



The Planning Inspectorate  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

By e-mail only:  
[M42Junction6@planninginspectorate.gov.uk](mailto:M42Junction6@planninginspectorate.gov.uk)

2 September 2019

**Our ref:** U0007293/ARHE/NABO/ANNI

**Your ref:** TR010027-000568-20190805

Dear Sir/Madam

**Application by Highways England for an Order Granting Development Consent for the M42 Junction 6 Improvement  
The Examining Authority’s second written question response (ExQ2)**

Gerald Eve LLP acts for the National Exhibition Centre Limited (or “our Client”) in respect of Highway England’s application for a Development Consent Order (DCO) for the M42 Junction 6 Improvement works.

We welcome the Examining Authority’s written questions and requests for information (ExQ2) issued on 5 August 2019. Questions 2.9.3 and 2.9.4 relate to the Transport Assessment Report and we respond to these questions below to the extent that we are able to.

**ExQ2 responses**

Question/Answer	
<b>2.9.3</b>	<p><b>Traffic variability:</b></p> <p><i>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.</i></p> <p><i>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?</i></p>

**Response** As previously articulated in our Client’s ExQ1 response, the National Exhibition Centre Limited has not instructed a traffic consultant to validate the Traffic Assessment Report and was not involved in the original Highways England modelling.

The applicant needs to respond to the question regarding their assumptions within the Traffic Assessment Report (“the Report”). Our Client reiterates its comments within its 28 September 2018 non-statutory consultation response that it is keen to ensure the traffic modelling “takes into account both the Birmingham Airport seasonal peaks and NEC event peaks traffic, without a reliance on average baseline data.”

We understand that Highways England’s has designed the improvements based on 85<sup>th</sup> percentile of weekday traffic distribution for South Way during 2017. The 85<sup>th</sup> percentile of the 2017 data represented 11,000 to 11,500 vehicles per day (excluding weekends, public and school holidays).

We note that traffic flows into South Way exceeded the 85<sup>th</sup> percentile level during 2017 for a period in excess of **six weeks (i.e. 31 days)**; this remains of some concern to our Client who expects Highways England – as the National Strategic Road Networks operator – to design the proposed junction 6 improvements to accommodate such periods of intense use.

**2.9.4 Effects of the ‘high growth’ scenario**

*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?*

**Response** Our Client hopes that the proposed scheme should improve the current situation and provide extra capacity needed for local growth. It is inevitable that businesses like Birmingham Airport and the National Exhibition Centre Limited will have peak days and quieter periods of the year. Whilst it is perhaps unrealistic that the scheme will eradicate every queue: seasonal peaks; anticipated growth; and additional headroom should all be provided for as far as possible.

We reiterate the comment in our Client’s ExQ1 response that the busiest days for car parking demand tend to fall on weekend days. This is due to large public consumer events attracting the highest numbers at the weekend. That said, the background commuter traffic is not as evident on such dates, so these busier days are often less problematic in relation to Junction 6.

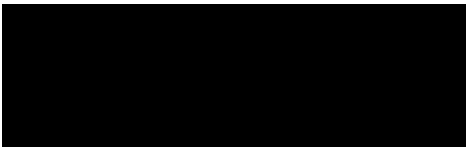
We would welcome visibility on comments made by the applicant and other respondents in reference to the above.

### **Update following Compulsory Acquisition hearing**

Our Client received an updated Statement of Common Ground (SoCG) from Highways England on 28 August 2019 – one week after it had been promised. This new version of the document provides limited detail and therefore we reiterate our Client's requirements in relation to various matters prior to Deadline 5, in particular:

- clarity on temporary and permanent land take requirements proposed by WPD (including proposals to minimise areas of car parking to be taken)
- agreed terms for an appropriate mechanism by which land is occupied by Highways England and handed back to our Client to ensure that the impact on its business and visitors are mitigated;
- a suspension of works during the 2022 Commonwealth Games;
- a suspension of works during Key Events with the 'handing back' of car spaces;
- re-provision of the service road to be permanently acquired (in part) to the rear of South 3 and South 5 car parks; and
- confirmation that Cadent's gas governor will be positioned outside our Client's retained land.

Yours faithfully



**Gerald Eve LLP**

arhead@geraldeve.com  
Direct tel. +44 (0)20 7333 3499

