

M42 Junction 6 Development Consent Order

Scheme Number TR010027

8.26 Written Submission of the Applicant's case put orally at the OFH on 21 May 2019 and the first ISH on the dDCO on 22 May 2019

Planning Act 2008

Rule 8(1)(k)

The Infrastructure Planning (Examination Procedure) Rules 2010

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M42 Junction 6

Development Consent Order 202[]

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1	24.06.19	Submitted for Examination – Deadline 2

1 Responses to the Development Consent Order Questions

- 1.1.1 This document summarises the case put forward by Highways England (**the Applicant**), at the Open Floor Hearing (**OFH 1**) and Issue Specific Hearing (**ISH 1**) on the draft Development Consent Order (**dDCO**) which took place at the Ramada Hotel, Church Hill Road, Solihull on 21 and 22 May 2019.
- 1.1.2 While the Applicant was primarily in attendance at OFH 1 to gain a better understanding of the Interested Parties' concerns, at the request of the Examining Authority (**ExA**) some oral submissions were made, and these are summarised below

2 Representations at OFH1

Representations by Philip O'Reilly [RR-025, RR-026 and AS-020]

- 2.1.1 In response to Mr O'Reilly's comments about the communication he had had with the Applicant and the WGAA, Nick Evans of BDB Pitmans (**NE**) for the Applicant confirmed that the scheme as designed would have an impact on the existing WGAA facility adjacent to Mr O'Reilly's property. The Applicant and the WGAA have explored a range of options to mitigate the impacts and the design has gone through several iterations. NE confirmed that the Applicant was now confident that the redline boundary included in the DCO application enables the reconfiguration of the WGAA in a way that would mitigate any impacts they would experience.
- 2.1.2 NE submitted that the option that looked most likely is an option akin to Option 5 (as set out in Environmental Statement Figure 3.5E [**APP-069/Volume 6.2**]), as Mr O'Reilly had referenced in his Relevant Representation. However, as NE set out, it was clear from WGAA's Relevant Representation that they had other aspirations as to what might be done on the site, and the Applicant is still in discussions with WGAA about these.
- 2.1.3 The Applicant's position is that if WGAA was looking at an option that went beyond what was included in the DCO application then it would need to be the subject of a separate planning application.
- 2.1.4 NE confirmed that the Applicant would consider whether there were any other reconfiguration options open to it and would present its position by Deadline 2. NE highlighted that this falls the week before the Accompanied Site Inspection so that the ExA would have clarity on the HE's position in advance of this.
- 2.1.5 NE noted Mr O'Reilly's concerns with the communication he had experienced. NE acknowledged that it has been a complicated process, going through several iterations and different parties providing information to Mr O'Reilly at different times about different options. NE acknowledged that the information provided by the Applicant to Mr O'Reilly may have been superseded by other information and apologised for any confusion which this may have caused.

- 2.1.6 NE agreed to set out a timeline of the communications that HE have had with Mr O'Reilly and the information it had provided to him. This was submitted to the ExA at Deadline 1 **[REP1-004/Volume 8.5]**.
- 2.1.7 NE confirmed Mr O'Reilly's understanding that the drawings in the DCO were preliminary designs for this stage of the process, and that more detail would follow. He explained that the final designs must accord with these preliminary designs and could not go beyond the parameters set out in the DCO.
- 2.1.8 NE confirmed that the Applicant did not consider that the acquisition of Mr O'Reilly's land was justified, given the amount of land already included in the red line boundary is sufficient to mitigate the impacts on WGAA.
- 2.1.9 In response to a query from the ExA, NE confirmed that the Esso fuel pipeline did not preclude the reconfiguration of the WGAA pitches.
- Representations by David Cuthbert, Chair of Catherine-de Barnes Residents Association **[RR-007]**
- 2.1.10 In response to Mr Cuthbert's query about the extent to which the Extra Motorway Service Area proposals had influenced the design of the Scheme, NE confirmed that the design of Junction 5A works in its own terms as well as in a way that would not preclude the MSA if it were to get planning permission. He emphasised that the DCO Scheme was not reliant on the latter.
- 2.1.11 NE noted Mr Cuthbert's comments on the complexity of the design. Whilst the layout may look complex, the Applicant was satisfied that it works in its own terms, and the traffic modelling does not show that it encourages traffic onto local roads.
- Representations by Jon Horton, Parish Councillor for Bickenhill and Marston Green **[AS-015]**
- 2.1.12 In response to Cllr Horton's query about the location of the construction compounds, NE explained that the blue line shown on the Works Plan set out the boundaries in which the compound could be located and that specific detailed design would follow. This design would be controlled in accordance with the Requirements to the dDCO.
- 2.1.13 It was explained that specific detail was yet to be worked up but meetings were planned with the Parish Council and local residents to go through the information the Applicant had available at this stage and to explain what the processes would be afterwards. During these meetings, the Applicant would discuss with the residents what the appropriate mitigation could be to feed into the mitigation plans.
- 2.1.14 The Applicant will work up the mitigation plans in greater detail during the examination process to enable the ExA to determine whether they gave residents sufficient mitigation against the impacts. NE also emphasised that the Applicant would need to leave some flexibility in the mitigation plans to allow for the contractors to work out things in the most appropriate way.
- 2.1.15 NE agreed that the Applicant would provide a parameters document that sets out a strategy and details of the overall management for the compounds.

- 2.1.16 NE confirmed that they would feedback at Deadline 1 what can be provided about the mitigation plans, including a timetable for future information.
- 2.1.17 NE noted Mr Horton's concerns for the residents to have certainty about what land would be needed for the compounds. Given how early in the process the project is, NE was hesitant to say that all the land would be required for compounds at the same time – he explained that it may be that different areas are needed at different times. NE said that the Applicant would look at the plans to work out exactly how much of the land in the blue line boundary would be needed.

Representations by Heath Cotterill [RR-019 and AS-016]

- 2.1.18 In response to Mr Cotterill's query about the location of the compound relative to his property, NE said that information about the location of the compounds would be provided by Deadline 3. [Note: NE confirmed at ISH 1 that this information is set out in Table 3.4 of Chapter 3 of the Environmental Statement [APP-048/Volume 6.1].

3 Representations by any other Interested Parties

Representation by Barbara Tocher [AS-014]

- 3.1.1 In response to Ms Tocher's question about the heritage and conservation area status of Bickenhill, NE confirmed that Chapter 7 of the Environmental Statement took this into account [APP-052/Volume 6.1]. The Environmental Statement sets out where the Applicant thinks the impacts will be and the mitigation measures needed to address them, including addressing issues such as how lorry routing will be controlled.

Representations by Camilla Burton

- 3.1.2 In response to Ms Burton's concerns about the impacts on her home and business, NE noted that the Applicant was in the process of arranging to meet with Ms Burton to understand her concerns and discuss specific mitigations. NE also noted that a compulsory acquisition hearing would be timetabled to look into specific property impacts.
- 3.1.3 NE invited Ian Bamforth of Aecom (IB) to explain the access from Bickenhill after the Scheme was constructed. IB explained that residents would need to take a left turn out of the village and that traffic would travel down the realigned Catherine De-Barnes-Lane. Any traffic wishing to go to the Birmingham Airport or NEC would have to make that journey, travelling south to join the link road before then travelling north

4 ISH (1) on the draft Development Consent Order

- 4.1.1 The written summary of the case put by the Applicant at ISH 1, which examined the content of the dDCO during which NE, on behalf of the Applicant, responded to the ExA's questions, will be addressed in the Applicant's response to the Schedule of the Panel's issues and questions relating to the dDCO.

- 4.1.2 These responses will be included in the Applicant's response to the ExA's First Round of Written Questions submitted at Deadline 2 [**Volume 8.6**].