

M42 Junction 6 Development Consent Order Scheme Number TR010027

8.35 Applicant's Response to Local Impact Report: Solihull Metropolitan Borough Council

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1. Highways England: Responses to Local Impact Report – Solihull Metropolitan Borough Council

1.1 Overview

- 1.1.1 In accordance with the requirements of the Planning Act 2008 and the Planning Inspectorate's Advice Note One: Local Impact Reports, Solihull Metropolitan Borough Council (SMBC) has prepared and submitted its Local Impact Report (LIR) [REP2-033] to the examination of the Development Consent Order (DCO) application for the M42 Junction 6 scheme (the Scheme).
- 1.1.2 SMBC's LIR covers matters that it considers to be relevant to the likely impact of the Scheme on its area. The Applicant has reviewed the content of SMBC's LIR and has provided responses and clarification on the matters recorded by SMBC.
- 1.1.3 The Applicant would like to thank SMBC for providing its LIR expressing support for the Scheme and acknowledging the regional and national benefits it will deliver.
- 1.1.4 The Applicant is continuing to work with SMBC to develop a Statement of Common Ground (SoCG), through which it is seeking to reach agreement on the matters raised.

1.2 Structure of the response

- 1.2.1 This document responds to the local impacts identified by SMBC. The Applicant acknowledges statements made within the LIR where SMBC has agreed with the assessment methodologies, approaches and conclusions presented within the Environmental Statement.
- 1.2.2 Where sections or paragraphs from the LIR have been omitted from this response and are not responded to directly by the Applicant, this is because the content comprises:
- general summary observation(s);
 - introductory text around a topic;
 - statements of agreement (as outlined above);
 - conclusions or mirroring text presented within the Environmental Statement; and/or
 - statements on SMBC planning policy.
- 1.2.3 For the benefit of the Examining Authority (ExA), matters raised within the LIR will continue to be discussed further with SMBC and presented within future revisions of the SoCG [REP2-009].
- 1.2.4 **Table 1.1** of this response broadly corresponds to the following structure adopted in SMBC's LIR:
- Section 1: Introduction
 - Section 2: Executive Summary
 - Section 3: Solihull Context
 - Section 4: Details of the proposal
 - Section 5: Policy Framework
 - Section 6: Other Relevant Considerations
 - Section 7: Local Impact Assessment
 - Section 7.5: Biodiversity
 - Section 7.6: Landscape
 - Section 7.7: Archaeology
 - Section 7.8: Cultural Heritage
 - Section 7.9: Air Quality
 - Section 7.10: Noise and Vibration

Table 1.1 – Full Response

Ref	SMBC LIR Comment	Highways England Response
Section 1: Introduction		
		Section noted by the Applicant.
Section 2: Executive Summary		
		Section noted by the Applicant. The points recorded within the Executive Summary have been discussed within the applicable sections presented below.
Section 3: Solihull Context		
		No response required.
Section 4: Details of the proposal		
		No response required.
Section 5: Policy Framework		
		No response required.
Section 6: Other Relevant Considerations		
		No response required.

Ref	SMBC LIR Comment	Highways England Response
Section 7: Local Impact Assessment		
		Section noted by the Applicant.
Section 7.5: Biodiversity		
	<p>Likely adverse impacts to Bickenhill Meadows SSSI SE Unit</p> <p>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.</p>	<p>Following discussions with Natural England, visual monitoring of the Bickenhill Meadows Site of Special Scientific Interest (SSSI) commenced in June 2018 with dipwell monitoring commencing in August 2018 as the potential impact to the SSSI was identified as part of the Environmental Impact Assessment process. The data collected to submission of the DCO was primarily aimed at understanding the form and level of mitigation required to mitigate the impact and was deemed appropriate to Natural England.</p>
	<p>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:</p> <ul style="list-style-type: none"> • 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 	<p>The Bickenhill Meadows SSSI Preliminary Hydrological Investigation Technical Note (V.7) contained in Appendix 14.2 to Volume 3 of the Environmental Statement [APP-110/Volume 6.3] has been updated following submission of the DCO application.</p> <p>The revised version (V9.1) of the Technical Note [6.3 Appendix 14.3a] has been submitted as part of the Applicant's Deadline 3 submission. This note was however issued to SMBC (as well as Natural England and Warwickshire Wildlife Trust (WWT)) on 3 July 2019</p> <p>V.9.1 of the Technical Note incorporates the latest measurements recorded as part of the ongoing dipwell monitoring, and further interpretation in relation to the potential effects of the Scheme on the SSSI. Furthermore this took into account matters raised in discussion with Natural England and WWT in a meeting on 14 March 2019.</p>

Ref	SMBC LIR Comment	Highways England Response
	<p>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.</p> <ul style="list-style-type: none"> 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). 	<p>Following continued modelling and analysis of the Scheme's potential effects on the SSSI, V.9.1 of the Technical Note now presents a passive mitigation solution which does not rely on the pumping of water. This solution can be delivered within the Order Limits and would achieve the required levels of water replenishment to the SSSI.</p> <p>The biodiversity assessment presented in Chapter 9 Biodiversity of the Environmental Statement [APP-054/Volume 6.1] adopted a worst-case scenario, and the data collected and presented within the DCO application is considered to be sufficiently robust and comprehensive enough to inform the assessment of likely significant effects of the Scheme on the SSSI.</p>
	<p>Part destruction of Aspbury's Copse ancient woodland</p> <p>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.</p>	<p>The Applicant acknowledges that ancient woodland is an irreplaceable habitat within Chapter 9 Biodiversity of the Environmental Statement [APP-054/Volume 6.1].</p> <p>The Applicant has sought to identify the potential effects of the Scheme on both parcels of ancient woodland either side of the existing M42 motorway at Aspbury's Copse, and is seeking to compensate for these effects by securing land contiguous with the parcel of woodland to the east of the M42 motorway within the DCO application for replanting.</p> <p>The 3:1 compensation ratio presented in Chapter 9 Biodiversity of the Environmental Statement [APP-054/Volume 6.1] has taken into account the following factors and considerations:</p> <ul style="list-style-type: none"> The status of the Scheme as a Nationally Significant Infrastructure Project; The need for the Scheme; The form, status and condition of Aspbury's Copse ancient woodland;

Ref	SMBC LIR Comment	Highways England Response
		<ul style="list-style-type: none"> • The likely environmental effects of the Scheme on Aspbury's Copse ancient woodland; • The impacts on third parties or private property; and • There being no national precedent as to what is an acceptable compensation ratio for the loss of ancient woodland resource to development projects. <p>It should be noted that the 30:1 ratio recommended by the Woodland Trust is not a national standard.</p> <p>The Applicant contends that the form, location and ratio of the compensation planting presents a proportionate response to the predicted effects of the Scheme on Aspbury's Copse ancient woodland.</p>
	<p>No commitment to providing net gain to biodiversity as a result of the scheme</p> <p>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.</p>	<p>The Applicant has aspired to achieve a net gain for the Scheme; however, as discussed previously with SMBC, a large majority of the Scheme is located within the aerodrome safeguarding zone (which delineates, and to a degree protects, the take-off and landing routes up to 13km from the Birmingham Airport).</p> <p>This constraint has influenced the environmental mitigation strategy for the Scheme and has restricted the ability to implement the types of mitigation measure typically applied to road schemes of this nature, for example woodland planting.</p> <p>The Applicant is currently undertaking an interim biodiversity calculation, as agreed with SMBC on the 15 May 2019, and will report back to SMBC in due course.</p>

Ref	SMBC LIR Comment	Highways England Response
	<p>Methodology and Outstanding Surveys</p> <p>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 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:</p> <ul style="list-style-type: none"> • Bats • Aquatic habitats • Great crested newt • Fungi/lichen for Aspbury's Copse <p>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.</p> <p>The Bird Strike Management Plan is also yet to be submitted by Highways England.</p>	<p>A number of ecological surveys are being undertaken in 2019, the outcomes of which will be reported and submitted to the ExA as further environmental information to support the examination of the DCO application.</p> <p>The following updates the current position for each of these surveys:</p> <ul style="list-style-type: none"> • The 2018 Bat Survey Report (which collates the remaining bat survey data that due to time constraints for submission meant it could not be included within the final biodiversity assessment) has been submitted at Deadline 3 [Volume 8.38]. • The 2019 Bat Survey Report is proposed to be submitted at or before Deadline 5. • The 2019 Great Crested Newt Report is proposed to be submitted at or before Deadline 4. • The 2018 Aquatic Invertebrates (including habitats) Report (which collates the remaining survey data that due to time constraints for submission meant it could not be included within the final biodiversity assessment) has been submitted at Deadline 3 [Volume 8.37]. • The Fungi surveys will be undertaken in September 2019 due to seasonal constraints and optimum survey windows and will be submitted at, or before, Deadline 6. • The Lichen surveys have been undertaken and are currently being interpreted. These are proposed to be submitted at or before Deadline 4.

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		<p>The Outline Bird Strike Management Plan [REP2-023] was issued to SMBC on the 4 July 2019. The document issued to SMBC is the same version that was submitted to the ExA at Deadline 2 for consideration [Volume 8.25].</p>
	<p>Hedgerows</p> <p>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.</p> <p>In addition to the translocation measures, it is proposed to plant 12km of new hedgerow as mitigation.</p> <p>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.</p>	<p>The Applicant and the Contractor will agree the period of maintenance to be undertaken for translocated and new hedgerows, which will form a contractual requirement. This is expected to be a period of 3 to 5 years post construction of the Scheme, during which time the Contractor will be required to replace any hedgerows that fail to establish.</p> <p>The locations for translocation will be determined during the detailed design phase of the Scheme, and areas suitable for translocation will be identified within an Outline Biodiversity Management Plan (BMP), to be submitted to the examining authority.</p>
	<p>Protected Species – Bats</p> <p>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.</p> <p>There are a number of bat roosts known to exist within Bickenhill village, and the creation of the proposed scheme will</p>	<p>The Applicant can confirm that Bickenhill roundabout will not be lit.</p> <p>As detailed in Chapter 9 Biodiversity of the Environmental Statement [APP-054/Volume 6.1], surveys have confirmed that bat foraging and commuting activity is low across the majority of the Order Limits, with the species present being representative of local records and unexceptional. Bats are therefore evaluated as being of Local importance.</p> <p>The introduction of the mainline link road has the potential to result in fragmentation impacts, which may influence the ability of bats to move</p>

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	<p>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.</p>	<p>between essential areas, for example roosts and favoured foraging areas.</p> <p>The fragmentation impacts associated with Scheme construction are considered in Paragraphs 9.9.89 & 9.9.90 of Chapter 9 Biodiversity of the Environmental Statement [APP-054/Volume 6.1]. The biodiversity assessment acknowledges that there will be a fragmentation impact due to the removal of habitat (mainly hedgerows and trees) that bats use for commuting.</p> <p>The following provides further explanation of this assessment.</p> <p>Firstly, the levels of foraging and commuting activity are low, with no key flight paths and / or foraging routes of significant maternity roosts have been recorded. This indicates that the habitats are of low importance for bats. As bats forage away from roosts, the fragmentation impact needs to be considered in the overall extent of the range that bats may reasonably be expected to make use of, which, for species like common pipistrelle can be around 1 -2 km², and with stronger flying bat species making use of larger areas. No significant roosts, for example, maternity or breeding roosts, have been confirmed within the Order Limits. It is therefore likely that any affected habitats within the Order Limits form part of the wider or peripheral range used by any significant roosts that may be present in the surrounding landscape, rather than being key habitat in close proximity to the roost. The Scheme does require the removal of a corridor of habitat, but significant amounts of habitat would be retained to maintain potential habitat linkages for bats. Therefore, given the low levels of observed activity, the wider range that is available to the local bat population and the presence of other connecting habitat to the surrounding landscape, it is considered that fragmentation impacts would be localised and limited.</p> <p>Chapter 9 Biodiversity of the Environmental Statement [APP-054/Volume 6.1] considers the effects during construction and</p>

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		<p>operation of the Scheme. This concludes a minor adverse effect as a result of the fragmentation of bat habitat, until such time as the replacement habitats establish, reducing the effect to negligible in the design year. A minor adverse effect is the largest effect that may result for any ecological feature of local importance.</p> <p>The Applicant maintains that this evaluation is proportionate to the magnitude of impacts, particularly in the context of the ecological importance of the bat population, and therefore disagrees that any element of the assessment has been downplayed.</p>
	<p>White-clawed Crayfish</p> <p>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.</p>	<p>Appendix C of the Outline Environmental Management Plan (OEMP) contains an Outline Environmental Control Plan for Invasive Species [APP-172/Volume 6.11] including signal crayfish.</p> <p>A detailed method statement detailing appropriate biosecurity measures to prevent the potential spread of crayfish plague between watercourses will be developed by the Contractor incorporated into the Construction Environmental Management Plan (CEMP). This will include measures such as, the washing down and decontamination of equipment and vehicles that may move between the watercourses during construction.</p>
	<p>Badger</p> <p>No main setts will be lost a result of the scheme, [REDACTED]. All badger sett closures will be carried out under Natural England licence, as detailed in the OEMP.</p>	<p>Badger mitigation will be secured through the following DCO documents:</p> <ul style="list-style-type: none"> - Environmental Masterplan [APP-095/Volume 6.2] - DCO Requirement 5 [APP-015/Volume 3.1]

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	<p>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] 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.</p>	<ul style="list-style-type: none"> - Outline BMP, which will be secured through an amendment to the draft Development Consent Order (dDCO) under Requirement 4. <p>The Outline BMP will set out how the badger mitigation features will be managed and who will be responsible for their future maintenance.</p>
<p>7.6: Landscape</p>		
	<p>Legislative Policy Framework and Assessment Methodology</p> <p>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:</p>	<p>The Residential Visual Amenity Assessment (RVAA) technical note was published by the Landscape Institute in March 2019 after the landscape and visual impact assessment (LVIA) of the Scheme had been undertaken and reported. Accordingly, the RVAA technical note has not been considered within the LVIA.</p> <p>Due to the extents of the Scheme, regional scale landscape character assessments have been used in the LVIA, specifically Solihull's Countryside Strategy 2010-2020 and the North Warwickshire Landscape Character Assessment.</p> <p>No comments challenging the use of regional scale landscape character information or requests to use the Solihull local character information were provided by SMBC as part of the Applicant's request for a Scoping Opinion, submitted to the Planning Inspectorate in October 2017.</p>

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	<ul style="list-style-type: none"> <input type="checkbox"/> Solihull Boroughs Landscape Character Assessment (Waterman, December 2016); and <input type="checkbox"/> Solihull's Local Character Guide (Waterman, November 2016). 	
	<p>Arboricultural Assessment</p> <p>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.</p>	<p>The Applicant can confirm that an Arboricultural Survey was undertaken to inform the mitigation strategy for the Scheme. The survey sought to identify and map individual trees, grouped trees, veteran trees and hedgerows. The findings of the survey are presented within Appendix 8.2 of Volume 3 of the Environmental Statement [APP-128/Volume 6.3].</p> <p>Construction works in proximity to trees to be retained will be guided by "British Standard BS:5837:2012 Trees in relation to design, demolition and construction", which provides guidance on the identification of working zones around trees to ensure the protection of their root systems and, where necessary, their canopies.</p> <p>The Contractor will be required to identify appropriate working methods and protection areas around trees to be retained prior to the commencement of construction, the details of which will be contained within their CEMP and will be subject to approval in accordance with Requirement 4 of the DCO.</p>

Ref	SMBC LIR Comment	Highways England Response
	<p>Design, Mitigation and Enhancement Measures</p> <p>Compensation</p> <p>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.</p> <p>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 "<i>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</i>". 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</p>	<p>The Applicant can confirm it has considered the documents provided by SMBC with regards to the Wildlife Ways in developing the Scheme's landscape mitigation strategy and the Environmental Masterplan as presented within Figure 8.3 and Figure 8.8 of Volume 2 of the Environmental Statement [APP-090/Volume 6.3; APP-095/Volume 6.3]. However, as noted by SMBC, the Applicant agrees there is a degree of incompatibility between the Wildlife Way of Catherine-de-Barnes Lane and the DCO application.</p> <p>The Applicant can confirm that an outline species list is being developed to inform the detailed design of the Scheme. Working drafts of these lists will either be shared with SMBC and the ExA (if the ExA considered this is to be of assistance) during the examination of the DCO application, or will be incorporated into the Outline BMP to be submitted to the ExA.</p> <p>The Applicant can confirm that the outline species list noted above will take into consideration (where appropriate) the wider Warwickshire Arden Landscape and the applicable defined 'Enhancement Zones' within Warwickshire Landscape Guidelines for Arden adopted SPG.</p>

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	<p>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.</p> <p>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.</p>	
7.7: Archaeology		
	<p>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 <i>'in the absence of the findings of the planned archaeological evaluation,.... Unrecorded archaeological deposits would have a heritage value of no greater than</i></p>	<p>The applicant acknowledges the response from the County Archaeologist for Warwickshire. The archaeological evaluation trenching is on-going, and the results of the work will be disseminated when available and, where necessary, an addendum to Chapter 7 – Cultural Heritage [APP-052] will be issued.</p>

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	<p><i>medium</i>'. The Planning Archaeologist does not agree with this conclusion.</p> <p>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 '<i>no greater than medium</i>' and to base the assessment of impacts on that assumption.</p> <p>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), '<i>wholly exceptional</i>'. It further states that harm or loss affecting any such heritage asset '<i>should require clear and convincing justification</i>'. 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.</p>	
	<p>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.</p> <p>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</p>	<p>Further stages of appropriate evaluation and mitigation will be developed in discussion with the County Archaeologist for Warwickshire following the results of the evaluation trenching.</p>

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	scheme to be modified in order to avoid or minimise impacting any archaeological features deemed worthy of conservation.	
	<p>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 '<i>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</i>' (paragraph 7.4.16).</p>	<p>The Applicant can confirm an Interim Archaeological Trenching Report [REP2-020] was submitted at Deadline 2 for consideration.</p>
	<p>To date, it is understood that approximately half of the trial trenching detailed in the WSI has been completed.</p> <p>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.</p>	<p>The archaeological evaluation trenching is currently being undertaken in the remaining accessible areas.</p> <p>As noted above, an Interim Report [REP2-020] was submitted to the ExA at Deadline 2 that included the first tranche of archaeological trenching.</p> <p>The second tranche is currently being undertaken and the results and interpretation of these trenches will be submitted as soon as possible during the examination.</p>
	<p>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.</p>	<p>The archaeological implications of the Scheme have been assessed within Chapter 7 – Cultural Heritage of the Environment Statement [APP-052/Volume 6.1]. Where limitations to the assessment are known these have been presented within Section 7.4 of Chapter 7.</p>

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	<p>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.</p>	<p>The Applicant confirms that efforts have been made to undertake archaeological trenching at the earliest opportunity to inform the archaeological assessment.</p>
	<p>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.</p>	<p>The full report on the evaluation trenching (tranche 1 and 2) will be available on or before Deadline 5 of the DCO programme. Information on any significant archaeological sites will be reported to the County Archaeologist for Warwickshire in advance of this date.</p>
<p>7.8 Cultural Heritage</p>		
	<p>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.</p>	<p>The Applicant accepts that St Peter's Church is a pre-eminent building within the conservation area and is visually prominent.</p> <p>Volume 11 of the Design Manual for Roads and Bridges (DMRB) provides guidance for establishing the value of historic buildings, including conservation areas. This guidance and professional judgement has been applied in undertaking the cultural heritage assessment reported in Chapter 7 of the Environmental Statement [APP-052/Volume 6.1]. To this extent, the Applicant is of the view that the Medium Value attributed to the Conservation Area is correct.</p>
	<p>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</p>	<p>The Applicant accepts that Bickenhill has undergone less change than other settlements, both locally and regionally.</p> <p>However, the existing M42 remains a feature within the landscape which has eroded the rural setting of the village, above and beyond any</p>

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	<p>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.</p>	<p>visual impact. Both this and the intrusion from aircraft has been considered and referred to in the heritage assessment as they form part of the existing character of the area. Notwithstanding the above, the assessment has taken into consideration the limited effect of these on the significance of the assets and the effects of introducing the Scheme assessed accordingly.</p>
	<p>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.</p>	<p>In accordance with the assessment methodology for road schemes (the Design Manual for Road and Bridges), and as presented within Chapter 7 – Cultural Heritage [APP-052/Volume 6.1] of the Environmental Statement, <i>impacts</i> do not take into consideration the value (significance) of the asset, they are an assessment of the level of impact experienced only. The significance of <i>effect</i> weighs the impact against the value of the asset.</p>
	<p>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.</p>	<p>The effect on the conservation area takes into consideration the impact of lighting of the Scheme. It is agreed that lighting will add to the impact on the asset. It is considered that the level of impact as presented within Chapter 7 – Cultural Heritage of the Environmental Statement [APP-052/Volume 6.1] accurately reflects the effect on the conservation area.</p>

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	<p>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.</p>	<p>For the significance to be raised the conservation area is required to contain a significant number of highly designated assets which define its character as a whole. While it is noted that the conservation area contains some important buildings, it is not considered that Hampton-in-Arden as a whole reflects this higher value.</p>
	<p>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).</p>	<p>The impact on the Clock Tower has been considered within the assessment. The Applicant considered that it is the relationship between the clock tower and the manor that is impacted by the Scheme, as such it is this relationship that has been discussed and assessed within the Chapter 7 of the Environmental Statement [APP-052/Volume 6.1].</p>
	<p>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.</p>	<p>An Outline BMP is currently being drafted which will consider species types and mixes throughout the Scheme. Possible interactions between landscaping and heritage assets will be explored to inform the Outline BMP at this stage, with further consideration being undertaken at detailed design.</p> <p>However, it should be noted that tree planting around Bickenhill Village and the Scheme in general is constrained by the aerodrome safeguarding zone, which heavily restricts what planting (particularly relating to height and species that bear seed) can be implemented.</p>

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	<p>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.</p>	<p>The Applicant will consider the Council's position on the Historic Landscape if this information is subsequently provided to the ExA.</p>
<p>7.9: Air Quality</p>		
	<p>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.</p> <p>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.</p>	<p>The Applicant has confirmed to SMBC on various occasions that the air quality assessment has identified no significant adverse effects as a result of the operation of the Scheme.</p> <p>In paragraph 6.9.9 within Chapter 6 of the Environmental Statement [APP-051/Volume 6.1] the operational assessment (i.e. the opening year of the Scheme) identifies that receptor R16 (located near to the A45, between Clock Interchange and M42 Junction 6) will experience a decrease of 0.7µg/m³ of NO₂.</p> <p>Notwithstanding this, the Applicant will continue work with SMBC to further understand its obligations relating to Ministerial Directions on air quality compliance at links Census ID 86030 and 99175.</p>

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7.10: Noise and Vibration		
	<p>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.</p> <p>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.</p>	<p>The Applicant considers the Hours of Working, as set in Requirement 4 of the dDCO (Volume 3.1(a) to be appropriate and consistent with other Highways England schemes which have been consented. Furthermore, as confirmed to SMBC, the Applicant has taken into account these working hours as part of the environmental assessment.</p>
7.11: Contaminated Land		
		Section noted by the Applicant.
7.12: Drainage		
		Section noted by the Applicant.

Ref	SMBC LIR Comment	Highways England Response
7.13: Population and Health		
		Section noted by the Applicant.
7.14: Climate Change		
		Section noted by the Applicant.
7.15: Community and Council Cabinet Concerns		
		Section noted by the Applicant.
8: Conclusions		
		Section noted by the Applicant.