

LOCAL IMPACT REPORT

M42 JUNCTION 6 IMPROVEMENT BY HIGHWAYS ENGLAND

PINS REFERENCE TR010027

SUBMITTED BY SOLIHULL METROPOLITAN BOROUGH COUNCIL

17TH JUNE 2019

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1. Introduction

- 1.1 This submission comprises the Local Impact Report (LIR) for Solihull Metropolitan Borough Council (“the Council”) – the Host Authority regarding Highways England’s (HE) application for a Development Consent Order (DCO) in relation to the improvements to the M42 Junction 6 including a new junction 5a and associated dual carriageway.
- 1.2 The Council is an “interested party” as defined under the Planning Act 2008 in relation to the project and has registered with the Planning Inspectorate as such. The Council is the Local Planning Authority and has a number of other statutory responsibilities in relation to housing, public rights of way, flood management and environmental health, and has discretionary powers in relation to well-being and enforcement.
- 1.3 The Council’s approach to this project is to seek the delivery of the standards of assessment and mitigation of impact that are consistent with policy, following good practice and are consistent with their approach to any development project that is proposed within their area of jurisdiction. The Council is mindful that post consent, they may be responsible for discharging Requirements and will also become the Enforcement Authority for the scheme in certain instances.
- 1.4 The Council has engaged with Highways England throughout the project development and have fully responded to previous consultations with comments and concerns. The Council notes that Highways England has made positive efforts to address these comments in some areas, however a number of issues remain outstanding and these are detailed in the Executive Summary of this document as well as in the Local Impacts Assessment chapter.

2. Executive Summary

2.1 This Executive Summary sets out the key issues of concern to the Council. It also provides a concise record of the matters still under consideration with Highways England, and details what information the Council still requires in order to reach a conclusion on certain matters.

2.2 **Biodiversity** – The Council’s Ecologist has significant concerns regarding the baseline data used by Highways England in the Environmental Statement and consequently used in concluding the likely effects of the DCO proposal on biodiversity in the vicinity of the development. The key concerns or matters outstanding are as follows: -

- Insufficient data collection period and anomalies in monitoring period for SSSI.
- The proposed mitigation solution for the SSSI is heavily engineered which has not been demonstrated to replicate the hydrological conditions currently present in the SSSI, and there is no information about long term management/maintenance responsibilities and resourcing. Details of the SSSI alternative mitigation proposal have not been submitted from Highways England for review.
- Loss of an area of Ancient Woodland at Aspbury’s Copse. The proposed compensation scheme is unacceptable, and does not accord with Woodland Trust standards.
- No commitment from the applicant in providing net gain to biodiversity, and the final report is unlikely to be available until after the Examination is completed.
- ES updates are required in relation to bats, aquatic habitats, great crested newts and fungi/lichen for Aspbury’s Copse, as such the Council will wish to review further documentation once it is submitted by Highways England.
- It is unclear if the translocation of hedgerow is unsuccessful whether new hedgerow will be planted, and the location of translocated hedgerow versus new hedgerow is unclear
- More information regarding the specific mitigation for the fragmentation of bat habitat during construction is required in the OEMP, HEMP and CEMP.
- With regard to White Clawed Crayfish, there is no mention of the risk to this species in the OEMP or HEMP, and a detailed method statement should be included in the CEMP.
- For badger protection, more information from Highways England is required regarding future maintenance requirements and responsibilities.

2.3 **Landscape** - Overall, the Council’s Landscape Architect agrees with the methodology utilised by Highways England, and the conclusions made in terms of the impact of the DCO proposal on the landscape character and visual amenity of the area. However a number of documents and clarification of matters have been requested and remain outstanding: -

- Confirmation that the Residential Visual Amenity Assessment has been used to supplement the advice and best practice presented within the assessment.
- Confirmation that an Arboricultural Impact Assessment has been completed to inform tree impact and subsequent mitigation, including the production of the Outline Environmental Management Plan and Construction Environmental Management Plan.
- Confirmation that the Council’s ‘Wildlife Ways’ project principles have been adopted in the mitigation measures.
- Confirmation that a Bird Strike Management Plan has been produced and the opportunity to review this document has been requested.

- Confirmation that a species list to support the landscape strategy or proposed landscape planting has been produced and that this accords with SMBC policies and the opportunity to review this document has been requested.

- 2.4 **Archaeology** - At present there is insufficient information available to enable the Planning Archaeologist at Warwickshire County Council to complete an assessment of the significance of any unidentified archaeological features which could be disturbed or destroyed by this DCO proposal. The Planning Archaeologist requests that the trial trenching is completed and the findings reported before the end of the Examination to allow for further consideration and the preparation of further written submissions on this matter.
- 2.5 **Cultural Heritage** - The Council considers that the methodology used in determining the impact of the DCO proposal on heritage assets including listed buildings and conservation areas is acceptable, however the Council disagrees with the level of impact and of significance attributed to these assets. The Council has sought confirmation on certain matters from the applicant regarding the categorisation of impacts on listed and undesignated assets. This dialogue is on-going.
- 2.6 **Air Quality** – The Council are satisfied with the methodology used to assess the impact of the DCO proposal on air quality, and the policies reviewed to conclude the impact. The Council has requested that the applicant confirms that the air quality impacts of the scheme will not affect the ability of the Council to comply with the Ministerial Directions on the A45 – this confirmation remains outstanding.
- 2.7 **Noise and Vibration** – The Council are satisfied with the initial methodology and the various policies reviewed in the ES, in particular the appropriate British Standards and Code of Practices for Construction as well as the mitigation proposed. The Council and the applicant do not agree with the proposed hours of construction, where the Council is seeking to minimise the temporary noise impacts at the closest receptors to these works. The Council would normally not accept working hours of construction to commence before 8 am and Highways England propose to allow works to commence at 7 am.
- 2.8 **Contaminated Land** - The Council are satisfied with the methodology, assessment and mitigation detailed by the applicant, and the Council agrees the overall effect on the neighbouring site users, occupiers and the general public is considered to be negligible.
- 2.9 **Drainage** – The Council would welcome any further provision that could be made to ensure greater network resilience, whilst ensuring an appropriate hydrological design in vicinity of the SSSI to minimise the impact of the DCO proposal on this designation.
- 2.10 **Population and Health** – The Council agrees with the applicant’s conclusion that the several positive impacts on human health will on balance outweigh the one minimal permanent negative impact, and considers that the methodology and assessment that has occurred is appropriate.
- 2.11 **Climate Change** - The Council considers that the methodology and subsequent assessments undertaken by the applicant with regard to climate change are acceptable. The Council notes that the applicant has used and referenced UKCP09 in the ES. The applicant has advised that an

updated assessment using UKCP18 rather than UKCP09 would be undertaken and submitted, to enable the Council to undertake a review. The Council understands this has not yet been completed.

3.0 Solihull Context

- 3.1 Solihull Metropolitan Borough is located on the southern edge of the West Midlands Conurbation, between Birmingham and the Black Country in the west and Coventry to the east. It is bound to the north by the rural area of North Warwickshire and to the south, by rural Bromsgrove, Stratford and Warwick. Solihull is at the heart of the national rail and motorway network with direct rail services to London, Birmingham and the north along the West Coast and Chiltern Mainlines and has excellent access to other regions in the UK through the M42, which links the Borough to the M6 at the northern boundary of the Borough and the M40 to the south. This strategic transport infrastructure, together with Birmingham Airport, has ensured the Borough is the principal gateway to the Greater Birmingham and Solihull Local Enterprise Partnership area and the wider West Midlands Region.
- 3.2 The Borough is home to several major economic assets located within the M42 Economic Gateway; Birmingham Airport, the National Exhibition Centre, Birmingham and Blythe Valley Business Parks, Jaguar Land Rover and Solihull Town Centre. In contrast to the Borough's strategic economic role and nationally and regionally important transport infrastructure, the majority (approximately two thirds) of the Borough is countryside and designated Green Belt, which separates the West Midlands conurbation from surrounding settlements. The vital strategic gap between Birmingham/Solihull and Coventry is known as the Meriden Gap. This area is predominantly rural, characterised by a series of settlements, historic villages, hamlets, scattered farmsteads and dwellings set within attractive countryside.
- 3.3 Solihull Metropolitan Borough is renowned for its key economic assets, strategic transport infrastructure, high quality environment, aspirational housing and excellent schools, which are integral to its economic success and have ensured that Solihull is a desirable place in which to live, work and invest. This is reflected in its relatively high house prices. The nature of Solihull is best described by its 'Urbs in Rure' motto, meaning 'Town in the Country' and is characterised by its popular Mature Suburbs, rural villages and attractive countryside.
- 3.4 Given the Borough's reputation as an aspirational place to live, house prices in the popular residential areas of the Mature Suburbs and Rural Area are significantly higher than both the West Midlands and national averages. Consequently, many first time buyers in the Borough are unable to access the housing market and there are limited opportunities for those households wishing to downsize. There is an acute shortage of affordable housing across the Borough for those people on average and lower incomes and a lack of suitable housing for older people and those with a need for housing which is suitable for people with disabilities.
- 3.5 The Borough is not without its problems and North Solihull is the subject of one of the largest regeneration programmes in England. The overall level of affluence of Solihull masks inequality within the Borough; significant levels of deprivation, poor health, high levels of crime, fear of crime, worklessness and poor access to employment is evident, predominantly in the north of the Borough. There are also pockets of deprivation and dereliction in Elmdon, Lyndon, Olton and Shirley.

- 3.6 Whilst the Mature Suburbs of Solihull and the M42 Economic Gateway have excellent transport connectivity, much of the Rural Area suffers from relatively low levels of connectivity and accessibility, particularly by public transport.
- 3.7 As a result of the Borough's economic success, level of affluence, attractive residential areas and accessibility via strategic transport networks, there is continued development pressure on the Green Belt and the Mature Suburbs. These factors, in combination with the relatively high levels of car ownership throughout much of the Borough, have resulted in high levels of greenhouse gas emissions, predominantly associated with congestion along the M42, into Solihull Town Centre and on key routes into Birmingham.
- 3.8 The M42 Economic Gateway is a major economic growth driver in the Greater Birmingham and Solihull Local Enterprise Partnership (LEP) area and is home to key strategic assets and employers including Birmingham Airport, the National Exhibition Centre, Jaguar Land Rover, Birmingham and Blythe Valley Business Parks as well as more local assets such as Whale Tankers and Solihull Business Park. The LEP is a partnership led by key businesses and Local Authorities to drive sustainable growth and job creation across the area, which extends to and includes parts of Southern Staffordshire and Northern Worcestershire. The M42 Economic Gateway is one of the key investment locations within the LEP. It is estimated that realising the full potential of the Gateway could create over 36,000 additional jobs by 2026 and add £5.9bn to the West Midlands economy. Expansion of Birmingham Airport and the high speed rail link could add to the existing strategic transport infrastructure of the M42, A45 and West Coast main line. The area's economic success has put pressure on the M42 motorway junctions, although this has been alleviated recently by the Managed Motorways system. Despite its excellent connectivity to the strategic transport network, the area suffers from poor bus access and infrequent services to adjacent areas. Much of the Gateway is situated within the Green Belt and its attractive rural setting is a key draw for investors and employees.

4.0 Details of the proposal

- 4.1 The Scheme would provide connections between the national motorway network and the A45 Coventry Road, which provides strategic access to Birmingham to the west and Coventry to the east. The applicant, Highways England, is proposing to develop a new dual carriageway link between the Clock Interchange (an existing junction on the A45) and a new junction of the M42 motorway between the existing junctions 5 and 6. This will allow traffic travelling northbound to exit the M42 and traffic travelling southbound to join the M42. The proposed new junction, 5a, would be located 1.8km south of the existing junction 6.
- 4.2 The new dual carriageway would be located to the west of Bickenhill and would generally be below ground level, passing beneath Catherine de Barnes Lane (B4438) at both the north-west and south-west corners of Bickenhill. This link road will be 2.4km.
- 4.3 Improvements will be made to the Clock Interchange and the A45 between the Clock Interchange and the M42, free flow links will be provide around Junction 6 of the M42 and there will be realignments and improvements to local roads to the west of the existing M42 in proximity of the proposed dual carriageway.
- 4.4 The scheme is a Nationally Significant Infrastructure Project. It is therefore being determined utilising the Planning Act 2008.
- 4.5 The proposed development would amend the existing local road network. Of most significance is the realignment of Catherine de Barnes Lane, which would retain connectivity between Catherine de Barnes and Bickenhill as well as the existing properties located on Clock Lane.

5.0 Policy Framework

- 5.1 The Council understands that the Planning Act 2008 requires applications for the development of Nationally Significant Infrastructure Projects on the national road and rail networks in England to be decided in accordance with the National Networks National Policy Statement, referred to as NPS. It provides the planning guidance for applicants of NSIPs and is the basis for the examination by the Examining Authority and subsequent decision by the relevant Secretary of State.
- 5.2 The framework for the Council's position is provided in reference to the relevant development plan policies, SPDs etc. This document does not present a comprehensive analysis of full policy compliance but signposts these documents where appropriate to support the analysis of local impacts. Should further plans or policies become relevant during the course of determination of the DCO application this will be set out by the Council in relevant written submissions.

National Networks National Policy Statement

- 5.3 The National Networks National Policy Statement (NPS) was published in December 2014. It sets out Government policy relating to the delivery of Nationally Significant Infrastructure Projects (NSIPs) relating to road and rail networks. It reflects the importance given to maintaining well connected and high performing networks with sufficient capacity to meet long term needs and support economic growth, including at a local level. This scheme will deliver improved connectivity and increase capacity on the M42 corridor.
- 5.4 It recognises that the consequences of traffic congestion can be both economic, in terms of constraining economic activity and growth as well as environmental such as harmful emissions to air. Measures to improve the road network will include junction upgrades and increased capacity on trunk roads and these will be implemented alongside measures to encourage less reliance on the car and rolling out improved technology.
- 5.5 Detailed guidance is provided about the need to ensure that new development is appropriately mitigated to avoid environmental and social impacts but it is also recognised that some adverse local effects may remain. A range of specific impacts is set out in the guidance.

National Planning Policy Framework

- 5.6 The National Planning Policy Framework (NPPF) came into effect in 2012, and was most recently updated in February 2019. It promotes sustainable development. The NPPF replaced and simplified a large number of policy pages about planning. The Planning Practice Guidance to support the NPPF is published online and regularly updated. These act as guidance for Local Planning Authorities and decision-takers, both in drawing up plans and making decisions about planning applications.
- 5.7 Separate NPSs have been produced to set out the material considerations relating to NSIPs and these reflect the key aims of sustainable development set out in the NPPF.

Local Policy

Transport Plan

- 5.8 The West Midlands Strategic Transport Plan 'Movement for Growth' published by the West Midlands Combined Authority details the strategic long term approach to guide improvements

across the West Midlands over a 20 year period. These improvements will be delivered by a number of organisations through a range of programmes and packages. For further context, this document can be reviewed here; <https://www.tfwm.org.uk/media/1099/movement-for-growth.pdf>

- 5.9 The Solihull Connected Transport Strategy 2016 sets out the transport strategy for Solihull and builds on the strategy for the West Midlands overall by applying the principles and directions of this document and applying them within the Solihull Borough. This document can be reviewed here;
https://www.solihull.gov.uk/Portals/0/ParkingTravelRoads/Solihull_Connected_2016_1.5.pdf

Solihull Local Plan 2013

- 5.10 The Council has a statutory duty to prepare, monitor and review a development plan for the Borough. The purpose of the Plan is to set out the long-term spatial vision for how its towns, villages and countryside will develop and change over the Plan period (2011-2028), and how this vision will be delivered through a strategy for promoting, distributing and delivering sustainable development and growth.
- 5.11 The Plan strategy promotes economic and job growth in the Borough and provides for new housing to meet the Borough's needs, as well as land for other activities including retail, sport and leisure. The strategy aims to conserve and improve the character and quality of the environment, an important component of the Borough's attractiveness to investment and success.
- 5.12 The Plan reflects national and local targets for reducing carbon emissions and contributes to the Council's agenda of improving the quality of life and health of the residents of Solihull set out in the Sustainable Community Strategy for Solihull. It will be the starting point for the development of Neighbourhood Plans by local communities and for decisions on all new development proposals.
- 5.13 The current Solihull Local Plan was adopted in December 2013 and the Council considers the following policies are relevant in consideration of this NSIP proposal;

Policy P17 Countryside and Green Belt

The Council will safeguard the "best and most versatile" agricultural land in the Borough and encourage the use of the remaining land for farming. Development affecting the "best and most versatile" land will be permitted only if there is an overriding need for the development or new use, and there is insufficient lower grade land available, or available lower grade land has an environmental significance that outweighs the agricultural considerations, or the use of lower grade land would be inconsistent with other sustainability considerations. Development involving farm based diversification will normally be permitted in order to support farm enterprises and the management of land, providing it is in an appropriate location, of a scale appropriate to its location, and does not harm the Green Belt, conservation or enhancement policies.

The Council will not permit inappropriate development in the Green Belt, except in very special circumstances. In addition to the national policy, the following provisions shall apply to development in the Borough's Green Belt:

- *Development involving the replacement, extension or alteration of buildings in the Green Belt will not be permitted if it will harm the need to retain smaller more affordable housing or the purposes of including land within the Green Belt.*
- *Limited infilling will not be considered to be inappropriate development within the Green Belt settlements, providing this would not have an adverse effect on the character of the settlements. Limited infilling shall be interpreted as the filling of a small gap within an otherwise built-up frontage with not more than two dwellings.*
- *The reasonable expansion of established businesses into the Green Belt will be allowed where the proposal would make a significant contribution to the local economy or employment, providing that appropriate mitigation can be secured.*
- *Where the re-use of buildings or land is proposed, the new use, and any associated use of land surrounding the building, should not conflict with, nor have a materially greater impact on, the openness of the Green Belt and the purposes of including land in it, and the form, bulk and general design of the buildings shall be in keeping with their surroundings.*
- *Where waste management operations involving inappropriate development are proposed in the Green Belt, the contribution of new capacity towards the treatment gap identified in the Borough may amount to very special circumstances, providing the development accords with the waste management policy of this Plan.*

The small settlements of Hampton-in-Arden, Hockley Heath, Meriden and Catherine de Barnes are inset in the Green Belt and are not therefore subject to Green Belt policy. Nevertheless, the Council, in considering applications for development in these settlements, will take into account the importance of their rural setting and of their attributes, such as historic buildings, open space, density of development, landscape and townscape that contribute towards their special character. Immediately beyond the inset boundary, strict Green Belt policies will apply.

Policy P14 Amenity

The Council will seek to protect and enhance the amenity of existing and potential occupiers of houses, businesses and other uses in considering proposals for new development, and will:

- i. Permit development only if it respects the amenity of existing and proposed occupiers and would be a good neighbour;*
- ii. Consider the visual and other amenities of potential occupiers and users of new developments close to overhead power lines and substations. Developers will be expected to locate and design new developments so as to minimise the visual and other amenity impacts;*
- iii. Support the development of electronic communications networks including telecommunications and high speed broadband. The Council will have regard to the needs of telecommunications operators, any technical constraints on location of telecommunications apparatus, the potential for sharing sites, the impact of development on its surroundings, the sensitivity of the environment and the design and external appearance of telecommunications apparatus. Development in or adjacent to sensitive locations will be permitted only if there is no other technically suitable location that both meets operational requirements and causes less environmental harm and any mast is at a distance of at least twice its height from the nearest residential properties;*

iv. Safeguard important trees, hedgerows and woodlands, encourage new and replacement tree and hedgerow planting and identify areas that may be suitable for the creation of new woodlands. Priority will be given to locations that enhance or restore the green infrastructure network and to the planting of species characteristic of the Arden Warwickshire landscape;

v. Encourage better air quality in and around the Borough through the adoption of low emission zone initiatives such as those involving the use of electric vehicles for freight and public transport. Development that would contribute to air pollution, either directly or indirectly will be permitted only if it would not hinder or significantly harm the achievement of air quality objectives or any relevant Air Quality Management Plan, and it incorporates appropriate attenuation, mitigation or compensatory measures;

vi. Require proposals for development on land known or suspected to be contaminated to include appropriate information to enable the potential implications to be assessed and to incorporate any necessary remediation;

vii. Seek to minimise the adverse impact of noise. Development likely to create significant noise will be permitted only if it is located away from noise sensitive uses or it incorporates measures to ensure adequate protection against noise. Noise sensitive development will be permitted only if it is located away from existing sources of significant noise, or if no suitable alternatives exist, the development incorporates measures to reduce noise intrusion to an acceptable level;

viii. Protect the amenity of residential and shopping areas, community facilities and open space from bad neighbour uses. Development that would be significantly harmful because of smell, noise or atmospheric pollution will not be permitted, whilst development that would be potentially harmful to such areas will be expected to incorporate appropriate attenuation, mitigation or compensatory measures. In locations close to existing bad neighbour uses, the Council will not permit new residential or other sensitive development, unless the effects can be satisfactorily mitigated as part of the development;

ix. Protect those parts of the countryside in the Borough that retain a dark sky from the impacts of light pollution. Development involving external lighting outside established settlements will be permitted only where significant lighting already exists, or the benefits of the development clearly outweigh the impact of the lighting on the countryside. Any lighting scheme should be the minimum required for the purposes of the development and should avoid light spillage and harmful effects on biodiversity; and

x. Protect the tranquil and locally distinctive areas in the Borough by guiding new development, particularly those that will create significant noise, either directly or through associated transport, to locations that will avoid or minimise adverse impacts.

Policy P15 Securing Design Quality

All development proposals will be expected to achieve good quality, inclusive and sustainable design, which meets the following key principles:

i. Conserves and enhances local character, distinctiveness and streetscape quality and ensures that the scale, massing, density, layout, materials and landscape of the development respect the surrounding natural, built and historic environment;

ii. Ensures that new development achieves the highest possible standard of environmental performance through sustainable design and construction and the location and layout of the development in accordance with the guidance provided in Policy P9 – Climate Change;

iii. Secures the sustainable long-term use of new development through flexible, robust and future-proofed design e.g. high-speed digital connectivity;

iv. Makes appropriate space for water within the development, using sustainable drainage (SuDS) principles, to minimise and adapt to the risk of flooding. Further guidance is provided in Policy P11 – Water Management;

v. Conserves and enhances biodiversity, landscape quality and considers the impact on and opportunities for green infrastructure at the earliest opportunity in the design process. Further guidance is provided in Policy P10 – Natural Environment;

vi. Integrates the natural environment within the development through the provision of gardens, quality open space and/or improved access to, enhancement or extension of the green infrastructure network. Further guidance is provided in Policy P20 – Provision for Open Space, Children’s Play, Sport, Recreation and Leisure;

vii. Creates attractive, safe, active, legible and uncluttered streets and public spaces which are accessible, easily maintained and encourage walking and cycling and reduce crime and the fear of crime.

Development proposals will also be expected to contribute to or create a sense of place. Such measures may include; reflecting heritage assets and their setting in the design process, integrating landscape into the development, promoting diversity through a mix of uses within the site, or the incorporation of public art.

All residential development proposals should be built to the Lifetime Homes standard and demonstrate how they meet Building for Life 12, or its equivalent. However, the Council will take into account the economics of provision, including particular costs that may threaten the viability of the site. All residential development will be expected to adhere to the guidance set out in the New Housing in Context Supplementary Planning Guidance (SPG) until this has been updated and the Council will prepare Supplementary Planning Documents to provide necessary additional guidance.

Applicants should adhere to the urban design principles set out in established current design guidance, including at present; Urban Design Compendium 1 and 2 (2007), By Design (2000 and 2001), Manual for Streets 1 (2007) and 2 (2010), Car Parking: What Works Where (2006), Building for Life and Secured by Design principles, or their equivalents.

Development at key economic assets within the M42 Economic Gateway; the National Exhibition Centre, Birmingham Airport, Birmingham Business Park and Blythe Valley Park, will be expected to be of the highest quality to reflect their strategic importance.

Applicants are encouraged to engage with Officers early in the design process through pre-application discussions and will be required to demonstrate that they have followed the robust Assessment-Involvement-Evaluation-Design process outlined in the national guidance on Design and Access Statements. Major development proposals are required to demonstrate how the local community has been consulted and engaged in the design process. Significant development

proposals will also be encouraged to engage with the national and regional Design Review process.

Policy P10 Natural Environment

The Council recognises the importance of a healthy natural environment in its own right, and for the economic and social benefits it provides to the Borough. The full value and benefits of the natural environment will be taken into account in considering all development proposals, including the contribution to the green economy and the health of residents, and the potential for reducing the impacts of climate change. Joint working with neighbouring authorities will be supported, recognising the need for a landscape scale approach to the natural environment and conservation of biodiversity.

The Council will seek to protect, enhance and restore the diverse landscape features of the Borough and to create new woodlands and other characteristic habitats, so as to halt and where possible reverse the degrading of the Arden landscape and promote local distinctiveness. Development should take full account of national and local guidance on protecting and restoring the landscape and the areas in need of enhancement, including guidance relating to the countryside. Developers will be expected to incorporate measures to protect, enhance and restore the landscape, unless it is demonstrated that it is not feasible, disproportionate or unnecessary.

The Council will seek to conserve, enhance and restore biodiversity and geodiversity, to create new native woodlands and other habitats and to protect, restore and enhance ancient woodland and green infrastructure assets across the Borough. Protection of ancient woodland, designated sites and priority habitats shall include the establishment of buffers to any new development. Development should be informed by the latest information on habitats and species, and take full account of national and local guidance on conserving biodiversity, opportunities for biodiversity enhancement and for improving and restoring the Borough's green infrastructure. When appropriate, development should seek to enhance accessibility to the natural environment, especially for disabled people.

The Council will protect areas of national and local importance for biodiversity and geodiversity, where it is reasonable, proportionate and feasible to do so. Development likely to have an adverse affect on a Site of Special Scientific Interest, whether directly or indirectly, will be subject to special scrutiny and will be permitted only if the reasons for the development clearly outweigh the nature conservation value of the site and the national policy to safeguard such sites. Where development may have an adverse affect on a Site of Special Scientific Interest, developers will be expected to incorporate measures to enhance the condition of the site, unless it is demonstrated that it is not feasible.

Development likely to have an adverse affect on a Local Nature Reserve or a Local Wildlife or Geological Site will be permitted only if the reasons for the development clearly outweigh the nature conservation or geological value of the site and its contribution to wider biodiversity objectives. Where development would have an adverse affect on a site of local value, developers will be expected to incorporate measures to enhance the site or to restore the links between sites in accordance with the Green Infrastructure study, unless it is demonstrated that it is not feasible.

Outside designated sites, developers will be expected to take full account of the nature conservation or geological value, and the existence of any habitats or species included in the Local Biodiversity Action Plan, or sites in the Local Geological Action Plan. Developers will be required to undertake a full ecological survey and to deliver a net gain or enhancement to biodiversity, unless it is demonstrated that it is not appropriate or feasible. In considering the need for green space improvements associated with new development, developers should have regard for the standards and priorities in the Green Spaces Strategy in relation to accessible natural green space.

Where development is likely to have significant harmful effects on the natural environment, as a result of the development itself, or the cumulative impact of developments, developers must demonstrate that all possible alternatives that would result in less harm have been considered. Where development is permitted, appropriate mitigation of the impacts and compensation where relevant will be required to deliver a net gain in biodiversity, habitat creation, landscape character and local distinctiveness. Enhancements should be undertaken either on the site, or in its vicinity, but where it is demonstrated that this is not possible, offsetting in alternative strategic locations within the biodiversity or green infrastructure network, to deliver biodiversity or other objectives may be considered. Where appropriate, developers should demonstrate compliance with this policy through an ecological statement or by relevant information in the West Midlands Sustainability Checklist.

Policy P16 Conservation of Heritage Assets and Local Distinctiveness

The Council recognises the importance of the historic environment to the Borough's local character and distinctiveness, its cultural, social, environmental and economic benefits and the effect this has on civic pride.

The Council considers the following characteristics make a significant contribution to the local character and distinctiveness of the Borough and where applicable, development proposals will be expected to demonstrate how these characteristics have been conserved:

- i. The historic core of Solihull Town Centre and its adjacent parks;*
- ii. The historical development and variety of architectural styles within the Mature Suburbs and the larger established rural settlements of Meriden, Hampton-in-Arden, Balsall Common, Knowle, Dorridge, Bentley Heath, Hockley Heath, Cheswick Green and Tidbury Green;*
- iii. The Arden landscape, historic villages, hamlets, farmsteads, country and lesser houses and the distinct medieval core of historic rural settlements including Berkswell, Barston, Temple Balsall, Meriden Hill, Walsal End, Hampton-in-Arden, Bickenhill and Knowle;*
- iv. Parks, gardens and landscape including common, woodland, heathland and distinctive fieldscapes as defined in the Warwickshire Historic Landscape Characterisation; and*
- v. The canal and railway network, including disused railway lines and the working stations at Solihull, Olton, Dorridge and Shirley, together with associated structures.*

Development will be expected to preserve or enhance heritage assets as appropriate to their significance, conserve local character and distinctiveness and create or sustain a sense of place. In Solihull, heritage assets include; Listed Buildings, Scheduled Ancient Monuments, Registered Parks and Gardens, Conservation Areas and also non-designated assets; buildings, monuments,

archaeological sites, places, areas or landscapes positively identified in Solihull's Historic Environment Record as having a degree of significance meriting consideration in planning decisions, such as those identified on the Local List.

All applications and consents that affect the historic environment will be expected to have considered and used the evidence in the Solihull Historic Environment Record to inform the design of the proposal. This should be explained in the accompanying Design and Access Statement or, for significant proposals, in a Heritage Statement.

Proposals seeking to modify heritage assets for the mitigation of and adaptation to the effects of climate change will be expected to be sympathetic and conserve the special interest and significance of the heritage asset or its setting.

- 5.14 The Council considers a number of other Local Plan policies are relevant in the consideration of this proposal including; P1 – Support Economic Success, P7 – Accessibility an Ease of Access, P8 – Managing Demand for Travel and Reducing Congestion, P9 – Climate Change, P11 – Water Management. The Council wishes to draw the attention of the Examining Authority to these policies, contained within the Solihull Local Plan 2013 which can be viewed here;

<http://www.solihull.gov.uk/Resident/Planning/appealsenforcement/planmaking/ldf/localplan>

- 5.15 The Council understands that if there is a conflict between local planning policy and policy within the NPSSS, the latter document will prevail.

Policy Considerations

- 5.16 The Council does not consider it appropriate to provide a planning balance for the Examining Authority's consideration, given that the DCO proposal is an NSIP and will therefore be determined using the NPS rather than the NPPF and Local Plan.
- 5.17 However, the DCO proposal is located within the Green Belt and the Council has considered whether the proposal is '*appropriate development*'. The Council does not consider that the DCO proposal is appropriate, and considers that the development will have an adverse effect on the openness and purpose of the Green Belt designation. Given the NSIP nature of the scheme, the Council considers that Very Special Circumstances have been demonstrated and therefore the Council agrees with the content of the applicant's planning statement with regard to Green Belt located in document 7.1 (paragraphs 5.3.36 – 5.3.61).

6.0 Other Relevant Considerations

- 6.1 The Council considers that it would be beneficial to highlight other planning applications or consents within the vicinity of the DCO site for the Examining Authority's information;

Birmingham Business Park

- 6.2 PL/2018/02643/PPFL - Plot 6500, Solihull Parkway - Development of two detached industrial units having B1b, B1c, B2 and B8 uses, ancillary offices, car parking, service areas and soft landscaping (Total Gross Internal Floor Area 11341 sq metres) – Planning Permission expected to be implemented Late Summer 2019.
- 6.3 PL/2016/02215/PPRM – Plot 6700, Solihull Parkway - Reserved Matters application for access, appearance, landscaping, layout and scale for the development of two detached office buildings with itinerant car and bicycle parking, landscaping and access from Solihull Parkway (Total Gross Internal Floor Area 14,721 sq metres) – Planning Permission expires 14th October 2019.

Birmingham Airport

- 6.4 PL/2018/02090/PPFL - Birmingham Airport - Terminal infill extension (Total Gross Internal Floor Area 10775 sq metres) – Planning Permission expected to be implemented in late Summer/Autumn 2019.
- 6.5 Birmingham Airport Master Plan 2018 published for consultation in November 2018.

Braceys Nursery

- 6.6 PL/2019/00355/VAR – Braceys Garden Centre, Catherine-de-Barnes Lane, Bickenhill - Variations to condition Nos. 5, 12, 13, 16, 17, 18 and 20 on planning approval PL/2016/00451/PPFL for the demolition of garden centre (Class A1) and bungalow (Class C3) and erection of motel (Class C1) and retention of tea room/restaurant (Class A3) (Resubmission of application PL/2012/01098/FULM) – planning permission commenced, but works currently ceased.

Other Developments

- 6.7 PL/2019/00395/PPFL - Depot Adjacent Mayfield, Clock Lane, Bickenhill - Change of use application from an extant haulage contracting business and storage of vehicles (including the maintenance and repair of vehicles) to private car parking (156 spaces for Private Off-Site Airport Parking) – Planning Application pending determination.

Gaelic Athletic Association

- 6.8 The Council is aware of discussions between the applicant and the Gaelic Athletic Association (GAA) regarding the re-provision of football pitches lost to the DCO proposal. The Council understands that these discussions are on-going regarding appropriate mitigation. The Council wishes to see the re-provision of the football pitches affected by the DCO proposal as a minimum to accord with Sport England guidance and the NPS. The Environment Statement includes a number of mitigation options for the GAA and Highways England have indicated to the Council that they are proposing to refine these to one option for discussion at the DCO. The Council are

awaiting details of this option and will comment once received. It is also understood that the applicant is seeking to amend the DCO application boundary, making revisions to reduce the red line boundary, in the vicinity of the GAA site and the Council has no comments to make on this matter at this stage.

Haven Caravan Park

- 6.9 The Council acknowledges that the DCO proposal includes the provision of a temporary second access to the Haven Caravan Park on Clock Lane to ensure continued access to the site during the construction phase of the DCO proposal. It is understood that following discussions between the applicant and the land owner of the caravan park, Mr Boswell, there is an aspiration for this temporary second access to be made permanent. This would be supported by Solihull MBC.

7.0 Local Impact Assessment

- 7.1 The content of the Local Impact report (LIR) has been informed by the PINS Advice Note 1. The Advice Note states that;
- 7.2 *“The sole definition of an LOR is given in S60(3) of the Act as ‘a report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area)’. The content of the LIR is a matter for the local authority concerned as long as it falls within this statutory definition”.*
- 7.3 The Council has assessed the local impacts resulting from the proposed development, and these are detailed below in subject matter order. The Council has referred to the suite of documents submitted by Highways England in support of the DCO, with particular reference to the Environmental Statement.
- 7.4 To assist the Examining Authority, the Council has concluded whether it considers the impact of the proposal on its local area as positive, neutral or negative. In some circumstances, the Council is waiting for additional or updated environmental information from Highways England and this is captured in this section of the LIR as well as in the Executive Summary. The Council will comment on the additional information when it is received from Highways England.

7.5 Biodiversity - negative

The Council's Ecologist has significant concerns regarding the baseline data used by Highways England in the Environmental Statement and consequently used in concluding the likely effects of the DCO proposal on biodiversity in the vicinity of the development. These concerns include the reliance of data due to the timescale of survey work undertaken, as well as the standards used in the mitigation proposed. The Council understands that an alternative mitigation proposal to replace the lost surface water catchment to the SSSI will be submitted by Highways England but this has not yet materialised and the Council does not consider that the current proposal is acceptable. Further information relating to the long term maintenance requirements and responsibilities of badger setts is necessary.

The Ecologist has detailed the Council's concerns as follows;

Likely adverse impacts to Bickenhill Meadows SSSI SE Unit.

Hydrological investigations have concluded that the South East (SE) Unit of the Site of Special Scientific Interest (SSSI) is mainly fed by surface water (rather than groundwater), which is essential to maintaining the mosaic of MG4 and MG5 grassland for which the SSSI is notified. Both these types of grassland are sensitive to hydrological changes, and the projected loss of surface water catchment (21.4%) to the South East Unit as a result of the scheme is likely to result in changes to the botanical composition of the SSSI. MG4 grassland will likely decrease whilst MG5 will likely increase as it is more suited to drier conditions.

The submitted DCO contains less than six months of dipwell monitoring data within the SSSI, however monitoring will continue post submission for at least two years. 2018 was also an unusual year in that it contained a prolonged dry spell (June – August). Six months data in an unusual year is a very low amount of data on which to base an impact assessment of this magnitude.

The DCO proposal currently includes an embedded mitigation solution (therefore the pre-mitigation impact of the proposed scheme is not reported in the Environmental Statement), which involves pumping water into a recharge feature located to the north of SSSI SE Unit. Water will then move from this recharge feature into the SSSI, maintaining the current water levels.

An alternative mitigation plan has been proposed which involves a passive, gravity fed solution for replacing the lost surface water catchment. The Council has not yet had sight of this solution from Highways England and the supporting evidence behind it. Until presented with this alternative solution, and acknowledging that the pumped solution is included within the DCO proposal and is likely to be pursued if the alternative mitigation scheme fails for any reason, the Council's Ecologist objects to the mitigation proposal for the SE Unit of Bickenhill Meadows SSSI for the following reasons: -

- The pumped option is heavily engineered and not sustainable in the long term.
- Paragraph 5.29 of the NPSNN requires the applicant to demonstrate that their proposals to mitigate for harmful impacts on SSSI's are acceptable. No information has been provided regarding the specific details of the mitigation scheme including who will be responsible for the ongoing management, maintenance and monitoring of the mitigation scheme, and how this will be funded. This information is fundamental to the success and deliverability of the mitigation scheme.
- No evidence has been provided to demonstrate that this mitigation solution will work and result in the negligible adverse magnitude impact reported in the ES (Chapter 9, para 9.9.16).

Part destruction of Aspbury's Copse ancient woodland which is an irreplaceable habitat as detailed in the NPSNN (paragraph 5.32). In addition to the ancient woodland loss, there are further losses of woodland at Aspbury's Copse not classified as ancient woodland. The total woodland loss of 0.99ha (ES Chapter 9, 9.9.32) represents approximately one third of the overall site.

The proposed loss of ancient woodland for this scheme (0.46ha) is greater than that included in the proposed Motorway Service Area (MSA) in the same location (0.05ha). This is due to the requirement for the slip roads to be two lane for the DCO scheme as opposed to one lane for the MSA. Rationale for this requirement and an assessment of different options including how each one impacts on the ancient woodland is contained in Technical Note: M42 J5a Location Assessment of the Planning Statement. Notwithstanding this technical requirement, the loss of an area of irreplaceable habitat is contrary to the NPSNN and will have a negative ecological impact.

Acknowledging that ancient woodland is an irreplaceable habitat that cannot be replaced, a compensation scheme has been provided within the DCO proposal including translocation of ancient woodland soils and new woodland planting. The replacement ratio is 3:1 which falls below standards recommended by the Woodland Trust which is 30:1.

No commitment to providing net gain to biodiversity as a result of the scheme, despite Highways England's commitment in their Biodiversity Plan to achieve net gain by 2040 and the wording within the NPSNN (paragraph 5.20).

A biodiversity offsetting report including a calculation using the Defra metric is being produced, however it is unlikely that a final report will be available until the design of the scheme has been finalised. This will be in October/November 2019 after the scheduled DCO hearings, and possibly after the Examination has closed. An interim report and calculation has been requested from Highways England, on the understanding that it is subject to change as the design does. The rationale being that it will provide the Council and other Interested Parties with an understanding of the broad principles being applied and an indication of the potential level of biodiversity loss as a result of the scheme. This request is currently with Highways England for their consideration.

Methodology and Outstanding Surveys

The methodologies employed to undertake ecological surveys and to assess the potential ecological impacts of the scheme are all in accordance with industry best practice. Some species groups can only be surveyed at certain times of the year, and this seasonality has meant that some of the reports submitted as appendices to the ES are not complete and in the process of being updated. The following are awaiting updates from Highways England:

Bats

Aquatic habitats

Great crested newt

Fungi/lichen for Aspbury's Copse

Apart from the fungi/lichen report which is not expected imminently, the remaining updates are expected to be available in the near future. Highways England's consultants have confirmed that these updates are not going to change the assessments or conclusions made in the ES.

The Bird Strike Management Plan is also yet to be submitted by Highways England.

Impacts on Designated Sites (aside from Bickenhill Meadows SSSI and Aspbury's Copse LWS/ancient woodland)

The proposed scheme will result in the loss of 1.17ha of land from Castle Hill Farm Meadows Local Wildlife Site (LWS) (Chapter 9, paragraph 9.9.45). This area of land is not subject to the S106 Agreement between Birmingham International Airport and the Council that is managed under the Historic Environment, Ecology and Landscape Management Plan (HEELMP). The land to be lost is not currently in favourable management for the features that the LWS is designated for (MG5 grassland), however it still holds ecological valuable and with the correct management could be restored to good condition. With this in mind, the Highways England's proposal to translocate soils from this area for grassland enhancement adjacent to Bickenhill Meadows SSSI NW Unit as a mitigation measure is welcomed.

Hedgerows

The construction of the DCO proposal will result in the loss of approximately 4.5km of hedgerow, including a network of ten species-rich hedgerows located north of Solihull Road that is valued at County Importance in the ES. This is a worst case scenario estimate based on the assumption that all areas of habitat within the Order Limits will be lost. It is possible that the level of loss will be lower than this once the design of the scheme and Construction Environmental Management Plan (CEMP) are finalised.

It is proposed that all County important hedgerows in addition to H35 and H42, which are hedgerows that have been established for a long period of time, will be translocated as a mitigation measure. This proposal is welcomed, however it should also be built into the CEMP that if translocation fails or cannot be carried out for any reason, that new hedgerow planting be required in the same location.

In addition to the translocation measures, it is proposed to plant 12km of new hedgerow as mitigation.

The locations of hedgerow planting are shown on the Environmental Masterplan (ES Figure 8.8), however it is not clear from this which are translocated (and if so where from) or new planting.

Impacts on Protected Species

The ES includes specific reports into a range of protected and Priority species. All these reports and the underpinning surveys have been produced in accordance with current best practice. Not all species groups will be negatively impacted by the proposed scheme, so the below focuses on those where impacts mean that Natural England licenses are required, where mitigation is embedded in the scheme design, or where there is information outstanding (see above Methodology section).

Bats

Survey results showed that the assemblage of bats using the area of the proposed scheme is of local importance, with common and widespread species recorded.

Roosts for brown long-eared and pipistrelle bats are located in building B1 which will be demolished as a result of the scheme. There are also identified common and/or soprano pipistrelle roosts that are to be lost in trees T7, T21 and T242. It has also been assumed under the precautionary principle that bat roosts are present in the WGAA Clubhouse that has not been surveyed. No hibernation or maternity roosts were identified within the Order Limits. Suitable mitigation for the loss of these

roosts has been proposed, although the locations have yet to be formalised and will to some extent be dependent on any changes made to the scheme design.

The highest levels of bat activity were recorded along hedgerows in fields to the west of Catherine-de-Barnes Lane and in the vicinity of Aspbury's Copse.

The creation of the new junction adjacent to Aspbury's Copse is likely to have a negative impact on bat activity in the area, especially during the construction of the scheme.

The proposed scheme will also result in the fragmentation of bat commuting and foraging habitats, as the new road will create a new barrier to bat movement. Whilst the new sections of dual carriageway are proposed to be unlit, the new roundabouts and junctions will be lit. Catherine-de-Barnes Lane is currently unlit along the majority of its length.

There are a number of bat roosts known to exist within Bickenhill village, and the creation of the proposed scheme will sever these roosts from foraging grounds to the west. This is acknowledged in the ES (paragraph 9.9.89), however the difference between the proposed scheme and the existing Catherine-de-Barnes Lane is downplayed. A dual carriageway in cutting including slip roads, overbridges and lighting is very different to a single carriageway rural road with established hedgerows and scrub on either side. This fragmentation impact is likely to be greatest during construction and whilst any new planting establishes, although the long term permanent impacts are likely especially for species that use established routes and do not like flying over open ground. More information in relation to specific mitigation for the fragmentation of bat habitat during construction is required in the OEMP, HEMP and subsequently in the CEMP.

White-clawed Crayfish

There is a population of white-clawed crayfish located in the Low Brook, which is to the west of the DCO proposal, outside of the Order Limits. Evidence of signal crayfish and crayfish plague has been found in the Shadow Brook catchment to the east of the proposed scheme. Under the DCO proposal, works are required in the Shadow Brook catchment and also in the catchment of an unnamed tributary of the Low Brook to the west of the scheme. The introduction of crayfish plague or signal crayfish to any watercourse to the west of the proposed scheme via contractors or machinery could result in the loss of the existing white-clawed crayfish population. No specific mention of this risk is made in the OEMP or the HEMP. A detailed method statement for this issue needs to be included in the CEMP once it is available.

Great Crested Newt

There will be no loss of Great Crested Newt (GCN) ponds as a result of the DCO proposal. There will be a loss of terrestrial habitat which is within 250m of known GCN population, therefore a Natural England licence will be required to detail measures to ensure that no GCN are harmed during the construction of the scheme. A draft licence has been provided within the Environmental Statement and has been agreed with Natural England. The proposed scheme will not result in the severance of any known GCN meta-populations.

The majority of these terrestrial habitat losses are to be temporary whilst the works are taking place, with the exception of 0.32ha which will be permanently lost. In mitigation for this loss, 2.09ha of habitat suitable for GCN is proposed within the Environmental Masterplan.

Badger

No main setts will be lost a result of the scheme, [REDACTED]
[REDACTED] All badger sett closures will be carried out under Natural England licence, as detailed in the OEMP.

Mitigation for fragmentation of badger territories has been embedded within the design of the proposed scheme. Badger fencing and tunnels are provided at the [REDACTED]
[REDACTED] and at [REDACTED] More information is needed from Highways England regarding the maintenance requirements and responsibilities for these features, so that their long term upkeep is secured.

7.6 Landscape - negative

The Council's Landscape Architect has reviewed Chapter 8 of the Environmental Statement submitted in support of the DCO application. Overall, the Council's Landscape Architect agrees with the methodology utilised by Highways England, and the conclusions made in terms of the impact of the DCO proposal on the landscape character and visual amenity of the area. As such, this section of the Local Impact Report concentrates on the parts of Chapter 8 which the Council contests. It should be noted that the Council's Landscape Architect has requested a number of documents to review to understand how the conclusions were determined and to ensure compliance with local policy and standards. At this time, these documents have not been received.

Legislative Policy Framework and Assessment Methodology

The Council's Landscape Architect is satisfied with the review of legislation and planning policy that is of direct relevance to the assessment of landscape contained in the submitted Environmental Statement Chapter 8. The Council's Landscape Architect is reassured with the assessment methodology and guidance used to inform the scope and content of the assessment, to assist the identification and mitigation of likely significant effects. However the Council's Landscape Architect has requested confirmation from the applicant as to whether the recently published technical guidance on Residential Visual Amenity Assessment (RVAA) by the Landscape Institute has been used to supplement the advice and best practice currently presented within the assessment. In addition, the applicant has been asked whether the following sources of data were reviewed as part of the establishment of the baseline environment and assist in the initial identification of boundaries, qualities and elements of individual character areas, and their susceptibility to change:

- Solihull Boroughs Landscape Character Assessment (Waterman, December 2016); and
- Solihull's Local Character Guide (Waterman, November 2016).

Arboricultural Assessment

The Council's Landscape Architect has sought clarification from the applicant as to whether an Arboricultural Impact Assessment has been completed to determine the impact of the development on trees on the site, and that this information presented in this report has been used to inform the layout of the development and guide mitigation options. The Landscape Architect asked the applicant to confirm that the Outline Environmental Management Plan (OEMP) [TR010027/APP/6.11] and the Construction Environmental Management Plan (CEMP) will include provisions for an Arboricultural Tree Protection Plan and Working Method Statement prior to works commencing on site. This should be informed by the Arboricultural Impact Assessment based on the final site layout. The Arboricultural Tree Protection Plan and Working Method Statement should cover detailed methods for construction and operations within any of the RPAs in order to minimise the potential for adverse effects on these trees, e.g. digging using hand tools and supervision by a suitably qualified arboriculturist, in accordance with BS5837:2012. At this time, the applicant has not responded on this matter.

Sensitivity of the landscape and visual environment

The Council's Landscape Architect is satisfied that the sensitivity of the landscape and the visual environment has been established through the identification and evaluation of the susceptibility of landscape character areas (LCAs) and visual receptors to changes arising from the DCO proposal, and the value attached to these.

Design, mitigation and enhancement measures

The Council's Landscape Architect is broadly satisfied that the DCO proposal has been designed, as far as possible, to avoid and minimise impacts and effects on landscape character and visual receptors through the process of design-development and by embedding measures into the design of the proposal.

- **Embedded mitigation measures**

The new mainline link road has been designed to position the majority of its length within an earthwork cutting, the objective being to visually contain much the new carriageway and associated infrastructure and traffic movements from existing views available from residential properties and some public rights of way in proximity to the corridor.

A planting strategy has been developed and incorporated into the design of the DCO proposal, and is illustrated in Figure 8.3 [TR010027/APP/6.2]. This has been developed in accordance with the landscape design guidance and principles contained in the Design Manual for Roads and Bridges (DMRB) Volume 10, Section 0, Part 3 – Landscape elements, and has taken into account the restrictions on introducing woodland and tree planting within Birmingham Airport's safeguarding zone.

Further details of the landscaping measures embedded into the DCO design, including their functions and objectives, are presented within the Register of Environmental Actions and Commitments (see Appendix 3.1 [TR010027/APP/6.3]).

The Environmental Masterplan for the Scheme, which places the planting strategy within the wider framework of other environmental mitigation measures for biodiversity and drainage, is contained within Figure 8.8 [TR010027/APP/6.2].

- **Standard mitigation measures**

The Outline Environmental Management Plan (OEMP) [TR010027/APP/6.11] details the measures that would be undertaken during construction of the Scheme to mitigate temporary effects on landscape character and visual receptors.

- **Compensation measures**

The planting strategy includes an area of compensatory planting south of Aspbury's Copse, adjacent to the eastern boundary of the M42 motorway.

The Council's Landscape Architect is satisfied with the proposed embedded and standard mitigation measures, and the compensation measures, identified within the submitted documents. However, further requests that these works also accommodate the principles adopted with the Council's European Regional Development Fund (ERDF) 'Wildlife Ways' Project have been made. Catherine De Barnes Lane, a key corridor within the scheme has been omitted from the Council's programme of works in light of the highway proposals identified within the DCO proposal. The aim of the Council's Wildlife Ways project is to contribute to the specific objectives set out in the European Structural and Investment Funds operational programme to preserve and protect the environment and promote resource efficiency and to undertake a wide range of habitat and nature improvement projects across large areas of the Borough.

It is recognised that one of the objectives of the planting strategy has been to reinforce the existing vegetation pattern by planting species found locally, and those specified in CAP 772 as being suitable

for application under flight paths. CAP 772: Wildlife Hazard Management at Aerodromes provides guidance to assist aerodrome operators in establishing and maintaining an effective Bird Control Management Plan (BCMP), including the measures necessary to assess the bird strike risk at the aerodrome, and the identification of appropriate action to minimise that risk. The Bird Strike Management Plan has been requested from the applicant but this has not been forthcoming.

The Council's Landscape Architect welcomes the proposed mitigation measures and understands the planting strategy and landscaping scheme have been informed by the outcomes of the biodiversity assessment "*a key objective being to identify measures that, wherever possible, provide a combined function of landscape integration and/or screening, and habitat creation and replacement, to mitigate effects on biodiversity interest*". However, in light of **CAP 772** and, notwithstanding any potential restrictions on the proposed landscape planting or landscape strategy by Birmingham Airport's safeguarding zone, the Council have requested whether there is a species list to support the landscape strategy or proposed landscape planting in Figure 8.3 [TR010027/APP/6.2]. The Council needs to be assured that the planting proposals respond to other adopted Solihull MBC Policies regarding the protection and enhancement of the natural environment, landscape character and local distinctiveness. The applicant has not provided a response on this matter.

The Council is mindful of the necessity for wildlife management on and within the proximity of the airfield and indeed Birmingham Airports Obstacle Limitation Surface (OLS), but the Airport's safeguarding zone, a 13km radius of the aerodrome includes the majority of the Borough and the Council would like to be assured that planting proposals respond to those species identified as characteristic of the wider Warwickshire Arden Landscape. Furthermore, part of the site falls within an 'Enhancement zone' (Warwickshire Landscape Guidelines for Arden adopted SPG) where the structure and character of the landscape is in decline. These areas termed 'Enhancement zones' represent priority areas where resources for landscape and habitat restoration should be targeted.

Assessment of significant effects

The prediction of impacts and the assessment of effects have taken account of the proposed embedded and standard mitigation measures, and the compensation measures, identified within the submitted documentation. However, the Council wishes to stress that these could be the subject to modification in light of the Council's request for further information which may alter the Council's conclusions.

Landscape Character

The Council notes that the predicted impacts and effects upon landscape character within the study area during the construction phase and operation of the Scheme in winter year one and summer year fifteen. The matters to be covered by the landscape assessment were presented in the Scoping exercise, and therefore the Council agrees with the approach undertaken.

Visual amenity

The Council notes that the predicted impacts and effects during construction of the DCO proposal have been detailed for each representative viewpoint. Appendix 8.1 [TR010027/APP/6.3] provides a detailed schedule and description of the predicted changes for each viewpoint and the associated magnitude of impact and significance of effect during construction. Operational impacts and effects on visual amenity in winter year one and summer 15 are presented within Table 8.6 Chapter 6 of the Environmental Statement. These viewpoints were referenced in the Scoping exercise, and therefore the Council agrees with the receptors presented.

7.7 Archaeology - Negative

The Planning Archaeologist has reviewed Chapter 7 of the Environmental Statement (ES), which sets out the archaeological potential of the areas to be disturbed by this DCO proposal. It states that *'given the number of archaeological assets recorded within the 500m study area, potential exists for previously unrecorded buried archaeology to be present'* (paragraph 7.6.54), and that *'the potential for the discovery of previously unrecorded prehistoric and Roman site is considered to be medium'* (paragraph 7.6.57). Paragraphs 7.9.12 and 7.9.13 present a summary of the predicted impacts and effects on both known and as yet unidentified archaeological features present, and concludes that, in relation to unrecorded archaeological deposits, *'as total asset removal could occur, magnitude of impact of major adverse applies, resulting in a large adverse significance of effect'*.

Whilst the Planning Archaeologist notes that the ES acknowledges the potential for as yet unidentified archaeological sites to survive across this area and that the proposal could result in their total removal, the Planning Archaeologist is concerned that paragraph 7.9.13, states that it is assumed that *'in the absence of the findings of the planned archaeological evaluation,... Unrecorded archaeological deposits would have a heritage value of no greater than medium'*. The Planning Archaeologist does not agree with this conclusion.

At present there is insufficient information available to enable the Planning Archaeologist to complete an assessment of the significance of any as yet unidentified archaeological features which could be disturbed or destroyed by this DCO proposal. It is therefore premature to assume that the significance of any heritage assets present will be *'no greater than medium'* and to base the assessment of impacts on that assumption.

There is a potential for archaeological features or deposits of greater than medium significance to survive across this site. This could include archaeological features or deposits of national importance whose loss, or substantial harm to, should be, as set out para. 5.1.31 of the National Policy Statement for National Networks (NPSNN), *'wholly exceptional'*. It further states that harm or loss affecting any such heritage asset *'should require clear and convincing justification'*. Should any such archaeological features or deposits be present across the site, which has not yet been determined, it may be appropriate for the proposal to be amended to help ensure their conservation.

This understating of the risk of heritage assets to be present which are of greater than medium significance and potentially worthy of conservation also occurs elsewhere in this chapter of the ES. For example, paragraphs 7.4.16 and 7.8.9 refer to mitigations measures to be implemented prior to, or in the early stages of construction, such as archaeological excavation, watching briefs etc, without referring to the potential need for the scheme to be modified in order to avoid or minimise impacting any archaeological features deemed worthy of conservation.

As set out in paragraph 7.3.17 of the Environmental Statement, the Planning Archaeologist was consulted on this proposal during the preparation of the Environmental Statement. The Planning Archaeologist recommended that a programme of archaeological evaluation, including geophysical survey and trial trenching, be undertaken in order to help ensure that there was sufficient information available to enable an adequately informed planning decision to be made in respect of this proposal (see paragraph 7.3.19 of the Environmental Statement). This advice was in accordance with paragraphs 5.126 to 5.129 of the NPSNN.

The trial trenching had not been undertaken when the Environmental Statement was published; the conclusions reached are therefore, as stated in paragraph 7.4.15 *'based on the findings of the desk study and geophysical survey'*.

The recommended geophysical survey has since been undertaken, and a Written Scheme of Investigation (WSI) produced for the trial trenching, the scope of which was agreed with the Planning Archaeologist (see paras. 7.3.19, 7.4.14). The Environmental Statement reports that the results of the trenching *'shall supplement the information presented within this chapter, and shall be submitted during examination of the DCO application as more evidence to inform the development of specific mitigation measures to be implemented either prior to, or in the early stages of construction'* (paragraph 7.4.16).

To date, it is understood that approximately half of the trial trenching detailed in the WSI has been completed. Unfortunately, at this time, Highways England has not been able to obtain access for their archaeological contractor to undertake the remainder of the trial trenching.

The Planning Archaeologist is of the opinion that the archaeological implications of this proposal cannot be adequately assessed on the basis of the available information.

The full programme of archaeological trial trenching detailed in the WSI, including those trenches proposed across the areas where it has not yet been possible to access, should be undertaken at the earliest opportunity. This will help to define the character, extent, state of preservation and importance of any archaeological remains present, and will also provide information useful for identifying potential options for minimising or avoiding damage to them.

The results should be provided before the close of examination so that an informed and reasonable planning decision can be reached, and the application modified if appropriate.

The Council and Planning Archaeologist respectfully request the opportunity to provide comment on the results of the archaeological evaluation in advance of the close of the Examination.

This recommendation conforms with the approach detailed in the NPSNN.

7.8 Cultural Heritage – negative

The Council considers that the methodology used in determining the impact of the DCO proposal on heritage assets including listed buildings and conservation areas is acceptable, however the Council disagrees with the level of impact and of significance attributed to these assets. The Council has sought confirmation on certain matters from the applicant regarding the categorisation of impacts on listed and undesignated assets. This dialogue is on-going.

The Council submits that Bickenhill Conservation Area should be rated as High Value, as it includes a highly significant grade 1 listed building. This elevates it from the Medium Value reported in the Environmental Statement. This suggestion is based on the fact that the parish church is the pre-eminent building in the Conservation Area and remains visually evident as such. Its spire remains as prominent as intended at first design and the hilltop position further emphasises its high significance.

The harmful impacts that the M42, airport and other infrastructure are reported to have on the Conservation Area today are not, in the Council's opinion, as extensive as suggested. For example, whilst intermittent intrusion from the sight and sound of aircraft is very clear, the motorway is beyond rising land that then drains to Shadow Brook and so sits out of views from and towards the CA. The Council considers that Bickenhill provides an example of the strong contrast that exists between some Conservation Areas and a part of their surroundings in which post war change has occurred on a significant scale that detracts in part from their setting but at the same time serves to emphasise the character and appearance of that Conservation Area.

Looking from the south west or west the view includes expected elements such as hedgerows, narrow lane, fields, farm and Dutch barns, and above them the parish church. The scheme would significantly affect the experience of the designated heritage assets of St. Peter's church and the CA including Grange Farm from here and on approaching along Catherine de Barnes Lane. Impacts upon Grange Farm appear to be weighted as highly as those upon the church - given that the latter is grade 1 and significantly closer this seems impossible to conclude.

The impacts of new highway lighting for the link road, its roundabouts and the Clock Interchange area will adversely impact the setting of the Bickenhill Conservation Area, despite current lighting and the airport presence, because it will conflict further with the rural character of the Conservation Area and the parts of its setting comprising agricultural fields. The lighting at and near to the proposed junction 5a dumbbell roundabouts and link roads will detract from the wider setting and views out from the Hampton in Arden Conservation Area to the east of the scheme.

The Council submits that Hampton in Arden Conservation Area is also of High rather than Medium Value as it contains a grade 1 parish church and the grade 2* listed buildings of Hampton Manor Clock Tower and The Moat House.

The Council does not agree with the suggestion that the linkage of the clock tower to Hampton Manor means that the setting of the grade 2 manor is the only impact to consider. The setting of each must be considered but they are inseparable in terms of what each adds to the overall value of the group here (including grade 2 listed walls, steps, terraces and unlisted structures too).

The scheme will adversely affect the setting of the clock tower because it is just beyond the former parkland of Hampton Manor and within views to and from the manor and its clock tower. The tower deliberately gives views over the picturesque parkland with individual and grouped trees, and although this parkland is altered and reduced, including the M42 in cutting in the current view, such

views are still an important part of its significance. Part of the schemes impact will be that of the new junction and lighting and the new link road itself, including lighting impacts that will be experienced in currently unlit arable or pastoral fields.

Further views on the impact of lighting will be provided once details of column positions and heights plus lantern type and output are confirmed.

It appears that opportunities to enhance or better reveal the significance of heritage assets remain to be explored further. For example, opportunities to plant trees of Arden species types in strategic locations agreed with Birmingham Airport could reduce some visual impacts of the scheme and as added value, also filter some current views of roads and airport lighting from Bickenhill Conservation Area and the M42 from Hampton in Arden Conservation Area. the areas of land to be considered are north of Solihull Road and east of the junction 5 a easternmost dumbbell roundabout; and to the north and west of Bickenhill village in land identified for the temporary site compound. Planting could be distributed to retain some view corridors towards the Conservation Areas where appropriate and effective.

Historic Landscape issues and the subsequent value to be attached to that are still under consideration, and the magnitude of impact upon this aspect of heritage is not yet clear. The Council may submit that its value is Moderate rather than the value of Low stated in Chapter 7, dependent upon further analysis of the surviving fieldscapes and their enclosure, woodlands, trees and evidence of past human settlement and use.

7.9 Air Quality - negative

Chapter 6 of the ES addresses Air Quality assessments that have been undertaken in support of the DCO proposal.

The assessment methodology focuses on two main areas; 1) emissions associated with construction related activities and nitrogen dioxide emissions, 2) particulate matter due to road traffic during the construction and operational phases of the DCO proposal.

The Council are satisfied with the initial methodology and the various policies reviewed, in particular the UK's national air quality objective values.

As referenced within the assessment in October 2018, DEFRA published a supplement to the UK plan for tackling roadside NO₂ concentrations which identified Solihull as needing to bring forward compliance on two sections of the A45 in Solihull, West Midlands. This stretch of road had been identified as being projected to be in exceedance of the annual mean NO₂ EU limit value in the PCM national model. These links are Census ID 86030 and 99175.

Following a targeted feasibility study carried out in 2018, the Council identified a package of measures which could be implemented to bring forward compliance by one year on these road links to 2020. The Council was subsequently issued with a formal 'Ministerial Direction' to implement these measures.

DEFRA undertook further national modelling in 2017 which show the road link Census ID 86030 now has a long term exceedance and is not expected to achieve compliance until 2024. The Council has subsequently been issued with a 2nd 'Ministerial Direction' to deliver a local plan and identify how the Council can bring forward compliance with legal limits within the shortest time possible timeframe.

The introduction and/or modification of road infrastructure associated with the DCO proposal has the potential to result in changes to existing air quality emission levels on these sections of roads.

Sections 5.3-5.15 of the NPSNN address air quality. Paragraph 5.12 states that '*the Secretary of State must give air quality considerations substantial weight where, after taking into account mitigation, a project would lead to a significant air quality impact in relation to EIA and / or where they lead to a deterioration in air quality in a zone/agglomeration*'. In addition to information on the likely significant effects of a project in relation to EIA, the Secretary of State must be provided with a judgement on the risk as to whether the project would affect the UK's ability to comply with the Air Quality Directive.

Highways England have therefore been asked to provide additional information to confirm the air quality impacts of the scheme will not affect the ability of Solihull MBC to comply with the ministerial directions it has been issued. This information is outstanding.

The receptors identified along St Peters Lane in Bickenhill and the Catherine-de-Barnes Lane would experience the greatest change in pollutant concentrations. These sensitive receptors are located adjacent to the site boundary, or near to construction activities. Standard mitigation measures will be incorporated into the DCO proposal where appropriate, in order to minimise construction related impacts on these receptors and it is considered the DCO proposal would not give rise to significant air quality construction effects and no additional mitigation is required.

These same receptors would experience the greatest change in pollutant concentrations from the operational phase of the DCO proposal, due to the introduction of new traffic along the route. However, the ES assessment identifies that currently air quality is considered to be good at these receptors and the introduction of new traffic along the route is not predicted to give rise to any changes considered significant in pollutant concentrations.

7.10 Noise and vibration – negative

Chapter 12 of the ES addresses Noise and Vibration assessments that have been undertaken to establish the impact of the DCO proposal on noise receptors.

The Council are satisfied with the initial methodology and the various policies reviewed in the ES, in particular the appropriate British Standards and Code of Practices for Construction.

Detailed information on the construction works is not yet available; however reasonable assumptions on the likely works have been made. The estimated construction noise and vibration levels are based on reasonable worst case scenarios. Monitoring has been completed at various locations the results of which were used by the applicant as part of a verification exercise for the traffic noise prediction modelling.

The main construction activities that would take place are site clearance, earthworks, drainage, gantry demolition and construction, retaining walls construction, bridge works and road construction (pavement) works. The construction of the DCO proposal has the potential to result in temporary noise impacts at the closest receptors to these works.

Construction traffic can have a temporary impact on sensitive receptors located along existing roads used by these vehicles. The potential for such impacts is dependent on the volume and route of construction traffic. In addition, the implementation of traffic management measures on the M42 and A45 and rerouting of existing traffic onto alternative roads during the construction works are also a potential source of temporary impacts.

The potential for temporary construction vibration impacts is dependent on the need for construction activities which are a potentially significant source of vibration, such as piling and ground improvement works.

The Council respects that a number of mitigation measures are proposed to minimise this noise and are detailed in the Outline Environmental Management Plan (OEMP). These include temporary screening where required, appropriate siting of compounds and storage areas and a traffic management plan for construction vehicles.

Post consent it is understood that the contractor will be required to undertake assessments to demonstrate noise and vibration compliance during the construction period. These findings will confirm the need for, and the final height and locations of, any barriers.

Highways England are proposing a start time for construction at 7.00am which the Council consider is too early in a rural environment and also considering that the workforce would arrive before this time with deliveries and the sounds of reversing vehicles. The Council would also like to see that any work audible beyond the boundary of the site should only be carried out between the hours of 8.00 am to 6.00 pm on Mondays to Fridays and 8.00 am to 1.00 pm on Saturdays; there should be no noisy works carried out on Sundays or Bank Holidays.

Exceptions to these operating times should be agreed in consultation with the Council and any mitigation measures implemented prior to operation. Justification for operating outside the permitted times, details of the proposed operating times and details of activity together with mitigation measures and predicted noise readings at noise sensitive housing should be submitted to the Council.

The operation of traffic on new and modified roads within the DCO proposal has the potential to result in both beneficial and adverse permanent traffic noise impacts. These impacts will depend on

changes in traffic flows on these roads and whether these noise sources are brought in closer proximity to, or taken further away from, existing Noise Sensitive Receptors.

To mitigate operational phase effects, the measures have been incorporated into the design of the DCO proposal including the mainline link road being predominately positioned in a cutting to minimise the noise impacts on the local environment and the use of Low Noise Road Surfacing.

7.11 Contaminated Land - negative

Chapter 10 of the ES addresses Geology and Soils and refers to the impacts of the DCO proposal associated with land contamination.

The Council are satisfied with the initial methodology and the various policies reviewed in the ES in particular Model Procedures for the Management of Land Contamination.

The impacts associated with land contamination are generally assessed by means of a source/hazard-pathway-receptor methodology. For contamination to result in a potential impact considered significant, it must be demonstrated that there is an identifiable source of contamination (be it an on-site or off-site source), potential sensitive receptors and potential pathways through which the former may affect the latter.

The methodology has considered both the impacts of existing contamination on the DCO proposal, and the potential for the scheme to impact upon land quality.

Neighbouring residential and commercial human receptors identified within the study area are assigned a medium sensitivity. This considers relative exposure duration between a resident (continuous) and an employee (working hours), together with the proximity of each type of receptor from the construction works.

Given the results of the human health assessment undertaken as part of the ground investigation report, the magnitude of impact on human health resulting from exposure to soil dusts and/or uncontrolled run off is defined as low.

Provided good construction practices as detailed in Section 10.8 of the ES chapter are adopted and implemented, the overall effect from the uncontrolled release of potentially contaminated soil-derived dust or run-off upon the health of neighbouring site users, occupiers and the general public during the construction phase is considered to be minor adverse (not significant).

The overall effect on the neighbouring site users, occupiers and the general public is considered to be negligible (not significant).

Landfill and ground hazards

Chapter 10 of the ES also addresses matters relating to landfill and ground hazards, with particular reference to the impacts of the proposed DCO proposal on ground stability.

Earthworks including excavations and any potential foundations associated with bridge structures for example, together with any dewatering that may be required, could adversely affect ground stability and, subsequently, any proposed and surrounding structures through uncontrolled settlement.

There may be a requirement to provide temporary support for site excavations. Such support may include benching of excavations, shoring or the construction of retaining walls (such as sheet piles) or struts to mitigate the risk of settlement or excessive spalling.

It is expected that the need for such control would be established during detailed design and where specified and implemented correctly, would be sufficient to mitigate the impacts generated so the effect on land stability as a result of construction activities has been assessed as negligible (not significant).

The Council notes that, as stated in paragraph 10.6.74, only four groundwater samples from the DCO proposal area were tested during the ground investigation. The Council considers that this number seems a low number given the size of the DCO proposal area. As such, the Council supports the proposal for further groundwater monitoring and sampling and would welcome the opportunity to review this data when it becomes available.

7.12 Drainage - neutral

Chapter 14 of the ES document refers to the Road Drainage and Water Quality assessments that have been undertaken. The Council supports the methodology undertaken and the baseline assessments completed.

The impacts upon drainage and water quality resulting from the scheme relate to the construction and operation stages of the project. In terms of mitigating the risk of water pollution, the Council welcomes the formulation of a Construction Environmental Management Plan (CEMP), as referenced in Part 1 Requirement 4 of the Draft DCO 1.

The Council approves of any construction team operating to best practice standards to ensure that impacts on the surrounding water environment would be limited. Finally, the Council approves of the consideration of future maintenance needs as identified in the CEMP and Register of Environmental Actions and Commitments (REAC).

The Council as Lead Local Flood Authority (LLFA) welcomes the submission of a scheme that mitigates impacts on flooding and water quality. Although the proposed scheme attenuates flows primarily in tanks which provide limited water quality and biodiversity benefit, some water treatment is provided by way of Sustainable Urban Drainage System (SuDS). Storage is provided for the 1 in 100 year event plus an allowance of 40% for climate change, before discharging at a limited rate to local watercourses, meeting the criteria set out in Part 1 Requirement 8 of the Draft DCO 1.

The Council notes that the Drainage Strategy for the proposed highway has been designed in accordance with HD33/16, with no surcharge during a 1 in 1 year return period and no flooding during a 1 in 5 year return period, with a 20% allowance for climate change. Whilst the scheme will be operated and maintained by Highways England, the Council as LLFA would welcome any further provision that could be made to ensure greater network resilience during events with higher return periods and would additionally welcome any further improvement that could be made with regard to the allowance that has been made for climate change.

The Council has noted the proximity of the new link road to Bickenhill Meadows SSSI, and the potential for this new cutting to affect the hydrology of the site, particularly the Shadowbrook Meadows SE unit. The Council would therefore request that an appropriate design be brought forward to minimise the hydrological impact of the scheme on this site and resulting ecological concerns.

7.13 Population and Human Health – neutral

The Council appreciates the consideration of this important area regarding human health, despite there being no specific guidance for its assessment in the National Policy Statement for National Networks document.

Overall the scope of this section seems appropriately broad, giving consideration to both direct and indirect effects on health. The Council considers that the methodology appears sound, despite the acknowledged difficulties to quantify some of the health issues and impacts, meaning some effects may be lost in the granularity of the data. However, if the traffic forecasts are to be modified going forwards on the basis of more recent data, then the effects of these new traffic levels understandably are unable to be commented upon at this time. However, it is understood that these new forecasts are likely to predict lower traffic levels than previously used and hence unlikely to give any more negative implications than those already considered.

Three Solihull wards have been considered in the ES, but it is believed that the Bickenhill ward is the ward where most of the effects will actually be felt. This area is not particularly deprived nor disproportionately negatively affected by existing health inequalities in the region. Therefore, it is agreed that the only one negative permanent health effect that was found, namely emissions around the new road increasing in the area which currently has good air quality, is unlikely to have an effect of significant magnitude. The possible minimal permanent negative effect should be outweighed by the other positive effects predicted on human health of the scheme. There are several negative temporary effects around pollution, emissions, noise and vibration, and severance during the construction period, but it is considered that these are generally mitigated appropriately (detailed in the appropriate chapter assessments) and as the effects are mostly minimal in size anyway, the Council agrees that these are not highly significant consequences on balance.

There are many potential beneficial effects on human health, in particular in terms of reducing driver stress on some roads in the area, and increasing accessibility for both services and communities. The support for active travel route improvements is welcomed by the Council. Furthermore, it is possible that transport improvements in the local area may encourage business development in the north of the borough which may have wider health benefits to more deprived neighbouring ward areas than those directly affected by the DCO proposal.

Therefore, in summary, the Council broadly agrees that the several positive impacts on human health will on balance outweigh the one minimal permanent negative impact, and the assessment that has occurred is appropriate.

7.14 Climate Change – neutral

The NPSNN sets out how climate change should be taken into account when developing infrastructure.

When considering climate change, the two aspects are:-

- Mitigation – ie, activity aimed at reducing greenhouse gas emissions and/or increasing the capacity of carbon sinks.
- Adaptation – ie. activity that aims to reduce our vulnerability to the effects of global warming.

In relation to mitigation, the NPSNN states that projects are required to provide “*evidence of the carbon impact of the project and an assessment against the Government’s carbon budgets*”. Evidence of mitigation is also required, for design and construction, to demonstrate that the carbon footprint is not ‘unnecessarily high’.

In relation to adaptation to the predicted effects of climate change the NPSNN also states that mitigation is essential to minimise the most dangerous impacts of climate change, noting that new development should be planned to avoid increasing vulnerability to the range of impacts arising from this.

The ES has been informed by National Planning Practice Guidance (NPPG) for Climate Change which advises on how to identify suitable mitigation and adaptation measures to address the impacts of climate change. A number of other documents have informed the ES including the Solihull Local Plan: Shaping a Sustainable Future and Movement for Growth: The West Midlands Strategic Transport Plan.

Assessment Methodology

The Council is content with the scope of the assessment which includes climate effects arising from the future maintenance and management of the DCO proposal.

The consideration of Greenhouse Gas (GHG) emissions associated with the end of life stage of the DCO proposal have been scoped out of the assessment, on the basis that it is unlikely that the scheme would be decommissioned in the future.

Assessment guidance

The Council are content with the approach taken to calculate the GHG emissions and the conversion factors used. In more detail these were:-

- The Design Manual for Roads and Bridges (DMRB) Interim Advice Note (IAN) 114/08: Highways Agency Carbon Calculation and Reporting Requirements was used in the assessment to estimate the contribution that the DCO proposal’s construction, maintenance and refurbishment activities would make to carbon emissions. This was supplemented by the use of Highways England’s carbon emissions calculation tool.

- Data input to the carbon emissions calculation tool was based on The Greenhouse Gas Protocol: A Corporate Accounting and Reporting Standard. World Business Council for Sustainable Development and World Resources Institute.
- The emission factors used were selected from the Defra and BEIS Industrial Strategy's UK Government GHG Conversion Factors for Company Reporting and the Inventory for Carbon and Energy Database.
- Road user emissions have been calculated using the regional assessment methodology within DMRB

Identification and assessment of impacts

The DCO proposal has been assessed in terms of how it would contribute to the UK's ability to achieve its legally binding carbon reduction targets. The majority of the GHG emissions arising from construction of the scheme are considered as being additional to the existing UK national GHG emissions inventory. The GHG emissions arising from use and operation and considered as not additional to the GHG emissions inventory given that part of the emissions associated with operation of the scheme would be displaced from other parts of the road network. The Council is content with this approach.

The comprehensive assessment of the likely GHG emission sources was undertaken, including from construction phase, operation, maintenance and use phases, in line with the Carbon Reporting Tool v1.03. Highways England, informed by PAS 2080:2016 Carbon Management in Infrastructure, BSI.

The Council are content with the approach taken in relation to the calculation of the 'do minimum' scenario which assumes the DCO proposal would not be implemented but does account for the future use and maintenance of the existing road network.

As previously stated the Council are content with the approach taken to assess GHG emissions associated with the DCO proposal which identified that embodied carbon associated with materials use would be the biggest contributor to the carbon footprint of the scheme (steel, concrete and bitumen). The overall GHG emissions by construction is 176,686 (tCO₂e) of which 86% is attributed to embodied carbon in raw materials and the transportation of materials.

The construction period for the scheme (2020 – 2023) falls within the 3rd and 4th UK carbon budget periods while the operational period falls within the 4th and 5th carbon budget.

The assessment has concluded that the GHG emissions impact of the DCO proposal would not have a material impact on the UK meeting its carbon reduction targets. Given that the emissions arising as a result of the scheme represents less than 0.006% of the total emissions in any five year UK carbon budget during which they would arise.

Climate change resilience

The approach adopted to undertaking and reporting the assessment has drawn on good practice from other similar developments and studies and includes resilience of all infrastructure and assets associated with the scheme and assessed resilience against both gradual climate change and the risks associated with an increased frequency of severe weather events.

The Council accept that as the construction phase is much shorter in duration than the operational phase, future climate change is less relevant to the assessment of construction impact effects. The

assessment has nevertheless included short term potential climate risks including inaccessible construction site and health and safety risks to the workforce during severe weather events.

The operational assessment looked at the likelihood and consequence of impacts and effects on receptors based on a future timeframe of operation (2080's).

The Council are content with the measure of likelihood and consequence for climate change resilience assessment (page 10), the significance measure used (page 11) and note that UKCPO9/UKCPO9 Weather Generator has been used to support the assessment not the more recent UKCP18. The assessment is also informed by the UK Climate Change Risk Assessment.

The Council has questioned the use and reference to UKCP09 in the ES. Highways England have advised that an updated assessment using UKCP18 rather than UKCP09 would be undertaken and the results shared. This matter remains outstanding.

A comprehensive list of potential impacts on the scheme likely to occur during the operational phase has been presented. The findings of the assessment have concluded that no significant effects would occur to the DCO proposal in respect of climate change and the Council agrees with this conclusion.

7.15 – Community and Council Cabinet concerns

The Council would like to share the concerns of local residents and our Ward and Cabinet Members which were discussed at our Full Cabinet meeting on 13th June, 2019. These are summarised as :-

- **Traffic movements** – the Council have requested a commitment from Highways England that there is **no reduction** in the current capacity on the strategic road network during peak periods. This is a very sensitive area where the strategic road network serves nationally significant sites such as Birmingham Airport, the National Exhibition Centre and Jaguar Land Rover. Congestion in this area can have a major impact on these businesses and all major road works which have been carried out over recent years have had this requirement built into the construction contracts as works information. The Council have also requested details of lorry routes and how these will be enforced.
- **Compounds** – there is concern over the extent of the proposed main compound and its proximity to local residents. The Council have requested details from Highways England of the assessment of other locations for the compound. They have also asked Highways England if they had considered a compound near the new Junction 5a.
- **Construction Hours of operation** – see section 7.10 of this report - Highways England are proposing a start time for construction at 7.00am which the Council consider is too early in a rural environment and also considering that the workforce would arrive before this time with deliveries and the sounds of reversing vehicles. The Council would also like to see that any work audible beyond the boundary of the site should only be carried out between the hours of 8.00 am to 6.00 pm on Mondays to Fridays and 8.00 am to 1.00 pm on Saturdays; there should be no noisy works carried out on Sundays or Bank Holidays.
- **Mitigation of Aspbury's Copse - Ancient Woodland** - The Council do not support a replacement ratio of 3:1 which falls below standards recommended by the Woodland Trust which is 30:1.
- **Bickenhill Meadows SSSI** – the Council are concerned that they have not yet received the mitigation proposals for this SSSI and look forward to agreeing a practical mitigation for this site.
- **Gaelic Athletic Association** – (GAA) – the Council supports this valued club and are keen to understand Highways England's mitigation proposals.
- **Safeguarding environment** – The Council's approach to removal of hedgerows and trees has always been to challenge if they need to be removed for either permanent or temporary works. The Council would like to review the removal of hedgerows and trees with Highways England and to agree any protection measures in the vicinity if they do require removal.
- **Construction Environment Management Plan** – CEMP – we note the intention by Highways England to develop a CEMP to detail how the management of the project will avoid, minimise or mitigate the effects on the environment and the surrounding area. We would like to offer our support in drafting any clauses based upon good practice that we have developed with our own contractors. This would include toolbox talks to ensure the culture to protect the environment is also embraced by the workforce and also Highways England's sub contractors. We also believe that the mitigation of these issues would reinforce any values which a Considerate Contractor would wish to demonstrate.
- **Early engagement** – The Council would welcome an early meeting with Highways England to discuss and agree a way forward for these issues which are causing some local residents a significant amount of concern. This could then be followed by a joint meeting with the Parish Council.

8.0 Conclusion

- 8.1 The extent of agreement reached between the applicant and the Council on the impacts of the proposed development is set out in the Statement of Common Ground, also due for submission by Deadline 2 in the DCO Examination Programme. However there are a number of documents, either to be produced or which require updates that remain outstanding at this time. These are detailed in this LIR and are captured in the Executive Summary.
- 8.2 Despite the lack of documentation or evidence in certain areas, the Council has sought to identify where they agree with the applicant in their methodologies and assessments, and identify where further information or mitigation proposals are required. The Council is keen to continue the level of engagement already achieved with the applicant to date on the DCO proposal until the formal Examination closes, to ensure that any further submissions by the applicant are able to be reviewed by the Council.