan.

**HE Condition 23**

Before the development hereby approved commences full details of electric vehicle charging points for low emission vehicles within the Motorway Service Area shall be submitted to and approved in writing by the Local Planning Authority following written confirmation of the acceptance of the Highways Authority for the M42 Motorway. Thereafter the scheme shall be implemented in accordance with the approved details before the Motorway Service Area becomes operational.

**Reason** - To promote and provide facilities within the Motorway Service Area for low emission vehicles in accordance with Policies P7 and P8 of the Solihull Local Plan.

## Drainage

### HE Condition 24

. No development shall take place until a final surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority following written confirmation of the acceptance of the Highways Authority for the M42 Motorway. The scheme shall follow the design principles in the outline surface water drainage strategy contained in the submitted FRA prepared by Wardell Armstrong, ref: SH11315-RPT-003 dated 24/06/15 as amended by SH11315-027-L (2nd Addendum to the Environmental Statement, Volume 1B Fig 4.6 Amended Drainage Strategy and the 2nd Revised Flood Risk Assessment April 2016, Appendix 14.1B of the 2nd Addendum to the Environmental Statement).

The scheme shall:

- a) Maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of runoff and improve the quality of any runoff before it leaves the site.
- b) The surface water discharge rate shall be limited to a maximum rate of 35l/s for all return periods up to the 1:100 year plus climate change critical storm event.
- c) SUDS should be designed to accommodate the 1 in 100 year plus climate change critical storm event.
- d) Allow for a continuation of surface water flows to the existing Apsbury Copse woodland and around the site boundary.
- e) Ground levels shall be profiled to direct any exceedance flows away from the built development.
- f) Include details of the performance of the SuDS system including the vortex control.
- g) Include details of the adoption/ownership including maintenance and operation of the SuDS system in perpetuity of the development.
- h) With the exception of the highway drainage system to be adopted as part of the M42 highway, the scheme shall ensure that the site surface water drainage system does not discharge water into the Motorway Drainage System.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason** - To reduce the risk of flooding to the proposed development and future users in accordance with Policy P11 of the Solihull Local Plan

### HE Condition 25

No development shall commence until details for the provision of temporary drainage during construction are submitted to and approved in writing by the local

planning authority following written confirmation of the acceptance of the Highways Authority for the M42 Motorway. The details shall identify how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas as a result of the construction programme.

**Reason** - To reduce the risk of flooding to the proposed development and future users in accordance with Policy P11 of the Solihull Local Plan.

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# APPENDIX 3



Urban  
Growth  
Company

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3<sup>rd</sup> May 2017

Mr L Osborne  
Area Planning Office  
Solihull MBC  
Council House  
Manor Square  
Solihull  
West Midlands B91 3QB

Dear Mr Osborne

**Outline application (Application number PL/2015/51409/PPOL) for a Motorway Service Area, new Motorway Junction and associated works (means of access for consideration)**

Following the publication of the UK Central Hub Growth and Infrastructure Plan in March 2017 we have continued to work with key stakeholders to ensure that our ambitions for the area are fully realised. This has included co-ordinating the investment plans and opportunities presented to help shape the delivery of appropriate supporting infrastructure.

An important piece of the supporting infrastructure objectives and associated requirements is the provision of a Motorway Service Area (MSA) to meet an acknowledged road safety related 'need' on this key part of the Motorway Network. We are aware that the Council is currently considering two applications, one in the UK Central Hub area as proposed by Extra (which would also deliver the first phase of a new Junction 5a on the M42 and associated Motorway works) and the other (proposed by Applegreen) located at an existing Junction (J4) to the south.

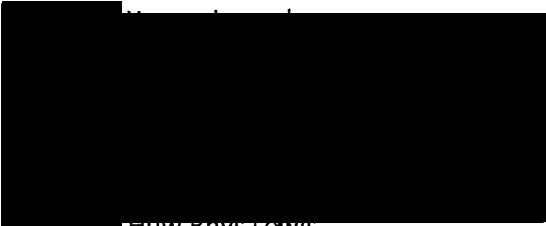
We strongly support the provision of the Extra MSA and the associated new Junction works (which would in effect be the first phase of a new Junction 5a). This location will ensure that the 'need' for such a facility on this part of the Network is fully met, unlike that at Junction 4 where distances between some key existing MSAs will remain in excess of the recommended maximum distances identified in Circular 02/2013. The Extra MSA location is the optimum location at which to best support the safety and welfare of drivers in the area and reduce the risk of fatigue related accidents. The need for a safe and resilient Motorway Network in the Hub area is fundamental to our success.

Continued ... ..

Through the shared use of a new Junction the Extra MSA represents the optimum use of land in the area. It will not add traffic to existing Junctions or onto the local road network. It will also support our ambitions to provide drivers with opportunities for the charging facilities for electric vehicles and potentially also Hydrogen Fuels, as now installed at Extra's existing M25 Cobham MSA.

As you are aware the UGC supports the Highways England Junction 6 Option 1 as the preferred option for addressing capacity issues at Junction 6, which would otherwise hinder our growth agenda. The MSA will deliver the first phase of the new Junction 5a with the works to be undertaken representing a circa £15M private sector contribution. As the MSA can be delivered earlier than the Highways England Junction Improvement Scheme, it will also enable an early 'head start' to be made on delivering this significant new Junction and the associated safety works to the M42.

Our next update to the UKC Hub Growth and Infrastructure Plan, which is a 'live' document, will identify the Extra MSA as an essential piece of supporting infrastructure and confirm its role in the delivery of this plan.



How Rhys Lewis  
Managing Director



Comment - SEND ACK  
☺

ACK.



Urban  
Growth  
Company

**HUW RHYS LEWIS**  
**MANAGING DIRECTOR**

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31<sup>st</sup> August 2017

Dear Mr Osborne

**Outline application (Application number PL/2015/51409/PPOL) for a Motorway Service Area, new Motorway Junction and associated works (means of access for consideration)**

I refer to my letter of 3 May 2017 in which I set out the UGC's support for the proposed Extra Motorway Service Area (MSA) located between Junctions 5 and 6 of the M42 and the reasons for this. This support was, and continues to be, based upon the important role that Extra's proposed MSA can fulfil in helping to deliver the supporting infrastructure objectives underpinning economic growth in this area.

The need for a safe and resilient Motorway Network in the UGC UKC Hub area is an important part in realising our economic growth potential.

The Extra MSA proposal is located at the heart of the UGC UKC Hub area, between J5 and J6 of the M42. Provision of a new MSA in this location will not leave the UGC UKC Hub area in a situation where a driver safety risk remains in existence; such a situation could not be endorsed by the UGC. In addition to the personal and social consequences of avoidable accidents, the consequent delays have an impact on economic performance, business costs and indirectly on the growth potential of an area.

On 7 August 2017 Highways England issued their Preferred Route Announcement (PRA) in respect of the proposed Junction 6 improvements. The PRA confirmed 'Option 1' (subject to some minor amendments) as the preferred scheme. Option 1 includes provision of a new Junction on the M42 in the same location as that proposed by the Extra MSA Application and for which access arrangements are now also agreed with Highways England.

It is important to note that the UGC support for the Extra MSA Application is not conditional on the delivery of the Junction 6 PRA Scheme or vice versa; the two schemes are separate and free standing. Whilst both schemes will bring substantial benefits to the Hub area, the co-location of the new Motorway Junction required by both schemes provides an opportunity to capture significant 'added value' if they both proceed.

Continued ... ..

A key benefit available if both schemes proceed is the delivery of 'north facing' slip roads. The UGC considers that 'north facing' slip roads at this Junction are important as they would add to the economic resilience of the Hub area by providing a 'safety valve' should either Junction 6, or its 'north facing' slip roads, become blocked or where additional capacity in the overall Network is required at peak times. Whilst both new Junction designs include 'south facing' slip roads to/from the M42, the Junction 6 PRA scheme does not include 'north facing' slip roads, but is otherwise commensurate with the approach adopted for the design of the MSA access scheme.

We understand that the provision of 'north facing' slip roads at the new Junction can only occur if the required Departures from the DMRB generic Design standards are secured. We are advised that in the absence of the 'fatigue related' benefits associated with the provision of a new MSA facility in this location (i.e. reduction in accidents associated with the ability for drivers to stop and take a rest from their journey) the case for 'north facing' slips on the new Highways England PRA Scheme Junction in isolation, may not be sufficiently strong to secure these. However, Highways England will be able to confirm that Extra has already obtained 'approval in principle' to such Departures specific to its MSA access Junction design. Whilst the full Departure approvals remain subject to the formal submission process, we are reassured that the level of scrutiny undertaken by Highways England in respect of the Extra MSA Application (to reach a position of 'approval in principle') is such that it is reasonable to assume these are likely to be granted as part of the now agreed design for the new MSA Junction.

Extra's new MSA Junction is likely capable of being delivered prior to the PRA Scheme and has been designed in order that it can facilitate a relatively straightforward upgrade, with limited disruption to the Motorway Network, to deliver the new J6 Option 1/PRA Junction scheme, subject to approval by the Secretary of State following the Development Consent Order process. Works to the Motorway required and agreed as part of the new MSA Junction would also benefit the delivery of the J6 PRA scheme.

We are aware that Highways England has now lifted its Holding Recommendation (21 August) to formally confirm no objections to Extra's MSA Application and that all required Road Safety and associated Traffic Engineering matters have been agreed to an appropriate level, sufficient for Solihull Council to now proceed to making its decision on Extra's MSA Planning Application as soon as reasonably possible later this year. In reaching a final decision on the determination of Extra's Planning Application, we appreciate that the Council may need to concurrently consider this in conjunction with the Applegreen J4 MSA Planning Application.

We are keen to ensure that the vital investment in improvements to the Highways Network that will underpin the future economic growth of this area is not delayed unnecessarily and urge that the decision on Extra's Planning Application is progressed and concluded as quickly as is reasonably possible.

Yours sincerely

Huw Rhys Lewis  
Managing Director



18<sup>th</sup> October 2018

Planning Services  
Solihull Metropolitan Borough Council  
PO Box 11652  
Solihull  
West Midlands  
B91 3YA

FAO: Lawrence Osborne

*SUBMITTED VIA EMAIL*

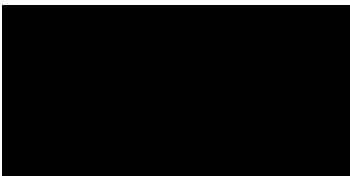
**RESPONSE BY BIRMINGHAM AIRPORT LIMITED RE OUTLINE PLANNING APPLICATION (REFERENCE: PL/2015/51409/PPOL) FOR MOTORWAY SERVICE AREA, NEW MOTORWAY JUNCTION AND ASSOCIATED WORKS (MEANS OF ACCESS FOR CONSIDERATION)**

Birmingham Airport Limited write in respect of the above-mentioned planning application. Following a review of the latest documentation, (*in particular the Highways England response dated 19<sup>th</sup> December 2017*), we support the Motorway Service Area (MSA) proposed at Solihull Road, Hampton In Arden.

This is primarily because of the inclusion of north facing slip roads within the proposed design, which can only occur with the proposed combined Junction 5A design, as part of the MSA development and provide added operational resilience to the Highways England DCO scheme. This is mainly due to the fact that they will act as a 'safety valve' in the event of Junction 6 and/or its north facing slip roads becoming congested or blocked, by way of providing a necessary or selected alternative route via the new Southern Junction for both south and north bound M42 traffic that is also visiting the Airport or using the A45.

If you require any further information, please do not hesitate to contact me on 0121 767 7033.

Yours sincerely



**Head of Planning, Transport and Strategy**

robert.eaton@birminghamairport.co.uk - (0121) 767 7032

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Registered at the above address. Registered in England & Wales no. 2078273.

Anne Brereton  
Director for Places  
Solihull MBC  
PO Box 19 Council House  
Solihull  
B91 3QT

Friday 12<sup>th</sup> October 2018

Dear Anne,

**Town and Country Planning Act 1990: Town and Country Planning (General Development Procedure) Orders 1995**

**Outline application (Application number PL/2015/51409/PPOL) for a Motorway Service Area, new Motorway Junction and associated works (means of access for consideration)**

The National Exhibition Centre Limited ("NEC") are writing to you in support of the application by Extra (PL/2015/51409/PPOL) for a new Motorway Service Area alongside the M42 Motorway near Catherine de Barnes and to urge its speedy determination.

As you may be aware NEC has recently made representations to Highways England (HE) in response to their recent consultation (September 2018) on the M42 Junction 6 Improvement Scheme. This scheme and the MSA application have in common the provision of a new southern Junction (5a) on the M42. Amongst the issues that we raised in our representations was a concern about the failure of the HE Scheme to include north facing slip roads at the new Junction 5A. We requested that this omission is re-considered. Without north facing slip roads the resilience of the scheme improvements to the road network is suppressed as there is no opportunity to reroute heavy southbound traffic exiting the M42 or northbound traffic wishing to gain access to the motorway.

We understand that HE has already given its approval in principle to the inclusion of the slip roads as part of the Extra MSA scheme. This decision has resulted from the safety analysis of this section of motorway and balance between the safety benefits generated by the presence of the MSA and any concerns resulting from reduced merge and weaving lengths between junctions.

The inclusion of north facing slip roads as part of the new Junction 5a is a matter of great importance to NEC. They will provide the additional resilience necessary to the Junction 6 improvement scheme we believe is essential to underpin the continued growth of our business. The NEC therefore strongly supports the Extra MSA application and would urge that it is determined as soon as possible in order that these slip roads can be delivered as part of the Junction 6 Improvement Scheme.

**NEC Group**

The NEC, Birmingham,  
B40 1NT, England  
t: +44 (0) 121 780 4141

[necgroup.co.uk](http://necgroup.co.uk)

**nec ICC**

**VOX**

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**the ticket factory**

**AMADEUS**

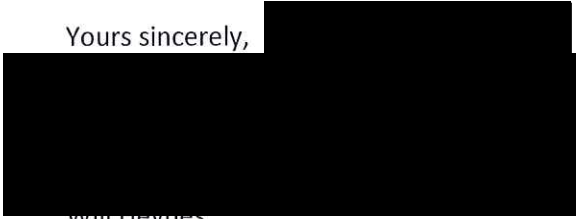
**nec group international**

**amplify**

**Eight Feet Tall**

**MemoryHaus**

Yours sincerely,



Will Heynes  
Group Operations Director  
Group Operations

CC: Lawrence Osborne Solihull MBC

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PF/RK

17<sup>th</sup> July 2018

Ms Anne Brereton  
Director of Managed Growth and Communities  
SMBC  
Council House  
Manor Square  
Solihull  
West Midlands  
B91 3QB

Dear Anne,

**Outline Application for a Motorway Service Area, new Motorway function and associated works**

As a membership body which represents three thousand businesses across Greater Birmingham and Solihull, we are continually working with key stakeholders in the area to ensure the potential of the region is fully realised. A key element of this agenda involves supporting infrastructure projects which will bring wider socio-economic benefits to Greater Birmingham.

I am writing to you to inform you that the Greater Birmingham Chambers of Commerce and the Solihull Chamber of Commerce is supporting Extra's Planning Application for a Motorway Service Area (MSA) and the associated new Junction works in the UK Central Hub area. In particular, Extra's application will deliver a raft of safety and economic benefits that will add value from the outset. The proposed positioning of Extra's MSA is the best location to support the welfare of drivers; not only will it reduce the risk of accidents caused by tiredness, it also complies with the Government Policy as set out in the Department for Transport Circular 02/13 which recommends that drivers should not have to travel more than 28 miles or for 30 minutes (whichever is shorter) without the chance to stop and take a break.

Furthermore, building an MSA between Junction 5 and Junction 6 on the M42 will add commercial value in range of areas. In particular, the development will both facilitate and deliver a pair of north facing slip roads on the M42 for the proposed new Southern Junction as included within Highways England's Junction 6 Road Improvement Scheme for which the Preferred Route Announcement was formally confirmed August 2017. In addition, Extra's package of overall benefits through a formal Section 106 Agreement will also deliver a £3.5m restoration scheme for Walford Hall Farm (a Grade II Listed Building currently in a precarious and dilapidated state of repair), to achieve its transition into an acceptable and viable use as Offices.



Greater Birmingham  
Chambers  
of Commerce

PF/RK  
17<sup>th</sup> July 2018

2/..

We are aware that two previous Planning Applications promoting a potential MSA development at M42 Junction 4 have been rejected by the Secretary of State and materially the same reasons for those decisions also continue to apply to the current third Planning Application at M42 Junction 4. These are primarily the adverse effect on what is already a very narrow section of Greenbelt land and also challenging capacity issues at this junction, as would inevitably adversely impact on the surrounding and connecting Local Road Network inclusive of the A34 and A3400. It is our considered view that Extra's proposals do not give rise to the same unacceptable issues, as they provide a substantial package of enhanced safety measures and significant economic benefits for this section of the Motorway Network, inclusive of a major contribution to the prosperity of Greater Birmingham & Solihull as a whole.

Yours sincerely,

Paul Faulkner  
Chief Executive  
[p.faulkner@birmingham-chamber.com](mailto:p.faulkner@birmingham-chamber.com) (Direct Dial: 0121 450 4202)

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070\_ACB\_NationalInfrastructurePlanning\_BIR.4229\_300519

30 May 2019

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

Your Ref: TR010027

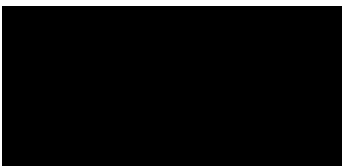
Dear Sir

**Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010**  
**Application by Highways England for an Order Granting Development Consent for the M42 Junction 6 Improvement**  
**Deadline 1 : Issue Specific Hearing and Site Inspections.**

The Panel have intimated that there is likely to be an Issue Specific Hearing dealing with the proposed Extra Motorway Service Area (MSA) and the DCP scheme joint highway impacts at the proposed Junction 5A. I confirm on behalf of Extra that we would wish to be present at that Issue Specific Hearing when it is arranged and respond accordingly to the questions raised by the Panel when available.

With regard to the accompanied site inspections being arranged, I can confirm on behalf of Extra that we would wish to attend any site visit in the proximity of the proposed MSA, or in the proximity of the proposed Junction 5A.

Yours sincerely



**TONY BATEMAN**  
**BA (Hons) TP MRICS MRTPI MCMi MIOd FRSA**  
**Managing Director**  
[Tony.bateman@pegasusgroup.co.uk](mailto:Tony.bateman@pegasusgroup.co.uk)

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