

M42 Junction 6 Development Consent Order Scheme Number TR010027

8.33 The Applicant's comments to written representations which were received at Deadline 1

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1 The Applicant's comments to written representations which were received at Deadline 1

- 1.1.1 The purpose of this document is to set out the Applicant's comments on the Written Representations (WR) from the interested parties.
- 1.1.2 The Applicant has sought to provide comments where it appeared to be helpful to the Examination to do so, for instance where a response includes a request for further information or clarification from the Applicant or where the Applicant consider that it would be appropriate for the Examining Authority (ExA) to have the Applicant's comments on a matter raised by an Interested Party in its written representation.
- 1.1.3 Where an issue raised within a response has been dealt with previously by the Applicant, a cross reference to that response or document is provided to avoid unnecessary duplication. The information provided in this document should, therefore, be read in conjunction with the material to which cross references are provided.
- 1.1.4 The Applicant has not provided comments on every written response made by an Interested Party. In some cases, no comments have been provided, for instance, because the response provided a short factual response, or because it reiterated previously expressed objections in principle to the scheme or expressions of opinion without supporting evidence.
- 1.1.5 For the avoidance of doubt, where the Applicant has chosen not to comment on matters raised by Interested Parties this is not an indication that the Applicant agrees with the point or comment raised or opinion expressed in that response.
- 1.1.6 The comments are set out in **Table 1-1** below.

Table 1-1 Applicant's Responses to the Written Representations (WR)

Reference Number	Heading
REP1-005	Applegreen plc
	<p>Applegreen plc Comment:</p> <p>As per para 6.7 of Advice Note 8.2, we confirm that we would like our Relevant Representation (RR) to stand. Having reviewed the other RRs, we are of the view that our RR continues to cover our points of interest and is not answered by any other RRs. Further, a number of the matters that we raise are now the subject of several relevant questions in ExQ1. On this basis we intend to make no further Written Representation at this juncture.</p>
	<p>The Applicant Response:</p> <p>N/A</p>
REP1-006	Bickenhill and Marston Green Parish Council
	<p>Bickenhill and Marston Green Parish Council Comment:</p> <p>On Tuesday 14th May Jonathan Pizzey, the project lead for Highways England gave an update on the scheme to local Parish Councils. An issue came up at the meeting that has raised real concern in the village of Bickenhill. At the presentation we were given details on the proposed site compound, and it became very apparent to local Parish Councillors that we had not been previously aware of the size, exact location and expected impact of it. We verified this with local villagers, businesses, The Haven Traveller site in Catherine-de-Barnes Lane and other Parish Councillors and everyone was shocked and surprised about this news, with many feeling, having re-read all documentation provided by Highways England and checked previous meeting notes that the village, local businesses and our local Church had not been reasonably informed about the compound and associated plans during the consultation process, and had only found out late in the day about this issue and its significance. In addition, we would like it noted that to date no detailed plan of the proposed compound has been provided by Highways England despite our requests.</p> <p>Our first, and major concern is with regards the location of the compound. We are profoundly unhappy about the</p>

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	<p>location of the main compound and would like it moved away from the village to a more suitable location. The north of Church Lane (the main road through the village) will be boxed in for 4 years, with resultant noise, visual, light and air pollution for up to 24 hours a day. Many residents' houses, businesses and our Church, build in 11th Century, with much of this area in a conservation area and Green Belt will be metres from the compound. We understand several options for the main compound have been considered between Highways England and SMBC and we would like to know where other locations were and why this one has been chosen.</p> <p>We understand that the area within the red line for the compound may not all be required. We would like the Examination to reduce the size of the red line to what is actually required, and as far away from the village as possible. We would also like to be involved directly in this process with Highways England so we can advise on the best boundary areas.</p> <p>We would like the village to be consulted on a mitigation plan to ensure that the following areas (but not limited to these areas) can be jointly agreed with the village and written into the DCO: -</p> <ul style="list-style-type: none"> Compound operation plan including working hours, visual, dust, light, noise and vibration management and all monitoring thereof. The plan should be based on the noise assessment from the planning application Traffic management for Bickenhill village, including movement and parking of Airport Taxi's away from the village A guarantee that the North end of St Peters Lane will not be shut off during works as the village road is not wide enough for regular 2-way traffic that this would create. A guarantee that construction vehicles will not use any of the village roads. <p>We would like to be advised in a timely manner on the process for applying for compensation for villagers and local businesses. We have been advised informally that this process will be difficult, and for local businesses none will be available. We feel sure that this cannot be the case given the potential damage the compound may have.</p> <p>Now that the village is aware of the full extent of what is being proposed with regards the compound there is very real disquiet, and even anger as many feel deliberately left out of the process by Highways England specifically to enable the compound to be placed in the easiest place for the applicant. This is a nationally important infrastructure project and Bickenhill village will be suffering to enable this. We trust that now the Planning Inspectors are aware of our concerns we will be treated openly and fairly.</p>

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	<p>The Applicant Response:</p> <p>At the time of undertaking the Environmental Impact Assessment of the Scheme, the design and layout of the main site compound was not fully defined by the Applicant.</p> <p>Notwithstanding this, the Environmental Impact Assessment was undertaken on a number of assumptions regarding the location and function of the main site compound, the details of which are presented in Chapter 3 of the Environmental Statement [APP-048/Volume 6.1].</p> <p>Following submission of the DCO application, further work has been undertaken by the Applicant to develop an indicative layout for the main site compound, based on the assumptions contained in Chapter 3 of the Environmental Statement [APP-048/Volume 6.1]. A plan illustrating this indicative layout is presented in Volume 8.31, submitted by the Applicant to the Examining Authority on 5 July.</p> <p>Four potential locations were identified for the main site compound, as described in paragraphs 4.4.75 to 4.4.79 within Chapter 4 of the Environmental Statement [APP-049/Volume 6.1]. Factors considered when selecting the location of the main site compound included considerations such as proximity to utility infrastructure, highway access and avoidance of the aerodrome safeguarding zone.</p> <p>The location of the main site compound on land to the south east of Clock Interchange was considered preferable to the other three options as this offered direct access from the A45 and sufficient space to provide a buffer between equipment and activities within the compound and nearby properties, whilst avoiding the aerodrome safeguarding zone.</p> <p>In relation to concerns regarding potential noise, visual, light and air pollution associated with the operation of the main construction compound, the Environmental Impact Assessment has given due regard to its presence and the type and duration of the typical activities that would be undertaken. The findings of these assessments are presented in:</p> <ul style="list-style-type: none"> • Air Quality – Chapter 6 of the Environmental Statement [APP-051/Volume 6.1]. • Noise and Vibration – Chapter 12 of the Environmental Statement [APP-057/Volume 6.1]. • Landscape – Chapter 8 of the Environmental Statement [APP-053/Volume 6.1]. • Heritage – Chapter 7 of the Environmental Statement [APP-052/Volume 6.1]. <p>A framework of measures to minimise and control potential environmental impacts associated with the operation of</p>

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	<p>the main site compound have been developed by the Applicant, details of which are presented within the Outline Environmental Management Plan [APP-172/Volume 6.11].</p> <p>At the ISH on the dDCO on 2 July the ExA has requested that by 12 August 2019 the Applicant provides further information on why the location of the main site compound was chosen, the alternatives considered and the mitigation that the Applicant will put in place to manage the environmental effects of activities carried out on it.</p>
REP1-008	<p>Cadent Gas Limited</p> <p>The Applicant Response:</p> <p>The Applicant is progressing the matters raised by Cadent Gas within both their Relevant Representation and Written Representation by means of a Statement of Common Ground and protective provisions.</p>
REP1-009	<p>Canal & River Trust</p> <p>Canal & River Trust Comment:</p> <p>Within Chapter of the ES the Canal is referred to as the 'Birmingham & Warwick Canal' though it should be noted it is the Grand Union Canal.</p> <p>The Trust have previously commented on the Preliminary Environmental Information Report (PEIR) and advised that as land owner / operator of the Grand Union Canal we would wish to see any potential impacts on the canal and its users fully identified and addressed within the final Environmental Statement (ES). This is addressed in further detail below.</p> <p>The submission acknowledges that there will be no surface water drainage to the canal due to the existing topography. The definition of a watercourse in the draft DCO includes reference to 'canal'. As there is no potential for SWD to a canal in this instance it would seem appropriate to remove 'canal' from the definition to ensure clarity.</p> <p>The Applicant Response:</p> <p>The Applicant concurs with the overarching statement made by the Canal & River Trust in their representation, that:</p> <p><i>"The canal is rural and verdant in character along this stretch, with a mix of mature planting that screens views out towards the surrounding countryside, and areas where the boundary treatment is much lower and allows wide</i></p>

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	<p><i>ranging views eastwards across the fields. Whilst there is traffic noise, this is very much at background levels that do not disturb. The M42 is generally well screened from view from the canal by tree belts.”</i></p> <p>With regards to the definition of Canal in the dDCO, please see Volume 8.39.</p> <p>Canal & River Trust Comment:</p> <p>Noise and air quality</p> <p>The canal has been considered as a sensitive receptor to noise though it does not appear to have been considered in relation to air quality impacts. Canal users are considered as ‘transient’ thought it should be noted that the canal are not simply places that people pass through. Noise disturbance / poor air quality can adversely impact on those utilising the waterway for the health and wellbeing benefits that they deliver, as well as those choosing to moor boats or fish for longer or more frequent periods of time. We note that at 12.9.49 in chapter 12 of the ES a section of the canal falls within the 600m calculation area and that there would be an increase in noise levels along the canal, which has been classed as not significant. We therefore ask that the Examining Authority consider the impacts of noise and air quality on the canal corridor and its users to establish whether any necessary mitigation is required so that they can be included in the DCO requirements. This is consistent with the principles set out in paragraph 5.186-5.200 of the National Policy Statement for National Networks (“the NPS”)</p> <p>The Applicant Response:</p> <p>Noise</p> <p>In relation to potential operational noise impacts from the Scheme on users of the Grand Union Canal, the noise and vibration assessment reported in Chapter 12 of the Environmental Statement [APP-057/Volume 6.1] concluded that:</p> <ul style="list-style-type: none"> • in the short term (i.e. the comparison of noise levels in the Do Minimum Year 2023 scenario against the Do Something Year 2023 scenario) that there would be a negligible decrease in noise levels, resulting in an effect that is not significant; and • in the long term (i.e. the comparison of noise levels in the Do Minimum Year 2023 scenario against the Do Something Year 2038 scenario) that there would be a negligible increase in noise levels, resulting in an effect that is not significant. <p>Based on these conclusions, there would be no requirement for noise mitigation measures for users of the Grand</p>

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	<p>Union Canal.</p> <p>Air Quality</p> <p>In relation to potential operational air quality impacts from the Scheme on users of the Grand Union Canal, a section of this falls within the air quality assessment study area, as illustrated on Figure 6.2 of the Environmental Statement [APP-080/Volume 6.2]. The extents of the study area are defined based on the extents of the affected road network.</p> <p>Within the air quality study area, the closest affected road link to the Grand Union Canal is Hampton Lane, located west of the B4102 Catherine-de-Barnes Lane roundabout. Although the air quality assessment did not specifically model the Grand Union Canal, the assessment considered the potential change in pollutant levels at receptors in proximity to the Grand Union Canal – the closest to the affected road link being R38, as illustrated on Figure 6.2 of the Environmental Statement [APP-080/Volume 6.2].</p> <p>The findings of the air quality assessment modelling of R38 are presented in Appendix 6.3 of the Environmental Statement [APP-122/Volume 6.3]. These confirmed that the predicted levels of NO₂ and PM₁₀ will be within the relevant limit values for these pollutants once the Scheme is operational in Year 2023.</p> <p>Canal & River Trust Comment:</p> <p>Visual Impact</p> <p>The ES does include an assessment of the Landscape and Visual Impacts from the canal through Viewpoint DD (found at figure 8.2 sheet 4 of 31) was subsequently scoped out as no views towards the scheme would be available to users of the canal. This is because the location of Viewpoint DD is where the canal is in a cutting at the northern end of Catherine-de-Barnes. Within the 'Zone of Theoretical Visiv' (Figure 8.6) there are sections of the canal to the south of Hampton Lane which are not within a cutting and where views towards the scheme will be available across arable fields that slope away from the canal towards the order limits. We consider that further viewpoints from along this stretch would benefit the understanding of the potential impacts of the proposed works on users within the canal corridor and ask that further assessment be undertaken to this effect. This would demonstrate any requirements for screening to protect the outward views from the towpath and waterspace.</p> <p>It is noted that the submission includes proposed landscaping adjacent to the junction works. We therefore consider that this natural screening is of importance to protect the views from the canal corridor and ask that these be delivered as early on an possible in order that they grow to provide an appropriate level of screening as soon as</p>

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	<p data-bbox="398 300 1921 335">possible, for both visual and noise protection, to minimise the visual impacts of the proposal on canal users.</p> <p data-bbox="398 370 788 405">The Applicant Response:</p> <p data-bbox="398 421 613 456">Visual Impact</p> <p data-bbox="398 475 2056 584">Zones of Theoretical Visibility (ZTV) were prepared to inform the visual assessment reported in Chapter 8 of the Environmental Statement [APP-053/Volume 6.1], the extents of which are illustrated on Figure 8.5 and 8.6 within the Environmental Statement [APP-092/Volume 6.2; APP-093/Volume 6.2].</p> <p data-bbox="398 603 2042 711">The ZTVs are indicative of potential visual impact, and the extents of these were surveyed in the field in March 2018 to confirm the likely visibility of the Scheme. Receptor DD was identified through these surveys as a location representative of the outlook afforded to users of the Grand Union Canal.</p> <p data-bbox="398 730 2024 839">The field surveys confirmed that no views towards the Scheme would be available to users of the canal from Receptor DD, and accordingly this was scoped out of further consideration in the assessment on the basis of there being limited potential for visual impact.</p> <p data-bbox="398 858 2029 999">Following receipt of the Canal and River Trust written representation, further photographic surveys have been undertaken in June 2019 along the section of the Grand Union Canal south of Hampton Lane to record potential visibility from different locations along this section of the canal towards the existing M42 corridor. A record of these photographs and an accompanying location plan is presented in Appendix A.</p> <p data-bbox="398 1018 2033 1158">Although the surveys identified a gradual fall in the land from the south of Hampton Lane towards the M42 corridor which permits some views of road signage through gaps in existing vegetation, the photographic record demonstrates that views from this section of the canal are generally limited due to the presence of intervening trees and hedgerows in adjacent fields.</p> <p data-bbox="398 1177 2038 1362">As the proposed works south of the proposed M42 Junction 5A would involve limited works beyond modification to road signage within the highway boundary, the surveys have concluded that there would be negligible change in the existing outlook afforded to users of the Grand Union Canal south of Hampton Lane during the construction and operational phases of the Scheme. Accordingly, no further assessment of the visual impact of the Scheme from the Grand Union Canal is considered necessary.</p>

Reference Number	Heading
	<p>Canal & River Trust Comment:</p> <p>Water quality</p> <p>Should the drainage proposals for the proposed development alter, we ask that we be notified in order that we can consider further any potential impacts on the water quality of the canal network</p> <hr/> <p>The Applicant Response:</p> <p>Water Quality</p> <p>In relation to water quality, the requests of the Canal & River Trust are noted.</p> <hr/> <p>Canal & River Trust Comment:</p> <p>Construction traffic routes</p> <p>Our historic canal network includes several bridges that carry roads over the canal in the area around the order limits. Many of these are heritage assets, and some have weight limits attached to protect them from heavy traffic impacts. The trust is keen to ensure that no damage is caused to any of its bridges by construction traffic resulting from this proposal. We are yet to identify any detailed information concerning construction traffic routes and therefore seek either assurances through further information or protection in the DCO documentation to prevent any inappropriate use or damage to our structures.</p> <p>We consider that these points all fall within the remit of the DCO and accord with the provisions of the NPS.</p> <hr/> <p>The Applicant Response:</p> <p>Construction Traffic Routes</p> <p>Requirement 10 of the dDCO, as updated 15 July 2019, [Volume 3.1(a)], requires a Traffic Management Plan to be prepared prior to the start of construction. The concerns of the Canals & Rivers Trust relating to weight restrictions on weak bridges are noted and the Applicant can confirm that construction traffic routes will avoid routes with bridges that have weight restrictions unsuitable for construction traffic.</p>

Reference Number	Heading
REP1-010	<p data-bbox="398 316 1070 347">Catherine-de-Barnes Residents Association</p> <p data-bbox="398 384 1236 416">Catherine-de-Barnes Residents Association Comment:</p> <p data-bbox="398 440 2051 691">This project is being promoted under the heading of 'M42 Jct 6 improvement'. A new link road enabling traffic from the M42 to exit the M42 earlier (through the mechanism of a new motorway junction) allegedly relieving the movements at Jct6. What is envisaged is a new motorway junction, a new dual carriageway which connects with the local road network. This design has the potential for significantly increasing the level of traffic on the local road network impacting the local villages of Bickenhill, Catherine-de-Barnes. these villages are already vulnerable to increasing traffic levels when the M42 is heavily congested or blocked. It's a one way improvement in that only traffic to the south can make use of it.</p> <p data-bbox="398 715 2051 820">The project is within the Green Belt and situated within the ' Meriden Gap' both of which are areas to be protected in the Solihull local Plan. The project sits on the edge of Hampton in Arden Conservation Area and significantly negatively impacts this asset.</p> <p data-bbox="398 844 1908 911">We quote extracts from CPRE's letter dated 26th January 2017 to the M42jct 6 project team concerning an alternative option/s north of junction 6.</p> <p data-bbox="497 935 1924 1002"><i>CPRE(as we do) supports a new Junction north of Junction 6, or an elongated Junction 6 extending northwards, and opposes any new junction on connections to the motorway south of junction.</i></p> <p data-bbox="497 1026 2040 1058"><i>The consultation booklet shows four other alternatives (called Themes) listed as 'considered and discounted'.</i></p> <p data-bbox="497 1082 2018 1187"><i>Two of these involve more link roads south of A45, and one would make Junction 6 a 'freeflow' junction with 4/5 levels. Themes 1 and 2 would be as damaging to the Green Belt as Options 1 and 2, if not more so. Theme 4 looks very costly and may be impracticable.</i></p> <p data-bbox="497 1211 2051 1345"><i>The fourth proposal however proposes a new junction north of and linked to junction next to the NEC and parallel with the planned HS2 station. This plan (Theme 5) offers a solution that meets both UK Central / HS2's needs and protects the Green Belt south of the A45. It is however not offered as an Option in the public questionnaire so support for it cannot be expressed by completing that.</i></p> <p data-bbox="497 1369 2007 1436"><i>Highways England advised at local exhibitions that UK Central submitted to it a proposal for a new junction north of Junction 6. The 'Theme 5' Northern Junction is based on that. The booklet says it is 'within budget'</i></p>

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	<p><i>but is discounted for two main reasons: because it would 'clash with HS2 structures', and would be too close to M42 Junction 7.</i></p> <p><i>The HS2 bridges have not been designed in detail or committed and their final design can incorporate width for the link roads for the Northern Junction.</i></p> <p><i>On junction spacing, the standard minimum spacing between motorway junctions is 2000 metres 'weaving length'. The spacing (if the 'Theme 5 plan' is put on an OS map) is 1500 m northbound, 1600 m southbound. Comparison with spacing of a number of junctions on M6 and M40 shows a shorter spacing, with two junctions on M6 in the West Midlands (J.8 to J.9 and J.9 to J.10) being 1700 m apart. Other spacings are even less such as 1200m and 1500m on M40 south of Warwick (J.14 to J.15). Thus there are some close spacings now in the West Midlands</i></p> <p>We believe the text in red is particularly relevant as it would appear to be promoted by UK Central, a future planned development now known as 'Arden Cross' and the reasons given by HE for not taking the option forward seem to be quite puzzling. The final designs for the HS2 infrastructure, we believe, had not been formulated. The fact that reduced distance between junctions was being put forward as a reason, when in fact they accepted similar 'Deviation from Standards' when making their response to Planning Application 2015/51409 (MSA at Catherine-de-Barnes) where northern slips are required, which under normal circumstances, have failed to conform with the weaving distances required by their Standards.</p> <p>The Applicant Response:</p> <p>The Applicant completed a range of assessments as part of the Application and therefore refers to the Catherine-de-Barnes Residents Association (CdBRA) to the following relevant parts of the submission:</p> <p>The Applicant refers the CdBRA to the Transport Assessment Report [APP-174/Volume 7.2].</p> <p>The Applicant has considered the impact that the Scheme will have on the Green Belt in the Planning Statement [APP-173/Volume 7.1], paragraphs 5.3.56 to 5.3.61. The applicant considers that the benefits that the Scheme would bring represent very special circumstances that would justify the harm to the open character of the Green Belt.</p> <p>As set out in Chapter 7 of the Environmental Statement, the Hampton in Arden Conservation Area was assessed by the Applicant and reported in Table 7.7, page 38, which predicated a minor impact [APP-052/Volume 6.1]. The Applicant refers the CdBRA to this document for further details.</p>

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	<p>The Applicant considered a range of options during the Options Appraisal Stage of the Scheme's development. These options were, as noted above, categorised into a number of 'themes' which were subsequently assessed to determine the options to present during consultation events with the wider public in 2017. The Applicant published the results of this holistic review within the Technical Appraisal Report, which is available on Highways England's website using the link provided below:</p> <p>https://highwaysengland.citizenspace.com/he/m42-junction-6-improvement/supporting_documents/Technical%20Appraisal%20Report_web.pdf</p> <p>The northern junction options were ultimately discounted due to the following issues:</p> <ul style="list-style-type: none"> • The Northern Junction would have a direct impact on the Coleshill and Bannerly SSSI • the Northern Junction would provide little benefit in terms of removing traffic from the junction 6 circulatory. <p>Weaving distances were a factor that was considered during the siting of the proposed Junction 5A, with its position approximately equidistant between Junctions 5 and 6. The siting of the junction would result in the following weaving distances:</p> <ul style="list-style-type: none"> • M42 Junction 5 northbound to Junction 5A – Approximately 1.9km • M42 Junction 5A southbound to Junction 5 – Approximately 2.4km <p>When compared to the Northern Junction option that was assessed and recorded in the Technical Appraisal Report, a southern junction option closer aligns to the required weaving distance of 2km, with only one departure for Junction 5 to 5A required.</p> <p>The Application does not include north facing slip roads.</p>

Reference Number	Heading
REP1-011	Church Farm Accommodation
	<p>Church Farm Accommodation Comment:</p> <p>As we are under compulsory acquisition (Plot 3/72), we feel it important to discuss the justifications for acquiring the land as the small area required will have a minimal advantage to the proposed scheme, but will have a significant impact on my personal situation and also impact the businesses I run from the property.</p>
	<p>The Applicant Response:</p> <p>Plot 3/72 would be acquired as part of the Scheme to facilitate the construction of the proposed access track to the underground water storage tank associated with Work No. 35, as illustrated on the Works Plans (Sheet 3 of 7) [APP-007/Volume 2.3]. Following construction of the Scheme, grassland and scrub measures would be established within Plot 3/72 to mitigate the loss of existing habitats.</p>
	<p>Church Farm Accommodation Comment:</p> <p>Compulsory purchase of land will move an established field boundary (established trees and hedgerow), this will need to be replaced with something identical to ensure our views are not deteriorated and a secure field boundary is created for our horses.</p> <p>Tenancy over an adjoining field is in place and compulsory purchase will impact the boundary on this field (land owned by Jacqui Melbourn). This field is used for grazing the horses stabled within the livery yard and any alteration to the boundary will need to be a secure boundary for the horses grazing there (see previous point relating to our field).</p>
<p>The Applicant Response:</p> <p>A secure boundary will be reinstated following any compulsory acquisition. Where appropriate, replanting will be undertaken in accordance with the proposed landscaping scheme [APP-090/Volume 6.2] as approved under Requirement 5.</p>	

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	<p>Church Farm Accommodation Comment:</p> <p>We will need to be notified well in advance (6 months minimum) of works which may affect the business and the access into the village. As we have directions on our website these will need to be updated as soon as possible once diversions are put in place</p> <p>The Applicant Response:</p> <p>A liaison team member for the appointed contractor on site will provide updates to local residents and business owners during the construction period.</p> <p>Church Farm Accommodation Comment:</p> <p>Due to compulsory land purchase, the loss of grazing could result in reducing the number of livery horses we can take, and the current liveries are also considering relocating due to the expected disruption. Is there a route to negate this loss of business if it happens?</p> <p>The Applicant Response:</p> <p>If the compulsory acquisition of Mr and Ms Burton's land interest gives rise to compensatable losses, this will be assessed in line with the compensation code.</p> <p>Church Farm Accommodation Comment:</p> <p>We request inclusion of safe bridle paths to allow access from Bickenhill to the surrounding villages/area. There are a huge number of horses in Bickenhill and we have been virtually cut off because of the increase in traffic along the Catherine-de-Barnes Road.</p> <p>The Applicant Response:</p> <p>The proposed scheme will reduce traffic using Catherine-de-Barnes Lane. The Applicant would be happy to discuss with Mr and Ms Burton and the local highways authority if there are any opportunities for new bridleways.</p>

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	<p>Church Farm Accommodation Comment: Access to Bickenhill during the construction phase – clear signage required to ensure our guests have no problems finding or leaving us – Signs from the main roundabouts of M42 and A45 to Bickenhill will be required.</p> <p>The Applicant Response: Clear signage will be provided as part of the Construction Traffic Management Plan.</p> <p>Church Farm Accommodation Comment: Currently there are 2 school busses which collect and drop-off within the village of Bickenhill. Safe access for these services will need to be maintained at all times throughout the construction as there are a number of children that use this service.</p> <p>The Applicant Response: It is expected that bus accesses will be maintained during construction.</p> <p>Church Farm Accommodation Comment: Our house and rooms will be overlooking the compound/construction site/final road and will experience higher noise levels during and post construction – is there compensation available to implement noise reduction initiatives (such as replacement windows, etc.) prior to the work commencing? If the noise levels start to impact our guest reviews and we are forced to act at short notice (such as closing off rooms or reducing rates), how will we be compensated for this?</p> <p>The Applicant Response: In relation to construction noise impacts from the main site compound on the village of Bickenhill, the noise and vibration assessment reported in Chapter 12 of the Environmental Statement [APP-057/Volume 6.1] assessed three representative receptor locations along and in proximity to Church Lane. These receptors were: C7 Farm Cottage; C10 Bridge House; and C14 The Bungalow. As a result of the construction noise assessment, the contractor will be required to undertake assessments to demonstrate noise and vibration compliance during the construction period,</p>

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	<p>the findings of which will confirm the need for, and the final height and locations of, any barriers. With the implementation of best practice measures and the use of barriers, where identified, throughout the construction phase, noise impacts would be minimised at sensitive receptor locations.</p> <p>Noise impacts can potentially give rise to a compensation claim. Compensation claims will be assessed in line with the compensation code.</p> <p>Church Farm Accommodation Comment:</p> <p>My 6-year-old daughter has a pony which we ride in the arena close to the boundary where the road is being built. I am concerned that the proximity of the compound will unsettle the horse and make riding unsafe.</p> <p>The Applicant Response:</p> <p>A plan showing an indicative proposal for the main compound and office for the scheme is presented in document 8.31, submitted by the Applicant to the Examining Authority on 5 July. This shows that the southern portion of the compound area, closest to the properties on Church Lane, is likely to be used for quieter activities, such as topsoil stockpiles.</p> <p>Church Farm Accommodation Comment:</p> <p>We also need confirmation that any costs incurred by nominating a land agent to handle the compulsory purchase will be covered by Highways England.</p> <p>The Applicant Response:</p> <p>Reasonable professional fees incurred in connection with compulsory acquisition can be compensated.</p> <p>Church Farm Accommodation Comment:</p> <p>It is essential that we are contacted once a schedule of work is created and the construction company has been appointed so that we can be consulted in relation to the access and noise. This will allow us to minimise the impact as much as possible on our businesses. The work scheduled may also result in periods when we are forced to close to remove the chances of receiving bad reviews (e.g. when the bridge pilings are put in place), and we are expecting to be compensated for these periods.</p>

Reference Number	Heading
	<p>The Applicant Response:</p> <p>A liaison team member for the appointed contractor on site will provide updates to local residents and business owners during the construction period.</p>
REP1-014	<p>Environment Agency</p> <p>Environment Agency Comment:</p> <p>Flood Risk</p> <p>The majority of the Scheme is to be located within Flood Zone 1, with some parts to the north of M42 Junction 6 located within Flood Zones 2 and 3 in the locality of Hollywell Brook (a Main River). Hydraulic modelling has been undertaken to accurately establish the flood plain in the critical 100 year plus 50% for climate change flood event. This has confirmed that floodflows do not come out bank at this location, and as such the proposals lie within low risk Flood Zone 1. In light of this no flood compensation is required. In light of the above, the Environment Agency have no comments to make on Appendix 14.4 Flood Risk Assessment and Figure 14.2 Flood Zones dated January 2019.</p> <p>We do however recommend that the hydraulic model undertaken for the Hollywell Brook is submitted to the Environment Agency as an Evidence Review Request post development to update our flood zones and improve the data held for this area on flood risk.</p> <p>We note that the report makes reference to constructing outfalls and extending culverts, amongst other works affecting rivers. As referenced with 6.1 - Environmental statement (ES) Chapter 14 - Road Drainage and the Water Environment paras 14.2.14-15 these works are likely to require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Holywell Brook and Shadow Brook designated a 'Main Rivers', its flood plain or from the outside edge of it where it lies in culvert. Some activities are also now excluded or exempt. This legislation has not been disapplied within the DCO and as such is required to be consented by the Environment Agency prior to construction.</p> <p>Further details and guidance are available on the GOV.UK website: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</p> <p>Solihull Metropolitan Borough Council as the Lead Local Flood Authority should provide comment on aspects of the</p>

Reference Number	Heading
	<p>scheme relating to flood risk from surface water sources</p> <p>Pollution Prevention</p> <p>Appendix 14.1 Preliminary WFD Assessment considers the impact of the proposals on all receiving surface and groundwater bodies including the River Blythe, a designated Site of Special Scientific Interest (SSSI). This waterbody is not meeting “Good” ecological status as required under the Water Framework Directive (WFD) and as detailed in the EIA.</p> <p>A drainage strategy proposes road runoff being discharged to various surrounding drainage ditches and small watercourses. The drainage system is based on sustainable drainage principles (SuDS) which should provide adequate treatment of any pollutants in surface runoff. The treatment includes the use of filter drains, wetlands, swales and ditches.</p> <p>Activities at the site both during and after construction must not cause a pollution which includes polluting emissions to air, land or water resulting from actions by the developer or by its sub-contractors. As part of the mitigation measures all works should be carried out in accordance with the mitigation measures set out in report 6.11 Outline Environment Management Plan which includes a Water Environment Plan.</p> <p>Any discharges to surface water of contaminated runoff would be controlled by a permit from the Environment Agency under the Environmental Permitting Regulations.</p> <p>Pollution prevention guidance is available on our website.</p> <p>https://www.gov.uk/guidance/pollution-prevention-for-businesses</p> <p>Land Contamination</p> <p>Appendix 6.3 - Environmental Statement Appendix 10.1 Ground Investigation Report assesses that the risk posed by the development to contamination to Controlled Waters, including the underlying Secondary A and B aquifers, surface waters such as the Holywell Brook and Shadow Brook and the Bickenhill Meadows SSSI and River Blythe SSSI. The risk is assessed to be low, however further sampling and monitoring will be undertaken which will supplement this assessment.</p>

Reference Number	Heading
	<p>The Applicant Response:</p> <p>A copy of the Hollywell Brook hydraulic model developed to inform the Environmental Impact Assessment of the Scheme will be provided to the Environment Agency.</p> <p>In relation to the commitment to undertaking further sampling and monitoring, the Applicant can confirm that the final round of this will be completed in July 2019. These will be used to verify the conclusions of the controlled waters risk assessment presented in Appendix 10.1 of the Environmental Statement [APP-147/Volume 6.3].</p>
REP1-016	<p>National Exhibition Centre Limited</p> <p>The Applicant Response:</p> <p>The Applicant notes that the National Exhibition Centre's Written Representation and shall continue to liaise with the NEC and shall be seeking to progress these matters by means of a Statement of Common Ground, and in an appropriate agreement.</p>
REP1-017	<p>National Grid plc</p> <p>The Applicant Response:</p> <p>The Applicant is progressing the matters raised by National Grid within the Relevant Representation by means of a Statement of Common Ground and protective provisions.</p>
REP1-018 (summary) and REP1-019	<p>Natural England</p> <p>Natural England Comment:</p> <p>6.0 Issues not for consideration in these Written Representations</p> <p>6.1.1. Natural England can confirm also those themes and issues within our remit where no concerns exist at this time. These are as follows:</p> <p>European Sites</p> <p>6.1.2 Natural England has reviewed the Habitat Regulations Assessment – 'No Significant Effects Report' submitted</p>

Reference Number	Heading
	<p>as part of the DCO and has concluded there is no potential for Likely Significant Effects (LSE) or 'Adverse Effects' on the Integrity of any European Sites. This was confirmed within our section 42 response (see Annex D, page 3 for further information).</p> <p>Other Sites of Special Scientific Interest (SSSI)</p> <p>6.1.3 Natural England considered likely impact upon relevant SSSI's as part of the section 42 review (Annex D, page 4). We concluded at the time that impacts on Coleshill and Bannerley Pools SSSI was unlikely.</p> <p>6.1.4 At this time, we also considered impacts upon The River Blythe SSSI also unlikely. However, we have since reconsidered as there may construction impacts and operational impacts associated with altered water quality. We welcome the mitigation measures provides in the ES Chapter 14 – relating to road drainage and the water environment and recommend securing via condition. We will not discuss these further here.</p> <p>Likely Air Quality Impact upon Protected Sites</p> <p>6.1.5 Natural England confirms that it has considered the DCO application in respect of likely impact upon the SSSI's in the vicinity of the development site. This was an issue we raised with the applicants consultants at a recent meeting (14 March 2019) although this has not been minuted (Annexes C1 and C2).</p> <p>6.1.6 Natural England raised this issue as a result of the change to 'the Habitats Regulations' in 2017/18 affecting assessment of projects likely to generate road traffic emissions to air which are capable of affecting European Sites. This change had been prompted by the 'the Wealden Judgment 2017'.</p> <p>6.1.7 In June 2018 we published the following document 'Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001)' for the express purpose of helping competent authorities to better understand Natural England's own approach when applying the Habitats Regulations to these matters in its role as statutory adviser. Whilst developed for European Site assessment, we make it clear that the assessment approach outlined in the document also applies to sites of national protection.</p> <p>6.1.8 We can confirm that we have since reviewed the air emissions data contained within the Environmental Statement (ES) (specifically paragraphs 9.9.131 to 9.9.144 of the biodiversity chapter) and whilst the ES makes no specific reference to our guidance we welcome the approach taken. Their assessment has focused on whether these sites are sensitive to nitrogen, whether they currently exceed their critical loads, and how much additional NOx will be deposited due to the road construction, expressed as a % of the site's critical loads. Inclusion of this evidence and</p>

Reference Number	Heading
	<p>approach is consistent with our guidance.</p> <p>6.1.9 The ES concludes there will be no significant effect on any national site from increased air emissions. The need for further air quality cumulative consideration need, therefore, not be taken forward, and given these results and we accept no further consideration in this regard.</p> <p>European Protected Species</p> <p>6.1.10 Natural England confirms that protected species issues do not form part of these Written Representations. A summary of our reasoning is provided below.</p> <p>6.1.11 On 30 October 2018, Natural England received three draft mitigation licence applications, in relation to bats, great crested newts and otters (reference numbers EPS.CWM/BA/000111, EPS.CWM/GC/000111 and SPMWLM/BA/000111). Following assessment of these draft applications, on 16 November 2018, Natural England confirmed that, on the basis of the information provided, it sees no impediment to licences being issued, should the decision be made to 'make' the DCO.</p> <p>6.1.12 Should the DCO be 'made' then the mitigation licence applications must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works (e.g. due to ecological requirements of the species concerned) must be made and agreed with Natural England before a licence is granted.</p> <p>7.0 Natural England's concerns and advice</p> <p>7.1 The Principal Issues</p> <p>7.1.1 Natural England identified the following principal issues in its Relevant Representations which were submitted to the Planning Inspectorate on 28 April 2019 (Annex A). These are:</p> <ul style="list-style-type: none"> a. Likely adverse impacts to Bickenhill Meadows SSSI b. The need for further compensation improvements associated with the loss of Ancient Woodland <p>7.1.2 Natural England has also questioned the applicants in respect of its proposed quantity and quality of environmental enhancements associated with the scheme. (Annex A, paragraph 1.6, bullet 3). Given the scale of the scheme and recent Government Biodiversity Net Gain mandate we would expect the applicants to demonstrate a clear commitment to Net Gain as part of these proposals. We feel there is more that could, and should, be done to</p>

Reference Number	Heading
	<p>offset the long term and permanent impacts and losses of the proposed development for the benefit of the local community, people and wildlife. There is no doubt that the road itself will create further severance of habitat in the area, in perpetuity.</p> <p>7.1.3 Since submission of the DCO application, the issues set out above have been subject to further discussions between Natural England, the Warwickshire Wildlife Trust (WWT), the Woodland Trust (TWT) and the applicant. Further site investigations and development of the scheme has, therefore, progressed. These will be outlined in detail within the Statement of Common Ground (SGC) which is, we understand, is currently in development and being led by the applicant's environmental consultants.</p> <p>7.1.4 The principal issues will be outlined in detail below along with any updates on the progress or resolution of issues.</p> <p>7.2 Likely adverse impacts to Bickenhill Meadows SSSI</p> <p>Hydrological Impacts associated with DCO application</p> <p>7.2.1 Bickenhill Meadows SSSI comprises of two separate units (NW Unit and SE Unit) located either side of the proposed link road. The SSSI includes areas of wet woodland and wet meadows that support a range of plants and other species. The cutting and associated works are also in close proximity to streams that flow through both SSSI units, which may be impacted during the construction and operation phases. Natural England is concerned that the proposed DCO would result in likely adverse impacts to the SE unit and adjacent nature reserve which is also a wet meadow habitat, reliant on a particular water supply to maintain the vegetation assemblage for which the site is designated. (See Annexes F1 and F2).</p> <p>Hydrological Mitigation embedded in the DCO application</p> <p>7.2.2 In accordance with best practice, the Scheme's design should follow the mitigation hierarchy. Natural England is informed by the applicant that the potential to alter the horizontal or vertical alignment of the road any further is limited in that it has already moved as far east as possible to avoid impact upon the NW SSSI Unit. We accept, therefore, that approaches now need to focus upon options for mitigation and compensation.</p> <p>7.2.3 In respect of the SW SSSI Unit – Natural England is concerned that the proposed DCO mitigation to retain water supply to this grassland relies on a heavily engineered solution which we do not consider sustainable. Specifically, the applicants have proposed an emerging design that focuses on maintaining the existing hydrological regime of the SSSI, including the placement of an impermeable barrier within the cutting to the east and installation</p>

Reference Number	Heading
	<p>of a pumping system to infiltration system design. Whilst Natural England accepts that the proposed pumping solution is likely to be effective, it would require assurances that the infrastructure would be financed, maintained and monitored by Highways England into the future. Natural England would also require this system to be in place ahead of any development likely to impact upon the SSSI hydrology. Therefore, a phased approach would be required in order to ensure that there would be no harm to the SSSI. Natural England would not accept proposals which only implemented mitigation after the site had been impacted.</p> <p>7.2.4 Crucially, however, Natural England has stressed the importance of investigating of an alternative solution which is more innovative, passive, and maintains ecological processes, as a matter of priority. The proposed heavily engineered solution outlined above is an ‘end of pipe’ solution which, whilst would likely ensure the site was not damaged, cannot adequately replace a naturally functioning ecosystem. The proposed solution relies heavily on continued human intervention to ensure effectiveness. We would strongly encourage the applicants to, instead, design a solution which is able to safeguard the Site’s features via more passive adaptation of the natural hydrological processes informed by further monitoring.</p> <p>The Applicant Response:</p> <p><i>The Applicant has responded to points within the Sections/paragraphs as detailed below. Where Sections/paragraphs within the written representation from Natural England have not been set out, the Applicant has considered that the Section/paragraph does not contain a matter to be discussed further.</i></p> <p>Responses to matters raised in Section 7.2.1 to 7.2.4</p> <p>The Applicant has developed a passive solution to mitigate the effects on the SSSI, as requested by Natural England. A revised SSSI Technical Note v9.1 [Volume 6.3 - Appendix 14.2(a)] has now been shared with Natural England and submitted as part of Deadline 3. This shows a passive alternative mitigation solution which can be delivered as part of the DCO scheme. The Applicant will continue to discuss these matters with Natural England.</p> <p>Natural England Comment:</p> <p>Ground Investigations in the DCO</p> <p>7.2.5 Natural England’s advice has informed the ground investigation, monitoring, design and assessment work undertaken to date regarding Bickenhill Meadows SSSI. This work has been undertaken in order to better understand the underlying geology, hydrogeology, the potential for the scheme to affect groundwater flows / levels</p>

Reference Number	Heading
	<p>and to establish whether the SSSI's grassland communities at critical times are more sensitive to groundwater levels or rainfall.</p> <p>7.2.6 From the findings submitted in the DCO we accept that the scheme is unlikely to impact upon the special features of the NW Unit. However, a catchment loss of 21% was identified for the SE Unit.</p> <p>7.2.7 Natural England has queried whether the proposed baseline monitoring thus far is sufficient to fully understand how the hydrology of the how the site operates, given natural variability including 2018'2 exceptionally dry summer. We understand that the dip well monitoring will continue throughout examination of the DCO which is likely to provide us with 4 months of further evidence.</p> <p>7.2.8 As it DCO evidence stands, the potential for effects on groundwater flows and the SSSI grassland communities has yet to be fully determined. We are aware, however, that the applicants have developed a series of 'precautionary mitigation' options focused on the avoidance and reduction of impact, consistent with the mitigation hierarchy. These are further discussed below at paragraphs 7.2.10 – 7.2.20.</p> <p>Concluding Statement - hydrological impacts in the DCO</p> <p>7.2.9 In summary, Natural England confirms that based on the information provided in the DCO, the proposed development is likely to adversely impact upon Bickenhill Meadows SSSI SE Unit. We welcome the commitment to undertake further groundwater monitoring and further hydrological investigations as necessary. The applicants are currently considering mitigation through use of either a heavily engineered solution or a more passive solution which we would prefer. We are content that the agreed monitoring and continuing dialogue around mitigation will bring to bear an appropriate solution, however, we suggest that a heavily engineered solution should be seen as a last resort.</p>
	<p>The Applicant Response:</p> <p>Responses to matters raised in Section 7.2.5 to 7.2.9</p> <p>Regarding ground investigations in the DCO, further dipwell monitoring and modelling has been carried out to re-evaluate the potential loss of catchment at the SE SSSI Unit. This now predicts that, without mitigation, a 3.6% loss of catchment would occur as a result of the Scheme, as reported in Appendix 14.2(a). This volume is now significantly less than the 21% previously identified and reported within Appendix 14.2 of the Environmental Statement [APP-157/Volume 6.3].</p>

Reference Number	Heading
	<p>Natural England Comment:</p> <p>Further scheme development post DCO submission</p> <p>7.2.10 Natural England welcomes the further work the applicants have been undertaking since submission of the DCO in respect of presenting an improved solution to the SSSI mitigation, in response to our concerns.</p> <p>7.2.11 On 14 March 2019, Natural England met with the applicants, their environmental consultant team and Warwickshire Wildlife Trust to discuss this further work and potential scheme alterations. The minutes of this meeting are provided at Annexes C1 and C2. At this meeting, the applicants provided an update to the hydrological monitoring since the DCO submission and a subsequent update to the hydrological conceptual model.</p> <p>7.2.12 Natural England accepts the following statements made by the applicants:</p> <ul style="list-style-type: none"> • That the results of the dip well monitoring so far suggest that the SSSI is rainwater fed. • That the development will inevitably lead to a loss of the catchment to the SW SSSI Unit, however, that the 'significance' of this loss is yet to be determined. (The initial conclusions of the micro drainage exercise undertaken indicate that the 'likely' loss of overall catchment as contained within the DCO Scheme [c.21%] are now expected to be more in the region of a 2% catchment loss. This is a broad range of figures which are yet to be further evidenced and the 'significance' of the figure determined. Natural England has requested that the level of tolerance of the 2% figure be shared with NE along with the assumptions of the micro drainage exercise so that we can have further confidence in any revised mitigation scheme for the SSSI.); and • That the central ditch (SW SSSI Unit) does not play an important role in the recharge process. <p>7.2.13 The applicants then tabled 5 Options ('A-E') as potential solutions, including examples of both pumped and passive, and outlined merits and disbenefits of each. Natural England welcomed these efforts and, specifically, took 'Options A-C' forward for further consideration. These were further discussed and 'Option C' identified as the preferred option for both Natural England and The Warwickshire Wildlife Trust (WWT). This is provided at Annex H.</p> <p>7.2.14 Option C' is a passive system which seeks to draw water from the Catherine-de-Barnes Road (B4438). The piping / drainage provisions cross WWT land where current drainage does not currently exist.</p> <p>7.2.15 Whilst, in principle, supportive of Option C going forward, Natural England and WWT seek further confirmation from the applicants in respect of:</p>

Reference Number	Heading
	<ul style="list-style-type: none"> • Further evidence demonstrating whether or not the water drawn from the Catherine-de-Barnes Road (B4438) would need treating before entering the SSSI unit; • Further evidence determining the 'significance' of the catchment loss to the SSSI SW Unit; • More clearly defining the potential impacts upon WWT land to understand implications of land ownership and access requirements; • More clearly defining what prior provision will be made in the event, once operational, then passive solution indicated that insufficient water was being fed into the SSSI Unit. The applicants agreed to consider the installation of 'ghost infrastructure' for this purpose. <p>7.2.16 These above were requested at the meeting and are still awaited.</p> <p>The Applicant Response:</p> <p>Responses to matters raised in Section 7.2.14 to 7.2.16</p> <p>The Applicant can confirm that the water collected from B4438 Catherine-de-Barnes Lane would not require treatment prior to entering the SE SSSI Unit.</p> <p>The Applicant refers Natural England to [Volume 6.3 - Appendix 14.2(a)] which details the passive mitigation solution and explains the significance of the revised catchment loss in relation to the SE SSSI Unit.</p> <p>Based on the implementation of the passive mitigation solution, the potential impacts on land owned by WWT would focus on the installation of a swale to enable water collected from both the identified road/footway recharge area on the realigned Catherine-de-Barnes Lane and the Green recharge area between the realigned Catherine-de-Barnes Lane and the new mainline link road to be directed towards the SE SSSI Unit.</p> <p>The locations of the swale and the recharge areas are illustrated in Annex H: SE SSSI Unit Gravity Mitigation Solution within [Volume 6.3 - Appendix 14.2(a)].</p> <p>The Applicant will discuss any impacts on land ownership and access arising from the Scheme, including matters arising from mitigation proposals within [Volume 6.3 - Appendix 14.2(a)] with WWT.</p> <p>The Applicant is continuing to consider the installation of infrastructure that may be required in the unlikely event that insufficient water is fed into the SE SSSI Unit. The Applicant will continue to engage with Natural England to</p>

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	<p>determine what, if any, pumped solution in the dDCO is required to be implemented.</p> <p>Natural England Comment:</p> <p>Habitat Enhancement and Biodiversity Net Gain</p> <p>7.2.17 Natural England is disappointed that the application currently fails to deliver on Net Gain in accordance with the aspirations of the Defra 25YEP.</p> <p>7.2.18 Natural England would encourage further work to explore the potential for further habitat enhancement features helping to offset, in part, the segregating nature of the new road infrastructure.</p> <p>7.2.19 Importantly, Natural England notes the SE Unit of Bickenhill Meadows SSSI is owned by Warwickshire Wildlife Trust (in addition to a designated Local Wildlife Site to the south of the Unit), and is surrounded by Shadowbrook Meadows Local Nature Reserve (LNR). We advise ongoing dialogue with the Warwickshire Wildlife Trust and the local authority in respect of potential impacts and delivery of a project wide mitigation and compensation package.</p> <p>7.2.20 We would also welcome an understanding as to how the NW Unit management and immediately adjacent habitat enhancement area will align with the objectives and management of the adjacent management agreement with Birmingham Airport, ensuring landscape-scale connections and continuity. This in accordance with NPSNN paragraphs 5.23 and Solihull Local Plan Policy P10.</p> <p>The Applicant Response:</p> <p>Responses to matters raised in Section 7.2.17 to 7.2.20</p> <p>In relation to habitat enhancement and biodiversity net gain, the views of Natural England are noted.</p> <p>The Applicant can confirm that land owned by Warwickshire Wildlife Trust should be referred to as Shadowbrook Meadows Nature Reserve, as is not a statutorily designated Local Nature Reserve (as referred to in Paragraph 7.2.19 of Natural England's representation).</p> <p>Figure 8.8 within Volume 2 of the Environmental Statement [APP-095/Volume 6.2] illustrates the land parcels within the Scheme's Order Limits that have been identified for biodiversity offsetting measures, which constitute non-essential mitigation. These land parcels will be used to deliver ecological improvements focused on bringing existing habitats into more favourable management, and are additional to other land parcels identified within the Order Limits</p>

Reference Number	Heading
	<p>for the delivery of essential mitigation, compensation and enhancement measures.</p> <p>The Applicant refers Natural England to the minutes of the meeting dated 14 March 2019 contained within Part II Annexes of their written representation [REP1-019]. These confirm the Applicant's desire to achieve a net gain across the Scheme. Accordingly, the delivery of these non-essential ecological improvements is being sought through the provisions of the DCO where possible, and/or via third party agreements with landowners.</p> <p>The minutes also record the constraints associated with the aerodrome safeguarding zone; these are specific to the Scheme and restrict the form and location of mitigation, compensation and enhancement measures, including those areas identified for biodiversity offsetting, that can be implemented across large areas of the Scheme to contribute to achieving the aspirational target of net gain.</p> <p>An interim Biodiversity Net Gain calculation is currently being prepared by the Applicant to demonstrate how the Scheme has taken advantage of opportunities to conserve biodiversity conservation interests, in accordance with the requirements of the National Policy Statement for National Networks. This interim calculation will be submitted to the examination once available, and will be subject to further refinement depending on the ability to secure the land identified for biodiversity offsetting measures, and to reflect any Scheme design changes arising during the examination.</p> <p>Additionally, the Applicant is preparing an Outline Biodiversity Management Plan (BMP), the content of which will provide a framework for how the environmental measures associated with the Scheme will be managed in the future to ensure their successful development and achievement of their intended functions. The preparation of the Outline BMP is taking account of existing management and conservation commitments/agreements currently in place on land surrounding the Scheme.</p> <p>The Applicant commits to continue dialogue with Natural England and Warwickshire Wildlife Trust in relation to the delivery of the package of mitigation and compensation measures identified for the Scheme.</p>
	<p>Natural England Comment:</p> <p>7.3 Ancient Woodland Concerns</p> <p>Likely Impact upon Ancient Woodland as a result of the DCO proposals</p> <p>7.3.1 Aspburys Copse is the only ancient woodland shown on the Ancient Woodland Inventory (AWI) where loss, as well as direct impacts, will definitely occur. The construction of two new slip roads to service the new motorway</p>

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	<p>junction 5A, will bisect both halves of Aspbury's Copse. This will result in direct loss of this irreplaceable habitat, and severe disturbance.</p> <p>7.3.2 The development will incur direct adverse impacts such as habitat loss, disturbance to soils and hydrology as well as likely impacts of noise, vibration, light and air pollution, species disturbance and restriction of movement. The slip road construction will cause further fragmentation of this already fragmented woodland habitat, impacting upon ecosystem and wider ecological network functioning.</p> <p>7.3.3 Natural England notes that a number of the Scheme revisions have been made in order to help minimise the extent of permanent land take required from within Aspbury's Copse. These include realignment of the J5A slip roads and reduction in span of Solihull Road overbridge. These measures are welcomed by Natural England and are in accordance with the mitigation hierarchy.</p> <p>7.3.4 Additionally, Natural England has already confirmed that the 'highly disturbed area' within Aspbury's Copse, created when the M42 was constructed, no longer constitutes ancient woodland and has been removed from the Ancient Woodland Inventory. Natural England provided the digital data for this to the applicant's consultants on 19 September 2018. Based on this digital data and the most recent Scheme, Natural England calculates a loss of ancient woodland to both parcels (0.06ha from the eastern parcel, to a total of 1.05ha) and a greater 0.27ha loss from the western parcel to 1.22ha). The total reduction in classified ancient woodland, from this removal of 'highly disturbed land', is 0.33ha. We understand this digital data will help further inform detailed design work going forward. This information is shown in the plan featured at Annex I.</p> <p>7.3.5 Natural England recognises another ancient woodland in the vicinity – Barbers Coppice, which may incur impacts such as noise, light and air pollution both during construction and operation. We would welcome efforts to reduce potential impact directly and indirectly (see Annex J).</p> <p>Cumulative impacts associated with the motorway including the Motorway Service Area proposal</p> <p>7.3.6 The impacts of the scheme are likely to be compounded by a separate proposal for a new motorway service area. Natural England advises the need to take into account cumulative impacts in this respect.</p> <p>7.3.7 Cumulative impacts over time, particularly of ancient woodland loss and severance caused by the M42 as a whole, including its construction, should also be considered when determining impacts and compensation.</p>

Reference Number	Heading
	<p>Response:</p> <p>Response to matters raised in Section 7.3.1 to 7.3.2</p> <p>The assessment undertaken within Chapter 9 of the Environmental Statement [APP-054/Volume 6.1] identifies the direct impacts of the Scheme Aspbury's Copse ancient woodland.</p> <p>The construction of the south facing slip roads to M42 Junction 5A would disturb the edge of the ancient woodland. The Applicant, however, considers that this would not cause any further severance or fragmentation of the resources within the two parcels beyond that already occurring due to the presence of the existing M42.</p> <p>Habitat Loss</p> <p>In relation to habitat loss, Chapter 9 of the Environmental Statement concludes that the loss of 0.46 ha of ancient woodland would result in a moderate adverse effect. To compensate for the loss of this irreplaceable habitat as acknowledged within para 9.9.40 of Chapter 9 [APP-054/Volume 6.1], an area of approximately 1.9 ha has been delineated to receive translocated soils and for compensation planting of native woodland.</p> <p>In relation to the 'loss' of 0.33 ha ancient woodland that is referred to in Paragraph 7.3.4 of Natural England's representation, the Applicant wishes to clarify that this is not a habitat loss resulting from the Scheme.</p> <p>Rather this represents the area of de-designated ancient woodland. This information formed part of the baseline of the assessment and is therefore included within the biodiversity assessment.</p> <p>Disturbance of soils and hydrology</p> <p>The assessment within Chapter 9 of the Environmental Statement (paragraphs 9.9.40 to 9.9.43 and 9.9.128 to 9.9.129) [APP-054/Volume 6.1], identifies the disturbance of soils associated with the impacts to Aspbury's Copse, including the associated localised loss to fungi and lichens. This loss following the implementation of the translocation of soils to the compensation planting site is considered to be a negligible adverse impact.</p> <p>The impact of altered hydrology is considered in Chapter 9 of the Environmental Statement (paragraphs 9.9.58) [APP-054/Volume 6.1], and concludes that following implementation of mitigation detailed in the OEMP [APP-172/Volume 6.11] there will be negligible effect upon all non-statutory sites (including Aspbury's Copse pLWS).</p> <p>Paragraph 9.9.151 of Chapter 9 Biodiversity [APP-054/Volume 6.1], states the impact of traffic-related spray during operation is considered to be limited to areas closest to the carriageway. As the woodland lies up-slope from the</p>

Reference Number	Heading
	<p>road surface it is considered that road spray would not affect Aspbury's Copse.</p> <p>Noise, lighting</p> <p>Within the woodland habitats the key receptors to alterations of noise and light are considered to be bats and birds. The impact to these species are also considered in paragraphs 9.9.88 & 9.9.163 for bats and 9.9.99 for birds.</p> <p>In relation to operational noise from traffic, the Noise and Vibration assessment reported in Chapter 12 of the Environmental Statement [APP-057/Volume 6.1] identified that there would be increases and decreases in noise at both the eastern and western parcels of Aspbury's Copse. Figures 12.4 and 12.5 within the Environmental Statement [APP-104/Volume 6.2; APP-105/Volume 6.2] illustrate the predicted noise levels across both parcels of Aspbury's Copse in both the short term (i.e. the comparison of noise levels in the Do Minimum Year 2023 scenario against the Do Something Year 2023 scenario) and long term (i.e. the comparison of noise levels in the Do Minimum Year 2023 scenario against the Do Something Year 2038 scenario) assessment scenarios. Both assessment scenarios have recorded that the increases or decreases would not be greater than 3dB. This alteration in noise levels, which is below the equivalent of 'a pin dropping'¹, is considered to be so small as to be imperceptible to all local wildlife.</p> <p>Therefore, there is considered to be no impact upon any habitats or fauna as a result of altered noise levels from the Scheme, which is consistent with the assessment provided in Chapter 9 for bats and birds (paragraphs 9.9.88 & 9.9.99).</p> <p>In relation to light pollution paragraph 9.9.164 [APP-054/Volume 6.1], considers bats, which are likely to be the most sensitive receptor, and concludes that the magnitude of impact from increased light levels will be limited because it is sited at locations where artificial lighting is already present. The standard mitigation measures to limit light-spill onto sensitive habitats (Paragraph 9.8.41) will further reduce any impact. Therefore, as stated in paragraph 9.9.164 the impact of altered lighting is considered to result in a neutral effect.</p> <p>Species disturbance and restriction of movement</p> <p>The assessment of likely significant effects presented in Chapter 9 provides a full consideration of the potential impacts of disturbance (habitat degradation) and fragmentation upon fauna as a result of the Scheme, and no further consideration is required.</p>

¹ Noise Help [2019] Noise Level Chart [online] [Available at: <https://www.noisehelp.com/noise-level-chart.html>]

Reference Number	Heading
	<p>Barber's Coppice</p> <p>In response to 7.3.5, the Applicant can confirm there will be no direct loss of habitat from the ancient woodland of Barber's Coppice during construction of the Scheme.</p> <p>The potential for indirect impacts upon Barber's Coppice, as a result of noise, light and altered air quality will be mitigated through the measures that are already detailed in the OEMP [APP-172/Volume 6.11]. The Environmental Statement considers the indirect impacts of habitat degradation in the context of this mitigation during both the construction (paragraphs 9.9.54, 9.9.55, 9.9.58) and operation (9.9.150 & 9.9.151) phase. In relation to air quality, impacts have been quantified for the operation at receptor locations along the B4102 Solihull Road and Hampton Lane up to 200m from the Scheme carriageway. There is no predicted change in nitrogen dioxide or PM₁₀ concentrations at these locations closer to the Scheme. Similarly consideration of accidental habitat damage, dust, hydrology and spray from traffic has demonstrated no significant adverse effects.</p> <p>As at the ancient woodland of Aspbury's Copse, the key receptors within Barber's Coppice that are likely to be affected by altered levels of light and noise are bats and birds. The impact to these species are also considered in paragraphs 9.9.88 & 9.9.163 for bats and 9.9.99 for birds. As detailed in the Chapter it is relevant that the impact of altered noise levels will be reduced by the road being in cutting (paragraph 9.8.11) and that the magnitude of impact from increased light levels will be limited because it is sited at locations where artificial lighting is already present (paragraph 9.9.164). The effects upon these fauna at all locations, including within Barber's Coppice, are therefore not significant.</p> <p>Overall there will be no significant adverse effects to this woodland or its associated fauna as a result of the Scheme.</p> <p>With regards to cumulative effect, Chapter 16: Assessment of Cumulative Effects within the Environmental Statement has considered the cumulative effects of the Scheme and MSA. Within this assessment the Applicant has based this assessment on the methodology as defined within Appendix 16.1 [APP-161/Volume 6.3].</p>
	<p>Natural England Comment:</p> <p>The proposed DCO compensation of Ancient Woodland</p> <p>7.3.8 The proposed compensation package for the loss of and damage to ancient woodland at Aspbury's Copse is the creation of woodland by planting on a site immediately south of the eastern half of the wood, where translocated ancient woodland topsoil will be spread. The proposed compensation ratio is 3:1. Natural England deems this</p>

Reference Number	Heading
	<p>compensation ratio too low for an irreplaceable habitat (See paragraphs 7.3.11 – 7.3.16 below). It is of note that whilst irreplaceable habitats are not covered by the emerging Defra's Biodiversity Metric 2018 suggested evidenced compensatory area ratios for the most technically difficult 'replaceable' habitats are of the order of 24:1 (See Annex K – 'Updating the Defra Biodiversity Metric').</p> <p>7.3.9 NPPF Paragraph 175 requires '<i>development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists</i>'.</p> <p>7.3.10 Since the 2018 revision of the NPPF there is growing evidence that developments are being refused partly or wholly on the basis of loss and damage to ancient woodland; however, evidence around the application of the revised NPPF for compensation is currently lacking.</p> <p>Natural England's position in respect to what constitutes appropriate compensation</p> <p>7.3.11 Compensation needs to be considered on a scheme by scheme basis, exploring all opportunities where unavoidable irreplaceable habitat loss is to occur. The level of compensation should reflect the amount (area) and nature of the irreplaceable habitat loss. Cumulative losses of ancient woodland should be considered when determining appropriate compensation.</p> <p>7.3.12 Ancient woodland is deemed irreplaceable largely because of the time taken to reach the target community being more than 100 years and beyond the scope of scheme proposals. New planting, even on ancient woodland soils, will take long periods to develop the species and structural diversity of the target community. This time lag must be taken into account when considering compensation ratios, increasing compensation area to allow for the fact that the condition of the compensatory habitat will be sub-optimal for the duration of the scheme.</p> <p>7.3.13 Natural England welcomes the location of the proposed compensation area adjacent to the southern boundary of the eastern half of Aspbury's Copse. However, this is a single compensation measure affecting a single location for compensatory habitat. The ancient woodland itself is already severed by the existing M42, and this further loss will impact upon both halves of the woodland yet compensatory benefits are only provided on one side of the motorway. This does not, in our view, provide adequate compensation in terms of habitat buffering and functional connectivity to the wider ecological network. Moreover, whilst Natural England recommends maximizing connections to the wider ecological network, such as via hedgerow linkages, compensatory areas are best located in functional blocks rather than in linear strips.</p>

Reference Number	Heading
	<p>7.3.14 In addition to the proposed compensation area, Natural England encourages the applicant to seek further opportunities to enhance Aspbury's Copse and the ecological networks in the wider area by buffering, extending and linking woodland and trees, e.g. by new woodland planting and hedgerow creation and restoration. The current condition and management of ancient woodland in the area should be considered when designing the compensation package, including measures to ensure positive management of Aspbury's Copse and nearby Barber's Coppice. We understand that both Aspbury's Copse and Barber's Coppice are narrowly located outside Birmingham Airport's aerodrome safeguarding zone and hence opportunities for further planting may apply. Hence, long term management plans should be drawn up for Aspbury's Copse, including the compensatory planting area, and any other ancient woodlands to be managed as part of an improved compensation package. In particular, as ancient woodland losses will occur in both halves of the Aspbury's Copse woodland it would be useful to explore further woodland creation contiguous with the western half of the wood. This could further extend and buffer Aspbury's Copse. Furthermore, additional woodland creation north of Aspbury's Copse would buffer the woodland from potential impacts of the proposed new motorway service junction. Natural England advises that opportunities to enhance the diversity of additional created woodland, such as by ground flora species introductions, should be explored.</p> <p>The Applicant Response:</p> <p>In response to Natural England's position in respect to what constitutes appropriate compensation_</p> <p>The Applicant agrees with Paragraph 7.3.11 of Natural England's representation: the approach to the compensation of irreplaceable habitats should be considered on a scheme by scheme basis, with reference to the quality and extent of habitat impacted. Guidance for the use of offsetting metrics clearly states that it should not be applied for irreplaceable habitats, such as ancient woodland, and so deriving generic ratios for habitat replacement from the biodiversity metric is therefore considered inappropriate.</p> <p>The Applicant cannot see where Natural England has used Annex K – 'Updating the Defra Biodiversity Metric to derive its proposed compensation ratio of 24:1. The Applicant would welcome clarity on this matter.</p> <p>With regards to 7.3.11 the Applicant has proposed a compensation planting area that is for the loss of the ancient woodland directly attributable to the Scheme. Cumulative losses on ancient woodland from impacts outwith the Scheme have not been factored into the compensation planting calculations.</p> <p>In response to 7.3.13 the Applicant has considered the option of creating an area of new woodland contiguous with</p>

Reference Number	Heading
	<p>the western half of Aspbury's Copse; however, this area of land is currently subject to a live (undetermined) planning application for a proposed motorway service area. Even though the Applicant is not treating the MSA as a committed development, it was concluded that the creation of woodland in this location would not be the most suitable location for ensuring the establishment and longevity of new woodland planting (including any translocated soils) to compensate for the effects associated with loss of ancient woodland resource within Aspbury's Copse.</p> <p>The Applicant has sought to maximise connections to the wider ecological network by means of planting approximately 12 km of new hedgerow, 3.89 ha of woodland and woodland edge planting, 2.11 ha of shrub with intermittent tree planting and 0.4 ha of shrub planting within the Order Limits as part of the wider biodiversity mitigation measures as presented on Figure 8.8, Volume 2 [APP-095/Volume 6.2] and listed within Chapter 8 Landscape and Visual paragraph 8.9.15 [APP-053/Volume 6.1].</p> <p>The proposed compensation area has an irregular 'form', with a block to the north and linear feature to the south. As part of an ecological network, individual blocks of habitat may be more resilient because, amongst other factors, they have reduced 'edge effects'. This refers to the fact that edges are often less stable environments and which, when compared to the central areas of habitat, may be subject to environmental change. The block area is large enough to receive the translocated soils and, when located centrally in this area, is also considered sufficient to protect the soils and associated flora and fauna from likely edge effects as the woodland matures. As detailed in the UK Government's Lawton report, in addition to 'blocks' (or core areas) a coherent and resilient ecological network comprise other features, including linear corridors. Linear habitats, such as those that are part of the current form of the proposed compensation area, therefore have a role contributing to the function of the network as a whole. On balance, although it is accepted that the linear feature will not develop as core woodland, it is considered to contribute to this woodlands function as part of an ecological network and therefore an appropriate part of the proposed compensatory measures.</p> <p>Regarding 7.3.14 the Applicant has sought to maximise woodland planting to the north of Aspbury's Copse around the proposed Junction 5A. This currently totals approximately 3.89 ha (as shown on Figure 8.8 [APP-095/Volume 6.2]). Whilst not defined as compensation planting associated with the loss of ancient woodland, its proximity to Aspbury's Copse (separated by the existing B4102 Solihull Road) is reasonable to assume would serve to buffer and protect the ancient woodland habitats of Aspbury's Copse.</p> <p>The Applicant can confirm an outline Biodiversity Management Plan which includes the management of compensation planting area will be developed to assist with establishing and managing the planted trees and ground</p>

Reference Number	Heading
	<p>habitats (including soils, flora and fauna and lichen and fungi) to maximise the success of the compensation planting area.</p> <p>Natural England Comment:</p> <p>Soil translocation methodology</p> <p>7.3.16 Natural England advises that the evidence base for the success, or otherwise, of translocation of ancient woodland soils, is lacking, however, we feel it is preferable to retain this important component of the ecosystem, as close to the donor site as possible, as is proposed.</p> <p>7.3.17 Natural England has no objections to the proposed soil translocation methodology, the allocated area of soil translocation or the allocated area for contiguous replanting proposed, as detailed in the associated Technical Note to the environmental statement, provided that the soil types are suitable. However, we would urge that methods to translocate an intact soil profile and field layer are further explored. Such techniques are widely used in grassland translocation, and whilst we recognise the additional difficulties that woodland soils represent, we think that taking this type of approach where practicable will be beneficial.</p> <p>7.3.18 We advise the completion of a soil survey at the receiver site, because evidence shows that translocations have only been successful where the receiver site soil types have been matched to the donor site. If the soil types do not match, an alternative site (preferably close to another ancient woodland) should be sought. We understand such a survey was planned for October 2018 although we are uncertain we have had sight of the full results. We further advise long term monitoring of the translocated site; with data being made publicly available to allow its incorporation into the evidence base for ancient woodland soil translocation. If additional compensatory planting were provided, the opportunity for a control site in a soil translocation experiment arises - Natural England encourages exploration of this opportunity.</p> <p>The Applicant Response:</p> <p>Soil translocation methodology</p> <p>In response to 7.3.16 and 7.3.17, as per Natural England's comment, the Applicant will explore opportunities to translocate an intact soil profile and field layer and commits to sharing the findings of the soils translocation process with Natural England. The Applicant is currently undertaking soil surveys for the Scheme. The receptor site for soil translocation is located immediately south of the ancient woodland of Aspbury's Copse pLWS and it is considered</p>

Reference Number	Heading
	<p>unlikely that the soil types would be incompatible due to their proximity.</p> <p>Natural England Comment: Fungi and Lichen Surveys</p> <p>7.3.19 In order to fully assess the impacts on fungi and lichen, relevant surveys will need to be carried out regularly. A refresh of the 2015 Survey was expected September 2018 but these do not form part of the DCO and Natural England cannot find evidence of their position from the March 2019 meeting draft notes (Annex C1 and C2). When this information is available Natural England could provide further advice.</p> <p>The Applicant Response: Fungi and Lichen Surveys</p> <p>The Lichen and Fungi Surveys within Aspbury's Copse have and will be undertaken respectively in June 2019 and September 2019 due to seasonal constraints and optimum survey windows. These are proposed to be submitted on or before Deadline 4 and 6 respectively.</p> <p>Natural England Comment: Conclusion on Ancient Woodland</p> <p>7.3.20 In summary, Natural England confirms that, based on the information provided to date, the proposed development will result in direct loss to Aspbury's Copse Ancient Woodland. This does not accord with the objectives of the NPSNN, NPPF 2018 Paragraph 175, aspirations of the Defra 25 YEP, Solihull Local Plan Policy P10 or Natural England's Standing Advice which collectively seek to protect and enhance this precious and irreplaceable asset for all.</p> <p>7.3.21 We understand from the applicant's environmental consultants that the location of the new junction cannot be moved and, therefore, direct loss is unavoidable. Further scheme changes are seeking to mitigate loss and compensation in the form of soil translocation and compensatory planting is proposed. Should your authority determine that the DCO proceed despite the impact upon ancient woodland, further evidence and detailed dialogue is required in order to ensure the loss of this irreplaceable habitat is more appropriately compensated.</p>

Reference Number	Heading
	<p>7.4 Conclusions</p> <p><i>7.4.1 Bickenhill Meadows SSSI</i> - Natural England considers the existing mitigation scheme as contained in the DCO, deliverable but not ideal. Since the submission, the applicants have sought to further refine the mitigation scheme based on further hydrological monitoring evidence and a focus upon a more passive, naturalistic approach. This is welcomed by Natural England. In principle, we are supportive of the 'Option C' mitigation solution tabled at the 14 March meeting. However, this needs further refining with further evidence. The nature of, and reasoning for, this further evidence was agreed at the meeting yet is still awaited.</p> <p><i>7.4.2 Aspburys Copse Ancient Woodland</i> - Natural England welcomes the efforts by the applicants to modify scheme design which sought to directly reduce the loss and damage to ancient woodland. We also welcome the siting of compensatory measures adjacent to the eastern side of this important asset. However, policy dictates that ancient woodland is an 'irreplaceable habitat' which must be protected and conserved. The compensation package as provided in the DCO has seen no further progression since the submission, despite further discussions. We consider the existing package unacceptable on grounds of: low habitat compensation ratio; lack of compensatory planting for the western half of Aspbury's Copse; and poor connectivity of the compensatory area to the wider ecological network (hence limiting its long term functional performance). Furthermore, more detail is needed on long term management and monitoring.</p> <p><i>7.4.3 Biodiversity offsetting</i> – Natural England is disappointed that this significant scheme does not aspire to deliver in terms of Biodiversity Net Gain. We welcome use of the Defra Biodiversity Metric in helping measure losses and gains and hence, offset, individual losses. However, we consider this exercise potentially fails to account for the wider local impact caused by the introduction of this significant linear road feature itself, hence severing existing and potential Nature Recovery Networks in perpetuity. We would welcome further dialogue around this including the potential greening of Solihull overbridge which was once a consideration but regretfully did not feature in the DCO.</p> <p>The Applicant Response:</p> <p>Please see the Applicant's responses to the above summary points provided to REP2-018 and REP2-019.</p> <p>The Applicant confirms that it is happy to continue dialogue with Natural England about these matters.</p>

Reference Number	Heading
REP1-020	<p data-bbox="398 311 728 347">Open Spaces Society</p> <p data-bbox="398 383 896 419">Open Spaces Society Comment:</p> <p data-bbox="398 438 2049 582">The proposal in the Junction 6 Improvement scheme is to divert the route from the eastern overbridge of the Clock Interchange onto the Airport Way viaduct...this entails an awkward circuitous diversion of footpath M106 around the field edge. The route on Airport Way may be suitable for cycle use, but for pedestrians, it means extended exposure to traffic noise and fumes, as well as the negotiation of three major roundabouts.</p> <p data-bbox="398 598 2049 782">In total, the route would be lengthened by a kilometre, adding 15 minutes to the journey, with a considerable loss of amenity and convenience. No detailed analysis of the proposal has been offered by Highways England. As part of the scheme, a new bridge is proposed across the A45 at Church Lane. Its location is also shown on the map. It would link with the mixed-use route along the south side of the A45, which was improved as part of recent works to replace the rail overbridge.</p> <p data-bbox="398 798 2049 869">This is a welcome benefit for the local community and the National Motorcycle Museum, but is badly sited to address the severance of pedestrian routes to the west.</p> <p data-bbox="398 885 2049 1037">In the view of the OSS, use of the eastern overbridge of the Clock Interchange should be retained for pedestrians. The span is 14m wide, and it would appear there is unused space available to accommodate an extra lane for vehicle traffic, while keeping the path for non-motorised users. Alternatively, a dedicated bridge for walkers and cyclists could be added to the existing structure.</p> <p data-bbox="398 1053 2049 1125">Retaining the footway would avoid the laborious detour of the path around the field to the south of the Interchange. An improvement would be to divert the path onto a direct course across the field</p> <p data-bbox="398 1141 2049 1252">With the proposed widening of the eastbound on-slip to the A45 to three lanes, there is a need for one or two pedestrian refuges between the lanes. This would still be recommended if the three lanes were to be fitted within the current width.</p> <p data-bbox="398 1268 2049 1380">The proposal is to close 220m of public footpath M109, and to divert walkers some 170m along St Peters Lane, across the new overbridge, and then back south 195m on the proposed bridleway/ cycleway above, and to the west of, the new link road.</p> <p data-bbox="398 1396 1960 1436">Although the proposed diversion is less than ideal, the prolongation of the route by about 150m is probably not</p>

Reference Number	Heading
	<p>enough to justify provision of a footbridge.</p> <p>However, there is limited justification for the closure of the 110m segment between St Peters Lane and Catherine-de-Barnes Lane, which provides a useful short-cut between the two.</p> <p>M112 would cross both the link road itself and the southbound slip to the Bickenhill roundabout. The scheme proposes to close the path both sides of Catherine-de-Barnes Lane, all the way from St Peters Lane to the intersection with the new bridleway west of the link road, some 280m.</p> <p>Bearing in mind the other proposed closures, severance of M112 would have a serious impact on both local and longer distance pedestrian traffic, with a marked reduction in convenience and amenity. This would be counter to the stated objectives of enhancing connections and creating integrated and safe routes for non-motorised users.</p> <p>The proposed new link road cuts public footpath M113 between Catherine-de-Barnes Lane and the Warwickshire Gaelic Athletic Association site. The severance of this path would affect near-by residents, who would have to use tortuous routes to the north or south to access countryside to the west.</p> <p>Provision of a footbridge on M113 would be practicable, but there would be less need if connectivity were retained on the paths to the immediate north and south, M112 and M113A.</p> <p>Ideally, footbridges would be provided for all three footpaths severed by the new link road. However, given the potential cost, it's felt that providing a single bridge would be a reasonable compromise. The preferred location would be on the middle of the three paths, M112. M109 and M113, to the north and south, could be accessed by use of the proposed cycleway to the west of the new link road. These diversions are less than ideal, but probably acceptable in the circumstances.</p> <p>The segments of M109 and M112 between St Peters Lane and Catherine-de-Barnes Lane should be retained as useful short-cuts.</p> <p>Because the new proposed road is in a cutting, the foot overbridge on M112 would not require steps or ramps. However, it would have a total length of 120m, as it would cross both the new link road and the southbound slip road.</p> <p>In combination with the improvements proposed for M113A in section 4 below, the provision of a footbridge on footpath M112 would reduce the importance of keeping the short segment of public footpath M113 through the Warwickshire Gaelic Athletic Association field.</p> <p>The scheme proposes to provide an accommodation bridge, which would serve both the east-west path M122, and</p>

Reference Number	Heading
	<p>the north-south path M123.</p> <p>However, between the bridge over the new link road and Catherine-de-Barnes Lane, M122 would be displaced southwards to run above the cutting of the northbound onslip from the new Barber's Coppice roundabout. Walkers would have to negotiate the roundabout and use the Catherine-de-Barnes cycleway to reach the start of M113A westwards.</p> <p>The scheme would perpetuate the indirect routing of M113A down the side of the property Four Winds before turning northwards across the field.</p> <p>The two footpaths M113A and M122 provide the primary pedestrian route between Hampton-in-Arden and Castle Hills, and the scheme results in a significant loss of convenience and amenity. The route would be lengthened, with much of the extra distance exposed to vehicle noise and fumes and cycle traffic.</p> <p>With few viable routes across the new link road to the north, it's important to preserve the convenience and amenity of this southerly route.</p> <p>The access to the Birmingham Dogs' Home and other premises would provide a better start for M113A. This access is to be connected to the Barber's Coppice roundabout. The route could then go around the back of the property Four Winds in a direct line.</p> <p>The difficulties arising from the need to reconfigure the Warwickshire Gaelic Athletic Association site are understood. Only when this basic issue is resolved can the best future line for footpath M113A be determined.</p> <p>However, the alignment should be based on the principle of minimising the exposure of walkers to traffic, and seeking a relatively direct line between the Barber's Coppice roundabout and M113 north-westwards to Castle Hills.</p> <p>As part of the Junction 6 Improvement scheme, the OSS proposes there should be proper provision for pedestrians continuing from footpath M107 across the A45 dual- carriageway. This can be done fairly easily, as a short distance to the east of the footpath is a spiral road that takes traffic under the dual-carriageway. There is already a footway along part of the road.</p> <p>M107 could be extended for a total of 130m along a field edge, and then through a narrow wooded strip to reach the spiral road.</p> <p>About 150m of new paving would be needed on the inside of the curve to reach the existing footway under the A45.</p>

Reference Number	Heading
	<p data-bbox="398 300 1912 368">On the north side of the dual-carriageway, the footway and road join the Eastway, running into the National Exhibition Centre site.</p> <p data-bbox="398 405 792 491">The Applicant Response: Public Right of Way M106</p> <p data-bbox="398 512 2047 655">As noted, the M106 footway currently connects the existing Green Man Trail, Birmingham International Station and other facilities with the M106 footway located on the southern side of the A45 and connecting with Church Lane. The proposed Scheme offers two alternative routes to maintain connectivity across the A45 dual carriageway. Users of the footpath will be directed accordingly without incurring significant delays in their journey time.</p> <p data-bbox="398 676 2047 970">The Green Man Trail will be directed towards the Airport Way Connector road from the eastern roundabout on B4438 Bickenhill Lane towards the existing overbridge west of the Clock Interchange. Re-connection to Bickenhill will be provided via the proposed Catherine-de-Barnes Lane North overbridge. This route is a reduction in distance compared to the existing route via the eastern overbridge of Clock Interchange. The footway connecting with Birmingham International Station will be directed towards the new footway/cycleway overbridge crossing the A45 to the west of the Clock Interchange from the north-east quarter of the roundabout at Clock Interchange. This will offer a route that minimises pedestrian and local traffic interfaces and would be a safer route for more vulnerable road users compared to the existing footway provision over Clock Interchange.</p> <p data-bbox="398 991 2047 1059">Both routes explained above have been designed to reduce the interface with the high volume of traffic at the Clock Interchange.</p> <p data-bbox="398 1080 1375 1114">Clock Interchange and the proposed A45 Pedestrian Overbridge</p> <p data-bbox="398 1134 2047 1353">The location of the proposed footway/cycleway overbridge has been determined by ensuring the visual impact on the local environment is mitigated as far as practicable. The Applicant notes that the provision of an overbridge further west and closer to the Clock Interchange roundabout would require raising the profile of the bridge to provide sufficient headroom clearance for the rising slip road levels running beneath it and connecting with the roundabout at Clock Interchange. The increased profile of the new footway/cycleway overbridge at this point would have a greater visual impact on the local environment.</p> <p data-bbox="398 1374 2047 1437">Clock Interchange Eastern Overbridge in its current configuration is 14m wide, accommodating a 2 lane carriageway 9m wide, a 1.45m verge on the western edge and a 2.95m footpath on the eastern side. As part of the M42 Junction</p>

Reference Number	Heading
	<p>6 Improvement Scheme, Clock Interchange shall be modified to accommodate an extra lane in order to provide the required traffic capacity. These improvements shall be undertaken using space on the existing bridge deck. The existing space provided for the verge and footpath will be repurposed to accommodate the additional lane requirement.</p> <p>The proposed cross section for the Eastern Overbridge of Clock Interchange shall feature a 10.95m carriageway, a western verge of 1.45m and an eastern verge of 1.55m. In accordance with the Design Manual for Roads and Bridges TA90, The Geometric Design of Pedestrian, Cycle and Equestrian Routes, the acceptable minimum for pedestrian footways is 2m. Therefore the proposed cross section of Clock Interchange shall not meet the minimum requirements for the provision of a pedestrian footway.</p> <p>An overbridge between the two east facing slip roads would have a reduced visual impact on the local environment. However, this would require pedestrians and cyclists to navigate across the A45 eastbound on-slip and westbound off-slip leading to a greater interface between motor traffic and vulnerable road users. The increased risks associated with a forecast growth in motor traffic using these slip roads and its interface with pedestrians and cyclists cannot be balanced against the costs associated with installing a bridge within this location.</p> <p>Current access to the footway across the eastern overbridge of Clock Interchange from the south is via Public Right of Way M106. However due to the introduction of the mainline link road as part of the Scheme, there will be insufficient space available within the constraints of the Airport Way Connector Road Overbridge to provide a footway connection. Therefore, there shall be no direct means of accessing Clock Interchange from the south on foot.</p> <p>The layout of the proposed footway/cycleway overbridge as published in the dDCO crosses the A45 when it is at-grade level, ensuring the levels are broadly within the same limits as the overbridges at Clock Interchange.</p> <p>Furthermore, The Applicant has engaged with a number of key stakeholders, these include; The Ramblers, Cycling UK, Solihull Cycling Campaign representatives, Transport for West Midlands (TWFM), SMBC and a number of residents of Bickenhill Village, all of whom have expressed their favour of placing the overbridge at the current proposed location.</p> <p><u>Public Right of Way M109</u></p> <p>The Applicant notes the Open Spaces Societies acceptance of the proposed mitigation included as part of the Development Consent Order Application. In regards to the 110m segment between St Peters Lane and Catherine-</p>

Reference Number	Heading
	<p>de-Barnes Lane, The Applicant noted the Open Spaces Society's issues raised during the Further Consultation in relation to this matter and confirm that modifications were made at the point of the Application in order to maintain this section of M109. The Applicant refers the Open Spaces Society to the Streets, Rights of Way and Access plans which confirm that this section shall be maintained.</p> <p><u>Public Right of Way M112</u></p> <p>The Applicant has investigated the option of installing a footway crossing over the new mainline link road, broadly over the alignment of the existing M112 footway. There are however, constraints towards implementing this solution which has been highlighted in the Applicant's response to the Open Spaces Society's representations raised at Deadline 1 [REP2-004].</p> <p>Furthermore the Applicant noted the Open Spaces Society's issues raised during the Further Consultation to this matter and can confirm that the Applicant proposes to maintain the existing section of Public Right of Way M112 that shall pass between the realigned Catherine-de-Barnes Lane and St Peter's Lane.</p> <p>Public Right of Way M113</p> <p>The Applicant will not pursue an additional bridge broadly on the same footprint of the M112 footway due to the impact on the existing aerodrome safeguarding zone and associated costs of installing a bridge across a widened section of the new mainline link road. The proposed layout which includes diverting footways M109 and M112 via Catherine-de-Barnes North overbridge and M113 via Catherine-de-Barnes Lane South overbridge is sufficient to maintain connectivity from east to west of the footways affected by the construction of a new mainline dual carriageway link road.</p> <p>Public Right of Way M113A</p> <p>As part of the Scheme proposal, the existing footpath M113A will be stopped up between the connection to the existing Catherine-de-Barnes Lane and M113 Footway. Users of this footway will be directed north adjacent to the realigned Catherine-de-Barnes Lane on a shared footway and cycleway. The route will connect with the M113 footpath which runs east-west north of the existing WGAA facilities. The Scheme will result in a significant reduction of traffic using this section of realigned Catherine-de-Barnes Lane as it will only serve traffic going to Bickenhill Village and Clock Lane.</p> <p>Public Right of Way M122 and M123</p>

Reference Number	Heading
	<p>The Applicant is committed to maintaining connectivity of all footways that have been severed by the Scheme. Based on this and the notable vehicle movements in this area, a roundabout has been located near Birmingham Dogs Home to connect traffic from Birmingham Dogs Home and Catherine-de-Barnes to the Clock Interchange. The provision of this roundabout and construction of the on-slip to the mainline link road with safe geometric properties will sever the east-west connectivity of the M122 and M123 footways. To mitigate the impact on the adjacent footway routes and taking on board feedback received during the Statutory Consultation events, the Applicant has proposed a new shared use Accommodation Bridge crossing the dual carriageway link road to be located south of the on-slip connection with the dual carriageway link road in close proximity of the confluence point for M122 and M123 footways. The location of this shared use bridge has taken cognisance of the other infrastructure within the area which includes a new Catherine-de-Barnes Lane South Overbridge north of the slip road connection, the slip road connection and a new Barber's Coppice roundabout south-east of the Four Winds property. Taking into consideration these features, the proposed Accommodation Bridge would be the most appropriate location for a footway crossing to maintain connectivity. Use of the Accommodation Bridge will be limited to pedestrian and cycleway use and access for the adjacent landowner of which frequency of use will be limited.</p> <p>Public Right of Way M107</p> <p>The Applicant has investigated the Open Spaces Society's request, which would require Public Right of Way M107 being extended to the east, along the field edge, entailing a continuous footway through the strip of woodland on the perimeter of the Eastway loop, which would have the potential to remove a number of trees and vegetation all of which would have some environmental impact associated with the works.</p> <p>Furthermore, the Applicant has proposed, as part of the Application, to widen a section of the existing footway on the A45 Westbound diverge to the M42 Junction 6 Interchange. This is designed to enable cyclists to continue to use the footway rather than having to leave the footway and use the carriageway. These improvements, combined with the existing footway on the East Way loop, shall ensure that north south connectivity across the A45 is maintained</p> <p>With Public Right of Way M107 unaffected by the works, therefore on balance, it will be unjustifiable to provide a new footway link as an existing link is currently in place.</p> <p>Summary</p> <p>The Applicant is committed to maintaining connectivity of all NMU routes that have been severed by the Scheme. The Scheme has been designed to minimise the impact on the NMU routes by including provision for alternative</p>

Reference Number	Heading
	<p>routes (where required). These routes have been designed with the aim of keeping them as close to the existing route as possible.</p> <p>The Applicant has addressed the considerations noted above.</p> <p>The Applicant has engaged with a number of stakeholder groups who have an interest in preserving the connectivity of the footway and cycleway routes and on balance with environmental considerations, costs and engineering features, and is confident the provision of footway and cycleway routes presented in the dDCO meets the policy requirements for promoting non-motorised travel within the vicinity of the Scheme.</p>
REP1-023	<p>The Gooch Estate</p> <p>The Gooch Estate Comment:</p> <p>The Gooch Estate's position in relation to the MSA was set out in its Relevant Representation. In addition to this, the Gooch Estate has reviewed Extra's Relevant Representation and its letters dates 30 May 2019 and does not object to these.</p> <p>This written representation is supported by a Technical Note produced by Peter Brett Associates ("PBA"; Appendix 1). PBA has been commissioned to advise the Gooch Estate on transport and highway matters associated with the DCO, including the possible effects of the Scheme and associated impacts on the Gooch Estate's accesses.</p> <p>PBA's work identifies that the DCO lacks sufficient detail to understand its impact on the Gooch Estate's operations; that the proposed alternative access routes are insufficient for the farm operations on the Gooch Estate land (vehicles such as combines will be unable to use them) and that in the absence of operationally suitable alternative access routes, there is uncertainty as to how the farming operations across all of the Gooch Estate's Land can continue during and after construction of the Scheme.</p> <p>The Non-Technical Summary to the Environmental Statement confirms that "construction of the Scheme would result in likely significant adverse effects on agricultural land due to the loss of good quality agricultural land" (paragraph 13.3.3(a) [TR010027/APP/6.4]).</p> <p>The Gooch Estate expects the loss of land (both permanent and temporary) to be kept to a minimum with clear justification for any interference with its land including for the extent of the land take.</p>

Reference Number	Heading
	<p>Environmental mitigation – permanent acquisition of plots 2/3 and 3/4a</p> <p>Extensive areas of land are to be acquired permanently to provide "environmental mitigation" (see General Arrangement plans Sheets 2 and 3 of 7). The Environmental Masterplan (Figure 8.8 Sheet 2 of 3) forming part of the Environmental Statement proposes to designate plots 2/3v and 3/4a as "retained woodland habitat", "mitigation (proposed grassland and scrub)" and to provide a bat box as an enhancement. The environmental objective of the retained woodland habitat is stated to be nature conservation and biodiversity.</p> <p>The Gooch Estate is concerned about the extent of the Remaining Land proposed to be acquired for "environmental mitigation" generally, and is particularly concerned about the extent of the land in plots 2/3v and 3/4a to be taken for this purpose. The total landscaping of this area is excessive and no justification for the extent of the permanent land acquisition has been provided.</p> <p>The Gooch Estate's position is that the land earmarked for environmental mitigation should not be permanently acquired. If this land needs to be maintained in perpetuity to offset the environmental effects of the development, it should remain in the Gooch Estate's ownership with an agreement to secure future maintenance including a financial contribution to the Gooch Estate to fund that maintenance. This arrangement could be secured through the Handover Environmental Management Plan. Access to the land will also need to be provided for its future maintenance and management and this is not shown in any of the application documents.</p> <p>The Applicant Response:</p> <p>The Applicant notes the Gooch Estate's Written Representation and has prepared the following details to provide further clarification.</p> <p>Environmental mitigation – permanent acquisition of plots 2/3v and 3/4a</p> <p>Land within plots 2/3v and 3/4a is required to both accommodate the engineering components of the Scheme and to deliver the measures identified as being necessary to mitigate its environmental effects on ecological habitats, landscape character, landscape features and the visual environment. Highways England refer the Gooch Estate to Figure 8.8 within Volume 2 of the Environmental Statement [APP-095/Volume 6.2] which presents the Environmental Masterplan for the Scheme and illustrates the form and function of the environmental mitigation measures associated with plots 2/3v and 3/4a. The environmental measures proposed within plots 2/3v and 3/4a comprise retained woodland habitat, grassland, hedgerows and scrub. Plot 2/3v is also proposed to accommodate enhancement measures for protected species. The principal functions of these measures are to: visually screen</p>

Reference Number	Heading
	<p>components of the Scheme in existing views; integrate elements of the Scheme into the receiving landscape pattern; mitigate effects associated with grassland and scrub habitat lost elsewhere on the Scheme; and to secure nature conservation and enhancement benefits.</p> <p>The need for these measures has been demonstrated through the findings of the environmental impact assessment process, as reported within the Landscape assessment presented in Chapter 7 of Volume 1 of the Environmental Statement [APP-052/Volume 6.1], and the Biodiversity assessment presented in Chapter 8 of Volume 1 of the Environmental Statement [APP-053/Volume 6.1]. Highways England is prepared to discuss future land ownership matters with the Gooch Estate at upcoming meetings.</p> <p>The Gooch Estate Comment: Environmental mitigation - temporary access use of plots 2/22 and 2/3h Temporary use of plots 2/22 and 2/3h is proposed to access land associated with the provision of environmental mitigation. Since HE seeks to acquire temporary possession of 2/3r and 2/3d, it is unclear why access to the environmental mitigation cannot be gained from these plots. The temporary use of 2/22 and 2/3h is excessive, unjustified and should be removed from the CPO.</p> <p>The Applicant Response: Environmental mitigation - temporary access use of plots 2/22 and 2/3h In reference to 2/22 and 2/3h these land parcels have been included within application in order to allow the Applicant to access the western parcel of Ancient Woodland to inspect and maintain as part of its handover commitments.</p> <p>The Gooch Estate Comment: Temporary storage - plot 2/3w Temporary use of plot 2/3w is sought for “construction of a temporary two lane single carriageway; and for the stockpiling of construction materials”. The temporary two lane single carriageway is to be constructed within plot 2/3ac and will provide vital access to the Land while Solihull Road is temporarily stopped up avoiding an unfeasibly long diversion. A barn to the west of plot 2/3w has been excluded from the proposed CPO but a small area of land to the west and</p>

Reference Number	Heading
	<p>north of the barn is proposed for temporary acquisition. This land is a considerable distance from the proposed temporary two lane single carriageway and therefore cannot be required for its provision. It would be illogical to use this land for the "stockpiling of construction materials". The temporary use of this land cannot be justified and should be removed from the CPO.</p> <p>It should be noted that the western boundary of the land due to be taken temporarily is the only farm access to the farmland off the Solihull Road and thus must be maintained at all times for use by the Estate.</p> <p>The Gooch Estate also generally questions the need to temporarily take possession of plot 2/3w, a considerable area of land, simply to "stockpile construction materials". This land cannot be required for the temporary two lane single carriageway because of its distance from that carriageway and it is an excessively large area for the storage of materials. The use of such a large area of land for an unquantified but likely lengthy period will disproportionately impact on the Gooch Estate's operations.</p> <p>The Applicant Response:</p> <p>Temporary storage - plot 2/3w</p> <p>With regards to plot 2/3w and 2/3ac, the Applicant refers the Gooch Estate to Sheet 2 of the Work Plans [APP-007/Volume 2.3] which provides an indicative temporary alignment of Solihull Road. This temporary alignment will be necessary in order to ensure that Solihull Road remains open to traffic during the demolition and construction of the new Solihull Road Overbridge.</p> <p>The Applicant recognises that the land to the west of the barn that has been excluded from the order limits is a considerable distance from the works associated with the temporary realignment of Solihull Road Overbridge. This parcel of 2/3w has been included in the Order Limits to ensure that any temporary diversion of Public Right of Way M123 due to construction can be appropriately signed from the confluence of Public Right of Way M123 and Solihull Road. Any temporary diversions of public rights of way required are subject to the finalisation of the construction phasing and therefore no further details are available at this time.</p> <p>The Applicant recognises the Gooch Estate's comment that this access is the only direct access to their land holdings west of Solihull Road Overbridge, this access to the Gooch Estates land holding and adjacent farm facilities will be maintained.</p> <p>In respect to stockpiling of materials on plot 2/3w, the Applicant will continue to consider those areas assigned for</p>

Reference Number	Heading
	<p>stockpiling of materials through the development and refinement of the proposed construction methodology, sequencing and programme.</p> <p>The Gooch Estate Comment: The Gooch Estate made a number of comments on the drafting of the dDCO.</p> <p>The Applicant Response: Please see Appendix A to the Applicant's written summary of case submitted with regards to ISH(2) which considered the dDCO (Document 8.39) and which contains a response to Gooch Estate's comments on the drafting of the dDCO contained in its Written Representations (REP1-023) and also in its written summary of oral submissions (REP2-053) submitted at Deadline 2.</p> <p>The Gooch Estate Comment: The Gooch Estate appended a technical note produced by Peter Brett associates to its Written Representation. This note set out a number of concerns in relation to the impact of the works on the estates land holding.</p> <p>The Applicant Response: <u>Peter Brett Associates Technical Note</u> The Applicant shall continue to liaise with the Gooch Estate in regards to these matters and is receptive to any additional meetings required to achieve an appropriate resolution for both parties.</p> <p>Maintaining Existing Field Access Points B4102 Solihull Road In respect to the field access gate positioned on the eastbound carriageway of Solihull Road, it is expected that the proposed Solihull Road works will tie into the existing Solihull Road, just east of this field access location. However, the Applicant anticipates that the works adjacent to this field access gate will be limited to activities such as minor verge or kerbing works where the proposed carriageway ties into Solihull Road on its existing alignment.</p>

Reference Number	Heading
	<p>B4438 Catherine-De-Barnes Lane.</p> <p>The Applicant proposed to relocate the existing field access on the B4438 Catherine-de-Barnes Lane south towards Barber's Coppice woodland. This was proposed to avoid any interference with the proposed merge point of the B4438 Realigned Catherine-de-Barnes Lane where it exits Barber's Coppice Roundabout.</p> <p>Following a review of the concerns raised in the technical note in respect to visibility at Barber's Coppice, the Applicant proposes, subject to discussions with the local highway authority and the Gooch Estate, to shift the field gate access north of Point 2/21 presented in the Streets, Rights of Way and Access Plans submitted as part of the dDCO [APP-009/Volume 2.5].</p> <p>Proposed Access Track – Dual Purpose</p> <p>The Applicant is not seeking to alter the Gooch Estate's existing field access onto land to the south of Solihull Road, which is positioned east of the overhead cable alignment.</p> <p>The Applicant has proposed the construction of an access track on land plot 2/3e for the inspection and maintenance of the surface water attenuation and treatment devices. If the Gooch Estate wants a right of access over this proposed access track, the Applicant is open to discussions to determine the practicalities of these modifications.</p> <p>Proposed Public Right of Way Footbridge</p> <p>The Applicant can clarify that the linetype presented on Sheet 3 of the General Arrangement Plan [APP-008/Volume 2.4] is for a new public right of way to mitigate the severance of existing public right of way M122.</p> <p>As recommended in the Peter Brett Associates technical note, it is the intention of the Applicant to provide access points directly approaching the accommodation overbridge to enable vehicles to traverse between the respective fields to the north and south of the new mainline link road.</p> <p>Existing Catherine-de-Barnes Roundabout</p> <p>The land surrounding and including Catherine-de-Barnes Roundabout has been included to enable the Applicant to undertake any signage or road marking modifications necessary to reflect the wider scheme proposals.</p> <p>Furthermore, the traffic forecast comparisons, which compared a do-nothing scenario, no scheme, to a do-something scenario, implementing the Scheme, identified that the Scheme would not add any traffic to this junction. Henceforth no capacity or ARCADY assessments have been undertaken.</p>

Reference Number	Heading																																							
	<p>Catherine-de-Barnes Lane / Shadowbrook Lane realigned priority T junction</p> <p>In respect to the request for the PICADY junction capacity assessment, the Applicant has provided the results of this assessment below. These results indicate that the junction will operate well within its operational capacity with the 2041 traffic demand forecasts.</p> <table border="1" data-bbox="405 475 2049 890"> <thead> <tr> <th rowspan="2">ARM</th> <th colspan="3">AM</th> <th colspan="3">PM</th> </tr> <tr> <th>RFC</th> <th>Queue</th> <th>LOS</th> <th>RFC</th> <th>Queue</th> <th>LOS</th> </tr> </thead> <tbody> <tr> <td>Shadowbrook Ln – Left Turn</td> <td>0.12</td> <td>0</td> <td>A</td> <td>0.10</td> <td>0</td> <td>E</td> </tr> <tr> <td>Shadowbrook Ln – Right Turn</td> <td>0.02</td> <td>0</td> <td>B</td> <td>0.00</td> <td>0</td> <td>A</td> </tr> <tr> <td>CdB south to Shadowbrook Ln – Right Turn</td> <td>0</td> <td>0</td> <td>A</td> <td>0</td> <td>0</td> <td>A</td> </tr> </tbody> </table> <p>In accordance with current practice, any part of plot 3/32a which is not permanently acquired by the Applicant shall be returned to the current owner.</p> <p>Proposed Barber's Coppice Roundabout</p> <p>The Applicant has considered the Gooch Estate's request in relation to the provision of a fifth arm off Barber's Coppice Roundabout and concluded this would have significant implications due to the entrance and egress of slow moving agricultural vehicles obstructing the movement of vehicles on the roundabout, which carries a risk of queues and standing traffic. The provision of fifth arm would also increase the risk of conflict of agricultural vehicles with other traffic and pedestrians using the footpath, south of the roundabout.</p> <p>Therefore, the Applicant considers that the alteration to the position of the relocated field gate access detailed earlier in this response is the most proportionate approach to take in maintaining access to the Gooch Estate in this region.</p>						ARM	AM			PM			RFC	Queue	LOS	RFC	Queue	LOS	Shadowbrook Ln – Left Turn	0.12	0	A	0.10	0	E	Shadowbrook Ln – Right Turn	0.02	0	B	0.00	0	A	CdB south to Shadowbrook Ln – Right Turn	0	0	A	0	0	A
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Reference Number	Heading
REP1-025	<p data-bbox="398 311 855 347">Warwickshire County Council</p> <p data-bbox="398 379 1021 416">Warwickshire County Council Comment:</p> <p data-bbox="398 435 2056 619">Having reviewed the submitted information, Warwickshire County Council in its capacity as a Highway Authority does not have a planning objection to the application, but would like to raise the following matters which we consider need to be addressed, to ensure minimal impact on our communities and the operation of the Warwickshire Highway Network. Warwickshire County Council considers that the following matters should be discussed under Principal Issue 3 – The physical and functional relationship of the improvements at junction 6 with other projects</p> <p data-bbox="398 635 848 671">Construction Traffic Routing:</p> <p data-bbox="398 691 2000 906">Warwickshire County Council raises the concerns of routing of Construction Traffic through all phases of the development, however most notably through the first phase whilst the offline section is constructed. There are concerns about construction traffic routing through villages to access the offline works. Whilst the County Council appreciates that the applicants will identify suitable routes, it would be worth maintaining the ongoing dialogue to agree a draft Construction Management Routing Strategy for all phases of the development. This in turn could be conditioned. Warwickshire County Council will set this out clearly within its Local Impact Report.</p> <p data-bbox="398 922 1055 959">Traffic Management and Diversion Routes:</p> <p data-bbox="398 978 2022 1086">Notably during the second phase of the development after the Commonwealth Games in 2022, the works will be focused on the existing Strategic Road Network in the form of the M42 at Junction 6 and the construction and tie in of the new Junction 5a.</p> <p data-bbox="398 1106 2018 1214">Warwickshire County Council, in its capacity as Highway Authority, does note with caution the implications that the impact these works could have on the surrounding highway network, especially in the form of closures and lane restrictions.</p> <p data-bbox="398 1233 2051 1374">Recent experience of such works on the M5 in Worcestershire led to traffic re-routing utilising the A435 and A46 routes to access the M42 / M40 corridors causing traffic to route through sensitive towns and villages. In addition this was exacerbated by the throttling of capacity at the M5 / M42 Interchange to divert traffic from travelling through the M5 Viaduct Works.</p> <p data-bbox="398 1393 2033 1430">To try and mitigate for the situation created on the A435/A46 corridor, Warwickshire CC had to actively engage with</p>

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	<p>Highways England, and improve the diversion and routing signage to protect our communities. In regards to this application we would seek to continue our discussions to ensure that there is a clear mechanism and strategy which all partners are aware of and signed up to and try to avoid a repeat situation.</p> <p>The other elements we must consider are the substantial level of development being experienced in the Warwickshire Sub Region, including the delivery of sustainable urban extensions and new towns, whilst also supporting economic growth. The biggest however is the construction of HS2 through the County, and the delivery of materials and machinery to enable the scheme to be progressed.</p> <p>In terms of routing it is understood that HS2 will be reliant on the Strategic Road Network for their routing and this includes the M42 Corridor, as it is understood a potential concrete batching plant be located in proximity of M42 Junction 9. This would serve the tunnel construction between Long Itchington to Southam and at Kenilworth, resulting in high volumes traversing the M42 and M40 Corridors to access these locations. Should any diversions/restrictions, as a result of this application, affect the HS2 construction traffic routes, Warwickshire County Council will expect to be formally notified and involved with any discussions with Highways England and HS2. We would like some details and information on how this matter, should it arise, be addressed, and what measures would be used to prevent HGVs being moved to the Local Road Network, and potentially through sensitive villages and towns.</p> <p>Communication Management Strategy:</p> <p>Finally the third matter, which Warwickshire County Council would seek discussion on and a matter to be considered, is communication management throughout this process. The County Council acknowledges we have a good working relationship with Highways England, often working in partnership as in this case, to deliver real benefits to transport systems not only across Warwickshire but the region to support housing growth and employment opportunities.</p> <p>However as noted above, matters have arisen as a result of works on the SRN and a lack of communication has caused considerable concern within local communities and politicians. Therefore Warwickshire County Council would seek information on how Highways England will manage the communications for the scheme and ensure that residents, local politicians and other key stakeholders are kept informed and given an opportunity to raise issues to ensure they are aware of project, key milestones and information and advice when road closures or changes on the network take place.</p>

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	<p>Warwickshire County Council will remain in active dialogue to enable this to be progressed and developed, as existing projects such as the Highways England works on the M5 Viaduct benefit from this and good practice from elsewhere.</p> <p>In addition to the above, during the discussions during both sessions Warwickshire County Council requested the opportunity to enter into a Statement of Common Ground with Highways England. This will enable both parties to agree formally on areas and also find workable solutions to the matters identified above, which is agreeable for both parties. This request was acknowledged by Highways England and will evolve through our ongoing engagement.</p> <p>In addition to the above, the Panel raised questions surrounding the 'Guillotine' clauses within the Development Consent Order (DCO). As stated during the Issue Specific Hearing 1, Warwickshire County Council stated that we had not fully considered the implications of this proposition. The County Council will therefore deal with this matter through its Local Impact Reports, as well as ongoing discussions with Highways England.</p> <p>The Applicant Response:</p> <p>The Examining Authority is referred to the Applicant's written response to Warwickshire County Council's Local Impact Report [Ref 8.36], which covers the points raised in this written representation and other matters.</p>
<p>REP1-026</p> <p>REP1-027</p>	<p>Warwickshire Gaelic Athletic Association</p> <p>Warwickshire Gaelic Athletics Association Comment:</p> <p>Whilst the WGAA remain firmly of the view that the Applicant has failed to include sufficient land within the DCO to deliver a proportionate replacement facility for Pairc Na hEireann, the WGAA is continuing to work with the Applicant in the hope of finding an acceptable compromise. The only means by which an acceptable compromise is likely to be achieved is if the Applicant relocates the WGAA's existing clubhouse as part of a reconfigured site arrangement. I can confirm that the WGAA and the Applicant are looking at designs that would deliver such a solution, however the WGAA is concerned that the definition of Work No. 68 within the draft DCO may not be adequate for this purpose. As such, on behalf of the WGAA, I propose that the definition of Work No. 68 is amended as follows (additional words in italics):</p> <p>Work No. 68 – as shown on Sheet Nos. 2 and 3 of the Works Plans and being alterations to the existing Warwickshire Gaelic Athletic Association facilities known as Páirc na hÉireann, including <i>demolition and replacement</i></p>

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	<p><i>of the clubhouse and the provision of reconfigured sports pitches and associated facilities.</i></p> <p>I confirm that my client is hoping to enter in to an agreement with HE, to cover all aspects of its representation. However, in the absence of an agreement having been reached by 24th June I confirm my client would be prepared to enter in to a SOCG, assuming that common ground has been found by that date.</p> <p>The Applicant Response:</p> <p>The Applicant refers the Warwickshire Gaelic Athletic Association to the Written Submission of the Oral Case, Volume 8.39, where The Applicant confirmed that no further changes to the wording of Work No.68 are to be undertaken.</p>
REP1-028	<p>Woodland Trust</p> <p>Woodland Trust Comment:</p> <p>Whilst the Trust acknowledges that Aspbury's Copse borders the existing M42 motorway, the proposed improvements will result in further direct loss to an irreplaceable habitat. Natural England has identified the direct impacts of development on ancient woodland or veteran trees including:</p> <ul style="list-style-type: none"> • “damaging or destroying all or part of them (including their soils, ground flora, or fungi) • damaging roots and understorey (all the vegetation under the taller trees) • damaging or compacting soil around the tree roots • polluting the ground around them • changing the water table or drainage of woodland or individual trees • damaging archaeological features or heritage assets” <p>Furthermore, the Trust is concerned that for the remaining woodland, there will be additional impacts of increased noise and light pollution from traffic, as well as dust pollution during construction of the proposal. The woodland will also be subjected to increased nitrogen oxide emissions from vehicles, which can change the character of woodland vegetation (in terms of species composition) through altering nutrient conditions²</p> <p>In summary, whilst Aspbury's Copse will suffer direct loss to facilitate the scheme, the Trust will remain strongly opposed to the proposed project and considers the scheme goes against national planning policy designed to protect</p>

Reference Number	Heading
	<p data-bbox="403 300 985 331">against the loss of irreplaceable habitats.</p> <p data-bbox="403 367 784 399">The Applicant Response:</p> <p data-bbox="403 422 2051 710">In relation to operational noise from traffic, the noise and vibration assessment reported in Chapter 12 of the Environmental Statement [APP-057/Volume 6.1] identified that there would be increases and decreases in noise at both the eastern and western parcels of Aspbury's Copse. Figures 12.4 and 12.5 within the Environmental Statement [APP-104/Volume 6.2; APP-105/Volume 6.2] illustrate the predicted noise levels across both parcels of Aspbury's Copse in both the short term (i.e. the comparison of noise levels in the Do Minimum Year 2023 scenario against the Do Something Year 2023 scenario) and long term (i.e. the comparison of noise levels in the Do Minimum Year 2023 scenario against the Do Something Year 2038 scenario) assessment scenarios. Both assessment scenarios have recorded that the increases or decreases would not be greater than 3dB.</p> <p data-bbox="403 734 2051 837">In relation to light pollution from traffic, paragraph 9.9.36 of Chapter 9 of the Environmental Statement [APP-054/Volume 6.1] acknowledges the potential for the retained woodland to be exposed to more light associated with 'edge effects', attributed to the loss of existing woodland resource.</p> <p data-bbox="403 861 2051 997">In relation to dust pollution at Aspbury's Copse during construction of the Scheme, 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 Construction Environmental Management Plan and will be subject to approval in accordance with Requirement 4 of the dDCO.</p> <p data-bbox="403 1021 2051 1165">For nitrogen oxide emissions from vehicles, paragraph 9.9.150 and Table 9.10 in Chapter 9 within the Environmental Statement [APP-054/Volume 6.1] considers the operational effects of air pollution on Aspbury's Copse. This demonstrates that any changes in air quality at the location of the remaining ancient woodland will be imperceptible following the opening of the Scheme to traffic.</p> <p data-bbox="403 1189 2051 1332">The Applicant has considered the impact on Ancient Woodland in respect of paragraph 5.32 of the National Planning Policy Statement for National Networks. Paragraphs 5.3.33 to 5.3.39 of the Planning Statement [APP-173/Volume 7.1] demonstrate that the national need for and benefits of the development, clearly outweigh the loss of ancient woodland in this location.</p>

Reference Number	Heading
REP1-029	<p data-bbox="398 316 651 347">Andrew Bennett</p> <p data-bbox="398 387 815 419">Andrew Bennett Comment:</p> <p data-bbox="398 440 2029 655">Whilst the scheme may marginally relieve traffic from junction 6 of the M42 and the associated stretch of the A45 leading to the Airport, the new dual carriageway slicing through acres of greenbelt land will simply enable traffic to build faster at the bottleneck which already exists into the airport site. The local roads will be thrown into permanent disarray affecting resident's access to local facilities e.g. train station, airport and the NEC, forever. I therefore consider the scheme to be flawed; devastating greenbelt countryside, creating mayhem for local residents whilst achieving little to no benefit for passengers arriving by car to travel from Birmingham Airport. It should be rejected.</p> <p data-bbox="398 679 2040 930">An unwelcome stress has been introduced into our family life by Highways England (HE) writing to me and declaring that they have plans which affect my land and have a profound impact on our ability to enjoy our home. This declaration has forced me into a process which is complex to fathom and one which I am ill equipped to understand, without professional advice. The situation is further exacerbated by the volume of information (which can be inaccurate and out of date) provided by HE. I would like to raise with the Examining Authority the total lack of personal consultation we have endured thus far in the process and would request that consideration is given to our plight.</p> <p data-bbox="398 954 2033 1094">If the scheme is to go ahead we face the prospect of a new road (Shadowbrook Lane realignment) bearing down on us from the side and a noisy, smelly, disturbing dual carriageway within metres of our frontage. To get to this point, where many of the positive aspects of living at [redacted] will have been destroyed, we will have to effectively live in or opposite a quarry for four years.</p> <p data-bbox="398 1118 2018 1294">Given the severity of the impact on our enjoyment of our home, I feel that HE has treated us shoddily, ignoring me, presumably in the hope that they can simply steam roller their DCO through. They have never requested to meet with me, they ignore my requests, they have never proactively sought to understand our situation to enable mitigation nor have they delivered on promises made at the one meeting that I did manage to have with them upon my repeated insistence.</p> <p data-bbox="398 1318 2029 1422">I would be grateful if the Examining Authority could encourage HE to behave responsibly and fairly towards us. I would like them to take the time to fully understand our situation and present us with options. If the Scheme is to go ahead, HE should reconsider their position on acquiring [redacted].</p>

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	<p>The outlook during four years of construction of the dual carriageway and realignment is not good from a residential amenity perspective, also my property would be rendered unsaleable for that period, meaning that if we did need to consider moving to accommodate our growing family, this option would be denied us. From HE's perspective, if I am really worrying about nothing, as they would have me believe, they can simply create an option to buy my property at fair market value which, if exercised, would mean they have some cash tied up in the project until completion, at which point they could resell on the open market. This would cost them little to nothing in the scheme of things and yet would give us back some control and choices. I hope the Examining Authority agrees that this seems reasonable and is therefore able to support my request</p> <p>The Applicant Response:</p> <p>Mr Bennett's comments are noted. The Applicant has arranged to visit Mr Bennett's property to discuss these matters further.</p>
REP1-030	<p>Eleanor O'Brien</p> <p>Eleanor O'Brien Comment:</p> <p>Firstly, it feels that residents have found out about this at the last minute and have not been consulted upon the plans. From the three options that were given to residents, none of the documentation stated that this compound would be located within the village. Due to the small sizing of the village, and the size of the compound, I feel that the impact upon local residents would be vast. It must be asked, with the other site that are available within the area, why locating this within the village is being suggested. Residents all ready have the noise and light pollution from the airport, M42, railway line, A45, Resorts World and the NEC. This compound is only going to add to this.</p> <p>I also would like to point out that the lighting (plans have stated 24 hours) and noise from this from this compound, would have an impact upon local businesses and wildlife. Overlooking the compound, a B&B will be detrimentally impacted due to the noise and lighting from this site, and therefore effect the daily running of the business. Additionally, the lighting will impact upon the local wildlife. It is know that bats are located within the area, and are regularly seen flying around Church Lane at dusk.</p> <p>While I am not opposed to the improvement works to the M42, the location of this compound would negatively impact upon the residents of Bickenhill. Due to the lack of information given from Highways England, at this time it is unclear whether other site have been explored, and therefore I would like to register my objection to this compounds</p>

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	<p>location. And ask that alternative locations are explored.</p> <p>The Applicant Response:</p> <p>In relation to the consideration of other sites to accommodate the main site compound, the Examining Authority is referred to the response provided to REP1-006. Following submission of the DCO application, further work has been undertaken by the Applicant to develop an indicative layout for the main site compound, based on the assumptions contained in Chapter 3 of the Environmental Statement [APP-048/Volume 6.1]. A plan illustrating this indicative layout is presented in Volume 8.31, submitted by the Applicant to the Examining Authority on 5 July.</p> <p>In relation to construction noise impacts from the main site compound on the village of Bickenhill, the noise and vibration assessment reported in Chapter 12 of the Environmental Statement [APP-057/Volume 6.1] assessed three representative receptor locations along and in proximity to Church Lane. These receptors were: C7 Farm Cottage; C10 Bridge House; and C14 The Bungalow. As a result of the construction noise assessment, the contractor will be required to undertake assessments to demonstrate noise and vibration compliance during the construction period, the findings of which will confirm the need for, and the final height and locations of, any barriers.</p> <p>With the implementation of best practice measures and the use of barriers, where identified, throughout the construction phase, noise impacts would be minimised at sensitive receptor locations.</p> <p>During construction, a number of measures would be employed by the contractor to minimise the temporary effects of lighting on wildlife. These are presented in paragraph 9.8.41 of Chapter 9 of the Environmental Statement [APP-054/Volume 6.1] and include the careful designing and positioning lighting to minimise light spill onto adjacent habitats, including where there are potential bat roosts and important foraging or commuting habitat that is regularly used by the local bat population.</p>
REP1-031	<p>Heath Cotterill</p> <p>Heath Cotterill Comment:</p> <p>The negative effects on [redacted] and her education during her formative years that the noise will cause. The fact that the compound may back directly on to my garden and her current unobstructed view will potentially be replaced with JCBs, diggers and workmen who likewise will be able to see directly into her bedroom and our home</p> <p>How St Peters Church can be deemed to be impacted by the proposed works but my property is not when it is</p>

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	<p>situated directly between the church and the proposed dual carriageway and site compound</p> <p>My property is located on the heritage site and by its very nature may be vulnerable to the effects of the anticipated noise and vibration</p> <p>The detrimental effects that myself and family will experience due to the deterioration in air quality, especially during the construction phases</p> <p>The detrimental effects caused to mine and my family's health - both physically and mentally</p> <p>The cultural effects the construction of the dual carriageway will have on the Heritage Site (on which my property is situated)</p> <p>Addendum - I informed you that my property is located on a heritage site. Apologies I believe this may be incorrect and it may be located on a conservation site.</p> <p>The environmental impact and change to mine and my family's living conditions and that of the landscape and erosion of green belt land</p> <p>Once the northern junction of St Peters Lane is stopped off all traffic through the village will have to enter and leave it via the southern junction to the lane. What alternative route is planned as in my opinion parts of the lane are not wide enough to accommodate the width of two passing cars</p> <p>The driver stress caused by the extra daily distances travelled and time taken for each commute to and from work (and in fact every journey made to the north of the village)</p> <p>I understand that First Castle Developments (on behalf of the airport) are seeking compensation for it's properties located on Clock Lane. I would like to know on what basis compensation is considered/measured</p> <p>What actions we may take if our home becomes unsellable if the disruption experienced is excessive</p> <p>In my opinion these factors are likely to have significant cumulative/combined effects to myself and my family - what assurances can I receive that any mitigation measures put in place will be adhered to, especially regarding the size and location of the site compound for which I would like to receive a detailed location plan showing it's boundaries and parameters.</p>

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	<p>The Applicant Response:</p> <p>The Applicant believes it has addressed the points raised by Mr Cotterill in its response to his relevant representation and its answers to the first round of written questions [REP2-007].</p> <p>The Applicant has sought to arrange a meeting with Mr Cotterill to discuss whether he has any further concerns. Compensation claims will be assessed in line with the compensation code.</p>
REP1-032	<p>Mike Robinson</p> <p>Mike Robinson Comment:</p> <p>As a resident of Bickenhill Village I should like to register my disappointment and disapproval in what Highways England have proposed in the positioning and location of a working compound during the construction of the M42 Slipway and the new M42/Catherine-de-Barnes link road.</p> <p>Throughout the extensive consultation process to build these roads not once has the question of a compound been raised at any of the presentations. Nor should I add has anyone representing Highways England eluded to how and where machinery would be kept throughout the construction. What I clearly recall when asking questions of detail was being told that the detail would follow once the project had been agreed.</p> <p>As the devil is inevitably in the detail I was informed on numerous occasions that further consultations would follow to reassure residents on any item likely to be contentious. I appreciate what can be construed as contentious can be subjective but come on a compound with its associated noise and light pollution so close to occupied domestic property and likely to remain there for 4 years is not contentious? Any suggestion that I or from what I can gather any of my fellow residents being consulted on the matter is I hate to say untrue</p> <p>Consequently, it is my considered opinion that Highways England has failed to adequately consult with me and/or my neighbours with regards to the siting of this compound and likely to be in breach of their responsibilities and obligations.</p>

Reference Number	Heading
	<p>The Applicant Response:</p> <p>The Applicant stated in its statutory consultation brochure Volume 5.2, (see Annex K Part 1 [APP-032] of the Consultation Report), that “<i>the location of the site compounds will be identified in our DCO application</i>”.</p> <p>Indicative details of the main construction compound are included in the Applicant’s DCO submission. Mr Robinson and other affected parties are able to make representations about the application which the ExA will take into account when making their recommendation to the Secretary of State.</p> <p>A framework of measures to minimise and control potential environmental impacts associated with the operation of the main site compound have been developed by the applicant, the details of which are presented within the Outline Environmental Management Plan [APP-172/Volume 6.11].</p> <p>At the ISH on the dDCO on 2 July the ExA has requested that by 12 August 2019 the Applicant provides further information on why the location of the main site compound was chosen, the alternatives considered and the mitigation that the Applicant will put in place to manage the environmental effects of activities carried out on it.</p>
<p>REP1-033 REP1-034 REP1-035</p>	<p>Philip O’Reilly</p> <p>Philip O’Reilly Comment:</p> <p>The majority of relevant representations submitted have been from parties who have access to legal and professional advice, at no personal cost. The parties I am most affected by (HE and WGAA) are represented by solicitors and planning experts, again at no personal cost. May I therefore request for the Planning Inspectorate to instruct HE to cover costs for the provision of legal and professional advice which I believe I am entitled to considering the growing impact of the scheme on my property?</p> <p>In response to relevant representations (RR) submitted to the Planning Inspectorate: Can Solihull Metropolitan Borough Council (SMBC), as the local planning authority, explain why they failed to mention the Warwickshire Gaelic Athletics Association (WGAA) reconfiguration and its potential impact on my property, and the greenbelt, in their RR submission?</p> <p>One can only assume that the fact the WGAA reconfiguration is hardly mentioned in any submission is because it is impossible for anyone to comment on a ‘final’ scheme or its impact when no details of that actual scheme are provided. Highways England (HE) failed to reach any meaningful agreement with WGAA prior to submission of the</p>

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	<p>DCO or provide details in the DCO application of a scheme that was actually being discussed and pursued with the WGAA. Instead HE included their own five options in the DCO, none of which were actively being progressed with the WGAA at the time their application was submitted or indeed subsequently. It would appear that HE are attempting to push through a scheme for the WGAA reconfiguration that is not open to the same scrutiny as the rest of the DCO application in order to satisfy and silence a major objector to their scheme.</p> <p>Regarding the RR submission by Gateley Plc on behalf of WGAA:</p> <p>The planning consent to extend the clubhouse - reference 2012/799 (which for some reason is actually hidden away on the SMBC Planning Portal under reference 2012/01288) – has lapsed. This is not made clear in the submission.</p> <p>With regard to HE funding the reconfiguration works, and any legacy options, it should be noted that SMBC confirm in their planning decision notice dated 1/10/2014 that the extension for which permission was granted ‘shall be used solely for ancillary purposes related to the use of the sports ground by the WGAA and shall not be open for activities or events to which the general public are invited to or can attend, unless agreed in writing by the Local Planning Authority’.</p> <p>The submission refers to a commitment made to WGAA on 10th August 2017, at a meeting attended by the WGAA and HE, regarding a preferred site which had been identified and agreed for the purpose of relocating the WGAA facility. It would appear from the submission that from that meeting onwards the WGAA believed they were relocating to the site subsequently identified in material published by HE (for their initial public consultation January 2018) and that it was pretty much set in stone. As such, they have expressed their dissatisfaction at the way they have been treated by HE and in particular the fact that HE allegedly reneged on an agreement. However, when I met with HE in January 2018 I was informed that the site shown on the HE drawings was only one of a number of options being discussed with WGAA as a potential site and an agreement with WGAA had yet to be reached. It should also be noted that I was contacted by WGAA on 23rd November 2017 to enquire about whether I would sell my property to HE / WGAA as WGAA’s preference was to relocate their pitches to the field that surrounds my property and to build a clubhouse and car park where my property currently stands. I have also been informed by WGAA that they made further enquiries directly with HE, regarding the potential purchase of my property, and on at least two occasions HE told WGAA that they had approached me and I had failed to respond. In fact, I was never approached by HE at any time regarding the potential purchase of my property to facilitate the WGAA reconfiguration. When I raised the matter with HE and AECOM at a meeting on 25th January 2019 I was informed by them that WGAA had never mentioned purchasing my property, or suggested an option that included my property. HE and AECOM also confirmed at that</p>

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	<p>meeting that they had not explored any option that included my property. This was somewhat surprising as the option was raised with HE on 19th January 2018, during the consultation event at Fentham Hall. Furthermore, HE have consistently maintained that they have explored all possible options for the WGAA reconfiguration. It should be noted that HE did advise me, on more than one occasion, to submit a discretionary purchase application.</p> <p>The submission refers to a meeting on 10th August 2017 attended by Jonathan Pizzey from Highways England and a subsequent meeting on 6th June 2018 which I understand Jonathan Pizzey also attended. It goes on to mention how WGAA adopted an 'open and transparent approach to discussions'. It should therefore be noted that: I was not invited to any of the meetings they had with HE, despite being considerably affected by their reconfiguration proposals; they felt the need to go above the heads of the project team and have meetings with Peter Mumford, Highways England Director of Major Projects & Capital Portfolio Management; the meetings with Peter Mumford have not been mentioned in their submission; what was discussed or agreed at those meetings has not been mentioned in their submission.</p> <p>The submission confirms once and for all that none of the proposals for the WGAA reconfiguration, including those submitted with the DCO application and those discussed separately between HE and WGAA, are acceptable to WGAA. HE have confirmed that the site identified in their public consultation documents cannot be achieved. Surely it is about time HE and WGAA looked at alternative proposals for the WGAA reconfiguration which satisfy the needs and concerns of all affected stakeholders i.e. WGAA, HE, ESSO, SMBC, Sport England, Birmingham Airport, residents and neighbours?</p> <p>Veale Wasbrough Vizards LLP (VWV) on behalf of Esso Petroleum Company Limited have confirmed in their RR submission and subsequent submission dated 20th May 2019 that HE have failed to properly engage with them with regard to a Protective Provisions Agreement. This is despite HE advising me on more than one occasion that 'ESSO' had no issues with proposals to build over their pipeline whether it be new pitches, a new clubhouse, a 3m high soil bund or raising the ground level in order to provide a level site for the WGAA. It is also worth noting that the options being pursued by HE involve some degree of work over or near the pipeline and yet it appears that they have not had any meaningful discussions with VWV regarding their proposals.</p> <p>The Applicant Response:</p> <p>The Applicant refers the ExA to the responses it has provided to the relevant representations [REP1-002/Volume 8.3].</p>

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REP1-036	<p data-bbox="398 316 584 347">Rehan Mian</p> <p data-bbox="398 384 786 416">Philip O'Reilly Comment:</p> <p data-bbox="398 440 1906 507">I'd like to reiterate a few points that I've previously made in response to consultation in the light changes to circumstances that may impact on the need for the M42 J6 scheme.</p> <p data-bbox="398 531 2040 671">The first relates to the change in use at JLR Solihull and the move of LR Discovery production overseas. How does the reduction in incoming parts, outgoing vehicles and the change in staff to a R&D centre impact the need for the scheme? I understand that the Damson Parkway schemes is on hold partly due the changing situation at JLR - how much does this also undermine the need for M42 J6 scheme.</p> <p data-bbox="398 695 2040 951">The second point relates to Highways England emerging guidance for the Expressway Standards which is designed to raise operational performance of A-roads to motorway standard through use of technology. This guidance will include a minimum recommended distance for junction spacing. It seems contradictory for Highways England to be promoting a scheme which will breach this requirement. The response to my email below said that the example on the M6 at Knutsford would be considered - my particular concern is that the much needed improvement to the M42 corridor, including all lane running including through junction running will be prejudiced by this schemes (and further so with the MSA adding the north facing slip roads).</p> <p data-bbox="398 975 2040 1190">In addition to these points there is uncertainty with the airport growth being achieved (another airline failed last year) and with UK Central which has a very long build-out horizon and for which we are a long way from knowing if it will achieve or greatly exceed its sustainable transport targets particularly in the fast emerging world of future mobility. When I set this out with the Programme Delivery Partner (PDP) in the context of HS2 the initial response was that it makes sense to delay this scheme. The local Highways England team is measured on its delivery and did not accept this, as you would expect.</p> <p data-bbox="398 1214 2040 1390">In terms of process at arriving at a scheme I do not think Highways England has considered a low cost options with appropriate rigour. At Stage 1 I was presented with a scheme that at one cross-section had a total of 18 parallel running lanes. It has been a process of working down from there rather than looking at a solution that tackles a problem. I suggest one way to look at a low cost option in my email below based on what SMBC has already implemented in the westbound direction.</p> <p data-bbox="398 1414 2040 1437">The traffic reduction on the A45 between Clock Interchange and M42 J6 is forecast at around 12,000 vehicles a day</p>

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	<p>by 2028. This does not warrant building a road with a capacity of 60,000 or more. This is further reinforced by the link connecting to the new junction attracting less than 25,000 vehicles per day in 2038. I think the DCO is a great opportunity to recast the problem. I worked on PCF Stage 1 and 2 as the Traffic and Economics lead and provided the modelling to Highways England's Stage 3 consultant. I am happy to discuss this further with you if you wish.</p> <p>The Applicant Response:</p> <p>1. Change in use at JLR Solihull and the move of LR Discovery production overseas</p> <p>JLR current business operations have been taken into account within the Scheme alongside the existing capacity problems at Junction 6 and future forecast growth in traffic.</p> <p>The M42 Junction 6 Local Area Model shows relatively low volumes of JLR traffic using Junction 6 and the A45 when compared with the total peak hour traffic accessing / egressing the Solihull plant. It is therefore envisaged that should JLR's long terms plans not be fully realised, there will be little impact on the need for improvements to Junction 6 to address existing problems and future growth in traffic.</p> <p>2. Guidance for the Expressway Standards</p> <p>There is currently no requirement for proposed trunk roads to meet specific expressway standards, as these have not yet been formally defined. Notwithstanding this, the Applicant considers that the Scheme will not preclude the conversion of the M42 motorway to all lane running.</p> <p>The existing provision of smart motorway infrastructure on the M42 indicates that conversion to all lane running (if necessary) is possible under a separate Scheme. Similarly, the Applicant does not consider that this Scheme precludes the conversion of the mainline link road to expressway standards in the future.</p> <p>3. Airport growth and UK Central</p> <p>Airport Growth</p> <p>The forecasts for Birmingham Airport are based on the DfT's forecasts and the approach to the development of forecasts is explained in the PRISM Forecasting Report in the following terms:</p> <p><i>"A separate access model has been developed for Birmingham International Airport. The airport model calculates, for externally given growth figures, where passengers would come from and which mode they would use. The model applies only to passengers and visitors, as the workers at the airport are governed by the standard home-to-work</i></p>

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	<p><i>element of the model.</i></p> <p><i>The external forecasts for growth are calculated from DfT UK Aviation Forecasts, January 2013 Constrained Central Forecast, and CAA Passenger Survey Report, 2011.”</i></p> <p>The Applicant has checked the assumptions which went into the PRISM run which informed development of the M42 Junction 6 Local Area Model forecasts and the modelling for the 2041 was based on 27.9 million passengers per annum (mppa). Within the DfT UK Aviation forecasts, January 2013, the constrained central forecast for the airport at 2040 is 28 mppa (Table 5.5). The updated DfT UK Aviation forecasts 2017 document shows the constrained central forecast for the airport at 2040 to be 27 mppa (Table 32). From interpolating the forecasts for the years between those reported for 2040 and 2050, the figure of 27 mppa would become 27.4 mppa by 2041. The traffic modelling for the design year is therefore slightly higher by around 0.5 mppa. The Applicant notes that the interim years will have some small differences.</p> <p>The forecasts for the airport are therefore in line for the Government’s view on the future growth in air travel at Birmingham Airport.</p> <p>UK Central</p> <p>‘The UK Central Hub - Growth and Infrastructure Plan – Issue 3, UK Central Solihull / Urban Growth Company, 9th January 2018’ sets out a vision and plan for future land use development and transport infrastructure within Solihull. While some of the early development phases of the Hub Framework Plan are included in the core traffic forecasts for M42 Junction 6, most of the mid and later phases are not included, as they do not currently have any planning status. However, through time it is possible that some of the mid and later phase developments may be progressed through the planning system, thereby increasing road traffic demands in the area.</p> <p>4. Low cost options</p> <p>A wide range of options were investigated in PCF Stages 1 and 2 with the appropriate level of assessment, design and consultation, which led to the selection of the current scheme and Preferred Route Announcement.</p> <p>5. Traffic forecasts</p> <p>Figure 7.6 of the DCO Transport Assessment Report shows reductions in average annual daily traffic (AADT) using the A45 between Junction 6 and Clock Interchange of 9,750 vehicles in 2021 and 14,300 vehicles in 2041. Figure 7.6 also shows the New Link Road and new Junction 5A to carry 18,700 vehicles per day in 2021 and 28,450</p>

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	<p>vehicles per day in 2041.</p> <p>The options investigated and appraised during PCF Stages 1 and 2 demonstrated the preferred scheme would provide the optimal outcomes for increasing capacity and safety at Junction 6 while supporting economic growth.</p>
REP1-037	<p>Sian Manton</p> <p>Sian Manton Comment:</p> <p>I wish to lodge an objection to the proposed compound siting on Church Lane, Bickenhill for the M42 junction 6 slip road.</p> <p>There are several reasons for my objection. The first one is the underhand and deceitful way that Solihull council and the highways agency have gone about this proposal. The residents of Church Lane were not told about this proposed compound at any stage and it was brought to our attention last week by a member of our parish council who advised us that he had found out by accident. This is very sneaky and quite honestly Solihull council should be ashamed at trying to get this through without bring it to our attention in the usual way, but you were obviously trying to get this past us before we had a chance to object. Another reason for my objection is that this compound will be placed behind a bed and breakfast business and the impact this will have on that business will be massive. We have been told that the work on this sliproad will take four years, but in reality it will go on for longer than that (6 years will be more realistic) as these things always hit problems and often go on longer than anticipated. This will see this bed and breakfast go out of business and that cannot be allowed to happen. It will also be very close to several other houses and obviously no consideration has been given to the people that are going to have to deal with this upheaval for many years.</p> <p>The impact with the noise, increased traffic and works vehicles lorries etc coming onto Church Lane will cause such massive inconvenience and there are alternative locations that this compound could be placed and that should be given serious consideration. There are also Bats in this area and as far as I am aware Bats are a protected species. If you care to walk down Church Lane at dusk you see them and you will surely have several fly quite close to you. I intend to notify the Bat Conservation Trust of your proposal in the hope that they will prevent this compound from being sited on Church Lane. Once again the way you have tried to sneak this application through is quite frankly very bad practice and underhand and not the way a government body should be behaving and I hope that this can be stopped and the compound sited elsewhere.</p>

Reference Number	Heading
	<p>The Applicant Response:</p> <p>The Applicant stated in its statutory consultation brochure Volume 5.2, (see Annex K Part 1 of the Consultation Report [APP-032]), that “the location of the site compounds will be identified in our DCO application”.</p> <p>Indicative details of the main construction compound are included in the Applicant’s DCO submission. Ms Manton and other affected parties are able to make representations about the application which the ExA will take into account when making their recommendation to the Secretary of State.</p> <p>A framework of measures to minimise and control potential environmental impacts associated with the operation of the main site compound have been developed by the applicant, the details of which are presented within the Outline Environmental Management Plan [APP-172/Volume 6.11].</p> <p>At the ISH on the dDCO on 2 July the ExA has requested that by 12 August 2019 the Applicant provides further information on why the location of the main site compound was chosen, the alternatives considered and the mitigation that the Applicant will put in place to manage the environmental effects of activities carried out on it.</p>
REP1-038	<p>Stephen Thompson</p> <p>Stephen Thompson Comment:</p> <p>I attended a local meeting last night, and suggested that the main compound, should be sited to the West of the Birmingham dogs home, this would cause far less disruption to local residents, and business, and still give direct access to the new road, for heavy equipment, using what would become a slip road from one of the new traffic islands.</p> <p>I would also like to take this opportunity, to state that this project, is going to cause disruption, not only for the four years of construction, but ongoing thereafter. I for one will be looking for compensation</p> <p>The Applicant Response:</p> <p>The Applicant stated in its statutory consultation brochure Volume 5.2, (see Annex K Part 1 of the Consultation Report [APP-032]), that “the location of the site compounds will be identified in our DCO application”.</p> <p>Indicative details of the main construction compound are included in the Applicant’s DCO submission. Mr Thompson</p>

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	<p>and other affected parties are able to make representations about the application which the ExA will take into account when making their recommendation to the Secretary of State.</p> <p>A framework of measures to minimise and control potential environmental impacts associated with the operation of the main site compound have been developed by the applicant, the details of which are presented within the Outline Environmental Management Plan [APP-172/Volume 6.11].</p> <p>At the ISH on the dDCO on 2 July the ExA as requested that by 12 August 2019 the Applicant provides further information on why the location of the main site compound was chosen, the alternatives considered and the mitigation that the Applicant will put in place to manage the environmental effects of activities carried out on it.</p>
REP1-039	<p>Tom and Barbara Tocher</p> <p>Tom and Barbara Tocher Comment:</p> <p>We wish to register our opposition to the siting of the compound for the building of this new road. Whilst we are not happy to have the road itself so close to our village- we believe that this is going to simply move the traffic problems from junction 6 to the Clock Island and further isolate our village. We won't be able to access the A45, instead having to travel back towards Catherine-de-Barnes and picking up the new road which will be liable to traffic jams at peak times.</p> <p>Our biggest concern is for the works compound; mention of which was dropped into conversation at a recent Parish Council meeting !!!</p> <p>This has never been mentioned before early May and is not shown on any plans</p> <p>We understand that the Highways Dept have been offered 3 different sites for this compound by Solihull MBC again, no alternative sites were offered to us by Highways.</p> <p>Please take into consideration that Bickenhill is a conservation area, with a parish church and history dating back to the Domesday book.</p> <p>We have suffered so many encroachments into what was a very rural greet belt area over the last 50 years Birmingham airport, the NEC and soon HS2.</p>

Reference Number	Heading
	<p>The Applicant Response:</p> <p>The Applicant stated in its statutory consultation brochure Volume 5.2, (see Annex K Part 1 of the Consultation Report [APP-032]), that “the location of the site compounds will be identified in our DCO application”.</p> <p>Indicative details of the main construction compound are included in the Applicant’s DCO submission. Mr and Mrs Tocher and other affected parties are able to make representations about the application which the ExA will take into account when making their recommendation to the Secretary of State.</p> <p>A framework of measures to minimise and control potential environmental impacts associated with the operation of the main site compound have been developed by the applicant, the details of which are presented within the Outline Environmental Management Plan [APP-172/Volume 6.11].</p> <p>At the ISH on the dDCO on 2 July the ExA has requested that by 12 August 2019 the Applicant provides further information on why the location of the main site compound was chosen, the alternatives considered and the mitigation that the Applicant will put in place to manage the environmental effects of activities carried out on it.</p>

Appendix A

Grand Union Canal: Photographic Survey (June 2019)

Following receipt of the Canal & River Trust written representation [**REP1-009**], a photographic survey has been undertaken along the section of the Grand Union Canal south of Hampton Lane and east of Henwood Lane.

The purpose of the survey was to further explore and record potential visibility from the canal towards the M42 motorway and the areas covered by the Order Limits, to determine whether temporary and/or permanent works associated with the Scheme would be visible to users of the canal.

A total of nine locations along the Grand Union Canal were visited on the 19 June 2019, with the weather conditions at the time of the survey being dry, sunny and clear. The enclosed series of figures titled "Canal and River Trust Viewpoints" illustrate the survey locations and the photographs taken.

Panoramic photography was taken from viewpoints where receptors are afforded a wide arc of view, in order to demonstrate the extent of the overall outlook available at that location.

Of the nine locations surveyed, Viewpoint 6 is the closest to the Order Limits – a distance of approximately 390m to the west.

The photographic surveys demonstrate that elevated motorway infrastructure (comprising signage and gantries) and heavy goods vehicles may be glimpsed in the distance through gaps in the canal-side hedging and intervening vegetation from Viewpoints 4, 5 and 6.

No visibility of the M42 motorway corridor was recorded from the remaining surveyed viewpoints due to intervening vegetation restricting the view.

Based on the extents of available visibility from Viewpoints 4, 5 and 6, the photographic surveys indicate that temporary activities associated with the erection of new signage during construction of the Scheme may be perceptible in mid to long distance views from these locations; however, these would not form a principle point of focus in the overall outlook afforded to static and transient receptors using the canal.

Following construction works, the outlook from Viewpoints 4, 5 and 6 containing the modified motorway signage would be comparable to the existing situation.