



2<sup>nd</sup> September 2019

*By e-mail to:*

[M42Junction6@planninginspectorate.gov.uk](mailto:M42Junction6@planninginspectorate.gov.uk)

Dear Sirs,

**PLANNING ACT 2008 (AS AMENDED) – SECTION 55:  
APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT  
CONSENT FOR THE M42 JUNCTION 6 IMPROVEMENT SCHEME**

Following the Issue Specific Hearing on 21 August, Birmingham Airport Limited write to respond to Requirements R1, R3, R4, R5 and R8 with a view to reaching agreement and inclusion within the next draft of the DCO.

Following a review of the current wording for requirements 1, 3, 4, 5 and 8, we consider that the wording be amended as follows:

**Requirement R1 (clause 1)**

“Airport safeguarding zone” means the “take off flight path, take off climb surface”, the “approach surface”, the “transitional surface” and the “inner horizontal surface” as provided for on the safeguarding map issued for the purposes of the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 and certified by the Civil Aviation Authority as the safeguarding map for Birmingham Airport;

“Birmingham Airport” means the civil aerodrome certified for use by the European Aviation Safety Agency (EASA) under certificate reference: EGBB-001

“Birmingham Airport Limited” means Company No. 0207873 of Diamond House, Birmingham Airport, Birmingham B26 3QH

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Registered at the above address. Registered in England & Wales no. 2078273.

### **Requirement R3 (clauses 2, 3 and 4)**

The Secretary of State must not approve any amended details under sub-paragraph (1) that exceed the maximum vertical limits of deviation shown on the works plans and on the engineering drawings and sections within the Airport safeguarding zone, unless the Secretary of State, following consultation with Birmingham Airport Limited, certifies that a deviation in excess of those limits would not adversely affect the safety of aircraft taking off or landing at, or flying in the vicinity of Birmingham Airport or otherwise conflict with the European Aviation Safety Agency (EASA) aerodrome design requirements.

There shall be no conflict with the European Aviation Safety Agency (EASA) aerodrome design requirements unless an aeronautical study is conducted to the satisfaction of the Civil Aviation Authority, that determines a deviation from EASA requirements can safely be made without any operational limitations being imposed upon Birmingham Airport.

Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding works plans or engineering section drawings and the undertaker must make those amended details available in electronic form for inspection by members of the public.

### **Requirement R4 (clause 3c ii)**

(ii) lifting operations, which are to be agreed with Birmingham Airport Limited prior to taking place.

### **Requirement R4 (clause 4b)**

(b) in the case of the Dust, Noise and Nuisance Management Plan, Surface Water Management Plan, Bird Strike Management Plan and the Crane Management Plan, Birmingham Airport Limited.

### **Requirement R5 (clause 1b)**

(b) Birmingham Airport Limited on matters relevant to the safety of aircraft taking off or landing or flying in the vicinity of Birmingham Airport.

### **Requirements R8 (clause 2b)**

(b) Birmingham Airport Limited on matters relevant to the safety of aircraft taking off or landing, or flying in the vicinity of, Birmingham Airport.

### **Other Matters**

#### **Construction Compound**

In terms of the construction compound, we have reviewed the plans from an Obstacle Limitation Surface (OLS) perspective and request that steps are taken to ensure that there is no conflict between the compound features and the Airport OLS overlying the preferred site.

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The western part of the site lies underneath the Runway 33 Transitional Surface and the eastern portion under the Inner Horizontal Surface. Detailed planning of the site compound should therefore be undertaken to gain the Airport's approval from an OLS safeguarding perspective.

In addition to the above, there should be no use of any radio equipment within the compound area, without prior agreement with Birmingham Airport Limited.

Whilst the Airport have no 'in principle' objection to any of the proposed compound locations, we do ask that we are consulted on the details of how the construction compound are managed to ensure there is no adverse impact on safeguarding. This would be done by inserting an additional clause into Requirement 4, which would read as follows:

**A new Requirement 4. (3) (d) (xvi):**

"Construction Compound Management Plan"

Requirement 4.(4) (b) amended to read as follows:-

"No part of the authorised development is to commence until a CEMP, substantially in accordance with the OEMP, has been submitted to and approved in writing by the Secretary of State, following consultation with—

(a) the relevant planning authority to the extent that it relates to matters relevant to its functions; and

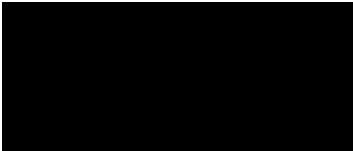
(b) in the case of the Dust, Noise and Nuisance Management Plan, Surface Water Management Plan, Bird Strike Management Plan, Crane Management Plan and Construction Compound Management Plan, Birmingham Airport Limited."

**Statement of Common Ground**

Please enclosed, our latest Statement of Common Ground, which shows our comments in track changes.

If you have any queries, please contact me on the number below.

Regards



Robert Eaton  
**Head of Planning, Transport and Strategy**  
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Enc. Draft Statement of Common Ground  
cc. Highways England Chris Harris  
Aecom James Hemingway

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# M42 Junction 6 Development Consent Order

**Scheme Number TR010027**

## **8.20(b) Statement of Common Ground with Birmingham Airport Ltd**

Planning Act 2008

Rule 8 (1)(e)

The Infrastructure Planning (Examination Procedure) Rules 2010

Volume 8

July 2019

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

**M42 Junction 6**  
Development Consent Order 202[ ]

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**STATEMENT OF COMMON GROUND**  
**Birmingham Airport Ltd and First Castle Developments**

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<b>Regulation Number</b>	Rule 8(1)(e)
<b>Planning Inspectorate Scheme Reference</b>	TR010027
<b>Document Reference</b>	8.20(b)
<b>Author</b>	Highways England and Birmingham Airport

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
3	03 September 2019	Version 3 Updated Draft for Deadline 4

## STATEMENT OF COMMON GROUND

**This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited, (2) Birmingham Airport Ltd and First Castle Developments**

Signed.....  
Chris Harris  
Project Manager  
on behalf of Highways England  
Date: [DATE]

Signed.....  
Robert Eaton  
Head of Planning, Transport and Strategy  
on behalf of Birmingham Airport  
Date: xx September 2019

Signed.....  
XXXXXXXXXXXXX  
XXXXXXXXXX  
On behalf of  
First Castle Developments  
Date:

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- B. Meeting minutes with Birmingham Airport on 28/02/2018.
- C. Meeting minutes with Birmingham Airport and the Environment Agency 08/05/2018.
- D. Letter dated 18.06.19 and appendices.
- E. Meeting minutes with Birmingham Airport on 25/07/19

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# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed M42 Junction 6 Development Consent Order ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 The order, if granted, would authorise Highways England to carry out the following works:
- a. a new dumbbell junction approximately 1.8km south of the existing Junction 6 on the M42;
  - b. construction of a new 2.4km dual carriageway link road between the new junction and Clock Interchange (an existing junction on the A45);
  - c. modifications to the existing Clock Interchange junction;
  - d. upgrades to the existing Junction 6; and
  - e. realignments and improvements to local roads to the west of the existing M42 in proximity to the proposed bypass.
- 1.1.3 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.4 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

## 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant, (2) Birmingham Airport Ltd and (3) First Castle Developments
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 Birmingham Airport's role in relation to the DCO process derives from Section 42(1)(d) of the Planning Act 2008 as a land interest and neighbouring business which may be affected by the Scheme. Birmingham Airport own land within the red line boundary and is a key traffic generator and employer in the surrounding area.



1.2.4 Collectively Highways England and Birmingham Airport are referred to as ‘the parties’.

### 1.3 Terminology

1.3.1 In the table in the Issues chapter of this SoCG:

- a. “Agreed” indicates where the issue has been resolved.
- b. “Not Agreed” indicates a final position, and
- c. “Under discussion” where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Birmingham Airport’s representation and therefore have not been considered in this document. It is recognised however that engagement between both parties will need to continue due to their joint vested interest in the area of the Scheme.

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## 2 Record of Engagement

2.1.1 The parties have been engaged in consultation since the beginning of the proposed development. A summary of the meetings and correspondence that has taken place between Highways England and Birmingham Airport in relation to the Application is outlined in **Table 2.1**.

**Table 2.1 - Record of Engagement**

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
26.04.16	Meeting	Early discussion meeting to present details of the scheme to date and listen to thoughts and concerns before developing the options in more detail.
16.06.16	Meeting	Birmingham Airport shared growth strategy and discuss implications
28.10.16	Meeting	Meeting to share progress on the options and discuss presentation of the options at public consultation
03.10.17	Email	Email to circulate initial drawings for the proposed scheme showing the PRA, and the PRA in greater engineering detail. These drawings were circulated ahead of the meeting on 11.10.17.
11.10.17	Meeting	Meeting to share progress in advance of Statutory Consultation and requested and information relating to airport safeguarding requirements.
07.02.18	Email	Highways England requested another meeting with Birmingham Airport to discuss the scheme in more detail as part of Statutory Consultation.
13.02.18	Email	Birmingham Airport suggested time and date of next meeting of 28 February 2018.
13.02.18	Email	Highways England confirmed suitability of meeting time and date
15.02.18	Email	Highways England requested confirmation of the latest airport safeguarding information and any other limitations that the project need consider as part of ongoing design development.
16.02.18	Email	Statutory Consultation response received from Birmingham Airport

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
16.02.18	Email	Birmingham Airport confirmed safeguarding queries raised in the email on 15 February 2018. Also provided crane operation guidance
28.02.18	Meeting	Statutory consultation meeting
02.03.18	Email	Issued meeting minutes and general arrangement drawings to Birmingham Airport
08.05.18	Meeting	Joint meeting with Birmingham Airport and the Environment Agency to agree the surface water attenuation and treatment strategy following responses to statutory consultation.
20.07.18	Email	Highways England issued technical note covering the revised drainage attenuation and treatment strategy in more detail.
24.07.18	Email	Request for access to Birmingham Airport land for surveys
30.07.18	Email	Received email confirmation from Birmingham Airport accepting the revised drainage attenuation and treatment strategy in principle
28.09.18	Meeting	Scheme update and discussion regarding signage and traffic impacts during construction.
02.10.18	Letter	Birmingham Airport additional consultation response
10.04.19	Meeting	Highways England met with Birmingham Airport in regards to land and property issues, construction and the design submitted as part of the Development Consent Order Application.
18.6.19	Letter	Highways England's response to the issues raised in Birmingham Airport's Relevant Representation Letter
20.6.19	Draft SoCG	Draft Statement of Common Ground – First Draft
25.07.19	Meeting	Highways England met with Birmingham Airport to discuss matters related to the SoCG and other outstanding matters. See Appendices for further detail.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) Birmingham Airport in relation to the issues addressed in this SoCG.

## 3 Issues

### 3.1 Issues Raised

**Table 3-1 – Record of Issued Raised**

Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
<b>Design</b>			
<p><b>Clock Interchange – Segregated left Turn Lane</b></p>	<p>The Airport previously had concerns that the location of the segregated left turn lane may preclude the provision of two merging lanes onto the A45 westbound, as part of any future works required to be implemented by the airport to facilitate growing passenger numbers. Additional detail has been provided in the current application where the proposed scheme design now indicates that two lanes are able to exit the Clock Interchange circulatory carriageway onto the A45 westbound, in addition to the proposed segregated left turn.</p> <p>However, concerns previously raised relating to potential high growth at the airport necessitating the reconstruction of Clock Interchange and in turn requiring the segregated left turn to be relocated remain valid.</p>	<p>The Applicant notes Birmingham Airport's concerns and provided additional information in its response in the letter dated 18.6.19 and will continue to provide further detail.</p> <p><b>Birmingham Airport's comments were discussed in further detail at a meeting on the 25/07/19. Highways England can confirm that the taper for the segregated left turn diverge cannot be extended within the constraints of the existing Airport Way Connector Road Overpass structure.</b></p> <p><b>To increase the taper, this would require the existing structure to be widened, requiring extensive civil engineering works where the traffic modelling does not demonstrate a requirement.</b></p>	<p>Agreed not to progress given structural constraints.</p>

Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	<p>In addition, the plans showing the proposed scheme also highlight a very short length of queue storage between the stop line at Clock Interchange and the diverge point of the segregated left turn, which is dictated by the existing bridge width. This short length of queue storage suggests that blocking back of the segregated left turn lane may occur during busy periods when queues develop back from the stop line. Whilst the LinSig modelling exercise undertaken as part of the Transport Assessment did not highlight significant blocking back from the junction, the high volumes of traffic which are likely to use the segregated left turn lane mean this is potentially a cause for concern.</p>		
	<p>We also have concerns that the proposals may struggle to accommodate future traffic growth associated with large scale developments such as the UK Central Hub Area, NEC or JLR, all of which are likely to result in increased volumes of traffic passing through Clock Interchange during peak periods. As such we strongly recommend that any changes which would increase the queue storage area, or move the segregated left turn diverge further back</p>	<p>The Applicant notes Birmingham Airport's concerns and provided additional information in its response in the letter dated 18.6.19 and will continue to provide further detail.</p> <p><b>Birmingham Airport's comments were discussed in further detail at a meeting on the 25/07/19. Highways England can confirm that the taper for the segregated left turn diverge cannot be extended within the constraints of the existing Airport Way Connector Road Overpass structure.</b></p>	<p>Agreed not to progress given structural constraints.</p>

Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	<p>from the roundabout stop line are investigated to maximise junction capacity and provide operational flexibility in future years.</p>	<p>To increase the taper, this would require the existing structure to be widened, requiring extensive civil engineering works where the traffic modelling does not demonstrate a requirement.</p>	
<p><b>Junction 5A</b></p>	<p>Whilst a northbound on-slip/ southbound off-slip at the proposed southern M42 junction would not strictly be required to accommodate airport related traffic movements, it is noted that a significant proportion of traffic associated with potential developments such as the UK Central Hub Area, NEC or JLR would require these slip roads to avoid congestion being created on the existing highway network, which in turn may affect access to/from the airport. For example, it would allow road users travelling from the north to access the airport/ NEC and UK Central Hub area from the new junction if Junction 6 is heavily congested.</p>	<p>Operational traffic modelling of Junction 6 indicates that the junction will perform in a satisfactory manner up to the year 2041 during average conditions. The traffic modelling indicates minimal traffic demand for north-facing slips at Junction 5A due to the greater distances and travel times that will be incurred.</p>	<p>Agreed given that the design will be future proofed to enable northbound on/off-slips from being constructed at a later date, for example if the new MSA is constructed.</p>
	<p>There does not appear to be anything contained within the application which would preclude the northbound on/off-slips from being constructed at a later date. Birmingham Airport would support the provision of these slips when development in the surrounding area is implemented that necessitates their construction to reduce the likelihood of</p>	<p>The proposed junction layout and design at Junction 5A will not preclude north facing slip roads being introduced to the junction at a later stage if the need arises. For example, should the proposed new Motorway Service Area (MSA) receive planning permission and subsequently be constructed, north-facing slip roads will be provided by the developer of the MSA as per their planning application.</p>	<p>Agreed given that the design will be future proofed to enable northbound on/off-slips from being constructed at a later date, for example if the new MSA is constructed.</p>

Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	congestion on the existing highway network.		
<b>M42 Northbound to A45 Westbound Free-Flow Link (Airport Way Connector Road)</b>	<p>The existing free-flow link between the M42 northbound off-slip and A45 westbound is a key part of the highway network for the airport, allowing vehicles to enter the airport with minimal interaction with general traffic at M42 Junction 6. Whilst the creation of the new motorway junction and dual carriageway link will effectively duplicate this existing provision, it is noted that a significant volume of traffic travelling towards the A45 westbound will also be using the dual carriageway link.</p> <p>In the event of an incident creating congestion along the new dual carriageway link or at the new southern motorway junction, traffic wishing to access the airport from the northbound M42 carriageway would be required to continue along the M42 to Junction 6. As such, in the event of the existing free-flow link being closed to general traffic, all airport related traffic would be required to travel through the junction itself, which has the potential to cause queuing and delays at this already congested location. We therefore consider it would be preferable to retain the potential to use this free-flow link to</p>	<p>As stated in our letter dated 18.6.19. The closure of the existing segregated left turn at Junction 6 (from the M42 Northbound to A45 westbound) is anticipated to enable further improvements to the junction in the form of an additional fourth lane at the stop-line, and improved geometry to the A45 westbound on slip. These improvements have been modelled and the results indicate slight benefits to the overall future performance of the junction. This is because the amendment now permits two continuous lanes to exit the junction interchange onto the A45 westbound, whereas previously the two exiting lanes merged into one.</p> <p>An important point to note is that, if the free flow link were to be retained, the reduction in traffic utilising this link may lead to an increased risk of traffic weaving between the M42 Junction 6 and Clock Interchange across the existing 'ladder' road marking. This increased risk in traffic weaving across the 'ladder' road marking, combined with the lower frequency of traffic and therefore increased travelling speed, is likely to incur side swipe and rear shunt accidents potentially leading to fatal or serious injuries to the road users.</p> <p><b>Highways England confirmed at a meeting on the 25/07/19 that this section of carriageway would not be stopped up, and instead be merely</b></p>	<p>Agreed given that the existing free flow link would not be stopped up, and instead be merely closed to traffic. Therefore, this section of carriageway shall be retained under Highways England ownership and could be reinstated at some point in the future if there is a demonstrable need for it.</p>



Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	guard against these possible circumstances.	closed to traffic. Therefore, this section of carriageway shall be retained under Highways England ownership and could be reinstated at some point in the future if there is a demonstrable need for it.	
	Furthermore, Birmingham Airport part-funded the construction of the free-flow link to mitigate the impact of the proposed increase in passenger numbers following the completion of the runway extension in 2014. As such, if this free flow link is removed, we seek assurance that we will not be required to fund an alternative scheme in the future to compensate for its loss should we carry out further development on or adjoining our site.	Highways England note Birmingham Airport's concerns and shall continue to engage with Birmingham Airport to clarify and resolve this matter.  Highways England confirmed at a meeting on the 25/07/19 that this section of carriageway would not be stopped up, and instead being merely closed to traffic. Therefore, this section of carriageway shall be retained under Highways England ownership.	Agreed given that the existing free flow link would not be stopped up, and instead be merely closed to traffic. Therefore, this section of carriageway shall be retained under Highways England ownership and could be reinstated at some point in the future if there is a demonstrable need for it.
<b>Signage</b>	The proposed highway works will result in a choice of options for road users to access the airport and neighbouring uses such as the NEC and Resorts World. Furthermore, it will allow for alternative routes when a traffic incident or congestion impacts the surrounding road network. Having a clear, flexible and cohesive signage strategy is therefore vital if road users are to be directed via the most efficient route under both normal and exceptional circumstances to their destination.	Highways England is working closely with Solihull Metropolitan Borough Council (SMBC) and Highways England's Operations Directorate (HE OD) to develop a robust signage strategy catering to the demands of the strategic and local road networks alongside any flexible requirements to cater for key businesses within the region.  Highways England note Birmingham Airport's desire to have the Signage Strategy agreed prior to the application being determined and shall continue to liaise with Birmingham Airport	Agreed given that Highways England will continue to liaise with SMBC to develop a robust signage strategy and shall continue to liaise with Birmingham Airport as this strategy develops through detailed design.



Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	<p>Given the importance of this issue we would ask that the signage strategy is agreed prior to the application being determined to ensure that such an important part of the proposal forms part of the approved scheme.</p>	<p>Limited in regard to the development of a signage strategy that meets its expectations following primary agreement with SMBC and HE OD.</p> <p>Highways England does not intend to publish the signage strategy as part of the DCO examination. However Highways England continue to liaise with SMBC to develop a robust signage strategy and shall continue to liaise with Birmingham Airport as this strategy develops through detailed design.</p>	
<p><b>Cyclist Provision</b></p>	<p>A pedestrian footbridge is proposed to cross the A45 adjacent to the West Coast Mainline. However, cyclists should also be able to ride across this bridge without the need to dismount.</p>	<p>Highways England can confirm that the proposed A45 Pedestrian Overbridge has been designed as a 3.5m wide pedestrian cycleway in accordance with the Design Manual for Roads and Bridges (DMRB) BD29/17, Design Criteria for Footbridges. Subsequently cyclists wishing to cross the A45 shall not need to dismount.</p>	<p>Agreed</p>
<p><b>Land and Property</b></p>			
	<p>Highways England have previously been made aware that Birmingham Airport Limited (BAL) has easements in its favour over a large part of the land included in the Order limits for the Development Consent Order to the South of the A45 Coventry Road. These are to ensure we can reduce the height of trees to below the level of the Obstacle Limitation Surface for the Airport runway in the interests of aviation safety. No</p>	<p>Where Highways England is seeking to use land temporarily, Highways England confirms that the existing easement shall be retained.</p> <p>Where Highways England is seeking to acquire land permanently, Highways England confirmed that the existing easement shall be retained under Article 28(7) of the DCO.</p> <p>Further discussion between both parties are required in order to determine protocols for co-</p>	<p>Under discussion.</p> <p>BAL seek confirmation that any land within the draft S44 Order where easement rights do not yet exist that is acquired by HE for the scheme will become subject to such rights on completion of the</p>

Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	<p>provisions are included in the application to preserve and maintain these easement rights following acquisition of land for the Scheme. In addition, BAL has issued a draft Order under Section 44 of the Civil Aviation Act 1982, the Birmingham Airport (Rights over Land) Order 2014 seeking to acquire such rights over other areas of land.</p> <p>Assurance is sought that land included in the draft Order that is also required for the scheme will have the same rights granted by Highways England.</p> <p>Article 28(7) should include a clear statement that the existing rights will be maintained / retained at all times without any change then that should be sufficient.</p>	<p>ordination regarding land access and traffic management.</p> <p>Highways England shall take all reasonably practicable measures to minimise the permanent land take over land owned by Birmingham Airport and First Castle Developments Limited.</p> <p>Furthermore, Highways England shall take all reasonably practicable measures to release land owned by Birmingham Airport and First Castle Developments Limited identified for temporary possession when its intended use during construction has been fulfilled.</p> <p>T.S advised that this is not addressed.</p>	<p>acquisition so that these areas can be removed from the S44 Order</p>
	<p>An area of about 1 acre from a total holding of 27 acres owned by First Castle Developments Limited at the junction of Catherine-de-Barnes Lane and Shadowbrook Lane (plot 3/32a) is shown for acquisition when it was understood a quarter to a third of this would be required for the realigned Shadowbrook Lane. The requirement for the acquisition of the larger area is</p>	<p>Parcel 3/32a has been included in the Development Consent Order as land to be permanently acquired to enable the scheme to realign the junction of Shadowbrook Lane and Catherine-de-Barnes Lane.</p> <p>The final location of this junction is subject to further discussion and agreement between Highways England and Solihull Metropolitan Borough Council. Once this is concluded the final land take required will be able to be confirmed.</p>	<p>Agreed.</p>

Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	<p>questioned by First Castle Developments Limited as owners.</p> <p>This needs to be expanded to clearly state that the final land take will be the minimum required from parcel 3/32a to accommodate the final location and layout of the junction.</p>	<p>Acknowledging the latest comments from the Airport, the Applicant can confirm that the final land-take will only be the land necessary to construct, operate and maintain the Scheme.</p> <p>This information is articulated in the following documents:</p> <p>Statement of Reasons <b>[APP-018 / Volume 4.1]</b></p>	
	<p>The requirement for rights for the temporary use of a field at the junction of Catherine-deBarnes Lane and St Peters Lane (plot 51a) was not raised in previous discussions with Highways England and BAL is unaware of the purpose for which the land is required for and the duration of that use. A small strip of this land (plot 3/51b) is shown for acquisition contrary to indications given during previous discussions prior to the application being submitted and we are not aware of the purpose and justification for the acquisition of this area.</p> <p>Providing the use of parcel 3.51a is limited to those stated here and so uses we have prior knowledge of, this would provide the clarification sought.</p>	<p>Parcel 3/51a has been included in the Development Consent Order application as temporary possession for the following requirements:</p> <p>Site to be used as a material stockpile point in relation to the construction of the new mainline link road, Bickenhill Roundabout and Catherine-de-Barnes North Overbridge.</p> <p>During the construction of the Mainline Link Road and Catherine-de-Barnes North Overbridge, the existing Catherine-de-Barnes Lane to be temporarily realigned within this land parcel to ensure the continued use of Catherine-de-Barnes Lane during construction.</p> <p>Parcel 3/51b has been included in the Development Consent Order as land to be permanently acquired in order to accommodate the realigned Catherine-de-Barnes Lane and its associated limits of deviation.</p>	<p>Agreed</p>

Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	<p>The permanent acquisition of parcel 3/51b and the reason for this is noted and accepted.</p>	<p>This information is articulated in the following documents:</p> <p>Draft Development Consent Order – Schedule 9, Land of which temporary possession may be taken. <b>[APP-015 / Volume 3.1(a)]</b></p> <p>Statement of Reasons <b>[APP-018 / Volume 4.1]</b></p> <p>The Applicant notes the additional comments from the Airport and can confirm that the use of parcel 3.51a is as stated above.</p>	
	<p>The application shows an area of about 6 acres at Castle Hills Farm (plot 3/32c) owned by First Castle Developments Limited, forming part of the Bickenhill Meadows Site of Special Scientific Interest, as required for temporary use. The purpose and duration of that use and why the whole area is required have not been explained.</p> <p>In principle what is proposed by Highways England is acceptable and BAL/FCD wish to continue to work with HE on further access to the SSSI for necessary environmental monitoring but feel the scope and nature of the monitoring needs to be clarified together with procedures for notification of access requirements and for access. The period over which such access can take place also needs to be clarified and specified. It is assumed this is</p>	<p>Parcel 3/32c, The Site of Special Scientific Interest (SSSI), has been included within the Development Consent Order Application in order to enable Highways England to continue to monitor the SSSI as part of the ongoing environmental assessments.</p> <p>The Applicant welcomes the additional comments from the Airport and recognise the need to continue to engage on the arrangements for continued access for environmental monitoring in accordance with any requirements agreed with Natural England.</p> <p>The Applicant will seek confirmation from Natural England as to what it considers a reasonable monitoring period. This will be communicated to the Airport accordingly.</p> <p>This information is articulated in the following documents:</p>	<p>FCD as owner of this land still awaits clarification regarding the scope and nature of the monitoring and the period over which access will be required</p>

Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	<p>during the construction phase and so ending on the opening of the road for public use.</p>	<p>Draft Development Consent Order – Schedule 9, Land of which temporary possession may be taken. <b>[APP-015 / Volume 3.1(a)]</b></p> <p>Statement of Reasons <b>[APP-018 / Volume 4.1]</b></p>	
	<p>The requirement to acquire the land forming an embankment (plots 4/1au and 4.1j) was not advised during consultations and discussions prior to the submission of the application. This is land dedicated as public highway and we do not understand why there is the need to acquire this land when adjoining areas of land dedicated as public highway are shown as required for temporary use and acquisition of permanent rights.</p> <p><b>This adequately covers the point and BAL now understand the inclusion of this parcel for permanent acquisition.</b></p>	<p>Parcel 4/1au has been included in the Development Consent Order as land to be permanently acquired for the implementation of the mainline link road to Airport Way Connector Road free flow link.</p> <p>This parcel shall of land shall also feature new pedestrian facilities which include the construction of a new subway underpass to maintain pedestrian connectivity in the region.</p> <p>Parcel 4/1j has been included in the Development Consent Order as land to be permanently acquired for the mainline link road and surface water drainage assets designed to attenuate and treat surface water discharge. Surface Water shall be discharged to the existing ditch at the toe of the Airport Way Connector Road embankment.</p> <p><b>This information is articulated in the following documents:</b></p> <p><b>Statement of Reasons [APP-018 / Volume 4.1]</b></p> <p>Highways England acknowledges the Airport's additional comment.</p>	<p><b>Agreed.</b></p>

Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	<p>First Castle Developments Limited are the owners of ten residential properties on Clock Lane. The use and enjoyment of these properties by the tenants will inevitably be adversely affected by the scheme for the duration of the works. As owners we need to be satisfied that any Development Consent Order for the Scheme will include robust, effective conditions and measures to mitigate the adverse impacts and to compensate occupiers for disruption during the works.</p>	<p>Highways England shall continue to discuss these matters with Birmingham Airport.</p> <p><b>Highways England has included Clock Lane as land for temporary possessions and permanent rights in order to facilitate the changes to the public right of way network and undertake any utility diversions associated with the Scheme.</b></p> <p><b>This information is articulated in the following documents:</b></p> <p><b>Statement of Reasons [APP-018 / Volume 4.1]</b></p> <p><b>Highways England shall seek to maintain access to residents of Clock Lane at all times, subject to infrequent temporary closures whereby Birmingham Airport and residents shall be notified in advance by the Contractor.</b></p>	<p>Agreed on the basis that the Construction Management Plan will include details of a process whereby Highways England shall seek to maintain access to residents of Clock Lane at all times, subject to infrequent temporary closures whereby Birmingham Airport and residents shall be notified in advance by the Contractor.</p> <p>This appears to only cover temporary closures of Clock Lane and does not address the issues raised about impacts on use and enjoyment of the residential properties during construction. Details of the proposed Construction Management plan to minimise nuisance, disruption and inconvenience to the residents of Clock Lane requested.</p>
<b>Existing Planning Permission</b>			
	<p>In 2009 Solihull Council granted planning permission for the airport runway extension (Council Reference 2008/22). The majority of the runway</p>	<p>The project team has evaluated the layout of the proposed scheme and its proximity to Birmingham Airport's plans to place a section of the existing A45 in a tunnel. Highways England assessments indicate that the safe connection of the proposed segregated left turn lane from the</p>	<p>Under Discussion</p>

Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	<p>extension was subsequently built and became operational in 2014.</p> <p>However, part of the permitted proposal included the tunnelling of the diverted A45 to facilitate the construction of a Runway End Safety Area (RESA). This part of the scheme was not implemented at that time but is likely to be required at some point in the future. As such the proposed new motorway junction and link road should not prejudice the construction of the RESA.</p> <p>The plans submitted with the Highways England application do not show the extent of the tunnelling included in the runway extension proposal. However, it appears that the tie-in point of the segregated left turn lane which joins the A45 westbound carriageway from Clock Interchange is very close to the extent of the tunnel portal shown in the runway extension planning application drawings. As such, further clarification is needed to ensure that Highways England proposal would not prejudice the tunnelling of the A45 that forms part of the extant runway extension planning permission.</p>	<p>new dual carriageway link road to the A45 westbound carriageway is sited within close proximity of the proposed tunnel footprint and further collaboration with Birmingham Airport will be required to conclude the precise extents of which the slip road connects with the A45 and its impact on the approach to the tunnel entrance and associated features.</p>	
<p><b>Operation and Airport Safeguarding</b></p>			



Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	<p>The design needs to ensure that following completion there are no new obstacle features that will either infringe Obstacle Limitation Surfaces or compromise the Type A chart, potentially reducing aircraft performance on departure from Runway 15. This would have to be achieved through significant height limitation of street furniture and indeed the vehicles themselves with the CAA assuming a mobile obstacle height on the road of some 4.5m.</p>	<p>Highways England has actively engaged with Birmingham Airport in regards to Airport Safeguarding and shall continue these discussion through examination and beyond.</p>	<p>Under Discussion.</p>
	<p>The design should not allow for landscaping or drainage features that have the potential to attract either wetland or flocking birds that can become a strike hazard for aircraft departing and arriving at the airport.</p>	<p>Highways England has actively engaged with Birmingham Airport and has taken steps to address these concerns in the revised drainage attenuation and treatment strategy.</p> <p>Highways England shall continue to liaise with Birmingham Airport as the landscaping and drainage design develop through detailed design. Highways England to agree a bird hazard management plan to cover both construction and post completion. Such plan to allow for provision by Highways England of appropriate bird control measures during construction and access on to agreed parts of the site by Bal both during and after construction. Consultation with Birmingham Airport is currently in progress to agree such a plan.</p>	<p>Agreed subject to production of Bird Strike Management Plan that addresses Birmingham Airport concerns.</p>



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	<p>Other issues to be aware of include light distraction, primarily during construction and the potential for radio altimeter issues to arise as aircraft pass over the below current ground level part of the proposed road. This latter issue was one that arose during construction of the revised A45 and could arise again.</p>	<p>Highways England has actively engaged with Birmingham Airport and shall continue these discussions through examination and beyond.</p>	<p>Under Discussion</p>
	<p>Consideration should be given to the Department for Transport's Public Safety Zone Policy. It may be that there is no issue arising, however it should be taken into consideration by Highways England.</p>	<p>Highways England has actively engaged with Birmingham Airport and shall continue these discussions through examination and beyond.</p>	<p>Under Discussion</p>
<b>Construction</b>			
	<p>With regard to the delivery of the proposed scheme, if the construction works have a significant impact on the ability of passengers to access the airport then some are likely to choose to fly from other airports, possibly outside the region, which will mean that a proportion of the economic benefits that global connectivity brings to the Midlands will be lost to other regions in the north and south. We would therefore ask that Highways England work with us to produce a strategy to ensure that the impact of the construction works on the 13 million</p>	<p>Highways England recognises the importance of working with Birmingham Airport to ensure that the Scheme does not impact the operation of the Airport during and following construction.</p> <p>The Contractor will produce a construction strategy for the Scheme, detailing the process, procedures and responsibilities which the Contractor will undertake to protect the Obstacle Limiting Surfaces and the Airport Safeguarding area.</p> <p>This strategy will be developed with the Airport during the detailed design and construction</p>	<p>Under Discussion</p>

Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	<p>passengers who use our airport is minimised. For example, the works required for the new segregated left turn should not result in the closure of the existing westbound free flow link until the scheme is completed as this would lead to further congestion at Junction 6 during construction.</p> <p>Such a strategy would ideally be agreed prior to determination and form part of the approved scheme. However, if this is not possible, a condition should be attached that requires its submission and approval prior to the commencement of the development.</p>	<p>planning phase of the Scheme which is planned to commence in late 2019.</p> <p>Highways England and the Contractor shall be establishing, or taking part in, existing liaison groups for key stakeholders in the region during construction and shall continue to actively engage with Birmingham Airport during construction.</p>	
	<p>During construction a high degree of liaison and co-ordination will be required to ensure that there are no impacts for aircraft performance or Obstacle limitation Surfaces. In addition, there will need to be significant efforts made by the contractor to ensure that adequate bird control is maintained throughout the works. It is worth noting that Manchester Airport have been going through a very similar exercise recently which resulted in Airfield Operations staff being seconded to the contractors to ensure adequate bird control and obstacle limitation on site. The issues to be considered during construction also include ensuring</p>	<p>The Contractor will produce a construction strategy for the Scheme, detailing the process, procedures and responsibilities which the Contractor will undertake to protect the Obstacle Limiting Surfaces and the Airport Safeguarding area.</p> <p>This strategy will detail the processes and plans to be implemented to cover the following areas:</p> <ul style="list-style-type: none"> <li>Bird strike management, including feedback from current operations being implemented on Manchester Airport;</li> <li>Control of lifting operations and use of other tall construction equipment;</li> <li>Management of waste;</li> </ul>	<p>Agreed subject to Highways England agreeing a Construction Strategy with Birmingham Airport prior to the development commencing.</p>

Sub-topic	Birmingham Airport Comment	Highways England Response/Actions	Status/Agreement
	<p>appropriate locations for site accommodation including offices and welfare facilities.</p>	<p>Dust control; Management of temporary lighting; and Management of earthwork stockpiles.</p> <p>This strategy shall be agreed with Birmingham Airport prior to the commencement of development.</p>	

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## APPENDICES

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## **Appendix A – Meeting minutes with Birmingham Airport on 11/10/2017**

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## **Appendix B - Meeting minutes with Birmingham Airport on 28/02/2018**

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## **Appendix C – Meeting minutes with Birmingham Airport and the Environment Agency 08/05/2018**

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## Appendix D – Letter dated 18.06.19

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## Appendix E – Meeting Minutes 25.07.19

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