

41A Smith Street
Warwick CV34 4JA
Telephone: 01926 494597
mark@cprewarwickshire.org.uk
www.cprewarwickshire.org.uk

Standing up for the Warwickshire Countryside

6 October 2019

David Cullingford and Roger Jones
Inspectors, M42 Junction 6 Improvement Scheme
Planning Inspectorate
Temple Quay House
Temple Quay
BRISTOL BS2

Dear Examining Inspectors

Planning Act 2008: Application by Highways England for Order granting Development Consent for M42 Junction 6 Improvement, Metropolitan Borough of Solihull

We write to ask you to examine a change to the M42 Junction 6 Improvement which would overcome environmental and planning objections and meet existing needs at lower cost and with little delay.

The change would omit, or postpone, the proposed Junction 5A and the controversial link between M42 and the A45 Clock Interchange. It would reintroduce the two free-flow links at Junction 6 which were shown in the original public consultation booklet and were subsequently removed without further consultation.

The current scheme has two parts – the new Junction 5A with link road to A45; and two free-flow links on the northwest and northeast side of Junction 6. Adding to these two proposed links free-flow links on the southwest and southeast sides of the junction would (on evidence available) meet existing needs at low cost and with no conflict with planning policy or environmental protection objectives.

Your own examination of the traffic projections offered by Highways England indicates that the published proposal does not meet the traffic demand at the design year if the traffic projected to be generated by all development expected (the HS2 station, UK Central, Airport Expansion) is included. This points to the scheme proposed being inadequate to meet all those demands. A wider appraisal of solutions for the road system around UK Central (M42, A45, A446, M6) is going to be needed; at present the full picture, notably what forms of road links UK Central would include, is not known.

By contrast, it is known from work undertaken in 2016 by Highways England's previous consulting engineers that existing needs, and normal traffic growth up to the design year, can be accommodated by providing free-flow links on all four sides of Junction 6. (By 'normal traffic growth is meant national growth factors, not including these projected developments with their many uncertainties.) This has not been evaluated using the current (AECOM) traffic model, despite CPRE's requests. However, it was established by the Mouchel Technical Appraisal Report, Section

on 'Option 11A', (TN Ref 0057 dated November 2016) that free-flow links ('free flow lefts') on all arms of Junction 6 reduce the flow on the gyratory by 42%, or nearly half.

The Option 11 Report of Nov 2016 is enclosed. The table showing the effect of full free-flow links, without any Junction 5A or Link Road to A45 Clock Interchange, is at page 5 of 7.

The only discussion at the Examination of these missing free-flow links, and why they were included in the 2016 consultation but are omitted from the published proposal, took place on the Site Visit on 4 July, when the party was standing by the entrance to the National Motorcycle Museum. Mr Hemingway, AECOM's Lead Engineer for the scheme, explaining the proposals on the site, explained that these free-flow links were removed because the new link road and Junction 5A meet the need instead. (One of the two free-flow links now omitted from the scheme, on the southwest side of Junction 6, exists now, but is proposed to be closed. In the 2016 public consultation booklet and on drawings of that time it was to be retained – see page 9 of the Dec 2016 consultation booklet, attached.)

We have obtained from AECOM full-size drawings of the Free-Flow Links solution and these are attached. There are three in all. Together they show the proposals that would meet the existing needs, subject to more detailed work of course:

```
HE551485 - OU - GEN - M42_J6 - DR - CB - 0005 (May 2017)
HE551485 - OU - GEN - M42_J6 - SK - CH - 0047 (May 2017)
HE551485 - OU - GEN - M42_J6 - SK - D - 0178 (July 2016)
```

ļ....

It will appreciated that the decision to remove two of the free-flow links and to promote instead a new dual carriageway link road and junction on the motorway puts the M42 Junction 6 Improvement scheme into conflict with national and local planning policy and causes environmental harm. The full 'free-flow links' solution does not (in CPRE Wearwickshire's submission) conflict with planning policy or cause environmental harm.

The full free-flow links alternative, named 'Option11A' by Mouchel in 2016, was not included in the public consultation and its existence was not made known to any parties who took part in that consultation (Dec 2016 to March 2017). Therefore there was no opportunity to discuss it at the consultation stage, or for interested parties to argue for it, or liaise with Highways England so as to optimise it, or to make representations to the MP or the Secretary of State for Transport about adopting it as the solution for M42 Junction 6, at least for the period until UK Central is actually developed (if it is).

A full free-flow links solution was not put into the public domain until at least February 2019, when technical reports by Mouchel may have been put on-line. Those reports were not however on deposit at inspection points, and the existence of the full free-flow link solution is not apparent even from the contents page of the (undated) Technical Appraisal Report (SGAR1). The link to the relevant pages in the TAR was first given to CPRE Warwickshire in AECOM's letter of 23 August 2019, page 2.

The TAR is 57 MB in size and the related Scheme Assessment Report is 69 MB, so they are difficult to access and require holding on a data-stick when downloaded; they cannot be safely retained on a laptop. These two documents do not exist in paper form as far as is known. So it is very unlikely that the M42 Junction 6 'full free-flow links' solution has been found or studied by any local resident or local Parish Council, even though it would be likely to receive public support compared to the published proposal.

It is not possible for CPRE Warwickshire to confirm the current traffic model projections for the local road network with free-flow links on all sides of M42 Junction 6, because this modelling does

not seem to have been done. Nor is it known whether there is a more recent junction traffic count for Junction 6 than that of February 2016 (Mouchel 'Option 11A' report Nov 2016, TN Ref 0057, page 5 of 7). However, in the absence of any more recent data the conclusion can be drawn that full free-flow links would remove 42% of traffic on the Junction 6 gyratory.

f...

This full free-flow links layout at M42 Junction 6 would retain and enhance the part of the M42 Junction 6 Improvement which is not controversial and has no conflict with national and local planning policies, and would not cause environmental damage. That part which would have those harmful effects, the proposed Junction 5A and the dual carriageway through the countryside to A45 Clock Interchange, would be omitted (or at the least postponed until the full proposals for UK Central etc are developed and consulted on).

In the Inspectors' Questions for 2 September 2019 (ExA Qs2) at para 2.1.3 the Inspectors refer to the National Networks National Policy Statement. The NPSNN is quoted in para 2.1.3 as stating (at paragraph 4.27) that

Where projects have been subject to full options appraisal in achieving their status within Road or Rail Investment Strategies ... option testing need not be considered by the ExA or the decision maker. For national road and rail schemes, proportionate option consideration of alternatives will have been undertaken as part of the investment decision making process. It is not necessary for the Examining Authority and the decision maker to reconsider this process.

The assumption in this paragraph on the NNNPS is that options have been published before and have been able to be assessed and commented on by other parties at public consultation particularly people affected. If however options that were considered in the 'investment decision making process' are not shown at consultation stage and only become known during the Examination stage, the NNNPS does not bar interested parties from putting these forward, or drawing on them to seek changes to the published scheme. The NNNPS says nothing about whether Interested Parties who have made written representations about alternatives may or may not advance another option, whether one tested before or one never assessed, at Examination stage.

By contrast, the DCLG's 'Guidance for the examination of applications for development consent' (2015) specifically provides for the changing of an application post-acceptance (pages 24-25, paras 109-115 attached); and states (para 111) that 'Other parties can highlight those areas where they think a proposal should be changed during their discussion with the applicant in the pre-application period and also in their written representations'.

At the Preliminary Meeting (21 May 2019), you stated that you would be 'happy to hear from CPRE at the appropriate time, including whether a better alternative could be demonstrated' (PM Note page 3 bottom) and that you 'would be happy to receive the representation from CPRE re alternative arrangements' (P5 under Any Other Matters). I recall that Mr Jones advised that I study the Guidance issued for Examinations before doing so. That is attached and quoted from above.

During the Examination, you have heard parties about alternatives and changes:

- Catherine de Barnes Residents Association on different forms of layout for proposed M42 Junction 5A
- Bickenhill Parish Council and others on alternative locations for the construction compound
- Various parties on alternative alignments for the ProW between Bickenhill and Birmingham International Station

You have yourself initiated work on alternatives for a construction compound and for certain ProWs, and some other features.

It does not appear right or within the principles of natural justice for some alternatives to be permitted discussion, and others not. Both the DCLG 2015 'Guidance' and the Preliminary Meeting minutes advise that interested parties can propose changes at the Examination. That being the case, the Examination has to consider them and report on them to the Secretary of State.

If there is a more recent junction traffic count than 2016, and traffic model output for M42 Junction 6, and these are made available, CPRE Warwickshire will draw on them to provide up-to-date information to support the case for a scheme change to:

- omit the Link Road and Junction 5A and
- reintroduce the two free-flow links shown at public consultation stage but removed from the scheme before statutory publication in 2019.

If there is no new junction traffic count and no new traffic modelling for the full free-flow links from AECOM, we will rely on the data in the November 2016 Mouchel Technical Note TN 0057 to demonstrate that the full free-flow links solution is a 'better alternative' than the published scheme.

May we ask that the Examination now includes an Issue-Specific Oral Session on Changes which the various parties wish to see made, there being now a number proposed before you.

Yours sincerely

MARK SULLIVAN MRTPI CMILT

Technical Secretary mark@cprewarwickshire.org.uk

Enclosures:

- 1. Extract from Dec 2016 Public Consultation booklet showing four free-flow links at M42 Junction 6 (page 9 of booklet)
- 2. M42 Junction 6 Improvement Scheme Technical Appraisal Report SGAR1), Mouchel for Highways England, undated, extract at browser pages 187-193, Technical Note 0057, date 17/08/16, Approved 18/11/16)
- 3. Letter CPRE Warwickshire to AECOM, 30 July 2019, listing traffic model output sought (sketches referred to at para 6 sent to AECOM not included)
- 4. Letter AECOM to CPRE Warwickshire 23 August 2019 giving links to documents and advising (in response to request for 'flows between each entry onto the gyratory and the various possible exists') that 'this information is currently not available in the form required'.
- 5. Letter CPRE Warwickshire to AECOM 29 August 2019 in response to letter of 23 August, confirming requests for traffic flow data for the junction using the current traffic model (see p.2)
- 6. Letter CPRE Warwickshire to Project Manager Highways England 4 September 2019 forwarding letter to AECOM of 29 August and asking for this information again.
- 7. Letter AECOM to CPRE Warwickshire 19 September 2019 attaching A1 drawings requested
- 8. DCLG 2015 'Planning Act 2008: 'Guidance for the examination of applications for development consent' Extract cover page and pages 24-25 (on changes to applications)

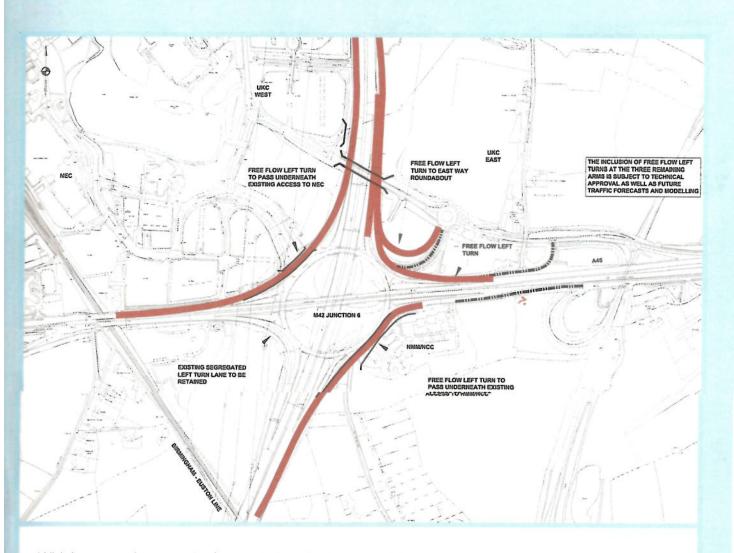
Drawings (in final four-digit number order)

- 1. HE551485 OU GEN M42 J6 DR CB 0005 (May 2017)
- 2. HE551485 OU GEN M42_J6 SK CH 0047 (May 2017)
- 3. HE551485 OU GEN M42 J6 SK D 0178 (July 2016)

(2 sets of this letter and all attached documents enclosed, one for each Inspector)

From Dec 2016 Consultation Booklet (page a)

Optional free flow left turns



Whichever option we take forward, there is the potential to maximise the improvement at M42 junction 6 even further by providing dedicated free flow left turns.

These links could effectively remove traffic from the roundabout by providing dedicated left turn links at the NEC, National Motorcycle Museum and north east quadrant of the roundabout, and could enhance the scheme in addition to reducing future congestion.

Further design, discussion and more detailed traffic modelling is required to determine the benefits of each link before they could be included.







M42 Junction 6 Improvement Scheme Technical Appraisal Report (SGAR1) West Midlands Autumn Statement 2044 (AS14)



£



Project:	M42 Junction 6 Improvement Scheme		Date:	17/08/16
			TN Ref:	0057
Subject:	Option 11A			
Author:	Darren Morris/Oleg Makarov	Project Ref:	HE551485-I M42_J6-FN	
Reviewed:	Graham MacNicol	Date:	18/11/16	
Approved:	Graham MacNicol	Date:	1.8/11/16	

Introduction

The proposed improvement scheme is required to alleviate the current congestion and journey reliability issues associated with the M42 Junction 6. The junction lies at the heart of an area of dynamic growth, and is a gateway to Birmingham Airport, the National Exhibition Centre (NEC) and Birmingham Business Park. In addition, a station for the proposed High Speed Two (HS2) is to be located nearby and the plans for Solihuli MBC's UK Central (UKC) mixed use development will continue to add significant demand to the network and increase dependence on M42 Junction 6. Other key stakeholders within close proximity to the scheme and Strategic Road Network (SRN) include the National Motorcycle Museum (NMM), Jaguar Land Rover (JLR) and Solihuli Metropolitan Borough Council (SMBC). A new Motorway Service Area (MSA) is proposed south of the existing junction 6 - this proposal has been submitted for planning approval but no formal decision has to date been made.

Description of Proposals

Following an options review meeting held at the Sutton Coldfield office on 6 July 2016 with Highways England, the previous reduced three options (2A, 11 and Hybrid) which had OME estimate forms produced and costed by Highways England (except Hybrid option) have been revised to the following options, which in short looks at solutions with and without the MSA. Options summarised below:

2P – number of variants produced, focus is on 2P V2 following communications with Highways England. This option is without MSA and provides an additional diverge and merge from/to the M42 located south of existing Junction 6. 2Q – similar to Option 2A, but proposes free flow lefts at Junction 6 (as per Option 11A below). This is with an MSA and considered a Do Max.

11A – considered a Do Minimum and is without the MSA, and purely looks at free flow lefts for all movements between M42 and A45.

11B - similar to Option 11A, but includes the MSA

The focus of this technical note will be on Option 11A.

Option 11A as shown on drawing HE551485-MOU-GEN-M42_J6-SK-D-0178 is considered a do minimum focusing on works around junction 6, which as stated above involve introduction of free flow lefts at all arms.

The free flow lefts in front of the NEC and NMM are proposed to go under the existing access and egress points, however, the option also suggests improvements to East Way and an alternative access and egress for the NMM at the rear via East Way.

Design Standards

- TD9/93 Highway Link Design used for link road horizontal curvature radius in accordance with Table 3.
- TD16/07 Geometric Design of Roundabouts

Page 2 of 7

- TD22/06 Layout of Grade Separated Junctions
- TD27/05 Cross-sections and Headrooms
- TD51/03 Segregated Left Turn Lanes and Subsidiary Deflection Islands at Roundabouts

Note: Design Standards to be expanded as design options progress

Design Speeds

- Free flow left will be designed to a 70kph design speed, unless greater than 750m in length then a 85kph design speed will be used
- East Way amendments to be confirmed 60 to 70kph design speed, depending on the part of the network

Geometry

Horizontal Alignment

Free flow lefts

A number of free flow left turns are proposed at junction 6 between the M42 and A45, each free flow is summarised below:

- A45 E to M42 N a segregated lane/free flow interchange link starting in the vicinity of the A45 EB diverge nose. Overall length of 800m from start of the diverge taper to the end of the merge taper. An alternative auxiliary diverge lane can be considered instead of the diverge taper - if it can be justified on traffic and safety merits but will impact further on NEC land. Majority of the free flow left is position on 400m left hand radius and consistent with the required interchange link design speed - one step below the adjacent mainline. The offside channel offset by a minimum 12m from the J6 circulatory nearside channel, it is assumed at this stage that this would provide a sufficient clearance for the construction to avoid impact on J6 circulatory. The merge of the free flow link with M42 NB merge occurs on the nearside tiger tail lane as it is done in a similar examples throughout the UK. Vertical alignment of the proposed free flow link has elements reduced by one step below desirable radius (20K crest is used at the back of the diverge nose) - this is done on order to bring levels of the free flow link sufficiently down to provide headroom for the proposed structure at NEC access. As a result of the reduced vertical curve - visibility is going to be reduced to a low object to a minimum of 104m but would remain within desirable minimum 120m to a high object. There is a rapid deviation between the free flow link and the A45 EB slip road levels- it would require a retaining wall as separation between adjacent carriageways is not sufficient to provide earthworks slope. A retaining wall is also likely to be required north of the Eastway Bridge to alleviate impact on the existing 400KV pylon – unless it can be diverted as part of the HS2 works.
- Må2 S to A45 E In order to provide a compliant successive diverge slip road (not interchange link)- distance for M42 SB diverge segregation to A45 WB and A45 EB as well as diversion to Eastway Roundabout the start of the proposed diverge is required to be moved some 250m north from the existing position. It is not possible to provide the merge with the existing A45 EB slip at a compliant position as separation between Stonebridge Island and J6 is already substandard and J6 EB merge can not be extended further. The existing diverge form A45 EB merge slip road to DHL delivery depo can not be maintained and access would be redirected via Eastway roundabout.
- A45 W to M42 S the proposed segregated lane/free flow link is designed to minimise impact on the NMM. The start position is determined by TD 51 some 70m upstream from the roundabout give way line. The position of the proposed free flow nose is also determined by TD22 requirement for the successive diverge distances and is 262m as adequate for the 70kph sleep road design speed. The link is designed with the offside channel positioned with a minimum 3m from the J6 circulatory nearside channel there will be need for a lane closure on the existing circulatory in order to provide safe construction zone for the driven pile.

Page 3 of 7

installation. In order to provide sufficient headroom clearance with NMM access - proposed vertical alignment is required to be steepened to a minimum 20K crest and 9K sag curve, maximum longitudinal gradient is 7%. TD 22 requires maximum gradient to be a no steeper than 6% - this would require a departure from standards. A widening for 120m SSD is provided at the entry of the segregated lane. As a result of the reduced vertical curve – visibility is going to be reduced to a low object to a minimum of 104m but would remain within desirable minimum 120m to a high object. There is a rapid deviation between the free flow link and the J6 circulatory and NMM car park levels- it would require a retaining wall (on both sides of the free flow link) as separation between adjacent carriageways and NMM land is not sufficient to provide earthworks slope. The existing service road merge with A45 WB diverge can not be maintained with the proposed arrangement and a diversion via Stonebridge Island will be required for local traffic. The proposed low point of the segregated lane alignment is located directly below NMM access and is likely to require a pumping station to remove surface water.

 M42 N to A45 W – at present the proposed parallel link is modified by the Solihull CC works – there are no plans to alter the new built layout as part of the Option 11A works.

Vertical Alignment

Proposed vertical alignment design is constraint by the extension of the cross fall where straight forward widening is provided. Where proposed alignment is situated outside of the existing widening requirements the design is constraint by a Design Speed requirements and need to provide adequate headroom clearance at NEC/NMM access structures. Resulting vertical curvature on segregated lane an NMM access is composed of alignment adequate to 60 KPH Design Speed requirements. The maximum longitudinal fall is 7% which contradicts TD22 requirements, it maybe be possible to provide an alternative alignment and should be investigated at the preliminary design stage. Alternatively a Departure from Standards should be applied.

Vertical curvature of the proposed segregated lane from A45 EB to M42 NB is consistent with 70kph Design Speed requirements. Longitudinal gradient does not exceed 4%.

Non-standard Impacts

Geometric Alignment

- A45 E to M42 N the position of the free flow left results in a successive diverge departure, the reason for this departure was to retain the existing slip road layout from the A45 to avoid confusion with drivers that are used to this existing layout. A consideration to adopt a ghost island layout has been considered, however, TD 22 guidance states that the use of ghost island are not recommended on urban roads, this section of the A45 is a urban road. The provision of Ghost Island would also increase weaving maneuverers for vehicles existing Clock Junction and wishing to go to M42 Southbound.
- 7% gradient and reduced vertical curvature on the free flow link at NMM would require a departure from standards.
- Reduced successive merge on A45 EB slip road and free flow connection is 50m short of the minimum required 262m distance.

Weaving

Page 4 of 7

TD 22/06 Clause 4.30 states:

Successive Mergies of Divorges Within Interchanges

4.30. When there we doned squeed the convertioning of distriction deconfirms and convertion trends in flour point tools of the rotation of the middle of the middle of dought between the first middle of the middle of the point tools of the first of the same type, delined to the middle of the first of picture, by effective experies and motors of sequentially. If the merges of dropping of the first of the rotation of the design speed attention to the first consist for rotal. This painting of applies to standard metrics (posture bellowed by a prorigin to standard metrics) (posture bellowed by a prorigin to the construction applies with direct to bellowed by a missary of also applies with direct to be designed in the construction making as of the construction of the construction of the making as of the construction of the construction of the making section of the construction of the construction of the making section of the construction of the construction of the making section of the construction of the construct

The weaving length table below details the existing weaving lengths:

Northb		Southb	ound
Section	L _{act} (km)	Section	Lact (km)
J5 merge to J6 diverge	4,286	J7 to J6 diverge	1,915*
J6 merge to J7 diverge	2.239	J6 merge to J5 diverge	4.330

Table 1: Existing Weaving Length (J6 to J7)

The weaving length table below shows proposed weaving lengths:

Northbound -		Southbound	
Section	L _{act} (km)	Section	L _{áct} (km)
J5 Merge to J6 diverge	4,286	J7 to Proposed J6 diverge	1.640* 1.730**
Proposed J6 merge to J7 diverge	2.011	J6 merge to J5 diverge	4,330

Table 2: Proposed Weaving Length (J5 to J7)

Table 2 above indicates a departure from standard is required for non-compliant weaving length between J7 and J6 southbound. This is non-compliant compared to Clause 4.35 of TD 22/06, depending on how the weaving length is measured it is out of standard by 360*/270m**. (Note the proposed slip road layouts will need to be justified by traffic movements, these layouts are to be confirmed).

It is envisaged that the existing south facing slips at junction 6 will require alteration for successive diverges and merges for the free flows, however, due to the existing weaving length and requirement of TD 22/06 will remain compliant.

ş.

^{*} measured to Final Gantry at J6 (minus 100m)

^{*} weaving measured to tip of taper of proposed diverge

^{**} weaving measured to a notional diverge tip based on Figure 4/9 B of TD 22/06

Note: the existing south facing slips may require alteration due to traffic flows

Page 5 of 7

Stakeholders

- NEC free flow left under the NEC access/egress will have disruption during construction following reduced access provision
- NMM as NEC, but consideration has been given to provide an additional entry and exit to the rear of the NMM.
- NEC/NMM should benefit from reduced flow passing through the circulatory due to the dedicated left turns.
- HS2 access is as per the Hybrid Bill proposals, may benefit due to the reduced number of users at the circulatory due to the dedicated left turns.
- Birmingham Airport as above for HS2, works currently being constructed as part of SMBC/BA improvements are to be retained.
- UKC a connection to UKC is proposed off the improved East Way loop roundabout, UKC could benefit from the reduced flow on the circulatory.
- Network Rail existing structure over the M42 is likely to be unaffected depending on any slip road layout alterations which are to be based on traffic figures which are still to be confirmed.
- Solihull Metropolitan Borough Council proposals will impact A45 especially for the diverge/free flow to M42
- Stats M42 Junction 6 circulatory a number of stats around the circulatory will be impacted as well as 132kV pylons adjacent to the free flow A45 E to M42 N.

Traffic

Following 2016 traffic count data collected in February, the tables below indicate the total turning flows passing through the circulatory with an additional table to see the implication of introducing free flow lefts at all arms:

Total Flows Through J6 Circulatory		
	2016	
A45 W	1399	
NEC	188	
M42 N	1559	
A45 E	1721	
NMM.	32	
M42 S	2064	
TOTAL	6963	

Total Flows Through J6 Circulatory - minus free flow lefts		
	2016	
A45 W	783	
NEC	188	
M42 N	1027	
A45 E	760	
NMM	32	
M42 S	1245	
TOTAL	4035	

2928 vehicles are removed from the circulatory, which equates to a 42% reduction in circulatory flow in 2016, note this figure also includes the existing free flow left from M42 S to A45 W.

Structures

Ino. existing bridge structure, 2no. 'major' retaining wall structures and Ino. culvert structure will be affected by introducing free flow links at Junction 6.

Due to the new road alignment, the length of Culvert 11 Holywell Brook will need to be extended to suit the proposed alignment. Additionally, the NEC Access Bridge will also need extension or complete replacement as well as the Eastway Bridge. It is proposed that a new two-span bridge structure is built to replace the NEC Access bridge.

Page 6 of 7

3no, retaining walls will need to be relocated/removed within the general scheme limits. To avoid disruption to traffic, a 132kV pylon within the scheme boundary should either be protected or relocated to a safe distance away from the proposed carriageway.

Smart motorway gantries and small retaining walls will be affected in the area of the southern junction and existing gantries will require modification in order to sign the new layout:

To form the new road layout, two new structures are proposed:

Free Flow Link under the National Exhibition Centre-

This structure will take the form of an underpass that will carry the M42 southbound traffic to the west of Coventry Road (A45). A deck-on-pile system (with secant piles) is planned at the proposed location. However, the safe working clearance between the location of the proposed drilled piles and the live traffic should be confirmed by Geotechnics. Alternatively, an offline construction method could be used. The underpass structure will be extended with retaining walls at each end.

Free Flow Links under the National Motorcycle Museum

This structure will be identical to the proposed free flow link under the NEC. However, the length and height of the retaining walls will vary.

Maintenance access arrangements and/or provisions have yet to be agreed, but would need to be discussed with all relevant parties to ensure the design incorporates maintenance requirements.

Geotechnical

Some sections of the proposed new free flow links around Junction 6 impinge onto areas of Made Ground associated with the construction of the NEC and the M42.

The extent and nature of the Made Ground is not known and would be established during ground investigation along with the rest of the ground conditions. The presence of the Made Ground is a manageable risk.

Environment.

There is risk that Option 11A will result in air quality, noise and visual impacts to sensitive receptors in Bickenhill and the wider area. Further survey and modelling work including the development of mitigation measures is required to resolve this. These measures should also be designed to mitigate impacts to cultural heritage assets.

This option has potential impacts on European Protected Species. Further survey and assessment work is required to confirm the presence of these species or habitat for other species, to determine likely impacts and develop suitable mitigation measures. It is anticipated that suitable drainage and flood compensation will be designed during PCF Stages 2 and 3 to avoid impacts to the water environment.

Risks/Hazards

- Departures from standard required which need to be submitted to Highways England and SMBC
- Widening of the existing junction 6 circulatory, may require replacement structures, not widening of the existing.
- Existing gantries along M42 mainline to be extended/replaced/repositioned.
- M42 localised widening may fall outside of existing highway boundary.
- Local road networks will be impacted by the proposals the extent of which is still to be determined via traffic
 modelling.

Page 7 of 7

- Impact to flood zones 2 and 3 refer to Environmental Constraint Drawings HE551485-MOU-3000-M42 J6-DR-EN-0001 and 0002
- Proposals over areas of soft ground, made ground and landfill.
- Impact to a number of 132kv pylons.
- Impact to NEC and NMM day to day business during construction of underpasses/tunnels
- Replacement of existing East Way Bridge, tight construction room and disturbance of NEC business
- HS2 People Mover pier locations will need to alter due to north facing slip provisions
- The new connection from the existing dedicated left for East Way from M42 southbound diverge to the A45 may cause some conflicting movements from vehicles when trying to merge with the A45 traffic.
- Note at this time impact to existing PRoWs and National Trails have not been determined.



41A Smith Street
Warwick CV34 4JA
Telephone: 01926 494597
mark@cprewarwickshire.org.uk
www.cprewarwickshire.org.uk

Standing up for the Warwickshire Countryside

James Hemingway CEng MICE Senior Engineer, AECOM Infrastructure M42 J6 Integration Lead Royal Court, Basil Close Chesterfield Derbyshire S41 7SL

30 July 2019

Dear Mr Hemingway
Environmental Information Regulations 2004
M42 Junction 6 Improvement Scheme (Solihull): Request for Junction traffic flow forecasts

This is a request under the Environmental Information Regulations (EIR) for information held by AECOM on the M42 Junction 6 Improvement Scheme.

This request is additional and separate to that dated 26 July 2019 and should be recorded as a separate application.

The basis for making this application is as set out in the letter of 26 July.

We have received as Interested Party the traffic flow diagrams for the M42 Junction 6 Improvement Scheme, AECOM Figures 7.3 (Do-Minimum) and 7.4 (Do-Something). These show AADT 24 hr flows for the various lengths of road, including slip roads at the three existing junctions, for 2016, 2021, AND 2041.

This request is for the junction traffic flows at the M42 Junction 6 gyratory and (some at) the A45 Stonebridge junction, for the Do-Minimum situation (where no new scheme is constructed). The same measure as used in your traffic modelling output – 24 hr AADT, one direction.

The flows between each entry onto the gyratory and the various possible exits from it, for each of the three years shown, are requested. Thus traffic entering from M42 (north) has six possible destinations – the NEC via Eastlink, A45 east, the NMM, Birmingham Airport (BHX), A45 west, and the NEC (main access). Please see the details for each flow entering the junction marked on the attached copy of AECOM Fig 3.

Two groups of flows on the A45 Stonebridge junction (from A45 east and from A452 south) are also requested.

Please can you also provide details of the flows (each direction, AADT 24hr) between (A) A45 (east) and A452 (south) and

(B) (1) M6 west (west of Junction 4/5a) and (2) M42 Junction 9 (Curdworth).

Between these points there are two potential routes: via M42 junctions 6-7, and via A452-A446 which runs parallel to M42 to its east. See notes on attached extract from 1:50,000 OS map.

Please acknowledge receipt.

Yours faithfully





AECOM Infrastructure & Environment UK Limited Royal Court, Basil Close Chesterfield Derbyshire S41 7SL United Kingdom

T: +44 (1246) 209221

23 August 2019

Mr M A Sullivan CPRE Warwickshire 41A Smith Street Warwick CV34 4JA

M42 Junction 6
CPRE Warwickshire
Environmental Information Regulations 2004 (EIR)

By Post and By E-mail (mark@corewarvickshire crous)

Dear Mr Sullivan

We refer to our letter dated 16 August 2019 and to your letters dated 26 July 2019 and 30 July 2019 (two letters). We have now had the opportunity to consider these letters, including the ICO Decision Notice that you reference.

We do not consider that AECOM is a public body for the purposes of EIR. This is because, Highways England, our Client, has not delegated to us the delivery of/responsibility for any of its public body functions or requirements. AECOM has provided professional services to Highways England within the parameters of a contractual scope of services which have been delivered under the direction and instruction of Highways England. There has been no delegation in this case. Your request therefore needs to be submitted direct to Highways England.

We have however noted that much of the information you request is in the public domain. We have therefore taken each of the requested items and indicated where this can be located. This is set out in the table below:

CPRE Requested Information	Status - Has it been or is it currently in the public domain?	Location of information		
CPRE Environmental	CPRE Environmental Information Request Title: Request for Information M42 Junction 6 Improvement Scheme			
Detailed drawings	Stage 2 – prepared by	Stips / Transvavseriolend.cibzensbass.com/be-m42-junction-G- iniprovament/supporting_documents/Scheme*/ 20Assessment/- 20Re- port*s201-30F-pat.pdf Scheme Assessment Report Appendix A provides the following		
for the 3 free flow links	Mouchel (WSP).	details:		
which were shown in the December 2016 consultation documentation.	Currently in the public domain and can be found using the link provided:	Drawing Title: M42 Junction 6 General Arrangement Drawing (Page Number 110) Drawing Number: HE551485-MOU-GEN-M42_J6-SK-CH-0047		
		Drawing Title: Plan view of new structures for free flow link option outline design (Page Number 122) Drawing Number: HE551485-MOU-GEN-M42_J6-DR-CB-0005		



CPRE Requested Information	Status - Has it been or is it currently in the public domain?	Location of information
2) Any variations on the design of these free flow links that were prepared, including different forms of maintained or revising the access at Junction 6 to the National Motorcycle Museum.	Stage 2 – prepared by Mouchel (WSP). Currently in the public domain and can be found using the link provided:	https://inghwaveengland.colizenspace.com/be/m42.suncbon-0.comproventent/supporting_decoments/Sechnical*5/20Appraisal*3/20Reg ort_seb_odi Technical Appraisal Report, Appendix F2, (Page Number 179). NMM alternative Access / Egress options assessment: Drawing Title: Alternative NMM Access/Egress Drawing Number: HE551485-MOU-GEN-M42_J6-SK-CH-0037
3) Traffic flow projected to use the free flow links.	Stage 2 – prepared by Mouchel (WSP). Currently in the public domain and can be found using the link provided:	https://highwaysaculand.cib/zenspace.com/he/m42-junction-6-improvement/supporting_documents/Scheme*\20Assessment*\20Resouth\20\cdots\20Final.pdf Scheme Assessment Report Appendix H provides the following details for Option 1 (Page Numbers 184 - 187) Drawing Title: M42 Junction 6 Turning Movements (AM & PM) Existing & Do Minimum Drawing Number: HE551485-MOU-VTR-M42_J6-SK-CH-0001 Drawing Title: Traffic Flow Schematic AM & PM Peaks Existing & DO Minimum (2021 & 2041) Drawing Number: HE551485-MOU-VTR-M42_J6-SK-CH-0003 Drawing Title: Option 1 Traffic Flow Schematic 2041 Peaks Drawing Number: HE551485-MOU-VTR-M42_J6-SK-CH-0008
4) The written assessment of construction details and costs for the free flow link that were provided to Highways England.	Stage 2 – prepared by Mouchel (WSP). Not in the public domain. AECOM do not have access to this information.	This request needs to be directed to Highways England.
5) The written recommendations made to Highways England on the free flow links propose din the December 2016 Consultation booklet.	Stage 2 – prepared by Mouchel (WSP). Currently in the public domain and can be found using the link provided:	https://nanyaysendiagd.chizsospace.com/heim42-junction-6-improvements-uncorted_documents-Scheine-320Assessment-20Report-



CPRE Requested Information	Status - Has it been or is it currently in the public domain?	Location of information		
CPRE Environmental Information Request Title: Request for Junction Traffic Flow Forecasts Traffic flow information has been requested under the do minimum scenario (i.e. no scheme) for the following junctions and turning movements under the 2016, 2021 and 2041 years:				
Flows between each entry onto the gyratory and the various possible exits.	This information is currently not available in the form required.			
7) Two groups of flows on the A45 Stonebridge Junction (from A45 east and A452 south)		This request needs to be directed to Highways England.		
8) M6 West (west of Junction 4/5A) and M42 Junction 9.		· •.		

We hope that the above information is of assistance to you.

Vours sincaraly

James Hemingway CEng MICE
Senior Engineer
AECOM Infrastructure & Environment UK Limited
T: 01246 244707

1. 012-10 2-17/01

E: james heming yay@aetom com





Standing up for the Warwickshire Countryside

29 August 2019

41A Smith Street Warwick CV34 4JA

Telephone: 01926 494597 mark@cprewarwickshire.org.uk www.cprewarwickshire.org.uk

James Hemingway CEng MICE Senior Engineer, AECOM Infrastructure M42 J6 Integration Lead Royal Court, Basil Close Chesterfield, Derbyshire S41 7SL james hemingway@aecom.com

Dear Mr Hemingway

M42 Junction 6 Improvement Scheme (Solihull)

Thank you for your letter of 23 August which responded to our letters seeking information under EIR dated 26 July and 30 July.

You have given links to the Mouchel Reports for Highways England, the Technical Appraisal Report (SGAR1) and the Scheme Assessment Report (SGAR Option Selection). These are undated but would probably have been completed in 2017. These documents are extremely bulky (67 MB and 55 MB) but I have managed to download to a data stick. They are not available at deposit points and while technically public since (I assume) February 2019, the format makes it very hard to find information within them. So I am grateful for the detailed links and page references.

It is not clear when Mouchel (now part of WSP) ceased to be Highways England's principal consultants for the M42 Junction 6 scheme, or how much of the Mouchel work has been passed on to AECOM, but your letter gives sufficient information to be able to find most of what we are seeking.

I would be grateful if you could assist soon on the following, related to the free-flow bypass links (or 'free flow lefts' at Junction 6. It appears that Option 11A is the main alternative option which uses free-flow links as the principal way of reducing congestion at Junction 6 and improving flow.

This is not a request under EIR but for information that is held relevant to the current application, or from the currently-used local traffic model.

(3) Plans

The TAR and SAR include some reduced-size drawings which print out at A4. However these are too small to assess all details or to measure road widths or radii. Can you please send me one full-size A1 drawing (or AO if the size of the full print) of the following four drawings:

M42 Junction 6 General Arrangement: HE551485-MOU-GEN-M42_J6-SK-CH-0047

Plan view of new structures for new free flow link option: HE551485-MOU-GEN-M42_J6-DR-CB-0005

Alternative NMM Access/Egress: HE551485-MOU-GEN-M42_J6-SK-CH-0037

Option 11A general drawing (this drawing not in the SAR set of drawings; it is listed with this number on the first page of the Report ref 0057 on Option 11A starting at Page 138): HE551485-MOU-GEN-M42 J6-SK-D-0178

(2) Traffic flow – turning movements at M42 Junction 6

Our letter of 30 July enclosed a marked-up H-E drawing which is annotated to show the movements that can be made by a vehicle entering the gyratory – generally there are 5 possible exits for each entry flow. This is correctly listed in your letter of 23 August p3 as 'Flows between each entry onto the gyratory and the various possible exits'. On the 6th page of the Option 11A report 0057 in the SAR (SAR page 143?) there are two tables, showing (i) total flows through circulatory and (ii) total flows through circulatory minus free flow lefts. These are 2016 counts and presumably an hourly flow (AM peak?). The full set of free flow lefts reduce circulatory flow by 42% compared to do-nothing.

These counts would also allow the entry flows to be broken down by exit chosen, as will the model now used for the assessment. The current local traffic model was not in use in August 2016 when the Option 11A report 0057 was prepared.

Your letter of 23 August, page 3, states that this detailed flow information is not currently available in the form required. It is however central to the assessment of options for M42 Junction 6 that the flows between each entry onto the circle of Junction 6 and the various exits are extracted from the traffic model. The tables quoted above show which entries have the largest flows, but not how these entry flows break down into the potential exits.

Can the local model please be run to produce the flow elements, for base year, opening year (2021) and design year (2041), for each entry at Junction 6 for 'do-minimum' and 'with four free flow links'? These would be hourly flow presumably, and there would be different major flows between morning and evening peak periods.

(3) Traffic flows – routing of traffic via A446 and M6 June 4, compared to use of M42 June 6

It is explained in our letter of 30 July that the route from A45 WB to M42 NB and vice-versa is longer and more congested than the A452-A446 free-flow dual carriageway (which is retained as a trunk road). The local model may be routeing traffic via M42 Junction 6 when it is actually using the A452-A446 to the east; or not.

Can the flows by these two different routes be produced from the local model, for base year, 2021 and 2041 See annotated extract from OS 1:50,000 map, attached to letter of 30 July.

My understanding is that the model used for the current proposal by AECOM is more detailed and has more accurate projected flows through the junction than the model used in 2016-17 by Mouchel.

Please acknowledge receipt. I am posting a signed version for your record.

Yours sincerely

M A SULLIVAN
Technical Secretary <u>mark@eprewarwickshire.org.uk</u>
cc Chris Harris, Highways England Project Manager





41A Smith Street
Warwick CV34 4JA
Telephone: 01926 494597
mark@cprewarwickshire.org.uk
www.cprewarwickshire.org.uk

Standing up for the Warwickshire Countryside

Chris Harris
Project Manager, M42 Junction 6 Improvement
Highways England
5th Floor, 2 Colmore Square
Birmingham B4 6BN

4 September 2019

Dear Mr Harris

M42 Junction 6 Improvement Scheme

CPRE Warwickshire as an interested party has further statements to submit to the Examination. Please can you arrange for us to receive the following information, which we need?

Subjects (1) and (2) are covered in our letter of 29 August to AECOM which was copied to you at the time.

- (1) Plans drawn by previous consultants Mouchel for free-flow links at M42 Junction 6 and for alternative access to/from the National Motorcycle Museum onto the A45 at original A1 (or A0) size. See letter of 29 August to AECOM.
- (2) Traffic flows counted and projected at M42 Junction 6, originally requested in letter of 30 July 2019 to AECOM. The Mouchel 'Option 11A Report' in the Scheme Assessment Report by Mouchel (undated, assumed 2017) contains table on the 6th page, which appear to be a peak hour junction traffic count of February 2016. At that time the present traffic model for the M42 J6 Scheme had not been developed. There has presumably been a new junction traffic count for the whole junction by AECOM, and we would wish to have the details of each entry to exit flow (see drawing enclosed with letter of 30 July to AECOM). Please can the details of these flows for base tear, 2012 and 2041 be provided shortly and put into the Examination/? See letter of 29 August, page 2.
- (3) Minutes of meetings with Solihull MBC about the M42 Junction 6 Improvement from the Council's initial approach to Highways Agency in 2011 until the present time. Highways England's Draft Statement of Common Ground (SoCG) with Solihull MBC (15 August 2019) includes a 'Record of Engagement', which starts at 14 April 2016, whereas the actual collaboration between the Highways Agency (up to March 2015) / Highways England and Solihull dates from before the Council Leader to Secretary of State for Transport letter of November 2013.
- Para 2.1.1 of the Draft SoCG states 'The parties have been engaged in consultation since the beginning of the proposed development' However the 'Record of Engagement' (Table 2-1) starts at 14 April 2016 is in 'relation to the Application', which excludes the previous period (See attached extracts from the SoCG). At the Examination Hearing on 2 July 2019, the Lead Inspector said, from an initial reading of the papers, that the work between Solihull and the Highways Agency appears to have started with a report by Mott Macdonald in 2011; that may or may not be correct.

The draft SOCG with Solihull MBC in its present form does not include minutes of meetings held, although the exact dates of meetings are given. This contrasts with HE's SOCGs for Cadent Gas and Western Power Distribution, both of which include as appendices the minutes of a number of meetings.

Can you please send us all the minutes of the meetings held with Solihull MBC on the subject of the M42 Junction 6 Improvement, since 2011 or 2013, whichever is the year when joint work between HE and Solihull MBC commenced? As we are in a public Examination process, Solihull MBC cannot decline to agree their release and Highways England must provide them.

It would seem important that the Final SoCG between HE and Solihull MBC has these Minutes annexed to it, because they are attached to the SOCGs with Cadent Gas and Western Power Distribution.

Please acknowledge receipt.

Yours sincerely

M A SULLIVAN

Technical Secretary mark@cprewarwickshire.org.uk

Encl:

£ ...

- Letter CPRE Warwickshire to AECOM 29 August 2019
- Extracts from Mouchel paper discussing Option 11A (free flow movements at M42 Junction 6) date, HE55185-MOU-GEN-M42 J6-FN-CH-0057 (Date 18 November 2016)
- Extracts from Draft SoCG Highways England with Solihull MBC dated July 2019, numbered pages 3-7, 'Record of Engagement'.
- Letter Leader of Solihull Council to Secretary of State for Transport, 7 November 2013





AECOM Infrastructure & Erivironment UK Limited Royal Gourt, Basil Close Chesterfield Derbyshire S41 7SL United Kingdom

T: +44 (1246) 209221

19 September 2019

Mr M A Sullivan CPRE Warwickshire 41A Smith Street Warwick CV34 4JA

M42 Junction 6 CPRE Warwickshire Information Request

By Post and By E-mail (mack@cocewarvackatoe acc as)

Dear Mr Sullivan

In reference to your letter dated 30 August 2019 to AECOM and your letter dated 04 September 2019 to Highways England, please find enclosed two copies of the following drawings which have been requested:

Drawing Tale	Erawing Reference
M42 Junction 6 General Arrangement:	HE551485-MOU-GEN-M42_J6-SK-CH-0047
Plan View of New Structures for New Free Flow Link Option Outline Design	HE551485-MOU-GEN-M42_J6-DR-C8-0005
Alternative NMM Access/Egress:	HE551485-MOU-GEN-M42_J6-SK-CH-0037
Option 11A PCF Stage 1 Option Identification	HE551485-MOU-GEN-M42_J6-SK-D-0178

We hope that the above information is of assistance to you.



James Herningway CEng MICE Senior Engineer AECOM Infrastructure & Environment UK Limited

T: 01246 244707

E: gmas namonyay Naecyclican





Planning Act 2008: Guidance for the examination of applications for development consent

Final matters

Service of Notices and Inspection of Documents

106. Under the Procedure Rules, the Examining Authority may publish notices/information on a website where possible and use electronic transmission to notify interested parties of the procedural steps before and during the examination. In accordance with Procedure Rule 21, the Examining Authority will make available all relevant and written representations at the end of each round of representations.

Allowing further time

- 107. Exceptionally there may be circumstances where it would be reasonable to allow further time for the taking of any step in respect of which the Procedure Rules specifies a time limit. Rule 23 therefore enables the Examining Authority to do so at any time and in any particular case.
- 108. Where an applicant has applied for consent from another consenting body (for example from a local planning authority under the Town and Country Planning Act 1990) but is still waiting for the decision during the examination, the Examining Authority will take into account the likelihood of the consent being granted, as well as the probable delay, before deciding how to proceed. Any extension to the overall statutory timetable would require the relevant Secretary of State to make a statement to the Houses of Parliament and would not be a decision which would be taken lightly.

Changing an application post acceptance

- 109. It is expected that applications will be as well prepared as possible prior to submission and an application will not be accepted if it is not of a satisfactory standard. However, the Government recognises that there are occasions when applicants may need to make material changes to a proposal after an application has been accepted for examination. Reasons for this could include, for example, regulatory changes, technical developments or the discovery of previously unknown factors arising from representations received after acceptance or examination submissions.
- 110. However, if it is determined that a proposed change is of such a degree that it constitutes a materially different project then the applicant will need to determine how best to proceed. The applicant may decide to withdraw their existing application and restart the pre-application process or continue with their application in its original form or they may decide to submit an alternative proposal for change. It should be noted that the Examining

Authority will not be able to indicate what degree of change would be acceptable in advance of the applicant submitting a proposed change.

- 111. It is important for all parties to remember that it is for the applicant to decide whether or not to propose a change to a proposal during the examination. Other parties can highlight those areas where they think a proposal should be changed during their discussion with the applicant in the pre-application period and also in their written representations.
- 112. Before proposing a change, applicants should carefully consider the impact that it will have on any non-planning permits which they are seeking alongside their Development Consent Order. A change in the Development Consent Order may mean that it is not possible to issue these non-planning permits to the same timescale as the Development Consent Order.
- In considering a proposed material change to an application and before making a procedural decision⁸ about whether and how to examine the changed application, the Examining Authority will need to ensure it is able to act reasonably and fairly, in accordance with the principles of natural justice⁹ and in doing so, there will be a number of factors to consider such as:
 - whether the application (as changed) is still of a sufficient standard for examination:
 - whether sufficient consultation on the changed application can be undertaken to allow for the examination to be completed within the statutory timetable of 6 months¹⁰; and
 - · whether any other procedural requirements can still be met.
- 114. It is expected that applicants will discuss the implications of any changes they wish to make with relevant statutory consultees and notify the Examining Authority at the earliest opportunity. This should allow the Examining Authority to accommodate any appropriate consultation on the change within the six month examination period.
- 115. If an applicant seeks to introduce a material change during the final stages of the examination period, it is unlikely to be accepted on the basis that the application cannot be examined within the statutory timetable without breaching the principles of fairness and reasonableness.

See Bernard Wheatcroft Ltd V Secretary of State for the Environment (1982) 43 p & CR 233 where it was held that anyone affected by amended proposals should be provided with a fair opportunity to have their views on these amendments heard and properly taken into account.

⁸ Pursuant to sections 87(1) and 89 of the Planning Act

Section 98(1) of the Planning Act 2008 imposes a duty on the Examination Authority to complete the examination within 6 months. The Secretary of State has the power to extend this period, but this is rarely exercised (see section 98(4) of the Act).



