

Examining Authority Questions of 5 June 2019

Question 1

Assessment Methodology

Table 7.1 of the ES apportions a high asset value to Grade I and Grade II* listed buildings as well as to conservation areas containing very important buildings. Conservation areas with important buildings are categorised as having a medium asset value. On this basis, the Applicant, LPAs and EH are asked whether there is a contradiction between the medium heritage value afforded to both Hampton in Arden Conservation Area and Bickenhill Conservation Area, insofar as the former contains one Grade I listed building and two Grade II* listed buildings, whilst the latter contains one Grade I listed building? If so, how would this affect the significance of effects for both of these heritage assets?

SMBC response

The methodology to assess impacts on Cultural Heritage using Table 7.1 from DMRB is appropriate. The Council considers that **Bickenhill** and **Hampton Conservation Areas** qualify as **High** value with grade 1 listed churches, and at **Hampton** a Scheduled Monument and grade 2* **Hampton Manor Clock Tower** and **Moat House**. ES Chapter 7 paragraph 7.3.20 refers to a request for information from the Council at the Scoping Opinion consultation stage. SMBC asked for significantly more than the assessment of impacts upon **Bickenhill Conservation Area** and **St. Peter's church**.

Two important views from **Hampton in Arden Conservation Area** are from the church tower and **Hampton Manor** clock tower. Although not freely available views they are an important experience of a tower alongside their significance looking towards them. The **clock tower** is a richly decorated high status feature, with views out across picturesque English parkland. ES Chapter 7 paragraph 7.6.72 does not take full account of this when considering views out from **Hampton Manor** and its formal gardens, across the manors former parkland to the scheme and land beyond. 7.9.19 concludes that the significance of the **clock tower** derives from its link to the house. As a grade 2* listed structure the significance of the tower is clearly derived from more. The house is the reason that the tower was commissioned, but does not define its significance. The construction and operation of the scheme would impact upon the significance of **Hampton Manor** and its **terrace, walls and steps** (all Grade 2 listed). The Council considers that both would adversely affect the significance of the grade 2* listed **clock tower**. The ES notes that visual intrusion into the setting of **Hampton Manor** would affect its significance, and that of its listed garden terrace, walls and steps; it must also affect the setting of the clock tower.

ES Chapter 7 paragraph 7.6.77 considers the views of the church of **St. Peter** within the village and from the scheme, with arable or grazed fields and domestic buildings as foreground and often background. These emphasise the character of the ancient settlement focussed around the important parish church on high ground near historic tracks. Its spire is glimpsed from some footpaths to the north east, south east and west towards Castle Hills, a notable contrast to 20th century infrastructure such as the airport and A45, and a key landscape feature. An important view of the church looking into the conservation area is gained from the B4102, emphasising its higher position. Vegetation is considered impermanent in a setting such as these spire glimpses, as plants grow, can be reduced, and ultimately fail.

Chapter 7 of the E.S. contains Table 7.2 reporting the Impact Magnitude. A **Minor** impact gives a change to the setting of an historic building such that it is noticeably changed. A **Moderate** impact produces a change to the setting of an historic building such that it is significantly modified. Table 7.7

gives a summary of construction impacts and effects on historic buildings and the Council disagrees with its conclusion.

Hampton in Arden Conservation Area value is considered by the Council to be High rather than the stated Medium; Magnitude of Impact is considered Moderate Adverse not Minor; the Significance of effect is therefore Moderate/ Large Adverse (not the reported Slight) elevated by the High value of the Conservation Area. Taking into account the scheme extent, topography, M42 impact, and distance to Hampton Manor and clock tower this tends towards Moderate rather than Large.

Bickenhill Conservation Area value is considered by the Council to be High rather than the stated Medium; the Magnitude of Impact is considered Moderate/ Large rather than Moderate; the Significance of effect is therefore Moderate/ Large Adverse (not Moderate) elevated by the High value of the Conservation Area. It would tend towards Large given the truncation of the Conservation Area, proximity to the grade 1 church, elevated sections of road and new lighting and noise.

Impacts of Operation

ES Chapter 7 paragraph 7.9.34 concludes that the impact of lighting visible in the setting of **Hampton in Arden Conservation Area** would produce a Minor Adverse impact upon its significance. Because the Conservation Area contains very important buildings and is of **High** (not **Medium**) value, the Significance of Effect would be **Moderate/ Slight** (not **Slight adverse** at Table 7.7). The combined operational impacts of vehicle and junction lights, moving vehicles and additional noise would give an impact tending towards **Moderate** rather than **Slight**.

Paragraphs 7.9.35 and 7.9.36 then note a **Minor Adverse** impact upon the setting of the garden terrace, walls and steps and **Hampton Manor**. The Council considers that the impact upon the setting of the grade 2* **Clock Tower** should also be reported as **Minor** but with a Significance of Effect of **Moderate**.

The outlook from the manor is somewhat adversely affected by M42 light overspill partially in cutting and partially at grade; vehicles and carriageway lights are visible from the manor. The contrast between this band of light to dark farmland flanking the M42 emphasises the rural nature of the landscape. Solihull Road and the B4102 are unlit apart from at Barbers Coppice roundabout and north of Bickenhill. The scheme lighting at roundabouts would extend contrasting visible light upwards and eastward. Airport lighting intrudes less than expected, tempered by a wider conurbation sky glow. A night visit revealed a visible but contained dome of light greater than that from urban areas that does not impact greatly upon the dark and rural nature of most of the scheme area.

ES Chapter 7 paragraph 7.9.39 notes the erosion of setting for **Grange Farmhouse** (grade 2) and a **Minor Adverse** Magnitude of Impact. It is further from the scheme than the **church of St. Peter**, supporting the view that the Significance of Effect upon the church will exceed Minor Adverse.

Question 2

Bickenhill Conservation Area

Is there a discrepancy between the moderate adverse construction effects on Bickenhill Conservation Area set out in Table 7.7 with the large adverse construction effects predicted for Viewpoint J set out in Table 8.5 and large adverse effects on Landscape Character Area 2 (LCA2) set out in paragraph 8.9.10 of the ES?

SMBC response

The Council considers that there is a discrepancy here in light of Question 1 and the High Value of **Bickenhill Conservation Area**.

ES Chapter 7 paragraph From Table 7.7 about *Bickenhill Conservation Area*
Heritage Value - Medium (the Council considers this High) ; Magnitude of Impact - Moderate adverse (the Council considers this Major Adverse as comprehensive change to the setting)
Significance of Effect - Moderate adverse (the Council considers this Large when considered against existing impacts)

ES Chapter 8 paragraph From Table 8.5
Viewpoint J – St Peters Lane in conservation area; Receptor Type - Residential; Sensitivity - High
Magnitude of Impact - Major adverse; Significance of Effect - Large adverse

At Landscape 8.9.4 it reports: *‘Within these LCAs, there would be a loss of established trees and hedgerows. the removal of which would change the balance of character-forming features and...open new views towards construction compounds..., construction working areas and associated activity.’*

8.9.6 notes earthworks operations and materials stockpiles as temporary new features in the landscape, with visual impacts offset against existing landform and character-forming features. Of significant concern is 8.9.7 which notes a main site compound located immediately south east of Clock Interchange as a new feature in the landscape with localised changes at the locations of satellite compounds to serve Junction 5A works. 8.9.8 explains that the agricultural landscape character means that new activity and larger construction infrastructure elements would adversely impact local landscape character, particularly around Bickenhill. 8.9.10 concludes that impacts and effects on landscape character during construction will arise through the loss of distinctive features, the introduction of uncharacteristic and conspicuous features within the landscape, and the duration of works:

b. LCA 2 would be subjected to a temporary large adverse effect, as the character area is highly sensitive to change and would experience a major adverse magnitude of impact.

The SMBC Scoping Opinion response commented that:

‘The most significant permanent adverse single impact of the scheme is almost inevitably that upon the setting and therefore the significance of the grade 1 listed church of St. Peter at Bickenhill. .. the noise and lighting impacts of construction...will all impact upon the grade 1 church.’

The Council agrees that *‘Impacts of Construction’* at 7.9.20 would adversely impact **Bickenhill Conservation Area**. The link road would occupy land within the designation at its western extreme, closer to listed buildings including the Grade I **Church of St Peter** than the existing, narrower B4102. Some new road would be on embankments up to 3 metres high. The field provides continuity in the setting of the **Bickenhill Conservation Area** and **St. Peter**, maintaining the foreground of a rural village landscape seen from Catherine de Barnes Lane. The weight given to existing influences upon

their significances seems excessive, particularly as the M42 is not in principle views of and from **Bickenhill Conservation Area**. Those transport issues are significant, but views towards **Bickenhill Conservation Area** are clearly of a settlement with pre-Norman origins and an important church with spire.

Construction activity stockpiles, compounds, lighting, hoarding and cabins, fences, plant movement and presence, noise and dust would temporarily adversely affect the setting of **Bickenhill and Hampton in Arden Conservation Areas, St. Peter's church, Grange Farm and Hampton Manor**.

Question 3

Bickenhill Conservation Area

Similarly, could the Applicant explain any perceived inconsistencies between the prediction of a neutral significance operational effect on Bickenhill Conservation Area as set out in Table 7.8 with the large adverse effects on visual amenity predicted for Viewpoint J in Table 8.6, both in year one and year 15 as well as the large adverse effect predicted for LCA2 in year 1, reducing to moderate adverse in year 15?

SMBC response

The Council is concerned that the adverse impact of operation upon **Bickenhill Conservation Area** would be greater than 7.9.21 of the ES reports. It states that the **church of St. Peter** would suffer only a Minor Adverse impact on the appreciation of its significance. As a grade 1 building the Council suggests that the impact would be greater. Views from roads are reported as non-historic views, but several routes are on historic alignments so views represent continuity in the setting and appreciation of DHAs. Views from the church would be adversely affected, by light overspill from the road and new roundabout and possibly by views of infrastructure and vehicles.

At 7.9.37 Impacts of operation **Bickenhill Conservation Area** is reported to experience **No Change** during operation because the link is in cutting. The Council does not agree; the scheme cuts into **Bickenhill Conservation Area** and rises from cutting through grade to low embankment. Clock Interchange widens to three lanes, with lighting impacts. The impact must be **Moderate/ Slight** or **Moderate/ Large**. Operation will produce increased traffic, noise and lighting overspill. The **Major Adverse** Impact and **Large Adverse** significance of effect in Landscape (chapter 8) contrasts with chapter 7 conclusions, and supports the Council's contention that impacts upon **Bickenhill Conservation Area** would be greater. Furthermore, 5.3.46 in the Planning Statement and National Policy Statement Accordance Table states that **Bickenhill Conservation Area** will suffer a **significant effect** but not substantial harm (5.3.47).

The road position within **Bickenhill Conservation Area** would remove part of a field and introduce the link, roundabout, cutting, lighting and barriers as adverse change harming its setting.

In Landscape at 8.3.6 it states that the type and location of road lighting means that night time visual effects would not be significant due to distances between receptors and lights. M42, NEC and airport lighting are reported as the principal light spillage in views. Night time visual effects of road lighting were surprisingly scoped out of the assessment.

The Council is concerned that an assessment of the area at night reveals lighting at major sites and infrastructure with less adverse impact than expected. Topography and vegetation limit views of lighting, and the scheme area is relatively dark, except between St. Peter's Lane north and the A45. This latter part is affected by light overspill from the B4102, A45 and elevated airport link, and the close proximity of airport and other commercial site lighting. Views of the new lighting would adversely affect the setting of both **Conservation Areas** and heritage assets within them.

ES paragraph 7.9.38 suggests that understanding the significance of the **church of St. Peter** would suffer only a **Minor Adverse** impact because views are from modern roads. The Council strongly disagrees as views of the highly significant DHA within a **Conservation Area** and the contrast between the historic village with church spire and the point from which they are viewed arguably emphasises the antiquity and significance of those interrelated heritage assets. Viewing heritage assets from a modern road means that the viewer is not standing in an aesthetically pleasing position, but views of the heritage assets and surrounding fields, trees and hedgerows allows the appreciation of their individual and combined significances regardless of the viewing position. The current roads detract slightly from the pre-1980 setting but not from individual and combined significances of heritage assets within and forming the **Conservation Area**.

The Council contend that the **Value** of the asset is **High** and the **Magnitude of Impact** would be **Moderate**, and so the **Significance of Effect** is actually **Large** from the **Moderate/ large** selection.

ES 7.9.39 states that **Grange Farmhouse** (grade 2) would suffer a **Minor Adverse Magnitude of Impact** in operation due to light and noise impacts upon its rural setting and sense of place. This **Medium value** DHA is further from the road than the High Value **St. Peter**. At 7.9.40 the ES addresses undesignated heritage assets within **Bickenhill Conservation Area**, some further from the scheme than **St. Peter's or Grange Farm** but reported to suffer the same **Minor Adverse** Magnitude of Impacts. This supports the view that impacts on the church will be greater than **Minor Adverse**, as the value of the church is High and of the undesignated assets Low. The conclusion that both suffer **Minor Adverse** Impact is illogical.

Question 4

Bickenhill Conservation Area

Given that the Scheme would result in the loss of several historic field boundaries of medieval origins, and the partial loss of medieval and post-medieval landscape as well as ancient woodland, could the Applicant provide further justification to the conclusion within the ES of a slight adverse effect on the historic landscape during the construction phase?

SMBC response

The Scoping Opinion of October 2017 stated at 6.7.9 that:

'With regard to the historic landscape, the proposed scheme would introduce new earthworks and structures within a rural area which has undergone little change since the 18th Century.'

Under *'Potential impacts – Construction'* paragraph 7.7.2 notes *'(g) physical impacts on historic landscape associated with the loss of key landscape components as a consequence of construction.'*

At 7.9.27 it elaborates that the historic landscape would be physically impacted during construction,

particularly as the link would remove several historic field boundaries, some potentially of medieval origin. 7.9.28 confirms that construction would remove some medieval and post-medieval enclosed landscape, but suggests that *'areas of the wider surrounding landscape to the east and west of the mainline link road would be preserved and this landscape has capacity to absorb change.'*

7.9.29 goes on to conclude that:

'As the landscape has capacity to absorb change, and only retains limited elements of historic legibility in the form of field boundaries, the magnitude of impact on the historic landscape is considered to be no more than minor adverse.'

7.9.30 then suggests that:

*'Due to the extent of physical alteration that would occur as a consequence of Scheme construction, the assessment has concluded that this would result in a **slight adverse** effect on the historic landscape.'*

Chapter 8 for Landscape varies at 8.6.17, stating that *'This LCA is a settled rural landscape surrounded and dissected by major development and transport corridors. Despite pressures, it remains functional and intact with relatively few areas where components break down or transition towards more diverse and conflicting land uses typical of urban fringes.'*

At 8.6.18 it concludes that: *'Overall this LCA comprises a good quality rural landscape which resists, but remains vulnerable to, the pressures of urban fringe development. Accordingly, this LCA is considered to be **Moderate value** with a **Moderate susceptibility**. **Sensitivity towards change** is assessed as being **Moderate**.'*

The Council is concerned that 7.9.26 gives only a **Low Value** to historic landscape, and concludes that a **Minor Adverse Impact and a Slight Adverse Effect** would result. The rating of **Low** value because it is common to the area remains to be tested further and seems at odds with Chapter 8 rating the value as at least the lower end of **Moderate**.

The **Minor Adverse** impact and **Slight** magnitude of effect appears to be based upon the statement that *'the landscape has capacity to absorb change...'*. This view that undeveloped land is available in which a road can be physically built does not in itself show that such change would be absorbed without harm to historic landscape character. The Council considers that the historic landscape is actually of **Medium Value** in which construction would create a **Moderate adverse** impact giving a Magnitude of Significance of Effect of Moderate.

Table 7.1 from Chapter 7 states:

High value historic landscape: Designated and non-designated historic landscapes of outstanding interest of high quality and importance, and of demonstrable national value.

Medium value historic landscape: Designated special historic landscapes and non-designated landscapes that would justify special historic landscape designation, landscapes of regional value.

Low value historic landscape: Undesignated historic landscapes; Historic landscapes with importance to local interest group.

Question 5

Paragraphs 7.8.2 – 7.8.4 of the ES states that the Scheme has been designed, as far as possible, to avoid and minimise impacts and effects on cultural heritage through the process of design development, and by embedding measures into the design of the Scheme. A number of standard measures have been identified, which would be implemented by the contractor to reduce the impacts and effects that construction of the Scheme would have on cultural heritage receptors. No compensation or enhancement measures have been identified as being required. The Applicant, LPAs and EH are requested to comment further on this position, having regard to paragraph 5.137 of the NNNPS, which states that applicants should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance.

SMBC response

At present 7.8.3 states that *'No compensation or enhancement measures have been identified as being required'* without explaining that conclusion. Whilst the wider ES should explain, a summary of why compensation or enhancement measures are not considered necessary is desirable. This issue should be re-assessed once the issue of significance and magnitude of impacts has been reconsidered. This is necessary as the Council's view that the values of the Conservation Areas of **Bickenhill** and **Hampton in Arden** are **High**, not Medium. In light of these higher asset values and consequent greater magnitudes of impacts upon them, a need for compensation and enhancement measures will arise.

In considering opportunities to enhance or better reveal heritage asset significances, the Council notes land east of the eastern dumbbell at junction 5a, north of the western dumbbell, and north, north west and outside of **Bickenhill Conservation Area**. These appear to be grazing or arable and may be temporary acquisitions. As permanent acquisitions they could accommodate appropriate Arden species planting to filter some views of the scheme from **Hampton in Arden** and **Bickenhill Conservation Areas**. Views of new infrastructure for footpath users might be reduced too. Filtering effects would vary with leaf fall. The planting scheme would add value through positive contributions to landscape character and biodiversity, and might filter some effects of existing light from the M42 and A45. Other planting opportunities may be available. This view is supported by the illustration in the Tree Location Plan (Figure 8.4, Chapter 8). It shows the loss of three groups of trees at junction 5a, and a belt of trees at Clock Interchange. The latter currently filter views of infrastructure looking from **Bickenhill Conservation Area**.

The planting of appropriate and agreed trees and scrub to reflect Arden Parkland character could be agreed with BIA to avoid increasing bird strike hazards. A scheme might remove areas where the crop or grazed grass is already a seasonal hazard encouraging certain species. Further enhancement could include hedgerow planting and 'gapping up' with landscape character and biodiversity benefits. This could include planting on land temporarily acquired with owner agreements to long term retention taking into account farming needs. This could be particularly beneficial in the zone of enhancement including **Bickenhill** village and the northern half of the scheme.

Whilst new planting might restrict some views of heritage assets beneficial filtering of views of new infrastructure, traffic movements and lighting should outweigh lost views and enhance or better reveal the significance of heritage assets. An example might be woodland blocks reducing views of fields north of Solihull Road from Hampton Manor and its grounds and clock tower, where reduced views of the road, roundabouts, lighting and vehicles on the scheme above the M42 would be preferable. These blocks could restore Arden Parkland character. New lighting will permanently adversely impact upon the setting of **Conservation Areas** and significant listed buildings within them. Carefully specified and located tree and other planting could help to reduce adverse impacts, although the height of the roundabouts and link road above the fields east of the M42 will limit the possibility of seasonally filtering views of light sources. Effectiveness will vary with seasonal leaf loss.

