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Our Ref: **TR010027**

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Dear Sir/ Madam

Planning Act 2008 – sections 91

TR010027 - Application by Highways England for an Order Granting Development Consent for the M42 Junction 6 Improvement Project

Issue Specific Hearings

As notified in my letter dated 31 May 2019 the following hearings will be held as set out below.

Hearing	Date and time	Location
Issue Specific Hearing 2 on the draft Development Consent Order	Tuesday 2 July 2019 seating available from 9.30pm, the hearing will start at 10.00am	Ramada Hotel, The Square, Solihull, West Midlands, B91 3RF
Issue Specific Hearing 3 Issue Specific Hearing Need for improvements at junction 6 on the M42	Tuesday 2 July 2019 seating available from 1.30pm, the hearing will start at 2.00pm .	Ramada Hotel, The Square, Solihull, West Midlands, B91 3RF

There is free parking and full disabled access at the venues.

My agendas for the hearings are attached.

Please note that the agendas are for guidance only. They are not intended to be exclusive or exhaustive. As Examining Authority, I may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at these Hearings does not preclude further examination of this issue, including further written questions. Should the consideration of the issues take less time than anticipated, I may conclude the

hearing as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any Hearing, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

David Cullingford

David Cullingford, Lead Member of the Panel

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

Issue Specific Hearing on the **draft Development Consent Order** on Tuesday **2 July 2019** at Ramada Hotel, The Square, Solihull, West Midlands, B91 3RF starting at **10.00am**

Purpose of the ISH

All Interested Parties (IPs) are welcome to attend the DCO2 ISH. In consideration of its purpose however, it follows that the hearing will be of interest mainly to the Applicant and those organisations who have a direct contribution to the drafting of the Order and its implementation, should it be granted.

IPs will be aware that the first ISH into the draft Development Consent Order (DCO1) took place on 22 May 2019. During the hearing the Examining Authority (ExA) and participants worked through a schedule of issues and questions relating to the draft DCO which had been published by the ExA in advance of the hearing. From those discussions several actions were agreed, principally for the Applicant, to be received by Deadline 2 (midnight 24 June), along with the written submissions of oral cases made at the hearing.

For this agenda to be published at least 5 working days in advance of DCO2 ISH, as per the intention set out in our Rule 8 letter of 31 May 2019, it has been necessary to prepare it without sight of the Deadline 2 submissions.

The purpose of ISH DCO2 is to determine the current status of the dDCO in all areas, notably with regard to the Articles, Requirements, protective provisions and any other matters, together with actions required to take matters forward. There are also issues and questions left over from DCO1, which are also intended to be dealt with in DCO2 ISH.

If all the items on the agenda are not addressed, there is the possibility of further hearings on the draft DCO and these have been programmed in the Examination Timetable appended to our Rule 8 letter of 31 May 2019.

This hearing will not examine the detailed content of provisions relating to the compulsory acquisition of land or rights, or temporary possession of land. Separate Compulsory Acquisition Hearings are programmed in the Examination Timetable to deal with these issues.

Agenda

1 Welcome, introductions and arrangements for the Hearing

2 General:

- Residual matters from the schedule of issues and questions relating to DCO1.
- Justification of articles, for which precedents have been cited, in the context of the Proposed Development.
- List of Plans or Documents to be Certified – whether the Applicant has further comments relating to the request of the Gooch Estate that the Construction Environmental Management Plan should be certified, having regard to the precedents cited.

3 Articles:

- Article 2 (interpretation) – to include the Applicant’s response to the proposal from the Canal and River Trust to remove ‘canal’ from the definition of a watercourse.
- The Panel will seek IPs views on the Applicant’s Deadline 2 post DCO1 ISH submission, including note/ clarification relating to:
 - Article 3 (adjacency);
 - Article 6 (materially new or materially worse environmental effects);
 - Article 12 (whether the article should refer to any of the streets within the Order limits or specify individual streets);
 - Article 39 (whether it is justified to depart from Advice Note 15 and whether reference should be made to Figure 8.4 (Tree Location Plan) and requirement 5); and
 - Article 48 (potential conflict with requirement 9 relating to archaeological remains).
- The Applicant’s response will be sought to the concerns set out by the Gooch Estate in its Written Representation relating to Articles 12, 16, 23 and 27, further to the oral evidence given to DCO1.

5. Guillotine and deemed consenting provisions –

- The Panel will seek the views of IPs on the Applicant’s note of precedents and processes for guillotine and deemed consenting provisions as an agreed action from DCO1 for Deadline 2.
- The Panel will ask for the Applicant’s view on the responses of SMBC and WCC to the proposed guillotine and deemed consenting provisions, which are to be provided for Deadline 2.
- The Panel will seek the views of the Applicant on the concerns expressed by the Gooch Estate in its Written Representations and the alternatives proposed



6. Schedule 1 Authorised Development:

- The Applicant's response will be sought to the proposed amendment from Warwickshire Gaelic Athletic Association to the description for Work No. 68 as set out in its Written Representation.
- The Panel will seek IP's views on the table to be provided by the Applicant for Deadline 2 setting out which of the lettered works are anticipated to apply to individual numbered Works (Nos.1 – 76)

7. Requirements, discharging procedures, appeals and disputes:

- The Panel will seek the views of IP's on the procedural note to be provided by the Applicant for Deadline 2 relating to discharging requirements, appeals and disputes.
- The views of IPs will be sought on any drafting changes to requirements 1 (compatibility with the general arrangement plans, works plans and engineering drawings); 5 (relevant standards); 6 (additional explanation); 7 (consideration of alternative wording to deal with the buffer zone); and 9 (drafting review).

8. Protective Provisions update:

- The Panel note from the Applicant's comments on Relevant Representations (document 8.3) that it is progressing the matters raised by National Grid, Western Power Distribution Ltd, Cadent Gas, Esso Petroleum Company Ltd and Severn Trent Water by means of a Statement of Common Ground and Protective Provisions agreement. The Panel will seek an update on the progress of these from the Applicant and relevant IP's and any issues arising.
- Although the Relevant Representation from Network Rail and High Speed Two (HS2) both seek appropriate Protective Provisions, the Applicant's response does not make specific reference to progressing such matters, as it has for the above IP's. Whilst the Panel noted the explanation provided by the Applicant at DCO1, particularly with regard to Network Rail, we would nevertheless welcome clarification as to how the concerns expressed by both Network Rail and HS2 could be addressed, if not by Protective Provision.
- The Panel would welcome an update on ongoing negotiations on any Statements of Common Ground submitted in draft at Deadline 2

9. Other issues arising from Deadline 2 submissions

10. Review of issues and actions arising

11. Next steps

12. Closure of the hearing

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

Issue Specific Hearing on Need for improvements at junction 6 on the M42 on Tuesday **2 July 2019** at Ramada Hotel, The Square, Solihull, West Midlands, B91 3RF starting at **2.00pm**

Agenda

1 Welcome, introductions and arrangements for the Hearing

2 The Impetus for improvements

- Mott MacDonald report (March 2011) for the Highways Agency and SMBC aims to assess the transport impact of the then emerging Core Strategy, including on the M42 corridor. Concluded that M42 junction 6 was already congested in 2006 with worse to come.

This led to the need to resolve issues relating to:

- significant planned development and economic growth;
- congestion;
- likely operation of M42 Junction 6 at an unacceptable level, and
- potential deterioration in safety.

Joint work between Highways Agency and SMBC led to the inclusion of a scheme in the Roads Investment Strategy 2015-2020. Since then commitment to the scheme has been maintained.

Essentially, a pragmatic approach to perceived problems. The objectives of the current scheme remain:

- improving safety
- relieving congestion
- accommodating economic growth.

2 Current baseline conditions

- Section 6 of the TA provides an operational assessment of traffic in summary form and as a snapshot of the operational microsimulation model (Figure 6.3).
- Is a more detailed description of what is shown, and what is happening, in Fig 6.3 possible?
- Can LinSig analyses of the Clock Interchange and junction 6 be used to provide an enhanced description of baseline conditions?
- Can we measure how the operation of Clock Interchange and junction 6 has deteriorated since 2011 (or 2006)?

3 Compliance with National Policy (NPS on national networks)

There are 5 main aims in the NPS:

1. Delivering national networks that meet the country's long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system;
2. Providing capacity and connectivity to support national and local economic activity and facilitate growth and create jobs;
3. Creating networks which support and improve journey quality, reliability and safety;
4. Ensuring that networks support the delivery of environmental goals and the move to a low carbon economy;
5. Providing networks that join up communities and link effectively to each other.

Aims 1 & 2 are partly addressed below in item 4. Aim 3 will be addressed at a subsequent ISH.

Aim 4 delivering environmental goals. On the whole the scheme minimises, mitigates or removes most of its environmental impacts. The possible exceptions are the impact on the ancient woodland at Asbury's Copse, where there would be a loss of some 0.5ha of irreplaceable habitat, the impact on the WGAA sports ground, the impact on the Green Belt and the severance of local footpaths and cycleways. The NPS imposes various tests which lead to the following questions:

- Does the national need for, and benefits of, the development clearly outweigh the loss of the ancient woodland envisaged? (Appendix 4 to APP 7.1)
- As the WGAA playing fields are not surplus to requirements, would their loss be replaced by equivalent or better provision in terms of quantity and quality in a suitable location?
- Do the very special circumstances that might warrant otherwise inappropriate development in the Green Belt depend upon the scheme achieving the objectives identified in the NPS, which entail delivering national networks that meet the country's long-term needs, that support national and local economic activity, that facilitate growth and create jobs and that improve journey quality, reliability and safety?
- Have reasonable endeavours been made to address the needs of cyclists and pedestrians in mitigating the severance of routes caused by the scheme, particularly in relation to M106 and the Green Man Trail?

4 Compliance with local policies

Policy P1 of the Local Plan indicates that Solihull's key economic assets and growth drivers are located near the M42 in the area between junctions 4 to 6 that forms the M42 Economic Gateway. It is stated that this area supports more than 100,000 jobs and has strong potential for further sustainable growth that can create employment and contribute to regeneration. Further sustainable growth is to be supported. The 'M42 Economic Gateway' has now become the 'UK Central Hub Area' in the emerging Local Plan which aims to create some 28,000 new jobs by 2040 (Panel WQ1.11.2). However, the TA appears to cater only for less than 10,000 new jobs by 2041 and, in responding to the NEC RR (letter dated 29 May 2019) the Applicants explain that '*The traffic model forecasts do not, however, include UK Central Hub developments unless these have been commenced through the planning process*'. Does it follow that:

- The submitted scheme is not compliant with local planning policies?
- The submitted scheme necessarily entails the preparation of a subsequent and (perhaps) more comprehensive proposal?
- The land safeguarded to cater for potential widening of the M42 within the Local Plan might be required?
- The submitted scheme fails to comply with the NPS in failing to meet the county's long-term needs to provide the capacity and connectivity to support national and local economic activity and facilitate growth and create jobs?
- The very special circumstances that might warrant inappropriate development in the Green Belt do not exist?

5 Review of issues and actions arising

6 Next steps

7 Closure of the hearing