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Mr D Cullingford
Lead Member of the Examining Panel
M42 Junction 6 DCO Hearing
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol BS1 6PN

28th October 2019

Dear Sir,

**Re. Representation submitted on behalf of David and Camilla Burton
Church Farm Accommodation, Church Lane, Bickenhill B92 0DN
Deadline 7 Submission**

We write further to and in support of our previous submissions, together with the supplementary oral evidence which was presented to last week's Issue Specific Hearing 2 in respect of Compulsory Acquisition Matters, and the separate ISH in respect of the revised content of the draft Development Consent Order (DCO 4).

Prior to publication of Panel's preferred dDCO later this week, we wish to reiterate and bring to the Panel's attention the following key points:

1. **Attenuation Tank and Access Track off realigned Catherine-de-Barnes Lane and St Peters Lane (please see Appendix 1 'St Peters and CDB Junction Reconfigured' in support of the following comments):**
 - a) We do not believe that the junction of St Peter's Lane and the Catherine-de-Barnes Lane is appropriately designed at present, particularly for the period during the construction of the new road, as all traffic using the re-aligned Catherine-de-Barnes Lane will effectively be directed in to the centre of Bickenhill Village unless the priorities are changed – thereby causing severe damage to the village environment, including old and historic buildings, roadside verges, highways and the resident's peaceable and quiet enjoyment of the village and its surroundings. Such change would occur despite the Conservation Area status of the village. We support the Inspector and Bickenhill Parish Council in requesting that the vehicular priorities are changed from those currently being shown at the junction, even if that ultimately requires a modification to the alignment of either road. Preventing

- traffic, including construction traffic potentially exiting the site compounds, from travelling directly in to the centre of Bickenhill Village is a key priority.
- b) We welcome HE's assessment of the 4 options for the attenuation tank, and were pleased to note their comments (Doc 8.73, Action 3) that any one of the options was possible, and would not require the proposed gravity system to be modified to a pumped drainage system, and furthermore that the applicant had flexibility to implement any of the options.
 - c) We were **not satisfied** that Option 3 had been fully and properly assessed in the light of the 3 key principals which the Inspector outlined at the beginning of each day of the Hearing.
 - d) We noted that the proposed attenuation tank has a surface area of 360 sq meters on HE's latest drawings, and from our own measurements it appears as though a tank of about that capacity together with an access point and short section of service track can be satisfactorily incorporated within Plot 3/68b on east side of realigned Catherine-de-Barnes Lane and to the South of St Peter's Lane.
 - e) From our own measured survey of the area in question, we believe that there is sufficient room within that residual area to incorporate a tank measuring approx. 15m x 24m (or of similar dimensions), together with a max 4.5m wide access gateway off St Peter's Lane. Such gateway to lead to a Y-shaped parking and turning area within the compulsorily acquired land forming part of Plot 3/68b to enable easy vehicular access/egress to the attenuation tank.
 - f) We submitted our own annotated drawings directly to the Examining Authority last week to indicate this re-design option.
 - g) For clarity we believe that the ownership of the residential properties which are situated to the immediate east of Plot 3/68b falls to the same individuals / family name as the ownership of Plot 3/68b itself, and so far as we are aware neither the owner nor the tenants / occupiers of those residential properties and the adjoining grass paddock have submitted significant objections to the Scheme, or taken part in any of the Public Hearings.
 - h) The potential for locating the attenuation tank to the south of St Peters Lane (Option 3) was previously dismissed because of the requirement for a service layby on the re-aligned Catherine-de-Barnes Lane. However we do not believe that such layby would be necessary given HE confirmation that the attenuation tank will probably only need to be accessed by the Drainage Authority once in every 6 months or so (subject to SMBC confirmation), as acknowledged at last week's Compulsory Acquisition Hearing. Therefore a straight agricultural field access (ie gate and hard-surfaced area) in to the land around the tank, to be taken directly off St Peter's Lane between the junction with the re-aligned Catherine-de-Barnes Lane and the edge of the village might well be the best possible solution.
 - i) The available area for the attenuation tank in the residual part of 3/68b looks to be no smaller than the combined residual area within 3/73 a and b.
 - j) We would respectfully request the Inspector to consider whether **modified Option 3 as above is a "more reasonable" solution** than HE's Option 1 or Option 4 for the tank, given the level of representation which has been made and the impact that either Option 1 or Option 4 will have on the neighbouring residential and commercial properties as a consequence of the adverse points relating to those Options which have been clearly set out to the Panel in previous evidence and correspondence.

Separately, we note the requirement for Severn Trent Water to be able to use an accessway from the north side of St Peters Lane, to the east of the new road, to access their re-aligned aqueduct on an occasional basis. In considering that point, we ask the Panel to equally consider:

- k) In similar circumstances for many other road schemes, a simple right over an agricultural field has been sufficient for the purposes of the statutory authority to access their infrastructure, without the need for a full hardcore-surfaced roadway access track.
- l) We believe that a fully lockable and secure field gate in the boundary fenceline of St Peters Lane (or re-aligned Catherine-de-Barnes Lane) and the land to the north should be sufficient for STW's purposes, and could also serve as the agricultural access to the retained agricultural land to the east of the new road.
- m) We ask the Panel to provide absolute clarity in their preferred dDCO in respect of the future land ownership for land on which any access rights are ultimately to be sited to the north of existing St Peters Lane, to include the extent of any rights to use that track in favour of third parties and to whom such benefits can be granted. It is essential that the rights and responsibilities of relevant parties in respect of the access gateway and the adjacent boundary security is fully apparent given the significant security implications which such new access may well provide in respect of our own property and neighbouring properties in the village of Bickenhill.

In providing any form of access and hard-surfaced track at this location, it will open up land to the rear of Church Farm and adjoining private housing areas etc to a considerable security risk – which is particularly concerning from the perspective of our own B&B rooms at Church Farm, together with the equestrian livery and our own personal / family use and rights to a private life etc. Hence we submit that any such access rights to the rear of our property, to the north of St Peters Lane, must be designed in such a manner that no unauthorised personnel and vehicles can access it, with appropriate screening (summer and winter etc), and other measures to prevent anti-social behaviour (eg fly-tipping, antisocial behaviour, taxi parking, unsolicited actions etc).

In summary the existence of an access and hard-surfaced track between the new road and Church Farm is fraught with potential difficulties and pitfalls, and the best solution would be a secure agricultural gate only in the highway boundary without any internal hard-surfaced roadway or gateway – and that can be achieved by re-aligning and re-designing priorities at the Catherine-de-Barnes / St Peter's Lane junction, and moving the attenuation tank to the south side of St Peter's Lane. We ask the Panel to consider this proposal for formal inclusion in their preferred DCO at publication on 31st October.

2. Main Site Compound (please see Appendix 2 'Compound and Exits Reconfigured' in support of the following comments):

- a) We wish to draw the ExA's attention to the full implications for proposed left-turn only exit from the re-designed main compound on to the Catherine-de-Barnes Lane – as discussed in detail at last week's hearing - with all traffic now being directed south towards Bickenhill and Catherine-de-Barnes villages, rather than towards the nearby Trunk Roads and Motorway.
- b) We urge the panel to consider the possibility of providing a right turn from the exit lane out of the re-designed main compound (should the current layout be adopted) on to the existing Catherine-de-Barnes Lane, but under new Traffic Lights.
- c) The existing proposed road layout and junction priorities immediately to the west side of Bickenhill village (but on the east side of the new road) must be amended as otherwise traffic flow will continue directly in to St Peter's Lane and hence in to centre of village, which is a Conservation Area. Such disturbance to the residents and neighbourhood of the village should be deemed as being unacceptable in context of 3 key criteria outlined by the Inspector at the opening of each day of the

- Public Enquiry. We do not believe that such solution could be considered to be either a necessary or proportionate solution for DCO purposes.
- d) We have already submitted plans identifying an alternative solution for the exit from the re-designed compound area – directly on to the southern feeder road of the A45 towards Birmingham Airport, thereby passing under the Catherine-de-Barnes Lane.
 - e) The vast majority of that route would be within the red line of the existing DCO scheme, and hence be deliverable. We do not propose to go in to the detail of our proposal in this document, as it was discussed in oral submissions at last week's hearings – and was apparently found to be a possible exit route from the main site compound.
 - f) Existing highway infrastructure for that route appears to be more appropriate and hold greater capacity than local roads in vicinity of the villages.
 - g) We ask the Inspector and his Panel to consider the implications of HGV's having to turn round in Bickenhill Village when they realise that they have made a directional error and cannot travel down narrow lanes (Eg St Peters & Church Lane etc).
 - h) We believe that it is likely to be in the best interests of Skanska (the principal contractor) for all Site Compound traffic to be able to return directly on to the Trunk Road network (ie via the Airport), rather than to have to travel on more minor roads after exiting the compound area, not least to ensure minimal travelling inconvenience to those visiting, and to reduce detrimental environmental impact from those travelling to the site.
 - i) We ask the Panel to give full consideration to the arrangements for exiting Compound Traffic once the new link road has been constructed and whilst the existing Junction 6 improvement works are being undertaken?

3. **Site Compound Working Hours:**

- a) We **do not support** the position which was adopted by Solihull MBC in their SoCG with the Applicant (Volume 8.8 (c)) in respect of Working Hours.
- b) It appears as though agreement may have been reached between the parties in respect of working hours relating to both on-site constructional activity and movements within the main site compound before the full implications and siting of the new road(s) and other site compounds were known. We urge the Inspector to make recommendations in this regard in the preferred dDCO.
- c) We therefore request that the ExA give further consideration to the proposal and make firm recommendations as part of the dDCO as to satisfactory arrangements and working hours for works which are audible beyond the boundaries of any part of the new road or the main site compound, with a firm recommendation that such works on site are only undertaken between the hours of 08:00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays; with no noisy works of any nature being carried out on Sundays or Bank Holidays.
- d) Our Bed & Breakfast business relies on paying guests being able to guarantee "A Good Night's Sleep", often prior to an exhibition at the NEC, or prior to a long flight out of Birmingham Airport – and the business is wholly reliant on reputation and standards of delivery. A poor public rating or review would have a dramatic impact on Booking Rates. Were certain guests to be woken by construction traffic, or audible warning signs on machinery, at hours prior to 8am, it is likely that they will be extremely unhappy and request full or partial refunds of their overnight stay fees. In today's social-media driven environment, such disgruntled guests may also submit a poor online review of our business, which will have a lasting-effect on profitability of our long-established business. Whilst we accept that is a point for inclusion in our ultimate claim for compensation, we look to the ExA to

implement more reasonable working hours than those which have been set out in the SoCG between SMBC and HE to protect against unreasonable disturbance and disruption to our business and staying guests, particularly from vehicle movements in the vicinity of the Main Site Compound.

- e) We do not believe that it is reasonable for SMBC or the Applicant to simply “seek to prevent annoying or disturbing levels of noise before 8.00am” as noise levels at that time of the day are currently very low in the village of Bickenhill. We believe that SMBC should be required to assess noise levels within the vicinity of Bickenhill village between 7am and 8am prior to commencement of the scheme, and implement a subsequent requirement on HE that noise levels beyond the boundaries of the main site compound and/or the construction site itself do not exceed those **average levels +5% prior to 8am on any working day**. In the event that breaches of that threshold do occur, we believe that the Acquiring Authority should be under a duty to compensate those affected in nearby residential properties, and/or commercial premises which are reliant on the existing environmental attributes of the locality.

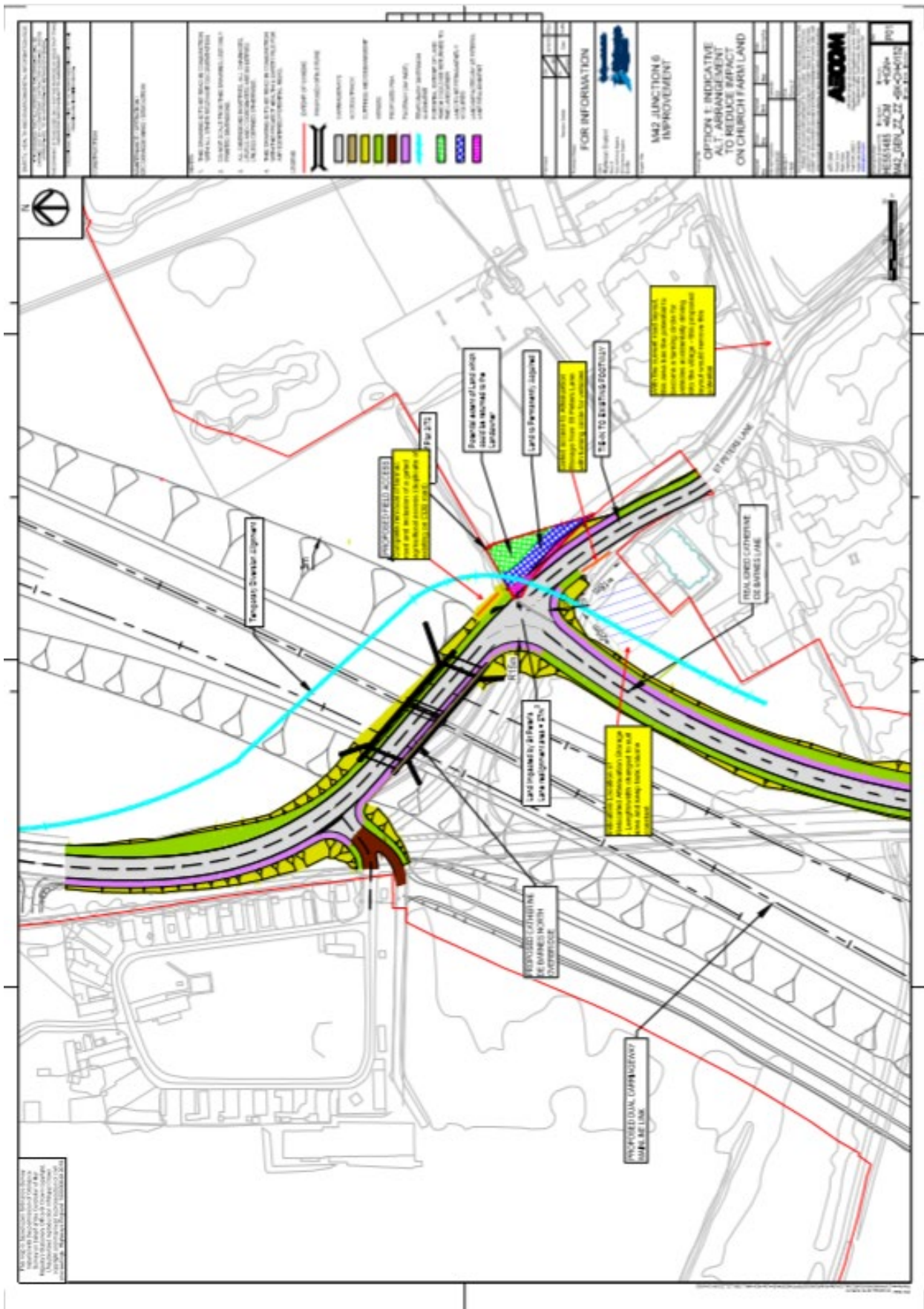
We are grateful to the Panel for allowing the opportunity for such detailed and rigorous assessment of the draft DCO and we sincerely hope that the Panel’s preferred dDCO will incorporate many of the points which both we and others have outlined so clearly in oral and written evidence submitted as part of this Enquiry. In many cases the evidence to substitute alternative arrangements to those proposed by the Applicant is compelling, and we urge the Panel to reduce the ultimate cost of the scheme by mitigating the concerns which have been raised wherever it is possible to do so.

In the meantime, and particularly prior to publication of that preferred dDCO, we would be willing to assist with any queries or observations in any way that we can to assist the Panel and the Applicant in reaching a more desirable solution to that currently proposed.

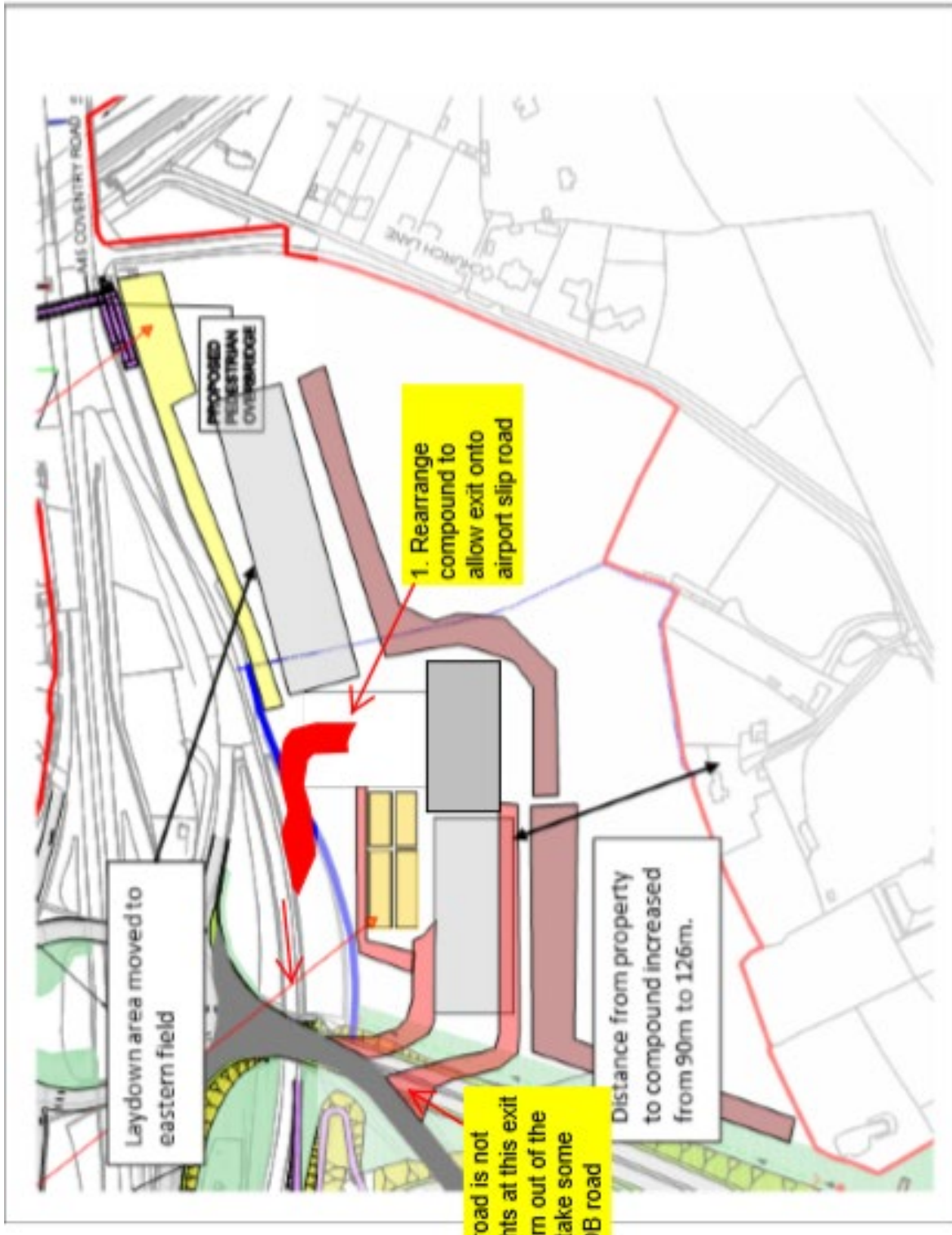
Yours sincerely,

Philip Cowen MRICS
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Appendix 1 - St Peters and CDB Junction Reconfigured



Appendix 2 – Compound and Exits Reconfigured



2. If airport slip road is not viable, traffic lights at this exit to allow a RH turn out of the compound and take some traffic off the CDB road