

Standing up for the Warwickshire Countryside

15 July 2019

National Infrastructure Planning  
Planning Inspectorate

### **Planning Act 2008**

### **Application by Highways England for Order granting Development Consent for M42 Junction 6 Improvement, Metropolitan Borough of Solihull Representations due 15 July 2019**

#### **(1) Status of proposed Link Road between M42 (proposed) Junction 5A and A45 at The Clock Interchange**

The proposed road would be a link between the M42 (new junction) and the A45 a local authority road. It would not be part of the 'national system of routes for through traffic in England' which is how the trunk road (and trunk motorway) network is defined in law (Highways Act 1980 S.10). It would be a feeder road to the motorway, but not part of the system of routes for through traffic. Such links to motorway junctions are usually local authority roads.

The A45 west of M42 Junction 6 was detrunked some 30 years ago along with the former A41 and A34, since it was determined that flows between the motorway and the urban area of Birmingham were not part of the national system of routes for through traffic any longer. The proposed link road would serve the same role as the A45 between M42 Junction 6, connecting the M42 with Birmingham city and Birmingham Airport.

The new link road would take over and replace a section of B4438 Catherine de Barnes Lane, acting as the route between the A45 (Clock Interchange) and Catherine de Barnes, so would have a very local function. The present B4438 is stopped up at its northern end. This is a local authority road role.

The Secretary of State for Transport does not have the power to build local roads, only roads that are part of the national system of routes for through traffic in England. This power is not altered by the Planning Act 2008, S.33 and S.38.

There is no national policy that the trunk road and motorway system serves, or should serve, regional airports in England. The three main London Airports (Heathrow, Gatwick, Stansted) are served by motorways, as is Manchester Airport, also a 'national' or intercontinental airport. But most regional airports are not served by trunk roads, and Birmingham is not at present served directly by a trunk road/motorway.

#### **(2) The provision of reasonably convenient routes where highways are stopped up**

The M42 Junction 6 Improvement proposal cuts off the direct road between Bickenhill village and the A45 (Clock Interchange). There is a long detour, especially in the northbound direction. While

footpaths in the Catherine de Barnes area have been given reasonably convenient alternatives, this is not the case between Bickenhill and the A45.

S.14(6) of the 1980 Highways Act requires the Secretary of State for Transport to be satisfied that another reasonably convenient route is available before a highway is stopped up. While the procedures under S.14 are not now used, this legal duty remains.

The present proposals do not meet that legal duty of the Secretary of State.

### **(3) Submission of alternatives or changes to the proposals**

The NSIP Examinations Guidance booklet (2015) covers changes to proposals. It states at para 111

“Other parties can highlight those areas where they think a proposal should be changed during their discussion with the applicant in the pre-application period and also in their written representations.”

This confirms that interested parties may submit proposed changes to proposals – in the case of road schemes that means alternative alignments or junction layouts.

This is not so formalised as in the Highways Act 1980 procedures (Schedule 1 Part III Section 19) but the right to submit alternatives is central to any participation in road planning.

CPRE Warwickshire indicated that it wished to submit alternatives in Representations submitted March 2019, para (8). The process for doing this has however not yet been set out by the Examination.

M A SULLIVAN

## CPRE WARWICKSHIRE BRANCH

### TEXT OF OBJECTIONS TO THE M42 JUNCTION 6 PROPOSALS AS SUBMITTED TO THE PLANNING INSPECTORATE FOR EXAMINATION

March 2019

CPRE Warwickshire responded to the earlier public consultation on the M42 Junction 6 proposals in 2017, and wishes to take part in the Examination of the detailed plans.

Our objections to the proposal as published are in summary as follows:

(1) The M42 east of Birmingham was constructed as the SW-NE through motorway route to carry long-distance traffic and to replace previous trunk roads. It was not built for local traffic. The frequency of junctions along the Solihull Section (Juncs 3A-7) have caused the motorway to become overloaded with local traffic particularly at peak hours. Development in the Solihull area, plus the NEC and Birmingham Airport expansion, have added pressure to the motorway. Despite widening to 4-lane (ATM) this has worsened. The proposals for Junction 6 would increase local use of the motorway and (it appears) add traffic to it. There would also be harmful environmental effects from worsening of air quality caused by high traffic volumes.

(2) The Junction 6 proposals are related to the plan for 'UK Central Hub' which would if implemented further add traffic to the M42, much of it short-distance. 'UK Central (as described in various documents including the Solihull Local Plan Review) would with the Junction 6 proposals impose more delay on existing road users and harm the interests of national through traffic on the M42.

(3) The published Junction 6 proposals would contribute to reducing the value and efficiency of the M42 as part of the national system of routes for through traffic, and this is likely to be used as part of a justification for developing another SW-NE route through the Midlands, the A46(T) between M5 Junction 9 and M6 Junction 2. It would contribute to creating a situation where longer-distance through traffic would use A-class roads instead of the higher-standard and safer motorway. Diverting through traffic from a motorway to an A-class trunk road would be to move traffic from a road with a low accident rate to a higher rate, so as to make more room on the motorway for shorter-distance traffic. The proposals for the A46(T), as they are currently understood, would have a high cost and adversely affect local interests along that route. Part of the Cotswolds AONB would be directly affected by the A46(T) proposals.

These consequences would make the Junction 6 proposals contrary to Highways Act S.10.

(4) The Junction 6 proposals would require significant new road construction in the Green Belt south of the A45, which is here of particular importance being part of the Meriden Gap. The Meriden Gap separates Birmingham and Coventry but is being undermined by various development proposals, the Junction 6 plans being one. The aims of the Green Belt are not met by the proposals.

(5) The Junction 6 proposals include a new junction half-way between Junctions 5 and 6 at Aspbury's Copse, next to the B4102 Solihull Road, in Hampton-in-Arden Parish. This junction would be in the middle of the Green Belt between the villages of Hampton-in-Arden and Catherine-de-Barnes, and undermine the rural character of the area, which has already been affected by the M42 as widened and lit.

(6) The new junction is designed for, and would make possible, the building of a Motorway Service Area on the west side of the motorway in the Green Belt. This MSA is subject to an undetermined planning application which would not be granted without the approval of the Junction 6 proposals. The developer would not fund the junction and is awaiting the publicly-funded works; he would then only need to pay for the north-facing slip roads at this junction.

(7) The Junction 6 proposals by including the junction adjacent to the B4102 bridge over the M42 would create spacing between junctions which is below national standards and involve departures. The high level of congestion on the M42 between Junctions 5 and 6 at many times (not just peak hours) make departing from standards in principle less desirable. It is unclear why a presumption against departures has not been applied in this situation.

(8) Alternatives to the published Junction 6 proposals, which would not have the adverse effects outlined above, should be invited, assessed and costed. There has not been an opportunity to submit alternatives for two years, and new and updated traffic figures not then published, and other information, are now available. The Examination should not proceed until the opportunity to submit alternatives and have them examined, as provided for by the Highways Act 1980, has been offered to all registered parties.

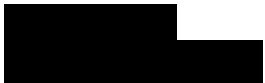
(9) The Junction 6 proposals include significant harm to local rights of way, in the Bickenhill and Catherine-de-Barnes area south of the A45. This is Green Belt with a high density of well-maintained and waymarked footpaths. Its proximity to the urban area makes these footpaths popular, and ensures that they are looked after. The plans take only limited account of the RoWs. We support the detailed objections submitted to the Examination by Warwickshire Ramblers on rights of way.

(10) The proposed new junction half-way between Junctions 5 and 6 at Aspbury's Copse, next to the B4102 Solihull Road, would be near the eastern boundary of the Hampton-in-Arden Conservation Area, which extends down the slope from the hill on which the village stands. This would be an impact on a heritage asset.

(11) The new junction by making possible the proposed Motorway Service Area would cause harm to the setting of the Grade II\* Walford Hall Farmhouse (at OS SP 186803). The long-term future of this heritage asset will be at risk if the MSA is built.

We are disappointed that the Environmental Statement Non-Technical Summary, usually a key document and a starting point for understanding major road proposals, does not have any plan or drawing with it. (At least, the NTS posted on the website has no map or plan.) Usually NTSs do contain a general plan with main details shown. In this case, one needs to refer to Fig 2.1 and Fig 8.8 of the main ES to understand the proposals.

CPRE Warwickshire



23 March 2019