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Our ref: U0007293
Your ref: TR010027

Dear Sir/Madam

The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 etc
Application by Highways England for an Order Granting Development Consent for the M42 Junction 6 Improvement
Examination Timetable and procedure and notification of hearing(s)
ExA's Written Question Response

Gerald Eve LLP acts for the National Exhibition Centre Limited (“our Client”) in respect of Highways England’s application for a Development Consent Order (DCO) for the M42 Junction 6 Improvement.

We welcome the Examining Authority’s written questions and requests for information (ExQ1) issued on 31 May 2019. These were only brought to our attention on 24 June 2019 by another affected landowner and we respectfully request that our responses be taken into consideration.

Our Client provided event data to Highways England (“the Applicant”) and we understand that this has formed part of the “baseline data collection” summarised in Chapter 3 of the M42 Junction 6 Improvement Transport Assessment Report (January 2019). Our Client requested the raw data in its Relevant Representation submitted on 27 March 2019 but this has not been forwarded by the Applicant.

We identify and respond to the Traffic Assessment Report questions posed on behalf of our Client to the extent that we able to:

ExQ1	Question/Answer
ExQ1.11.7	<p><i>A feature of the traffic at Junction 6 on the M42 is its variability, both at peak times and over the year in response to exhibitions, events and holidays etc. Moreover, this variability appears to significantly affect congestion. In the TA this variability is addressed by the year of parking and traffic data obtained from the NEC and the resulting traffic flow on South Way for 2017 [APP-174, Figures 6.4-6.6]. However, the 2016 peak hour modelled flows of 782 AM and 762 PM [APP-174, Figure 6.2], reflect the average actually observed (600-800). It is therefore inevitable (not just possible) that flows higher than the modelled flows will occur quite frequently (and from the daily distribution, APP-174 Figure 6.4) on about 37% of days. The traffic modelling would thus appear to effectively ignore much of the variability identified, some of which is substantial. Is that a fair assessment? And, if not, why not?</i></p>
Response	<p>Our Client provided the information requested but was not involved in the Highways England modelling. The modelling and outcomes were not discussed with our Client in any detail and nor have they had sight of the raw data. The applicant needs to respond to the question regarding their assumptions within the Traffic Assessment Report. Our Client reiterates its comments within its 28 September 2018 non-statutory consultation response that it is keen to ensure the traffic modelling “takes into account both the Birmingham Airport seasonal peaks and NEC event peaks, without a reliance on average baseline data.”</p>
ExQ1.11.8	<p><i>What are the effects of such variation on the operation of junction 6? Perhaps examine those effects at $\mu+\sigma$ and at the 85%ile of the observed daily and peak hour distributions [APP-174, Figures 6.4-6.6] with the aid of LinSig, if appropriate. If LinSig would not be appropriate, please explain why.</i></p>
Response	<p>The National Exhibition Centre Limited has not instructed a traffic consultant to validate the Traffic Assessment Report. The National Exhibition Centre Limited is yet to receive the raw data that forms the basis of the Traffic Assessment Report and is thus unaware of the use of “LinSig”. The Applicant needs to respond to this.</p>
ExQ1.11.9	<p><i>How do those higher volumes of traffic leaving the NEC via South Way compare with the annual and peak hour distributions of traffic recorded in the TA [APP-174, Figures 6.4-6.6]?</i></p>
Response	<p>The National Exhibition Centre Limited has not engaged a traffic consultant to validate the Traffic Assessment Report, The National Exhibition Centre Limited is yet to receive raw data for a transport consultant to analyse. The Applicant needs to respond to this.</p>
ExQ1.11.10	<p><i>What is the effect of including weekends, school holidays and Bank Holidays on those distributions of traffic leaving The NEC [APP-174, Figures 6.4-6.6]?</i></p>
Response	<p>The National Exhibition Centre Limited has not engaged a traffic consultant to validate the January 2019 transport assessment report. The National</p>

	<p>Exhibition Centre Limited is yet to receive the raw data that forms the basis of the Traffic Assessment Report. The Applicant needs to respond to this.</p> <p>The NEC can however confirm that in the majority of cases the busiest days for car parking demand fall on a weekend. This is due to large public consumer events attracting the highest numbers at the weekend. That said, the background commuter traffic is not evident on such dates, so these busier days are often less problematic in relation to Junction 6.</p>
ExQ1.11.11	<p><i>What are the effects on the operation of the Clock Interchange and junction 6 of the higher traffic levels addressed in the sensitivity testing and relating to? APP-174, 3.9 b. NEC – the traffic demand tests for potential higher traffic volumes accessing or egressing the site, and APP-174, 3.9 e. the ‘low and ‘high’ traffic development demand scenarios for the UK Central development proposals? Please illustrate those effects with LinSig analyses and, if appropriate, by a suitable ‘screenshot’. For junction 6 a comparable table to Table 7.7 [APP174] might also be useful.</i></p>
Response	<p>The National Exhibition Centre Limited has not instructed a traffic consultant to validate the Traffic Assessment Report and therefore cannot look to illustrate the effects with LinSig analysis. The National Exhibition Centre Limited is yet to receive the raw data that forms the basis of the Traffic Assessment Report. The Applicant needs to respond to this.</p>
ExQ1.11.12	<p><i>What are the views of the Local Authorities and the operating businesses mainly served by the Clock Interchange and junction 6 on the approach to the likely variations in traffic flows in the TA [APP-174]?</i></p>
Response	<p>The Applicant needs to respond to this. Our Client hopes that the proposed scheme should improve the current situation and provide extra capacity needed for local growth. It is inevitable that businesses like Birmingham Airport and the National Exhibition Centre Limited will have peak days and quieter periods of the year given the cyclical nature of those businesses. The modelled flows should however be realistic and allow for traffic at Clock Interchange and Junction 6 during more than 63% of a typical calendar year.</p>

We have provided detailed responses with the limited amount of data available to our Client. We would welcome visibility on comments made by the Applicant and other respondents to the above questions.

We also note the lack of relevant correspondence between The Applicant (Highways England) and The National Exhibition Centre Limited regarding reaching a Statement of Common Ground (SoCG), which we previously highlighted in our written representation dated 3 June 2019. On behalf of the National Exhibition Centre Limited, we reiterate our interest in imminently agreeing a SoCG with Highways England and we look forward to receiving correspondence regarding this position.

We would request that our Client is referred to as National Exhibition Centre Limited in future Planning Inspectorate correspondence to enable us to monitor any future requests for information.

Yours faithfully



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