

Church Farm Accommodation
Church Lane
Bickenhill
Solihull
B92 0DN

Dear Sir

APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE M42 JUNCTION 6 IMPROVEMENT PROJECT.

REPRESENTATION SUBMITTED ON BEHALF OF DAVID AND CAMILLA BURTON OF CHURCH FARM, BICKENHILL

This representation is submitted further to the oral evidence which was provided at the Compulsory Acquisition Hearing and the Issue Specific Hearing 4 on 20th and 21st August respectively, and further to the supplementary evidence presented to the Panel at the Open Floor Hearing on 22nd August. It is also submitted by way of comment to the Panel's Second Written Questions, and additionally by way of comment to matters which came to light during the subsequent Hearings.

At ISH4 (in respect of Compulsory Acquisition and Temporary Possession matters) it became evident that the Promoter was seeking to develop Statements of Common Ground with affected parties, including some landowners. Regrettably that does not appear to be the case in respect of matters raised by ourselves insofar as the business at Church Farm are concerned. The Panel were able to view the impact of the Scheme on both our own property and the Village of Bickenhill at the site visit which took place on 3rd July 2019. A subsequent meeting was arranged with representatives of Highways England and their agent, Carl Weaver of Ardent Management. Regrettably the Highways England Engineer failed to turn up at the meeting without explanation. This was disappointing as we had hoped to be able to make progress in respect of a number of matters which we believe would help to mitigate the impact of the Scheme. As at 2nd September no further correspondence has been received from Highways England and therefore progress with a Statement of Common Ground is limited. This is particularly relevant with regard to a range of issues relating to the proposal for the Main Site Compound in its existing position. In progressing many of the points which were discussed at ISH4 we seek to encourage greater levels of communication from Highways England in considering alternative measures for the Scheme to ensure that the proposals are ultimately of no greater detriment than is reasonably necessary, and capable of being justified with appropriate mitigative measures having been put in place wherever reasonably possible.

Many of the matters raised within the ExA's written questions and requests for information at ExQ2 are relevant to our own circumstances, and we await the Proposer's detailed responses before commenting further. In particular question 2.7.12 regarding the local access arrangements post scheme is of importance to us as we believe there will be a significant impact on the B&B business at Church Farm as a consequence of the new travelling arrangements which are currently being envisaged. We believe serious consideration must be given by Highways England to

the provision of more suitable local access arrangements in order to ensure that the impact of the scheme is kept at a proportionate and reasonable level.

In respect of Q2.7.13 we do not believe that the construction effects on our own assets are compatible with the detail set out in the Environmental Statement as the impact of the current proposals from perspective of noise, disturbance, dust and other related matters will hold a very significant impact in respect of our own business over a prolonged period of approximately 4 years. We submit to the Panel that Highways England should be asked to do considerably more work to relocate the main site compound or, at the very least, to move it in an easterly direction from its existing position.

We understand that it was confirmed at the Open Floor Hearing that, despite the existence of the CPO legislative processes in respect of the acquisition of the land, little contact had been actively progressed between Highways England and the landowners of either the proposed Main Site Compound or indeed of the potential alternative site for the main compound at Location 5. Consequently we submit that a number of options remain open for consideration in respect of the final location of the main site compound and its layout in that location. We submit that the ExA should consider the Highways England proposals against the principle tests for a scheme of this nature, and in particular whether the proposals are no more than can be justified as being reasonably necessary in the circumstances and whether such mitigative measures as may be associated with the proposals are sufficient to avoid necessary impact on local businesses, residents and property.

In taking up other matters from the Hearings in August:

1. We do not believe that the justification for the proposed water attenuation track being positioned to the immediate north of Church Lane, Bickenhill can be supported. Furthermore, we consider that the access track with hammerhead turning which is associated with this tank goes above and beyond the reasonable measures which are necessary for ongoing maintenance of any such facility. That track will provide an opportunity for fly tipping, unauthorised access, temporary vehicle parking outside the boundaries of Birmingham Airport and the NEC (i.e. taxis etc.) and potentially other illicit activities. An example of Fly-tipping can already be witnessed on the Catherine-de-Barnes lane as shown in appendix 1 (taken 1st September 2019). We believe that it may be possible to realign the road network to a marginal degree by moving the new route of Catherine de Barnes Lane slightly to the east where it leaves its junction with Church Lane and then locating the proposed drainage feature between the newly re-aligned Catherine de Barnes Lane and the new dual carriage way road link which is being provided by the scheme. With appropriate secure fencing and mitigative planting, the impact would be much reduced. Furthermore, given the extensive groundworks which will be necessary within the vicinity whilst the Catherine de Barnes overbridge is constructed, it should be entirely possible to route the necessary surface water drainage to the suggested location.
2. We raised many points in respect of the location of the main site compound, its proposed layout and the activities which will take place within that area at ISH4. We do not intend to repeat those details here other than to comment that:

- (i) Land which was previously shown as being required for “environmental mitigation” now appears to conveniently form an exit from the proposed compound onto the re-aligned Catherine de Barnes Lane and we cannot see any justification for such exit route being located in that position. We asked the Panel to seek assurances from Highways England that the entry and exit points from any site compound should be reconsidered and ideally be concentrated towards the existing A45 Coventry Road to the north of the compound site, or, potentially, the link road which is being provided as part of this scheme. It should not be necessary for traffic associated with the compound to use local roads for exiting and travelling through the project area.
- (ii) We do not believe that there is any necessity for a private means of access to be provided off Church Lane to the east of the proposed new overbridge back to the land on which the site compound is suggested at the present time. An entry/exit gateway to that land could be provided off the slip roads leading towards the clock interchange, or by means of additional Highways works to the immediate south east side of the clock interchange by providing a private means of access along the boundary of the property, it has the potential to cause further detrimental impact of an unjustifiable nature to our own premises.
- (iii) The proposed layout and use of the existing main site compound will have a very considerable impact on local businesses and residents, and particularly to the residents of Bickenhill, throughout the 4 year duration of the construction scheme. We submit that Highways England should be requested to consider alternative locations further to the north east of the existing proposed site, or within Location 5 of the proposed alternative sites.

In summary, we asked the panel to make the proposal to Highways England that in order for the scheme to progress as proposed, serious consideration and action must be taken to:

1. Actively consult and engage with local landowners who are heavily impacted by the proposals with a view to seeking a mitigative solution.
2. To re-consider aspects of detail relating to the scheme, and in particular to re-consider the proposed location of the water attenuation tank to the north of Church Lane.
3. To re-consider the exact positioning, design and layout of the proposed main site compound such that it is taken further away from residential properties and local businesses to reduce the impact which will otherwise incur.
4. Due consideration is given to any new private means of access which are to be created following completion of the scheme such that they provide no greater level of access than in the pre-scheme world, and that their positioning and location does not impact upon other existing premises.

We would welcome further discussion with representatives of Highways England with a view to negotiating a solution which would help to overcome many of the matters which we have raised as part of this consultation process. We have not highlighted the extent of the likely damage to our clients property as that is premature until such time as the ultimate nature of the scheme has been identified. However it is fair to state

that the level of ongoing disturbance and the proximity of the new road will have a very considerable impact not only on the residential accommodation business at Church Farm but also the associated residential, family and equestrian uses at both that property and the many other properties which currently form part of Bickenhill Village.

Yours sincerely,

Appendix 1 – Photo of Existing Fly Tipping Activities adjacent to The Haven Caravan Site on the Catherine-de-Barnes Lane (Taken 1st September 2019)



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To Whom It May Concern,

Re: M42 Junction 6 Improvement

Deadline 4 – additional submission for Camilla and David Burton Church Farm Accommodation

These concerns are in addition to the initial Written Representation submitted for deadline 4.

We would like it noted that we are opposed to the whole scheme due to the environmental, personal and business impacts already highlighted in our previous Written Representations.

We have already requested that alternative compounds are considered. If an alternative site cannot be realised, then it is extremely important that the village is treated sensitively and to this end we add the following to the previous deadline 4 submission:

1. Consultation on the working hours of the compound to minimise the effect on the residents and businesses within the village and surrounding areas.
2. We insist that we are consulted about the type of environmental mitigation proposed in this area should the compound not be moved or relocated. What would be put in place when the existing hedgerow is removed, and the new boundary created?
3. The existing bridleways and cycle paths need to be kept accessible throughout the whole construction process to enable the livery businesses within the village to keep trading successfully.
4. Removal all other satellite compounds from the village to eliminate the need for construction traffic to access these through the local roads; for example, plot 51a which will be located at the opposite end of St Peters lane. If this is to be used for stockpiling earth it is a major concern that soil is going to be transported between the two sites on the local roads.
5. Access to the surrounding amenities is a key selling point for our business. The limited access created by the construction phase could be mitigated in a minor way by constructing the access routes across the A45 (currently a proposed footbridge and pathway) to the Airport, International Train Station and the NEC prior to the road construction commencing.
6. A full assessment on the impact of relocating of the Severn Trent aqueduct closer to the residential properties within the village and the possible effects this will have regarding items such as access and construction works to enable this relocation.

A provisional meeting with Highways England has been arranged for the 11th September to discuss the construction timeline and allow a better understanding of the construction process for all the residents of the village. We reserve the right to submit further concerns to this submission once this meeting has taken place.

Regards

Camilla and David Burton