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Date: 28 August 2019

APPLICATION NO.: M42Junction6  
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Dear Sirs

**TR010027 - Application by Highways England for an Order Granting Development Consent for the M42 Junction 6 Improvement Project**

**Matters to be responded to in accordance with the Examining Authority's written questions and requests for information (ExQ2) issued on 5<sup>th</sup> August 2019**

Further to the written questions issued by the Examining Authority on 5<sup>th</sup> August 2019, please find below the Council's response as requested;

Question 2.1.4

*It is evident from DMRB TD 22/06 figure 5/2 that the dumb-bell arrangement proposed would normally offer connections to 2-directional slip roads (in this case, N and S facing slips). How many junctions on English motorways are laid out in a dumb-bell arrangement but only with uni-directional slip roads?*

The Council considers that this is a detailed matter for Highways England. The Council suggests that the only similar junction with uni-directional slip roads in the locality is at Junction 16 M40.

Question 2.1.5

*Please revisit and reassess the advantages claimed for the proposed dumb-bell design for junction 5a in the answer to ExQ1.0.10 in relation to the free-flow design suggested by Applegreen in their Technical Note appended to REP3-024. Since a consequence of the proposed design necessitates the widening of the western roundabout and a section of the link road in order to accommodate MSA traffic, please include all those alterations in the reassessment (particularly, the additional lanes and the additional span of Solihull Road Bridge required). In the light of that reassessment, does the published layout in the dDCO provide the optimum junction arrangement and meet the scheme objectives as defined in the Planning Statement?*

The Extra MSA proposed new junction on the M42 to the north of Solihull Road takes the form of a "dumb-bell" junction as per the DCO layout with the junction bridge passing over the M42. The layout submitted with the planning application includes the demolition of the existing Solihull Road bridge and realignment of Solihull Road with a new bridge where it passes over the carriageway of the motorway. A new carriageway link road is proposed to connect the western dumb-bell roundabout to the application site. The link road would pass under the realigned Solihull Road. Visitors would access and egress the site via the new motorway junction and access road. There would be no vehicular connection to the local road network.

The proposal would have three bridge structures as part of the layout, namely: -

- A new three-span bridge carrying Solihull Road over the M42 and south facing slip roads, which would replace the existing Solihull Road overbridge;
- A new single span bridge carrying the dumb-bell junction link over the M42; and
- A new single span bridge carrying Solihull Road over the proposed development link road.

The details include new slip road lengths to the M42 with taper and nose details to the new roundabout junction on the M42. These details are as follows: -

- Northbound off-slip road of approximately 500metre in length comprising of a 170 metre taper, 80 metre nose and a 250 metre connector road;
- Northbound on-slip of approximately 520 metres comprising of a 150 metre taper, 115 metre nose and a 255 metre connector road;
- Southbound off-slip of approximately 470 metres in length comprising 170 metre taper, 80 metre nose and a 220 metre connector road; and
- Southbound on-slip of approximately 600 metres comprising of a 205 metre taper, 115 metre nose and 280 metre connector road.

No amendments or re-assessment of the junction has been provided with the planning application by Extra. Any amendment to the DCO junction layout has the potential to further impact on ancient woodland (Aspbury Copse). Thus layout submitted in the DCO application is the optimum junction arrangement as a stand alone junction without an MSA. The submitted DCO layout would meet the scheme objectives namely ease congestion and deliver the economic benefits for the area defined in the Planning Statement. Any amendment to the junction is therefore a matter for Extra to address through the planning application submission for the MSA proposed and any subsequent environmental impacts which will need to be assessed.

#### Question 2.1.7

*In answer to ExQ1.0.4, it is indicated that an agreed mitigation measure to off-set the operational impacts of north facing slip roads at the proposed junction 5a is the upgrade of the M42 'smart motorway' to an 'all lanes running' regime from the 'dynamic hard shoulder running regime' currently in place. Can this agreement be confirmed? Who will finance that work? And, will it be implemented only if the MSA materialises or is it anticipated as part of a planned programme to accommodate other elements of future growth?*

The planning application submitted by Extra MSA includes north facing slip roads at the proposed junction 5a, the upgrade of the M42 'smart motorway' to an 'all lanes running' regime from the 'dynamic hard shoulder running regime'. This element of the works would be financed by Extra and only be delivered if the MSA gains planning permission.

#### Question 2.2.1

*It is understood that the trial trenching has now been completed and that a period of about 4 weeks should see the completion of the written report. Please submit this report by Deadline 4 (2 September 2019). That will help to define the extent and importance of any archaeological remains present and provide information essential for avoiding damage or devising appropriate mitigation measures when there is still time to discuss such matters in the course of the Examination. If that Deadline cannot be met, please indicate when the written report of the archaeological investigation will be available.*

The County Archaeologist has been in regular contact with the applicant and their archaeologist on this matter. The County Archaeologist is keen to review the written report following the completion of the trial

trenching once this is submitted by the applicant and will provide a written response to the Examining Authority should this be required.

### Question 2.2.2

*Are the 2 'levels of value' assigned to Conservation Areas and referred to in answer to ExQ1.5.6 derived from Table 6.1 in DMRB Volume 11 Section 3 Part 2? If so, the Panel are concerned that the apparent methodology may not properly reflect that guidance. Although 'high value' Conservation Areas may be associated with a high number of highly graded Listed Buildings, which also have a group value, those are not requirements necessitated by the guidance. Indeed, it would be unrealistic if it were so, as less than 3% of Listed Buildings are Grade I and less than 6% are Grade II\*. Please reconsider the assessment and, in doing so, please address the relevant matters raised by SMBC (REP2-034). Also, please explain the reasoning leading to the assertion that the Listed Buildings in the Bickenhill and Hampton in Arden Conservation Areas do not define the special interest of the designated areas and thus do not raise the value of those Conservation Areas. Again, please also address the relevant matters raised by SMBC (REP2-034).*

The Council considers the following extract from the response submitted to the Examining Authority by Deadline 2 is relevant and provides context to question 2.2.2;

The methodology to assess impacts on Cultural Heritage using Table 7.1 from DMRB is appropriate. The Council considers that **Bickenhill** and **Hampton Conservation Areas** qualify as **High** value with grade 1 listed churches, and at **Hampton** a Scheduled Monument and grade 2\* **Hampton Manor Clock Tower** and **Moat House**.

The **clock tower** is a richly decorated high status feature, with views out across picturesque English parkland. ES Chapter 7 paragraph 7.6.72 does not take full account of this when considering views out from **Hampton Manor** and its formal gardens, across the manors former parkland to the scheme and land beyond. 7.9.19 concludes that the significance of the **clock tower** derives from its link to the house. As a grade 2\* listed structure the significance of the tower is clearly derived from more. The house is the reason that the tower was commissioned, but does not define its significance. The construction and operation of the scheme would impact upon the significance of **Hampton Manor** and its **terrace, walls and steps** (all Grade 2 listed). The Council considers that both would adversely affect the significance of the grade 2\* listed **clock tower**. The ES notes that visual intrusion into the setting of **Hampton Manor** would affect its significance, and that of its listed garden terrace, walls and steps; it must also affect the setting of the clock tower.

ES Chapter 7 paragraph 7.6.77 considers the views of the church of **St. Peter** within the village and from the scheme, with arable or grazed fields and domestic buildings as foreground and often background. These emphasise the character of the ancient settlement focussed around the important parish church on high ground near historic tracks. Its spire is glimpsed from some footpaths to the north east, south east and west towards Castle Hills, a notable contrast to 20<sup>th</sup> century infrastructure such as the airport and A45, and a key landscape feature. An important view of the church looking into the conservation area is gained from the B4102, emphasising its higher position. Vegetation is considered impermanent in a setting such as these spire glimpses, as plants grow, can be reduced, and ultimately fail.

**Hampton in Arden Conservation Area** value is considered by the Council to be High rather than the stated Medium; Magnitude of Impact is considered Moderate Adverse not Minor; the Significance of effect is therefore Moderate/ Large Adverse (not the reported Slight) elevated by the High value of the Conservation Area. Taking into account the scheme extent, topography, M42 impact, and distance to Hampton Manor and clock tower this tends towards Moderate rather than Large.

**Bickenhill Conservation Area** value is considered by the Council to be High rather than the stated Medium; the Magnitude of Impact is considered Moderate/ Large rather than Moderate; the Significance of

effect is therefore Moderate/ Large Adverse (not Moderate) elevated by the High value of the Conservation Area. It would tend towards Large given the truncation of the Conservation Area, proximity to the grade 1 church, elevated sections of road and new lighting and noise.

The Council assumes that the values were accorded using Table 6.1 of the DMRB, which necessitates professional judgement rather than a simplistic application. The Council view remains that Bickenhill and Hampton in Arden Conservation Areas should be of High value using Table 6.1. The Council's comments regarding the Cultural Heritage Chapter of the ES are applicable here too. The DMRB table requires a conservation area to have 'very important buildings' to be High Value. For Medium value it is required to have 'buildings that contribute significantly to its historic character'. The Council considers that a good everyday example of the latter could be a suburban conservation area containing good, largely intact 19<sup>th</sup> and early 20<sup>th</sup> century houses and that clearly justifies its designation whilst containing no listed buildings at all. This would be of Medium value. The Low value category does not apply to a Conservation Area in the table, unless very significant levels of degradation of character in that Conservation Area dictate it. In contrast, the High Value is considered to apply, as previously explained, to Bickenhill and Hampton in Arden Conservation Areas where the focal buildings are the grade 1 mediaeval parish churches on locally high ground at the heart of a group of historic and other buildings typifying an English midlands village.

Of the Borough's 20 conservation areas, 6 contain no listed buildings. The largest conservation area in area contains only 3 listed buildings in more than 500 buildings within the designated area. In another of the larger designations, only 4 of over 130 buildings are listed. Each of these conservation areas has its own clear special interest, and between them they include buildings ranging in age from around 900 years in some rural conservation areas with an ancient church and recently built houses. A short total build-out period of less than 10 years in the mid-1960s was seen in White House Way Conservation Area, Solihull. On the basis of the above and previous comments, the Council cannot accept that the inclusion within the conservation areas of important listed buildings combined with other heritage assets and features of each conservation area does not raise their values to High.

The Council remains of the opinion that the value of **Bickenhill** Conservation Area is High when evaluated using site assessment and other evidence following DMRB Table 6.1. Bickenhill Conservation Area has a focal building in the grade 1 listed mediaeval parish church on locally high ground at the heart of a group of historic and other buildings typifying an English midlands village. This includes the grade 2 listed Grange Farm and several buildings on the Local List of Heritage Assets, served by narrow sinuous lanes with enclosing banks and hedgerows, beyond which are many surviving fields and paddocks often representing an historic layout.

As background relevant to St. Peter's the Historic England guidance on Places of Worship in their listing selection guides helps to define which buildings may meet relevant tests for national designation and be included on the National Heritage List. The extract below is considered relevant to the importance of Bickenhill church and supports the view that the conservation area within which it stands is of High Value partly as a result of including this highly significant building.

*'Places of worship of all faiths and denominations can be supremely uplifting buildings. Places of worship can also be the most significant repositories of a community's architectural and artistic achievement, and their prominence in the historic environment is universally accepted. Many of our most important historic buildings are places of worship and this is reflected in the statutory lists: 45 per cent of all Grade I listed buildings are churches. People feel strongly about them, whether or not they are active members of a worshipping congregation, and they are often repositories for the collective memories of the local communities, and their historic place of burial. With their strong claims to special architectural, archaeological, artistic, historic and cultural interest, places of worship deserve considerable respect and care.'*

At Bickenhill in relation to the Selection Guidance list of important features the church exhibits:

- a clear sequence of phases in different architectural styles
  - evidence of medieval devotions in the church (niches in screen)
  - survival of significant pre-Reformation furnishing and decoration as screen and doors; possible partial survival of early timber structural elements in roof and bell-frame
  - 15<sup>th</sup> century font
  - 15<sup>th</sup> century stone reredos dividing sacristy from north chapel, and considered an unusual feature
  - 17<sup>th</sup> century altar railings
  - Possible East window by Hardman (in 'The Buildings of England: Warwickshire', N. Pevsner, 1966)
- Inspection to determine other features has not been possible.

The proposed High Value for Bickenhill Conservation Area is further supported by the contribution of the grade 2 listed Grange Farm to the character and appearance of the conservation area. Further value is added by the buildings on the Council's Local List of Heritage Assets at: The Croft, Rose Bank, Hazel Cottage, and the South Barn at Grange Farm, all in St. Peter's Lane; Church Farmhouse, its Barn, and Yew Tree Farmhouse, all in Church Lane; Glebe Farm in St. Peter's Lane. Finally, the 1966 Warwickshire volume of the Buildings of England series gave some detail of the church of St. Peter, and perhaps this will be more extensively addressed in the forthcoming Birmingham and Black Country volume (due 2021). Norman masonry including a north arcade no later than c.1150 were noted, along with the unusual '...very interesting' screen and its suggested role as a divide for a vestry.

The Council also remains of the opinion that the value of **Hampton in Arden** Conservation Area is High evaluated using site assessment and other evidence following DMRB Table 6.1. The Council's comments regarding the Cultural Heritage Chapter of the ES are applicable too. The High Value is, as previously explained, considered to apply to Hampton in Arden Conservation Area where the focal building is the grade 1 mediaeval parish church on locally high ground at the heart of a group of historic and other buildings typifying an English midlands village. That wider group includes two Scheduled Ancient Monuments and over 30 listed buildings, including two at grade 2\*.

As background, the Historic England guidance on Places of Worship from their listing selection guides included at 2.2.2.4 is relevant again (but not repeated here). At Hampton in Arden in relation to the Selection Guidance the church exhibits:

- a clear sequence of phases in different architectural styles
- credible documented association with nationally significant patron and architect
- evidence of medieval devotions in the church (image niches, carved inscriptions, churchyard cross)
- survival of significant pre-Reformation furnishing and decoration, especially wooden items (piscina, doors, heart burial niche)
- possible survival of early timber structural elements (roof parts, bell-frame)
- survival of decorative original surfaces (mediaeval floor tiles to chancel)
- survival of extensive documentation that allows the development of the church to be interpreted more fully, including letters between Peel and Nesfield, and photographs of late 19<sup>th</sup> century repairs work.

Further points considered to support a High Value for Hampton in Arden Conservation Area follow:

- The village merits an entry of more than two pages in the Warwickshire volume of The Buildings of England series (rev. 2016, pp. 347-349), including a village perambulation. At page 56 of the original 1966 Warwickshire volume photographs, Nesfield's pargetted and jettied cottages in High Street are illustrated as a reflection of the evident significance of what was designated as part of the conservation area three years later, and the 2016 revision includes the same image and one of Hampton Manor clock tower

- The ancient parish church (grade 1) with mediaeval cross (SAM, grade 2) at the heart is encircled by significant village buildings ranging from the manor house (grade 2) with its ornate clock tower called ‘..unexpected and lively in outline’ by Pevsner (grade 2\*) and the high status Moat House (grade 2\*, the former manor house) on its moated Scheduled Ancient Monument site through to small cottages of mediaeval timber frame or 19<sup>th</sup> century vernacular revival style; the set of estate buildings including the lodge, grooms cottage and High Street cottage terraces of Hampton Manor are a notable additional feature of the village making a strong positive contribution to the conservation area
- Moat House scheduled site represents a moated site adjacent to a parish church on a site with a recorded previous Saxon church; both provide strong evidence of the ancient use of the site for worship and habitation, and of the manorial system with the great house adjacent to the church
- The parish church provides evidence of several stages of construction and alteration between the 12<sup>th</sup> and 21<sup>st</sup> centuries, including the notable restoration by W. E. Nesfield
- The Conservation Area has a strong association with the nationally significant Peel family and their architect Nesfield
- The village provides a good example of a 19<sup>th</sup> century re-modelling of part of an ancient village by a new owner of the manor, with many of the buildings created as part of the new scene at the High Street edge where their architectural and historic interest is easily appreciated.

The 2015 conservation area appraisal includes the following text, which is also considered to support a High Value:

### **1.1 Key positive characteristics**

*This Character Appraisal concludes that the key positive characteristics of the Hampton-in-Arden Conservation Area are:*

- *A well-defined mediaeval village core and prominent ancient church*
- *An evolved history that has produced a diverse range of plot widths and building types*
- *A nationally important cluster of early Arts and Crafts buildings designed by W. E. Nesfield for Sir Frederick Peel*
- *Beautiful views of the Warwickshire Countryside to the south, east and west*
- *Consistent two-storey height with pitched roofs*
- *Designed landscape of Hampton Manor pleasure gardens and park, providing setting of listed garden structures, manor house and clock tower, including pleasure gardens, arboretum, kitchen garden and parkland*
- *Important focus of the parish church and the Solihull Road, Marsh Lane and High Street junction*
- *Historic connection with Sir Robert Peel (Prime Minister 1834 – 35 and 1841 – 46) and his son Sir Frederick Peel.*

### Question 2.2.3

*In spite of the linear features referred to in answer to ExQ1.5.9, the landscape around Bickenhall is surprisingly ‘intimate’; it also exhibits evident remnants of an historical pattern. As the scheme would be in scale with those ‘large’ ‘linear features’, please explain why it would not encroach further into the intimate landscape remaining instead of being ‘absorbed’ by it? Please expand on the reasoning advanced in the answer to ExQ1.5.9 with reference to the relevant matters raised by SMBC (REP2-034).*

Parts of the Council’s responses to the Deadline 2 submission are relevant here. These include comments on 7.9.37, 5.3.46 and 47 in the Planning Statement and National Policy Statement Accordance Table; Landscape at 8.3.6; ES paragraph 7.9.38

Parts of the response to the Scoping Opinion of October 2017 including about paragraphs:

7.9.27 - the historic landscape would be physically impacted during construction, particularly as the link would remove several historic field boundaries, some potentially of medieval origin.

7.9.28 - construction would remove some medieval and post-medieval enclosed landscape, but it suggests that *'areas of the wider surrounding landscape to the east and west of the mainline link road would be preserved and this landscape has capacity to absorb change.'*

7.9.29 - *'As the landscape has capacity to absorb change, and only retains limited elements of historic legibility in the form of field boundaries, the magnitude of impact on the historic landscape is considered to be no more than minor adverse.'*

7.9.30 - *'Due to the extent of physical alteration that would occur as a consequence of Scheme construction, the assessment has concluded that this would result in a **slight adverse** effect on the historic landscape.'*

Chapter 8 for Landscape, 8.6.17 - *'This LCA is a settled rural landscape surrounded and dissected by major development and transport corridors. Despite pressures, it remains functional and intact with relatively few areas where components break down or transition towards more diverse and conflicting land uses typical of urban fringes.'*

8.6.18 - *'Overall this LCA comprises a good quality rural landscape which resists, but remains vulnerable to, the pressures of urban fringe development. Accordingly, this LCA is considered to be **Moderate value** with a **Moderate susceptibility. Sensitivity towards change** is assessed as being **Moderate**.'*

7.9.26 - gives a **Low Value** to historic landscape, and concludes a **Minor Adverse Impact and a Slight Adverse Effect**. The rating of **Low** because it is common to the area seems at odds with Chapter 8 rating the value as at least the lower end of **Moderate**.

**Table 7.1 from Chapter 7** states:

**Medium value** historic landscape: Designated special historic landscapes and non-designated landscapes that would justify special historic landscape designation, landscapes of regional value.

**Low value** historic landscape: Undesignated historic landscapes; Historic landscapes with importance to local interest group.

The site includes fields of arable or grazing land that are often still enclosed and divided by evident remnants of hedgerow, and some of these hedgerows with trees are heritage assets. Some appear to result from mediaeval land division, and some are of later planned enclosure. Looking into and across the site from local roads and footpaths, in many instances the enclosure by hedgerows and by trees either singly, in rows or in blocks creates the 'intimate' landscape referred to. The Council notes that the linear features in the wider local landscape referred to in the applicant's response have little visual impact upon a viewer's experience of the site area from some viewpoints. For example, when looking across the scheme area from some points on Catherine-de-Barnes Lane or Shadowbrook Lane the A45 and railway line are not visible whilst the motorway in cutting and vehicles travelling upon it can both be concealed by topography too. Seen from the M42 northbound, only Bickenhill church spire is visible above vegetation in fields. At night, the motorway lighting can be evident (as either a view of the lights or of their over halo effect) from some points which often give no actual view of the carriageway or of the vehicles using it. The most easily visible element contrasting with historic landscape is the intermittent passage of aircraft.

DMRB states at 3.11:

*(c) Historical and Cultural Components*

*- Elements of areas cultural heritage can form important aspects of character. Earthworks, important buildings and structures, green lanes, ancient hedgerows, industrial remains, vegetation and built features of designed landscapes.*

*Landscapes or features remaining from past farming and land management systems or past settlement patterns may be important in this context. Modern patterns of settlement and communication are important aspects of landscape character and quality.*

*3.12 Certain landscapes may have particular value and importance because of historical or cultural associations eg the settings of important historical events and landscapes associated with the lives of important historical figures, writers, artists or composers or their works. Others are important as the settings of historic towns, listed buildings and conservation areas or because they are designed landscapes.*

As expressed in the response to the first questions from the Examining Authority (Question 4) the value accorded to the historic landscape in ES Chapter 7 should arguably be medium rather than low. The extract above highlights some features of note when assessing the landscape value. Using Table 7.1 summarised below, the value cannot be higher than medium and this is accepted.

#### **Medium**

- Designated or undesignated assets that contribute to regional research objectives
- Grade II Listed Buildings
- Historic (unlisted) buildings that can be shown to have exceptional qualities in their fabric or historic association
- Conservation areas containing important buildings
- Historic Townscape or built-up areas with historic integrity in their buildings, or built settings (e.g. including street furniture and other structures).
- **Designated special historic landscapes and non-designated landscapes that would justify special historic landscape designation, landscapes of regional value.**

Without suggesting that the landscape of the scheme area would merit special designation or that it is of demonstrable regional value, a comparison to the historic townscape element is drawn because of the Table 7.1 requirements to achieve Medium value. The landscape has some legible historic integrity, including continuing use for agriculture, the appearance of field divisions, the historic significance of the hedgerows dividing fields, position and narrow scale of lanes, evidence of former tracks. This sense of continuity and antiquity is enhanced further by the presence of listed buildings such as Castle Hills farmhouse, Bickenhill and Hampton in Arden Conservation Areas, and the earthwork remains of the castle at Castle Hills. Some of these contributors are only or are best appreciated from public footpaths within the site. Elements such as the widened Catherine-de-Barnes Lane, M42 and elevated airport link road off the A45 north detract from the legibility and rural character to some extent as noted in the ES.

#### **Low**

- Sites of low importance
- Assets compromised by poor preservation and/ or poor survival of contextual associations
- Locally listed buildings
- Historic (unlisted) buildings of modest quality in their fabric or historical association
- Historic Townscape or built-up areas of limited historic integrity in their buildings, or built settings (e.g. including street furniture and other structures)
- **Undesignated historic landscapes**
- **Historic landscapes with importance to local interest group.**



The Warwickshire Landscapes Guidelines: Arden (WCC, Countryside Commission, 1993) define the scheme area to the north and north west of the junction of Shadow Brook Lane with Catherine de Barnes Lane as degraded. Since the document was published some improvement may be evident as the result of positive hedgerow management. Some hedgerows were unmaintained and overgrown, obscuring views of Bickenhill village (especially the church of St. Peter) that were previously available over lower hedgerows managed to contain livestock. The reduction of these to satisfy aviation requirements has re-opened some views of and from the conservation area, and some hedgerows will subsequently be somewhat more in keeping with the Arden Parklands character. The scheme area still frequently reflects the Arden Parklands features of middle distance views enclosed by woodland edge, belts of mature trees, ancient woodland, country houses in parkland, and thick roadside hedgerows.

The Waterman's study for the 2013 Local Plan places the scheme area in the Motorway Corridor Landscape Character Area 9, except to the western edge which is 1a. For 9a it notes the intimate character of the landscape with its strong rural character, historical elements, dividing hedgerows with trees, agricultural fields, and transport corridors. The key contribution of Hampton Manor with its woodland and parkland is emphasised, giving a distinctive landscape setting to the western edge of Hampton in Arden. Woodland at Hampton Manor and along the Shadow Brook is noted as a backdrop to many views. The value of the two conservation areas is highlighted, along with the key visual feature of the church of St. Peter, and the fact that most of the areas listed buildings are within these conservation areas. Noise, pylons and a poor footpath network are cited as negative features.

For Sub Area 1A it notes that the Solihull Fringe comprises pastoral and arable fields, woodlands (some of which are ancient), residential ribbon development, commercial and employment buildings, playing fields and various sports clubs. It provides access to the wider countryside for recreation and serves as a buffer to protect the merger of Solihull with Catherine-de- Barnes and Hampton in Arden further east. The minor roads are generally narrow, tree lined and enclosed.

Key characteristics include medium to large scale pastoral and arable fields, with hedgerows to some boundaries. Strong woodland and tree cover is noted as forming the backdrop in most views.

It considers the Landscape Character Sensitivity of the sub-area to be medium.

It includes some attractive landscape features such as woodlands, open fields and historic buildings. Detractors include pylons and traffic noise. The landscape is considered fragmented due to the strong urban influences, road network and varying land uses. Overall, the landscape is in fair condition. Birmingham Airport Obstacle Limitation Surface influences land management within the north eastern section, with tree and hedgerow management/ height reduction/ vegetation removal directly influencing the character near the runway.

The Visual Sensitivity of the sub-area is rated as medium.

It notes medium to short distance views are usually wide – framed, deep, and horizontal in orientation. There are some long views encapsulating the spire of St. Peter's Church in Bickenhill and others where the airport infrastructure is visible. The strong tree cover forms a backdrop to most mid-distant views and the vegetation along the lanes provides a tunnelled view where trees overhang the highway, particularly towards the northern extent.

The value of the sub-area is considered to be medium.

This is a locally distinctive landscape containing valued characteristics. The ancient woodlands and manor houses provide cultural heritage assets to the area.

The sub-area is rated as having an overall low capacity to accommodate change. It states that new development would need to be of an appropriate type, scale and form and in keeping with character and local distinctiveness. Any new development is required to avoid a detrimental change to the setting of the historical environment, and should retain ancient woodland and strong tree cover.

The table appears to require differing degrees of historic significance for placing built heritage or historic landscape into the Medium category. For example, 'Historic townscape or built-up areas with historic integrity in their buildings, or built settings (e.g. including street furniture and other structures)' can be Medium value and could include good streetscenes without any listed buildings of national significance at all. Potentially no building within this would be of greater than local value. The combined visual impact and significance of the set of heritage assets (and other buildings) would be evaluated. There is no suggestion that the asset would need to be of regional significance.

Under landscape it seeks:

*'Designated special historic landscapes and non-designated landscapes that would justify special historic landscape designation, landscapes of regional value.'*

This does not seem to allow for landscape of local value with numerous assets of historic interest contributing to the overall picture, rather than that with a greater regional significance. Such landscape could well comprise a set of heritage assets and other elements the sum of which could be said to equate to that of the historic townscape that can fit into the medium category above.

Notwithstanding the above concerns a significant part of the route is in cutting such that construction would remove heritage assets such as historic hedgerow and trees but the road and traffic using it might not subsequently be visible from any point other than a bridge or immediately adjacent to the route.

The Historic England 'Historic Environment Good Practice Advice in Planning: 3' (2nd Edition), published 22 December 2017 is 'The Setting of Heritage Assets'. Under 'The Extent of Setting' it states that:

*'Extensive heritage assets, such as historic parks and gardens, landscapes and townscapes, can include many heritage assets, historic associations between them and their nested and overlapping settings, as well as having a setting of their own. A conservation area is likely to include the settings of listed buildings and have its own setting, as will the hamlet, village or urban area in which it is situated (explicitly recognised in green belt designations).'*

In conclusion, the value of the landscape affected by the scheme is considered to be Medium rather than Low. However, if the Low value is the only possible definition it must be at the upper end of such a category when its components and their significance are evaluated. The Low category could include a significant range of assets including those of a lesser degree of integrity and legibility than the landscape of the scheme. Negligible value can of course be assigned to landscapes with much less merit than that of the scheme.

In response to the comments submitted by the applicant on the Council's Local Impact Report, appended to this document is the Council's response to several of the points raised on Cultural Heritage only.

#### Question 2.3.1

*The answer to ExQ1.7.10 is welcome. Please submit an agreed position on V.9 of the Technical Note by Deadline 4 (2 September 2019). Please indicate whether the consequent controls necessitated should be contained within the DCO or accommodated in a separate Section 106 Agreement.*

The Council are working collaboratively with the applicant, Natural England and the Warwickshire Wildlife Trust on an agreed position. A draft Bickenhill Meadows SSSI Position Statement was received by the Council for comment on 28<sup>th</sup> August 2019. The Council agrees that the statement is an accurate reflection of the aspects that we agree on, however the Council feels that it is important to make clear that there are still issues outstanding in relation to the SSSI and proposed mitigation solution that we have yet to reach agreement on including for example:

- The MG5 community within the SSSI should also be included in the monitoring scheme – this has been raised with the Applicant but not addressed.
- What is the timescale for agreement of the threshold/triggers from which to monitor against?

- What is the contingency plan if there is too much or too little water reaching the SSSI, and what is the feedback loop for this?
- Design and location of the swale on Shadowbrook Lane and any other infrastructure relating to the mitigation scheme that SMBC will be responsible for maintaining in the long term.

The Council would request that the consequent controls are contained within the DCO rather than a Section 106 agreement.

Question 2.3.2

*The Panel welcome the consideration being given to the possibility of a new Requirement to deliver the monitoring necessary to mitigate the effects of the scheme on the Bickenhill Meadows SSSI (SE unit). Please submit the necessary documentation by Deadline 4.*

This question appears to be directed to the applicant, however the Council's Ecologist would be willing to review any additional documentation as necessary.

Question 2.3.3

*It is understood that the woodland soil survey was completed in June 2019. Please submit the results of that survey by Deadline 4 (2 September 2019). Do the results support the translocation of ancient woodland from Aspbury's Copse? And, if not, where should such translocation take place?*

The Council's Ecologist understands that the applicant intends to submit the report detailing the outcomes of the soil survey to the Examining Authority by Deadline 4. It has therefore not been possible for the Council to review this report prior to the submission of this document. The Council's Ecologist is content to review this document as and when it becomes available, and provide a written response to the Examining Authority should this be required.

Question 2.4.8

*Can SMBC and the Environment Agency confirm their position on the conclusions reached in the geology and soils assessment, as reported in ES Chapter 10.*

The Council is satisfied with the content of Chapter 10 of the Environmental Statement including the assessment methodology, mitigation measures and conclusions.

Question 2.6.1

*The Government's policy [on noise] is set out in the Noise Policy Statement for England. It promotes good health and a good quality of life through effective noise management.*

*In the light of that policy and the criteria that the Secretary of State should take into account, as set out in paragraph 5.195 of the NPSNN, please explain why the daytime SOAEL is set at 68dB LA10,18h (façade). While that might reflect the 'daytime trigger level' imposed by the Noise Insulation Regulations, those Regulations (now somewhat long in the tooth) do not obviously relate to the aims of current Government policy on noise.*

The Council understands that the applicant may have used paragraph 5.199 of the NPSNN to justify setting the level at 68dB, however this question is for the applicant to respond to and for the Council to provide comment on should the Examining Authority request this.

### Question 2.6.2

*In the light of Government policy and the criteria set out in paragraph 5.195 of the NPSNN, an appropriate daytime SOAEL might be set at 60dB LA10,18h (façade), since that would roughly correspond to the level at which the onset of serious community annoyance would occur in the WHO guidance (namely, 55dB LAeq,16h (façade)). Please re-assess the significance of the operational traffic noise effects against a daytime SOAEL set at 60dB LA10,18h (façade).*

The Council considers that this question is for the applicant to respond to, having completed the necessary reassessments. The Council is willing to review any further submission by the applicant on this matter, should the Examining Authority deem this necessary. The Council notes that the original DCO was assessed against the WHO levels set by the Community Noise Guidelines and Night Noise Guidelines for Europe which were issued (WHO, 1999; WHO Regional Office for Europe, 2009). These guidelines have now been reissued by the WHO Environmental Noise Guidelines 2018. Therefore if a reassessment is being undertaken by the applicant, the Council would wish to see the proposed development assessed against the levels recommended by the most recent guidelines.

### Question 2.6.3

*In the light of Government policy and the criteria set out in paragraph 5.195 of the NPSNN, please explain why the night-time SOAEL is set at 55dB LAeq,8h (façade) (paragraph 12.3.49, APP-057). As the Night Noise Guidelines (NNG) for Europe (referred to) explain that the 'interim target' of 55 dB Lnight,outside is recommended in situations where the achievement of NNG is not feasible in the short run, is not a health-based limit and should be considered only as a feasibility-based intermediate target which can be temporarily considered by policy-makers for exceptional local situations, what are the exceptional local situations of relevance here?*

The Council would wish to review the exceptional local situations submitted by the applicant in response to this question, should the Examining Authority consider this necessary.

### Question 2.6.4

*In the light of Government policy and the criteria set out in paragraph 5.195 of the NPSNN, an appropriate night-time SOAEL might be set at 45dB LAeq,8h (façade), since that would roughly correspond to the noise level outside a partially open window at which the onset of sleep disturbance would occur inside bedrooms, as set out in the WHO guidance (namely, 30dB LAeq,8h (inside)). Please re-assess the significance of the operational traffic noise effects against a night-time SOAEL set at 45dB LAeq,8h (façade).*

As per the Council's response to Question 2.6.2, the Council would wish to see the proposed development assessed against the levels recommended by the most recent guidelines, reissued by the WHO Environmental Noise Guidelines 2018.

### Question 2.6.5

*The noise monitoring results provided in Table 12.11 [APP-057] do not always accurately reflect the predicted LA10,18h traffic noise levels derived from the modelled annual average weekday traffic flow. In relation to the DMRB classification of noise impact (Table 12.6, APP-057) a 'difference' in one location (ML7a) would be large enough to constitute a 'major' 'short term' change, while the 'differences' in 5 locations (ML2, ML5, ML6, ML7b and ML8) would amount to 'moderate' 'short term' changes. Although physical screens may account for some of those differences (perhaps at ML5 and ML7b), systematic influences may also operate, so that the identified 'changes in traffic noise levels' (eg Table 12.12, APP-057) may be significantly underestimated. Please explain why that may or may not be so and reassess any currently estimated changes in traffic noise that might need to be altered.*

The Council would be willing to review the applicant's submission on this question, should the Examining Authority consider this necessary.

#### Question 2.6.7

*Sport England's guidance that 58dB LAeq,1hr is a 'typical' noise from a sports pitch, explicitly assumes that the impact noises associated with hockey can be mitigated by incorporating shock absorbing noise reduction measures. Such measures are unlikely to be installed at the WGAA and may even be inappropriate for 'hurling'. It is thus necessary to incorporate the percussive sounds inevitably associated with hurling into the noise assessment. One possibility would be to add a correction factor to reflect the distinctive percussive characteristic of the estimated noise, analogous to the mechanism adopted in BS 4142, but there may be others. Please address the percussive nature of the noise from the WGAA pitches in assessing the impact on relevant NSRs.*

The Council assumes that the applicant has used hockey as a comparison for 'hurling' as this is the closest comparison to activities associated with the WGAA site. The Council considers it reasonable to include a correction factor into the assessment, and the Council is content to review the applicant's submission on this question, should the Examining Authority consider this necessary.

#### Question 2.6.9

*The WHO guidelines indicate that the disturbance or annoyance due to an L<sub>Amax</sub> noise level event can depend on the incidence and frequency of the event. The noise assessment [APP-057] does not appear to address either. Please explain how the incidence and frequency of L<sub>Amax</sub> events might be considered and assess those impacts on NSRs.*

As per the Council's response to Questions 2.6.2 and 2.6.4, the Council would wish to see the proposed development assessed against the levels recommended by the most recent guidelines, reissued by the WHO Environmental Noise Guidelines 2018.

#### Question 2.7.5

*ES paragraph 13.6.54 refers to a safeguarded site for gypsies and travellers located on Catherine-de-Barnes Lane to the north of Bickenhill, which is within the Order Limits of the Proposed Development. Can the Applicant and SMBC please confirm whether this is the Avon Caravan Park or an additional site? If the latter could SMBC provide details?*

There is an existing safeguarded site in the Gypsy and Traveller Site Allocations Plan, adopted in 2014, known as The Haven. The area immediately to the north of this existing site is also formally allocated as a future Gypsy and Traveller site in this Site Allocations Plan. The Council is aware that there is a sign at the entrance to this existing site that refers to 'The Avon Caravan Park' but this is the same site as The Haven.

#### Question 2.7.10

*PRoW M112 connects Damson Parkway in the west to St Peters Lane, Bickenhill. The PRoW would be severed by the mainline link road and would be redirected around 2 sides of a triangle over the proposed 'Catherine-de-Barnes north overbridge' near St Peters Lane. However, paragraph 13.9.20 estimates that there would be a 50m reduction in journey lengths. Can the Applicant provide further explanation as to how this would be achieved?*

This question is for the applicant to respond to, the Council would be willing to review the applicant's submission on this question, should the Examining Authority consider this necessary.

Question 2.7.11

*Paragraphs 3.15-3.17 of the NPSNN commits the Government to investing in 'high-quality cycling and walking environment to bring about a step change in cycling and walking across the country.' The Panel appreciate the work undertaken in assessing alternative routes between the proposed A45 overbridge and Birmingham International Railway Station [REP3-018], but they consider that the assessment gives insufficient weight to the policies set out in the NPSNN. Please reconsider that assessment in the light of those policies and indicate whether the possibility of implementing 'route A' (Table 5.1, REP-018) would require alterations to the DCO or whether other mechanisms (including funding and suitable forms of agreement with the relevant bodies – SMBC, Network Rail etc) would suffice.*

The Council have reviewed the Applicant's submission 8.41 in relation to the footpath connectivity and the 3 alternative routes A, B and C. We would agree with the Applicant's Table 5-1 summary and recommendations.

Question 2.7.15

*Can SMBC confirm its position with regards to the conclusion in paragraph 13.9.52 that the proposal would have a slight adverse effect on development land?*

The Council can confirm that it agrees with the conclusion detailed in the Environmental Statement in paragraph 13.9.52.

Question 2.7.16

*Can the Applicant clarify the assertion in ES paragraph 13.9.54 that there are no planning applications or permissions affected by land required for the operation of the Proposed Development, having regard to the MSA proposals at junction 5a? Can SMBC also confirm whether there are any other applications and permissions that the ExA should be made aware of?*

The Council considers that there are no other applications or extant permissions that the Examining Authority should be aware of. The Local Impact Report submitted by the Council at Deadline 2 detailed the proposals and consents that the Council are aware of in the vicinity of this DCO scheme.

Question 2.7.17

*Can the Applicant provide further justification for the conclusion set out in ES paragraph 13.9.63 that the effect of the Proposed Development on air quality, noise and neighbourhood amenity as a determinant of human health during construction would be neutral.*

*What are the views of SMBC?*

During construction, it was stated by the applicant that there would be temporary worsening of air quality and noise levels for residents in nearby areas, but these would be mitigated by appropriate measures, hence resulting in their neutral effect. However, the assessment on health in the Council's Local Impact Report assumed that both the assessment of the air quality and noise has been completed appropriately and that the mitigation measures were appropriate and minimised these adverse effects.

Separate assessments for the relevant other chapters that fed into the health chapter have raised some concerns regarding air quality and noise levels. Namely, further assessment of the air quality effects around the A45 are awaited, and the start time for noisy works is still being discussed between the applicant and the Council.

Therefore, if confirmation of a lack of a worsening of air quality around the A45 and the contested hours of operation can be resolved, then it would still be assessed that the overall impact on human health as a result of these determinants remained neutral.

Question 2.7.18

*Can the Applicant provide further explanation for the conclusion set out in ES paragraph 13.9.75 that the Proposed Development would have a positive effect on access to open and natural space as a determinant of human health during operation, given the scale and nature of the proposed Junction 5a and new mainline link road in a largely rural landscape.*

*What are the views of SMBC?*

The applicant has proposed improvements to the footways and cycleways as a result of the scheme, and this has been assumed to be correct, and therefore welcomed as a means of encouraging active transport and promoting non-motorised user access to open space.

Question 2.8.1

*Does the Short List of Developments in Appendix 16.3 [APP-16.3] contain all that it should?*

The Council considers that the other application the Examining Authority should be aware of is the runway extension at Birmingham Airport (planning application reference PL/2008/00339/FULM) that has only been partially implemented. The planning permission includes the tunnelling of a section of the A45 Coventry Road, which to date has not been implemented.

Condition 25 of the planning permission requires that: -

The development hereby approved shall be implemented either as a whole or in phases, in accordance with a phasing plan to be submitted to and agreed in writing by the Local Planning Authority and wholly in accordance with this permission.

The phasing plan submitted by Birmingham Airport and agreed in writing by the Local Planning Authority indicates that the tunnelling of the A45 Coventry Road would be undertaken by end 2023 unless agreed in writing with the Local Planning Authority.

Question 2.9.1

*The Panel welcome the promise to explain the relationship between the LAM, OM, PRISM and NTEM at Deadline 4 (2 September 2019). However, whatever the nature of those relationships, the Panel need to know how the growth anticipated by 2041 is to be accommodated on the road network because all the evidence currently available suggests that the current scheme will be insufficient on its own. We understand that discussions between SMBC and the Applicants held on 16 July 2019 have addressed that conundrum. In the light of those discussions, please explain what new roads, road schemes or road improvements are envisaged to accommodate the growth anticipated up to 2041 and indicate how the current scheme might integrate with those further developments. Please take account of the works to accommodate HS2, the 'people mover' to Birmingham International Airport and the extension of the Midlands Metro to both the Airport and the HS2 interchange station all anticipated by 2026.*

The Council and the Urban Growth Company (UGC) are working with HS2 and the applicant to improve a number of highway junctions in the area of M42 J6 and the new HS2 Interchange. This programme is planned to address the growth in the area of the "Hub". The Hub includes the proposed development known as Arden Cross (around the new HS2 Interchange Station) and the major businesses in the area including Birmingham Airport, the NEC, Birmingham Business Park and JLR. In parallel, plans are being developed with Transport for West Midlands to improve public transport including Sprint buses and people movers.

As previously advised, Phase 1 Highway Works were completed in 2016 with the completion of the A45 South Bridge over the West Coast Main Line. Phase 2 are the improvements by the applicant at Junction 6 of the M42. Phase 3 are works by HS2 and UGC to modify a number of junctions on the A45, A452 and A446 due to start by the end of 2019 and to be completed before 2026 when the new HS2 service is due to commence. Phase 4 would be further improvements to address growth in the Hub area after 2026 and up to 2041 (15 years after the opening of HS2).

#### Question 2.9.2

*It is clear that SMBC envisage a 'phase 3', accommodating improvements around the HS2 Interchange Station and along the A45 and A452 corridors and a 'phase 4' addressing the needs of the Hub and its connections with both the M6 and the M42 motorways beyond 2026 and up to 2041. This raises 2 issues:*

- 1. As 'phase 3' is due to be completed barely 6 years after a decision has been made on the current scheme, is it necessary to extend the limits of this DCO in preparation for those imminent proposals?*
- 2. How does this scheme relate physically to the transport proposals required to accommodate the growth envisaged in phases 3 & 4? (Essentially, the same question as ExQ2.9.1)*

Most of the work involved in Phase 3 is contained within the Limits of Deviation for the HS2 scheme. The extent of some of the highway improvement options has not been determined yet but if these extended beyond the DCO and HS2 limits then a further process would need to be undertaken.

#### Question 2.9.3

*It may well be that the promised explanation of how the various traffic models relate to each other will also provide the answer to this question. However, at first glance from the answer given to ExQ1.11.8, it would appear that the OM accommodates much of the traffic at the upper limit of the variations envisaged in the LAM, the flows in South Way being some 19% higher in the OM than those in the LAM during the AM peak and some 54% higher in the OM than those in the LAM during the PM peak. Please explain how the situations being modelled can be taken to be comparable.*

*Moreover, if the absence of queues in the OM at 2041 (as shown in Figure 7.8, APP-174) encompasses the variation evident in the LAM, how does the OM address the inherent variability of the traffic at junction 6 on the M42?*

This question is for the applicant to respond to, the Council would be willing to review the applicant's submission on this question, should the Examining Authority consider this necessary.

#### Question 2.9.4

*From the answers given to ExQ1.11.8 and ExQ1.11.11, the traffic accommodated by the OM appears to encompass the 'high growth' scenario set out in the LAM. Does it follow that, although several links at junction 6 and the Clock Interchange have V/C>1 (up to about 1.6 sometimes) (Appendix B and Figures 2A-3B [REP2-007]) additional road works will not be required because the OM generally accommodates the flows predicted? Or, is it the case that the reference to the restriction of 'any increase in user benefits when compared with the core scenario' (answer to ExQ1.11.11) implies the existence of 'hidden' queues throughout the network?*

This question is for the applicant to respond to, the Council would be willing to review the applicant's submission on this question, should the Examining Authority consider this necessary.



**Signed**



**Derek Lawlor  
UK – Central Delivery Group Manager  
Metropolitan Borough of Solihull Council**

Appendix 1

### **Further comments from the Council on the Applicant's response to Solihull Metropolitan Borough Council's Local Impact Report**

The Highways England comments on the Local Impact Report run from point 1 to 8, and these additional comments follow this order.

#### **1. Value of Bickenhill Conservation Area**

Please see the Council's response to ExA WQ2 question 2.2.2.

2. No further comment

3. No further comment

4. No further comment.

#### **5. Value of Hampton in Arden Conservation Area**

Please see the Council's response to ExA WQ2 question 2.2.3.

#### **6. Hampton Manor Clock Tower**

The group value of the manor, terrace walls and steps, lodge and cottage was noted in the 1976 listing citation. Since 1972 the clock tower has been individually listed at grade 2, elevated in 1993 to 2\*; it adds significantly to that group value. The clock tower has its own setting, with the attached manor as an obvious and very significant part of that. However, the suggestion that the scheme impact is upon the relationship of the tower to the manor is still not considered appropriate. The tower and manor share a setting and both contribute to the appreciation of the other. The Council considers that the two designated heritage assets can each experience impacts upon their setting which will vary slightly between each. This might include the impact of the scheme upon views from the upper stage of the tower, and where such views are currently affected by tree cover they may be more open again in due course. Although joined, both buildings are seen from a selection of viewpoints and both have views out into and across the gardens, parkland and wider countryside. Changes to vegetation including trees may alter views from and to the designated heritage assets through time, and current seasonally obscured views will not necessarily remain as such. In parkland settings tree loss can be due to natural events as well as human intervention.

The Council's Local Impact Report response said:

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

*significance. Part of the schemes impact will be that of the new junction and lighting and the new link road itself, including lighting impacts that will be experienced in currently unlit arable or pastoral fields.*

The setting of the clock tower is affected in its own right as a structure with views and a deliberate prominence in the local landscape. The Council cannot agree that the scheme affects the relationship of the tower to the manor but not the setting of the tower itself (and the setting of the manor too of course). The M42 is a significant feature in the local landscape but it is not as readily visible as it might be due to the intervening topography and the carriageway level below the level of the fieldscape through which it runs. In contrast to that the scheme and its dumbbell islands will be at a higher level and with the lighting near to and on the islands, more easily viewed from some points and between autumn leaf fall and new growth in spring. The clock tower is of such significance that it is included amongst the photographs illustrating the 2017 revision of the Pevsner Buildings of England series Warwickshire volume. The impact on the significance of the grade 2\* listed tower of High Value should be assessed separately from any issue of its relationship to, and contribution to the significance of, the manor itself.

## **7. Enhancing or better revealing the significance of heritage assets**

Any improved planting proposals that enhance heritage assets or reduce impacts upon them will be welcomed, particularly where they bring clear benefits for landscape character and biodiversity too.

## **8. Historic landscape**

Please see the Council's response to the ExA WQ2 Question 2.2.3.

**Appendix A – Extract from Listing Selection Guidance for Places of Worship from Historic England regarding listing selection for churches informing response to points 1 and 5 (<https://historicengland.org.uk/images-books/publications/dlsg-places-worship/>)**

## **1.1 The Church of England**

*The Church of England is custodian of the single largest number of listed places of worship: out of 16,151 Church of England parish churches, around 13,000 (80 per cent) are listed, and many of them at a higher grades. The Church of England thus performs a major role as the guardian of many outstanding buildings and sites. Often the oldest and most visually prominent structures in a community, most churches will have been considered sacred for many generations, and have been the setting for their rites of passage, from baptism to burial. They occupy a unique position in a community's understanding of its past, even in an age of declining church attendance.*

## **1.2 Pre-1800 churches**

### **Parish churches before the Reformation**

*It is unlikely that many medieval buildings have escaped designation. Some, however, especially where designated several decades ago, may be inappropriately graded. As noted above, churches with extensive medieval fabric will almost always warrant listing at a high grade; factors that would particularly support high-level grading include:*

*Traces of pre-Conquest fabric; Survival of a building of a single-phase of construction; Buildings with a clear sequence of phases, perhaps in different architectural styles; Credible (preferably documented) association with a nationally significant patron or known architect or mason; Evidence of medieval devotions in the church or churchyard (image niches, carved or painted inscriptions, devotional paintings, churchyard cross); Survival of significant pre-Reformation furnishing and decoration, especially wooden items (stalls, benches, screens and doors, especially if bearing medieval ironwork); Survival of medieval altar; Survival of early timber structural elements (roof, porch, bell-frame); Survival of decorative original surfaces (walls and floors); Survival of extensive/exceptional documentation that allow the development of the church to be interpreted more fully.*

*Most medieval churches occupy a site of great antiquity, and in their plan form or orientation may echo earlier structures on or near the site. Where appropriate, assessments for designation should take buried archaeology into account, as well as the relationship between the church, churchyard and associated structures (funerary monuments, boundary walls, lychgate, rectory and so on, which should be separately identified in their listings). Assessments should also be sensitive to the wider landscape context of the church. It is not possible, under existing legislation, to designate churches in active use for worship for their archaeological interest through scheduling. Many churches are of supreme interest for their early fabric and evidence of early phases, and wherever possible this should be reflected in both grading and designation documentation.*

## **2.7 Grading**

*A very large proportion of our most highly-graded buildings are churches: 45 per cent of all Grade I listings are for churches. Grade I, the uppermost grade, is reserved for buildings of outstanding interest. This might include an important medieval church containing notable fittings; the very best examples (from all epochs) of post-medieval churches and chapels; and the key works of leading architects. Very early fabric (particularly Anglo-Saxon) is another justification; so too is rarity.*

*Grade II\* denotes more than special interest, and the great majority of medieval churches will warrant this grade at least. Other reasons for inclusion in this upper grade may include fittings (such as monuments, wall paintings, stained glass or liturgical fittings) within an otherwise unremarkable building; or the survival of earlier elements (a Norman doorway, for instance) within a rebuilt structure. Particularly intact, exemplary or rare examples of places of worship may warrant this grade too. Restoration will by no means preclude a church from being listed in a higher grade: much depends on the character, coherence and quality of the*

*alterations and associated fixtures, and sometimes these will be the very features that warrant the higher grade.*

*Grade II denotes special architectural and historic interest. A medieval church listed in Grade II will have undergone heavy restoration or extensive rebuilding, and generally lack fixtures of note.*

## Appendix B – abbreviated Heritage List Descriptions included for convenience

Heritage Category: Listed Building Grade: I

Date first listed: 08-Sep-1961

Statutory Address: CHURCH OF SAINT PETER, CHURCH LANE

### Details

Parish church. C12 north aisle, arcade, chancel circa 1300, north aisle widened early C14. Late C15 north chapel and embattled west tower. Modern south porch. Spire, side turret dated 1630. Much restored 1887. Late C17 altar railings. C15 octagonal font.

Heritage Category: Listed Building Grade: II

Statutory Address: GRANGE FARMHOUSE, CLOCK LANE

### Details

2. C19, altered, exterior, perhaps with earlier structure. Colour washed stucco, tiled roof with 3 gables. 2 storeys, flush lattice casement windows with louvred shutters.

Heritage Category: Listed Building Grade: II\*

Date first listed: 18-Jul-1972

Date of most recent amendment: 11-Feb-1993

Statutory Address: THE CLOCK TOWER ATTACHED TO HAMPTON MANOR, HIGH STREET

### Details

Clock tower. 1872. By W.E. Nesfield. Ashlar with slate pyramidal roof and lantern. Gothic style. 3 stages, octagonal plan with projecting stairs to turret on right. Pointed arch doorway up flight of steps then 2-light cusped windows to second stage and 2 tall lancets on third stage with 4 clock faces, 3 of them with panels beneath, finely carved with signs of the zodiac. A cornice and fine gargoyles are surmounted by the octagonal roof which has 3 elaborate wooden dormers and fine open lantern with finial. Interior has open spiral staircase and the clock mechanism and bell survive. The clock tower is attached to Hampton Manor (q.v.) but is entered separately.

Heritage Category: Listed Building Grade: II

Date first listed: 18-Jul-1972

Statutory Address: HAMPTON MANOR, HIGH STREET

### Details

1855. Additions circa 1870-3 to designs of W E Nesfield, architect. The house is built of stone in a Tudor Gothic style. It is of 2 storeys and has large mullion and transom windows and battlements. 2 storey bay windows. Home of Sir Frederick Peel MP, younger son of Prime Minister Sir Robert Peel. Dated 1855 on external wall. Interior has arcaded entrance hall, fine staircase, hall, panelling, encaustic tiled floors. Attached to the lower service courtyard is the clock tower (q.v.).

Heritage Category: Listed Building Grade: II

Date first listed: 22-Jul-1976

Statutory Address: GARDEN TERRACE, WALLS AND STEPS AT HAMPTON MANOR, HIGH STREET

### Details

2. Mid C19 garden terrace west of house has ashlar retaining walls and solid parapets, central steps down to lower garden.

Hampton Manor, Garden Terrace, Walls and Steps at Hampton Manor, Manor Cottage and No 37 (The Lodge) form a group.

Heritage Category: Listed Building Grade: II

Date first listed: 22-Jul-1976

Statutory Address: THE LODGE, HAMPTON MANOR, 37, HIGH STREET

### Details

2. Circa 1870 by W E Nesfield in a picturesque vernacular manner. Red brick, tiled roof with tile hung gable to road. 1 storey and attics, casement windows, some with stone dressings, 1st floor oriel window to drive

front. Tall red brick chimneystacks. Hampton Manor Garden Terrace Walls and Steps at Hampton Manor, Manor Cottage and No 37 (The Lodge) form a group.

**Heritage Category:** Listed Building **Grade:** II

**Date first listed:** 22-Jul-1976

**Statutory Address:** MANOR COTTAGE, HIGH STREET

#### **Details**

2. Later C19, probably by W E Nesfield. Picturesque vernacular style. Red brick house (larger than a normal cottage) with tiled roof and tall ribbed chimneystacks. 2 storeys, L plan, stone dressed casement windows. Round arched doorway. 2 carved stone shields in gable end. 1 storey garage extension. Hampton Manor, Garden Terrace Walls and Steps at Hampton Manor, Manor Cottage and No 37 (The Lodge) form a group.

**Heritage Category:** Listed Building **Grade:** I

**Date first listed:** 08-Sep-1961

**Statutory Address:** CHURCH OF SAINT MARY AND SAINT BARTHOLOMEW, HIGH STREET

#### **Details**

I. Parish church. C12 chancel and nave south arcade columns. C13 nave and chancel arch, C14 north aisle, C15 south aisle and west tower, C16 clerestory. Modern south porch and vestry. Chancel extensively restored 1879. Chancel arched piscina. Brass 1729. Carved marble monument, 1707.

### **Scheduling for Moat House, Hampton in Arden**

**Heritage Category:** Scheduled Monument **List Entry Number:** 1017243 **Date first listed:** 18-Jul-2000

#### **Reasons for Designation**

Around 6,000 moated sites are known in England. They consist of wide ditches, often or seasonally water-filled, partly or completely enclosing one or more islands of dry ground on which stood domestic or religious buildings. In some cases the islands were used for horticulture. The majority of moated sites served as prestigious aristocratic and seigneurial residences with the provision of a moat intended as a status symbol rather than a practical military defence. The peak period during which moated sites were built was between about 1250 and 1350 and by far the greatest concentration lies in central and eastern parts of England. However, moated sites were built throughout the medieval period, are widely scattered throughout England and exhibit a high level of diversity in their forms and sizes. They form a significant class of medieval monument and are important for the understanding of the distribution of wealth and status in the countryside. Many examples provide conditions favourable to the survival of organic remains.

Partially moated and walled sites are relatively rare, and that at Moat House will provide information about the fashions, status and purpose attached to the moat at the time of its construction when moats were particularly favoured as high status sites in the forest lands of Warwickshire. In addition the walled southern side, constructed from massive blocks of imported red sandstone, which overlooks the road and the flood plain of the River Blythe may have acted to provide a semi-fortified appearance to the manor. Whilst the majority of the monument survives as earthworks providing information on the size and form of the moated site, those areas of the moat which have been partly infilled will be expected to preserve earlier deposits including evidence of its construction and any re-cutting or alterations which occurred during its active history. In addition the moat remains waterlogged in parts and will preserve environmental deposits providing information about the ecosystem and agricultural regimes around the moated site.

Geophysical survey has confirmed that the buried remains of buildings survive upon the island, these will provide evidence for their dates and methods of construction, occupation and demolition. Artefactual evidence will also illuminate the social history of the site, providing understanding of its occupants and their daily activities, as well as providing dating evidence. The arrangement of the agricultural and domestic ancillary buildings in relation to the residential quarters, will help illustrate the day to day functioning of the manor.

## Details

The monument includes the known extent of the buried, earthwork and standing remains of the partially moated and walled manorial complex at Moat House. The site is located in a landscape which was formerly part of the Forest of Arden, lying just below the crown of a hill overlooking the flood plain of the River Blythe, adjacent to the parish church, on the main Solihull Road.

On the north and east sides are the remains of a moat, whilst a large buttressed ashlar wall defines the south side and parts of the eastern and western sides. The local topography prevented the site ever being fully moated and the large wall to the south is believed to have been constructed as a counter-part to the moat where the land sloped too steeply to countenance a moat.

The site is sub-rectangular with all of the moat island and most of the moat and wall circuit surviving. It is orientated north to south and measures approximately 140m by 90m overall. The arms of the moat measure up to 15m wide and 3m deep on the north side, being shallower at the less complete east arm. There are traces of both an internal and external bank on the lip of the moat which will have added to its effectiveness both as a boundary and in terms of its visual impact. The moat is generally dry, but remains waterlogged in places, and is expected to preserve organic remains. The wall measures up to 3m high and is up to 1m wide at the base. It is constructed from monolithic ashlar blocks of imported sandstone. A gate in the eastern wall, 5m from the terminus of the eastern arm of the moat, leads directly from the site of the medieval manor house to the west entrance of the church; it is believed that this marks an original causeway between the two sites.

The moat island is level with the prevailing ground levels. Geophysical survey was carried out on the moat island in the 1990s. This indicated that, despite previous landscaping in the area, there is still considerable archaeological survival of buried features of the medieval period; in particular a large buried building, believed to be the medieval manor house, was located beneath the gardens to the east of the present buildings. Moat House, a Grade II\* Listed Building, is sited on the island. It is a timber framed house of the 16th and 17th century believed to incorporate masonry reused from the medieval manor. The house is excluded from the scheduling, although the ground beneath it is included.

Although few earlier records survive, detailed records exist from the 17th century relating to the present house which is believed to represent an upgrading of the residence replacing the medieval manor house sited to the east, thus providing a more fashionable residence. The estate belonged to the Peel family and in the 19th century was owned by Sir Robert Peel. Sir Robert's son later built the Gothic mansion to the north west, and this became the primary residence, whilst the house on the moated site continued in use as a farm.

Moat House and all made up surfaces are excluded from the scheduling, although the ground beneath them is included.