

Response to Highways England Deadline 7 Documents 8.80, 8.83, 8.84, 8.86 & 8.89:

8.80 Applicant's Comments on any Additional Information or Submissions Received by Deadline 6

(TR010027-000816-TR010027_M42J6_8.80_Applicant's_Comments_on_any_Additional_Information_or_Submissions_Received_at_Deadline_6)

8.83 Written Submission of Oral Case for ISH on Compulsory Acquisition and Temporary Possession on 22 October 2019

(TR010027-000818-TR010027_M42J6_8.83_Written_Submission_Oral_Case_ISH_on_CA_and_TP)

8.84 Written Submission of Oral Case for ISH on dDCO on 23 October 2019

(TR010027-000803-TR010027_M42J6_8.84_Written_Submission_Oral_Case_ISH_on_dDCO)

8.86 Actions Arising out of ISH on Living Conditions on 1 October 2019 for Deadline 7

(TR010027-000805-TR010027_M42J6_8.86_Actions_Arising_out_of_ISH_on_Living_Conditions_on_1_October_2019_for_Deadline_7)

8.89 Actions Arising out of ISH on dDCO 4 on 23 October

(TR010027-000808-TR010027_M42J6_8.89_Actions_Arising_out_of_ISH_on_dDCO__4_on_23_Oct)

8.80 Applicant's Comments on any Additional Information or Submissions Received by Deadline 6

*(TR010027-000816-TR010027_M42J6_8.80_Applicant's_Comments_on_any_Additional_Information_
or_Submissions_Received_at_Deadline_6)*

8.80 Applicant's Comments on any Additional Information or Submissions Received by Deadline 6

Submitted by	Title	Comments	
Philip O'Reilly	Issue Specific Hearing on Living Conditions (1st October 2019)	9.1	<p>Philip O'Reilly Comment:</p> <p>Air quality</p> <ul style="list-style-type: none"> • The creation of 'Barber's Coppice Roundabout' directly outside my property will cause an increase in standing traffic and therefore an increase in exhaust fumes • As traffic is standing the fumes will linger rather than be dispersed through air movement • In terms of air quality, the proposed 'Barber's Coppice Roundabout' will cause traffic to frequently queue outside my property, particularly as Catherine de Barnes Lane is used by motorists avoiding the southbound section of the M42 between junctions 6 and 5. It is my understanding that the air quality data provided by HE does not take this into account and is based on the volume and speed of moving traffic • It is noted that HE dispute the fact that traffic queues on the southbound carriageway of Catherine de Barnes Lane are a regular occurrence. The fact of the matter is that a traffic queue occurs at least once a week, typically between 4.30pm and 6.00pm. The queue will run from the junction of Hampton Lane with Seven Star Road (A41), along the full length of Hampton Lane, around the roundabout and along Catherine de Barnes Lane up to St Peters Lane – a distance of 2.2 miles. Please see images showing queuing traffic in Appendix C
<p>The Applicant Response:</p> <p>Please see the Applicant's response to this point in Volume 8.86.</p>			
<p>POR Comments:</p> <p>Response provided below.</p> <p>See item 20 under '8.86 Actions Arising out of ISH on Living Conditions on 1 October 2019 for Deadline 7'.</p>			
Philip O'Reilly	Issue Specific Hearing on Living Conditions (1st October 2019)	9.2	<p>Philip O'Reilly Comment:</p> <p>Unregulated taxi parking (and anti-social behaviour):</p> <ul style="list-style-type: none"> • As the north bound carriageway of Catherine de Barnes Lane will be closed off, preventing access to the airport, train station, NEC and motorway network by vehicle, the current taxi parking hotspots at the north end of Catherine de Barnes Lane (see

		<p>Appendix D) will migrate to the closest points of access via the new link road (see Appendix E)</p> <ul style="list-style-type: none"> • My property, and the area surrounding it, will be the closest point to access the airport, train station, NEC and motorway network by vehicle. As such it will become a hotspot for taxi parking and airport pickups • Please also note that extending the current access lane to Woodhouse Farm up to the new 'Barber's Coppice Roundabout', and also creating a 'private' access road to the WGAA, will generate ongoing issues not only with regard to taxi parking but also travellers, lorry drivers, anti-social behaviour, fly-tipping, loss of privacy, unknowns hanging around, etc. • The HE Scheme will create a north bound carriageway on Catherine de Barnes Lane that will really only be used by local residents and as such traffic numbers travelling north will be very low. Given the fact cars and motorcycles can regularly be seen travelling along Catherine de Barnes Lane at speeds close to double its 50mph speed limit, and late night motorcyclists can be heard racing from one end to other, the HE scheme is effectively creating a private 'drag strip' from 'Barber's Coppice Roundabout' to 'Bickenhill Roundabout'
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The Applicant Response:

The Applicant thanks the local residents and parish councils for the information provided.

The Applicant has considered the submissions by local residents and parish councils, and discussed these with Solihull MBC. Article 20(2)(b) of the dDCO provides the Applicant with wide powers to introduce parking restrictions for the purposes of this scheme, subject to the consent of the traffic authority – in this case, Solihull MBC. The Applicant is willing to use these powers to deter anti-social parking in the areas identified by local residents and parish councils, but wishes to agree with Solihull MBC precisely how the restrictions are introduced so that they do not displace the anti-social parking further towards the centre of the village. In particular, the Applicant is aware of Solihull MBC's concern that new parking restrictions across the whole of Bickenhill would impact on the residents or their visitors, as well as events at the local church or village hall.

POR Comments:

Response provided below.

See item 16 under '8.86 Actions Arising out of ISH on Living Conditions on 1 October 2019 for Deadline 7'.

8.83 Written Submission of Oral Case for ISH on Compulsory Acquisition and Temporary Possession on 22 October 2019
(TR010027-000818-TR010027_M42J6_8.83_Written_Submission_Oral_Case_ISH_on_CA_and_TP)

3.3 Geoffrey Cattel (GC)

3.3.4 NE said that even if 3/1d was retained within the DCO the Applicant would not seek compulsory acquisition of it as it will not be required to implement the Scheme. He said that GC may have recourse to a material detriment claim if 3/1d is left unusable as a result of the Scheme. If a material detriment was found the Applicant may be required by the Upper Tribunal to purchase 3/1d. However, that process would take place once the Scheme is implemented and would be for the consideration of the Tribunal determining that application.

POR Comments:

With regard to the WGAA mitigation, the land that is required to implement the scheme will result in the loss of one pitch (and possibly another), the loss of 39 parking spaces and the loss of access to the clubhouse. Highways England have submitted a proposal to mitigate that loss by providing equivalent reinstatement with minimal land take, but it has been rejected by the WGAA. That minimal land take could be reasonably justified as being 'required to implement the Scheme'. However, because of the objection from the WGAA, Highways England are now considering a 'Legacy Scheme', requiring more land, that is obviously above and beyond that 'required to implement the Scheme'. It would be interesting to know why Highways England consider the acquisition of 3/1d, for the purpose of providing environmental mitigation, to be different to the acquisition of land for a recreational 'Legacy Scheme'.

3.3.5 NB asked whether the Applicant had considered relocating WGAA to a separate site. NE confirmed that the Applicant had considered alternative sites for the WGAA but that those sites could not be justified. Both Philip O'Reilly of Four Winds (PO'R) and Mark McLoughlin of the WGAA also set out their experience of the Applicant's consideration of alternative sites. NE said that in order to mitigate the impact of the Scheme on WGAA the Applicant determined that reconfiguring WGAA's existing premises was a more sensible approach than looking for an alternative location, which would result in the similar issues for a different landowner. NE said that the Applicant would provide further information about the alternative sites considered for the WGAA and why those locations could not be justified. He clarified that the Applicant does not consider the reconfiguration of the WGAA to be a case of equivalent reinstatement, but of mitigation of an impact on them.

POR Comments:

According to my records, the WGAA were not relocated to another site because they rejected all the potential relocation sites suggested to them by Highways England, with the exception of the site at Woodhouse Farm (that isn't legally feasible):

14th August 2017: Warwickshire County Board Vice Chairman (at the time) Noel McLean confirmed in 'The Irish Post' newspaper that:

'He met with Highways England last week and that the discussions were "overwhelmingly positive".'

He added: "We will be moving but the other option was the death of Páirc na hÉireann and that just wasn't going to happen."

"Highways England are going to give us a new clubhouse with modern changing rooms as well as two new pitches."

"We can move somewhere nearby and they'll give us full planning permission to rebuild, but we may have to move further down the road away from the airport to comply with floodlight regulations."

19th January 2018: Jonathan Pizzey confirmed that the WGAA had rejected five out of six proposed sites for relocation.

23rd August 2018: Emma Rawlings Smith (AECOM) advised that alternative mitigation for the WGAA was being explored and she was not aware that any decisions had been made with regard to the location.

3rd October 2018: Warwickshire County Board Secretary Michael Collins confirmed in 'The Irish World' newspaper that:

'Highways England had looked at ten options of reconfiguration at Páirc na hÉireann, but only presented three of those to Warwickshire GAA. All three were called "unacceptable" by Collins.

Collins confirmed to the Irish World that Warwickshire GAA has now requested to see the other seven options, as it is entitled to do.

"If they (Highways England) can't come with a reasonable suggestion we will retain our objection (to the improvement scheme) and put forward our case to the inspector that this isn't like-for-like," Collins told the Irish World.'

1st March 2019: Jonathan Pizzey confirmed that the WGAA have expressed a preference to be relocated, but only to the site previously identified at Statutory Consultation.

8.84 Written Submission of Oral Case for ISH on dDCO on 23 October 2019

(TR010027-000803-TR010027_M42J6_8.84_Written_Submission_Oral_Case_ISH_on_dDCO)

2. Representations at ISH 7

Construction hours

2.2.8 JH and PO'R asked how it would be decided that a noise was or wasn't annoying. NE explained that the OEMP contained a specific obligation to use best practicable means to reduce noise and to comply with the relevant British standards on noise and vibrations. NE explained that the Applicant expected SMBC would look at these standards when responding to a s.61 application because there would need to be an objective test, notwithstanding the subjective nature of "annoyance". DL agreed and noted that it would be a matter of judgement. DL undertook to speak to SMBC's noise specialist and consider whether there would be a benefit to agreeing an objective noise threshold against which noise could be measured.

POR Comments:

I explained at the hearings that in previous correspondence with the SMBC Environmental Health Team they confirmed that they only consider noise to be a nuisance if it is above a certain noise level regardless of whether it is causing annoyance. In doing so they fail to consider qualitative aspects of the noise nor its ability to cause annoyance thereby ignoring The World Health Organisation's (WHO) guidelines set out in 'Guidelines for Community Noise', which states that "The capacity of a noise to induce annoyance depends upon its physical characteristics, including the sound pressure level, spectral characteristics and variations of these properties with time" (WHO, p. xiii)

Dominic Towey (SMBC Environmental Health Team) has also confirmed in correspondence that SMBC do not consider noise to be a nuisance unless it does one of the following:

- Unreasonably and substantially interfere with the use or enjoyment of a home or other premises
- Injure health or likely to injure health

Furthermore, he has confirmed that "proximity to the airport and noise from overflying aircraft" are given particular consideration when assessing any noise nuisance complaint.

Given the above, it is easy to conclude that SMBC will set the bar so high that any noise nuisance complaints will be dismissed out of hand and those affected by the scheme will be left to suffer with no means of recourse.

Also, as SMBC have a vested interest in this Scheme it would be prudent to appoint an independent organisation to be responsible for evaluating noise nuisance complaints rather than have a situation where the fox is guarding the henhouse.

Highways England acknowledge the subjective nature of "annoyance" but then suggest an "objective" noise threshold as a solution.

The World Health Organisation's (WHO) guidelines suggest an outdoor sound level during the daytime should not exceed 50 dB LAeq (WHO, p. xiv) in order to protect the majority of people from being moderately annoyed.

2.2.9 PO'R asked what the procedure would be for making a noise complaint because residents would not want to wait until the Council's offices were open to have complaints addressed. DL explained SMBC expected complaints would be raised with the contractor in the first instance and if there was still a problem the complaint

could be addressed to SMBC. NE confirmed that in the first instance, residents would be able to contact the Community Liaison Officer and a 24/7 phone line would be available for residents to ring if they had complaints. The Community Liaison Officer's role would be to log all complaints and escalate them where appropriate.

POR Comments:

It would be preferable for The Community Liaison Officer to be contactable via text message and phone number as a minimum and for a maximum response time to be stipulated.

If The Community Liaison Officer is only going to escalate a complaint "where appropriate", a definition of "appropriate" needs to be provided by Highways England and circulated to residents.

2.2.12 PO'R and CB raised the issue of the noise caused by lorries arriving on site in the morning and idling near to their properties. NE explained that there would be no arrivals on site before 7am and the routes for construction traffic would be included in the Traffic Management Plan, which would be provided to SMBC and the Parish Councils. NE also explained that the Outline Pollution Management Plan required construction traffic not to leave their engines idling and that the Applicant had provided further details on the noise impacts of construction traffic in [REP6-018/Volume 8.77 Applicant's Responses to actions in respect of ISH on Living Conditions on 1 October 2019]. This document explains that as part of the contract between the Applicant and the Principal Contractor, the Contractor would need to comply with the Considerate Constructors Scheme and if the local community had complaints, a complaint could be made direct to the Applicant as well as to the Community Liaison Officer and SMBC, although the Applicant hoped this would not be necessary.

POR Comments:

Although Highways England have confirmed there will be no arrivals on site before 7am they have not provided a plan to show what they mean by 'site'.

If we assume 'site' means the area within the order limits (the red line boundary) then what controls are in place to prevent lorries arriving in the morning before 7am but idling near to properties that sit outside the order limits?

Taxi parking

2.2.22 PO'R discussed his concerns regarding the impact of taxi parking at his property and requested further information about the measures the Applicant could take to mitigate the effect of this. NE noted that the detail of measures could not be given at this stage. However, the Applicant would provide PO'R with a letter setting out the parameters of potential landscaping and treatment around PO'R's property to help address his concerns.

POR Comments:

Response provided in separate Deadline 8 document.

See item 16 under '*Response to Action Points - Issue Specific Hearing 7 on the draft Development Consent Order – 23rd October 2019*'

Suffice to say, and despite this assurance from Highways England, information "setting out the parameters of potential landscaping and treatment around "my property to mitigate the effect of taxi parking" was not provided in the Highways England letter I received on 25th October 2019.

Issues raised by PO'R

2.5.6 PO'R considered that the Applicant was incorrect to rely on the Sports England guidance on noise from sports pitches as this did not take into account the noise from matches but was based on training sessions. NE explained that the Applicant considered it was appropriate to use Sports England guidance when assessing the likely

noise from the reconfigured WGAA pitches as the noise from Gaelic Football and hurling was commensurate with the noise from sports considered in the Sports England guidance such as hockey which has a similar percussive element to hurling. The ExA noted PO'R's concerns and requested that he provide a copy of the presentation given by Daniel Oldaker for them to consider.

POR Comments:

Noise from competitive league and cup games of Gaelic Football and hurling cannot be considered as "commensurate with the noise from the sports considered in the Sports England guidance" which consisted of nine sessions at three locations involving the following:

- Hockey
- 11 a-side football
- Rugby training
- Multiple small pitch games
- Adults and children

It is difficult to comprehend how an organisation such as Highways England can cite reference material without checking the validity of the information it provides and then determining whether that information correctly applies to a specific scenario or circumstance. In this case it doesn't.

2.5.7 PO'R asked if the Applicant could provide information about the cause of standstill traffic on Catherine-de-Barnes Lane. NE explained that the Applicant considered that most of the standstill traffic was caused by congestion on local roads not by issues on the M42 but confirmed the Applicant would provide further information on this point at Deadline 7.

POR Comments:

Nick Evans (NE) of BDB Pitmans confirmed at the hearing that Highways England had only factored in a once yearly occurrence of standing traffic on Catherine de Barnes Lane, whereas the reality is it is at least a once weekly occurrence and sometimes will occur two or three times a week.

2.5.8 PO'R asked what size the replacement WGAA pitches would be under the proposed dDCO Scheme. NE explained that the pitch sizes would be those set out in Volume 8.21 [REP2-019/ Volume 8.21].

POR Comments:

The parameters for Gaelic sports pitches are 130m - 145m long and 80m - 90m wide.

In the HE document 'Volume 8.21' one pitch is shown as 80m x 135m and the other pitch is shown as 85m x 135m.

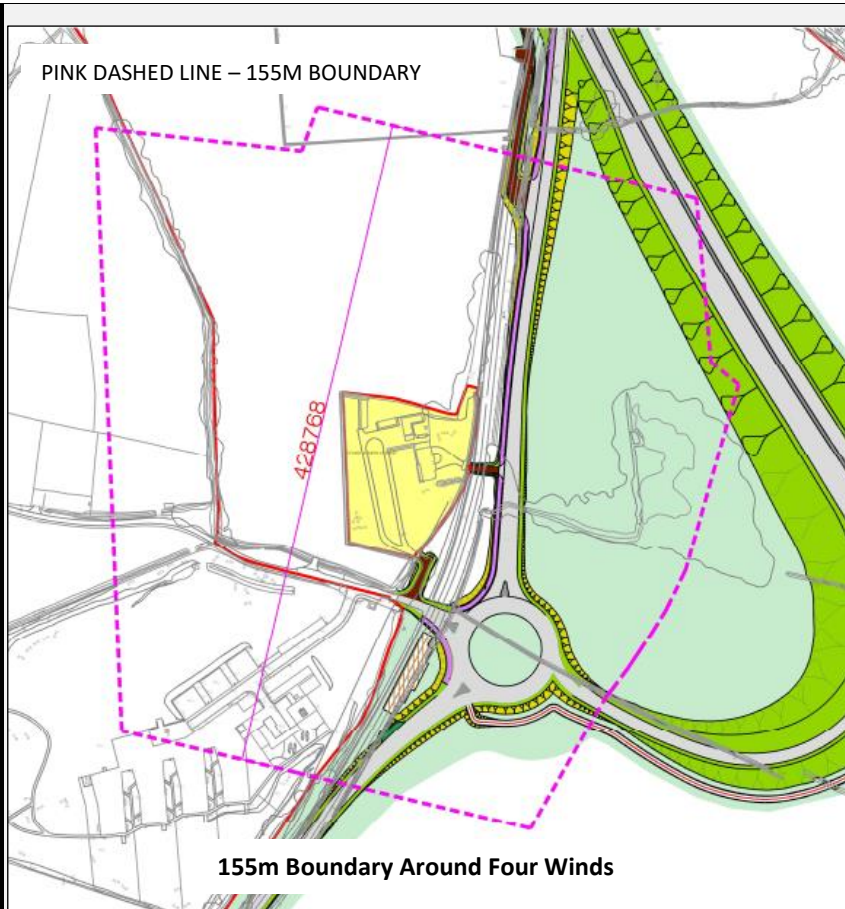
At the CPO hearing on 20th August 2019 the WGAA advised that any new pitches must be 'county standard' size and confirmed that the pitches proposed in 'Volume 8.21' were too small.

At the CPO hearing on 22nd October 2019 the WGAA provided a drawing of a 'Legacy Scheme' for the reconfiguration of their site, which they deemed acceptable. The scheme included two new pitches, both of which were 80m x 135m, smaller than the 'Volume 8.21' pitches. However, it also included a new larger clubhouse and a new larger car park. In order to get these on the site the pitches obviously had to be reduced in size, and the 'county standard' argument went out the window. One can only conclude that the main driver for the WGAA is to get a new, larger clubhouse and bar for entertaining, rather than ensuring their pitches meet the prescribed standard they have been adamant about since day one.

8.86 Actions Arising out of ISH on Living Conditions on 1 October 2019 for Deadline 7

(TR010027-000805-TR010027_M42J6_8.86_Actions_Arising_out_of_ISH_on_Living_Conditions_
on_1_October_2019_for_Deadline_7)

2. The Applicant's Responses to Actions Arising from ISH on Living Conditions		
ExA Ref No	Party	Action/Response
9	The Applicant	<p>Action: The Applicant is to provide further amplification on the approach to its reasoning for the Significant Observed Adverse Effect Level (SOAEL) exceedances and associated assumptions and conclusions within the Environmental Statement. In particular, this should address the potential cumulative effects of more than one noise source and the basis on which a potential SOAEL is deemed to last less than the duration required.</p>
<p>Applicant Response: 6.The significance of construction noise effects at receptor C4 are assessed in ES Chapter 12 Paragraphs 12.9.15 and 12.9.16. Daytime exceedances of the SOAEL are predicted during earthworks (activity 5) and surfacing works (activity 12). For receptor C4, it has been predicted that exceedances of the SOAEL would occur when the construction activity is within 155 m of the receptor. As works would extend over approximately 1.4 km of road, there would be large periods of time when the activities are further than 155 m from the receptors and therefore, the construction noise levels would be below the SOAEL. There is an approximate 10-month gap between activities 5 and 12, when other construction activities will take place such drainage works, installation of kerbs and vehicle constraints systems, but these activities are not predicted to exceed the SOAEL, even at their closest approach to a receptor. Therefore, exceedances of the SOAEL are not anticipated to last for 10 days in 15 or 40 days in 6 months and so significant adverse effects are not anticipated.</p>		



POR Comments:

The drawing opposite illustrates the 155m boundary around my property.

The distance from the northern extreme of the 155m boundary to the southern extreme of the 155m boundary is almost 430m.

The works in this area will include, but are not limited to, the following:

- Removal of the existing Catherine de Barnes Lane and footpaths
- Construction of realigned Catherine de Barnes Lane and footpaths
- Construction of attenuation tank
- Construction of Barber’s Coppice Roundabout
- Construction of Merge Slip from Barber’s Coppice Roundabout to proposed Mainline link
- Construction of Mainline link
- Construction of reconfigured WGAA site

16	The Applicant and SMBC	<p>Action: The Applicant is to discuss with SMBC possible parking restrictions to form part of the DCO to prevent or control unrestricted taxi parking.</p>
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Applicant Response:

The Applicant has considered the submissions by local residents and parish councils, and discussed these with Solihull MBC. Article 20(2)(b) of the dDCO provides the Applicant with wide powers to introduce parking restrictions for the purposes of this scheme, subject to the consent of the traffic authority – in this case, Solihull MBC. The Applicant is willing to use these powers to deter anti-social parking in the areas identified by local residents and parish councils, but wishes to agree with Solihull MBC precisely how the restrictions are introduced so that they do not displace the anti-social parking further towards the centre of the village. In particular, the Applicant is aware of Solihull MBC’s concern that new parking restrictions across the whole of Bickenhill would impact on the residents or their visitors, as well as events at the local church or village hall.

POR Comments:

In my Deadline 6 submission *'Issue Specific Hearing on Living Conditions (1st October 2019)'* I explained that as the north bound carriageway of Catherine de Barnes Lane will be closed off, preventing access to the airport, train station, NEC and motorway network by vehicle, the current taxi parking hotspots at the north end of Catherine de Barnes Lane (see Appendix A) will migrate to the closest points of access via the new link road (see Appendix B). My property, and the area surrounding it, will be the closest point to access the airport, train station, NEC and motorway network by vehicle. As such it will become a hotspot for taxi parking and airport pickups.

The plans clearly illustrate the existing issue with taxis parking and how my property will be affected as a consequence of the M42 Jct 6A works.

The plans were produced following consultation with Catherine de Barnes Residents' Association and Hampton in Arden Parish Council and were also submitted by Bickenhill & Marston Green Parish Council.

However, Highways England have totally ignored the plans and information provided and have not addressed the impact on my property as a consequence of the M42 Jct 6A works.

Also note my Deadline 6 submission *'Issue Specific Hearing on Living Conditions (1st October 2019)'* highlighted the following Anti-Social issues which require a response from Highways England:

- Extending the current access lane to Woodhouse Farm up to the new 'Barber's Coppice Roundabout', and also creating a 'private' access road to the WGAA, will generate ongoing issues not only with regard to taxi parking but also travellers, lorry drivers, anti-social behaviour, fly-tipping, loss of privacy, unknowns hanging around, etc.
- The HE Scheme will create a north bound carriageway on Catherine de Barnes Lane that will really only be used by local residents and as such traffic numbers travelling north will be very low. Given the fact cars and motorcycles can regularly be seen travelling along Catherine de Barnes Lane at speeds close to double its 50mph speed limit, and late night motorcyclists can be heard racing from one end to the other, the HE scheme is effectively creating a private 'drag strip' from 'Barber's Coppice Roundabout' to 'Bickenhill Roundabout'

20	The Applicant	Action: The Applicant is to provide data on the frequency of when the M42 is at, or close to, a standstill and whether drivers then tend to use local roads
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Applicant Response:

The Applicant has reported in the Transport Assessment Report [APP-174/Volume 7.2] that the volume of southbound traffic approaching Catherine-de-Barnes Roundabout will be largely unchanged by the Scheme when comparing the do minimum scenario (no Scheme) against the do something scenario (with Scheme). The Transport Assessment Report demonstrates that by 2041, the annual average daily Traffic Flow southbound to Catherine-de-Barnes Lanes shall be 8,532 under the do minimum scenario compared to 8,348 under the do something scenario.

The potential cause of queuing traffic on the southbound carriageway of Catherine-de-Barnes Lane may be due to congestion on the wider local road network as reported by Mr O'Reilly, which is a matter for Solihull Metropolitan Borough Council and its wider local infrastructure improvement plan to act upon.

The Applicant would like to highlight that, in the event of incidents at or near to Junction 6, it is likely that drivers wishing to access the M42 Southbound are using with local knowledge of the area to access Junction 5 via the B4438 Catherine-de-Barnes Lane, B4102 Hampton Lane and the A41 Solihull Bypass. However, the introduction of

Junction 5A and the mainline dual carriageway link road will offer vehicles an alternative route to access the M42 which may potentially reduce the frequency of these incidents reported by residents.

POR Comments:

Highway England refer to document Transport Assessment Report [APP-174/Volume 7.2] and suggest the annual average daily Traffic Flow southbound to Catherine-de-Barnes Lane shall be 8,532 under the do minimum scenario compared to 8,348 under the do something scenario. This is totally incorrect and misleading.

The actual 2041 Traffic Flows in front of my property are 9077 under the do minimum scenario compared to 12156 under the do something scenario as stated in Figure 7.3 and Figure 7.4 of Highways England document 'TR010027-000262-TR010027_M42J6_7-2_Transport_Assessment_Report'. That amounts to a difference between do minimum and do something of almost 34 per cent based on year 2041 only. It is an increase in Traffic Flow of 3079.

However, when the 2016 do minimum Traffic Flow figure of 7447 is compared to the 2041 do something Traffic Flow figure of 12156, the difference is 4709. That amounts to an increase in Traffic Flow in front of my property of more than 63 per cent.

Also note, that these calculations have used the 2016 Traffic Flow data for the 'Middle' section of Catherine de Barnes Lane shown in Figure 7.3. It may be more accurate to use the Traffic Flow data for the 'South End' section of Catherine de Barnes Lane. In which case, the impact will be even higher:

2041 Traffic Flow of 8562 under the do minimum scenario compared to 12156 under the do something scenario amounts to a difference between do minimum and do something of almost 42 per cent based on year 2041 only. It is an increase in Traffic Flow of 3564.

When the 2016 do minimum Traffic Flow figure of 7164 is compared to the 2041 do something Traffic Flow figure of 12156, the difference is 4992. That amounts to an increase in Traffic Flow in front of my property of almost 70 per cent.

ISSUES WITH THE FORECAST TRAFFIC FLOW DIAGRAMS FOR CATHERINE DE BARNES LANE (See Appendix C):

The forecast Traffic Flows are shown in the following diagrams:

Figure 7.1 - the 'DM' (without the improvement scheme) forecast Traffic Flows for the AM, IP and PM peak hours in the 2016 base year and the 2021 and 2041 future years.

Figure 7.2 - the 'DS' (with the improvement scheme) forecast Traffic Flows for the AM, IP and PM peak hours in the 2021 and 2041 future years.

Figure 7.3 - the 'DM' (without the improvement scheme) forecast AADT flows in the 2016 base year and the 2021 and 2041 future years.

Figure 7.4 - the 'DS' (with the improvement scheme) forecast AADT flows in the 2016 base year and the 2021 and 2041 future years.

Figure 7.5 - the differences between the 'DS' and 'DM' forecast Traffic Flows for the AM, IP and PM peak hours in the 2021 and 2041 future years.

Figure 7.6 - the differences between the 'DS' and 'DM' forecast Traffic Flows in terms of AADT flows in the 2021 and 2041 future years.

Figure 7.1 - Do-Minimum Peak Hour Flows (2016 Base – 2021 – 2041)

Southbound AM Data taken from Figure 7.1				Southbound IP Data taken from Figure 7.1				Southbound PM Data taken from Figure 7.1			
Year	North End	Middle	South End	Year	North End	Middle	South End	Year	North End	Middle	South End
2016	614	409	360	2016	347	285	262	2016	1222	1050	1057
2021	634	419	366	2021	461	359	329	2021	1434	1222	1196
2041	514	310	272	2041	631	485	435	2041	1390	1156	1144

- All other roads on the diagram show an increase in Traffic Flow in year 2041 but Highways England are stating that Southbound Traffic Flow on Catherine de Barnes Lane will be lower during AM and PM hours, and higher during IP hours, in 2041 when compared to 2021
- Almost half the Traffic Flow in AM hours is going missing on the journey from the north end of Catherine de Barnes Lane to the south end
- There appears to be a false assumption that a lot of traffic is / will be using Shadowbrook Lane

Figure 7.2 - Do-Something 2021 – 2041

Year	(A) Diverge Slip from proposed Mainline link to Bickenhill Roundabout		(B) Southbound Realigned Catherine de Barnes Lane from Bickenhill Roundabout to Barber's Coppice Roundabout		(C) Southbound Realigned Catherine de Barnes Lane from Barber's Coppice Roundabout to Hampton Lane Roundabout	
	2021	2041	2021	2041	2021	2041
AM	643	819	563	583	359	268
IP	473	632	496	657	372	406
PM	1396	1607	1315	1418	1149	1165

- Do-Something will result in a higher southbound Traffic Flow of 1607 during PM hours in 2041 compared to the Do-Minimum Traffic Flow of 1390
- There is an increase in southbound Traffic Flow in 2041 at the north end of Catherine de Barnes Lane but there is a reduction in Traffic Flow at the south end
- There appears to be a false assumption that a lot of traffic is / will be using Shadowbrook Lane
- Most of the vehicles that arrive at Bickenhill Roundabout from the Mainline Link road in AM hours in 2041 will apparently not reach Hampton Lane Roundabout - 819 vehicles arrive at Bickenhill Roundabout but only 268 vehicles will get to Hampton Lane Roundabout
- More than a third of the vehicles that arrive at Bickenhill Roundabout from the Mainline Link road in IP hours in 2041 will apparently not reach Hampton Lane Roundabout - 632 vehicles arrive at Bickenhill Roundabout but only 406 vehicles will get to Hampton Lane Roundabout
- More than a quarter of the vehicles that arrive at Bickenhill Roundabout from the Mainline Link road in PM hours in 2041 will apparently not reach Hampton Lane Roundabout - 1607 vehicles arrive at Bickenhill Roundabout but only 1165 vehicles will get to Hampton Lane Roundabout
- Southbound Traffic Flow during inter-peak hours from Bickenhill Roundabout to Barber's Coppice Roundabout to Hampton Lane Roundabout is shown higher than during AM hours by 2041

Figure 7.3 - Do-Minimum AADT 24hr Flows (2016 Base – 2021 – 2041)

Southbound Data taken from Figure 7.3			
Year	North End	Middle	South End
2016	9386	7447	7164
2021	10902	8690	8218
2041	11687	9077	8562

- It appears that a lot of vehicles are going missing on the journey from the north end of Catherine de Barnes Lane to the south end
- More than a quarter of the vehicles that start their journey at the north end of Catherine de Barnes Lane will apparently not reach the south end - 11687 vehicles start their journey at the north end but only 8562 vehicles get to the south end.
- There appears to be a false assumption that a lot of traffic is / will be using Shadowbrook Lane

Figure 7.4 - Do-Something AADT 24hr Flows (2016 Base – 2021 – 2041)

Year	Section of Road					
	(A) Northbound Realigned Catherine de Barnes Lane from Hampton Lane Roundabout to Barber’s Coppice Roundabout	(B) Southbound Realigned Catherine de Barnes Lane from Bickenhill Roundabout to Barber’s Coppice Roundabout	(C) Northbound Realigned Catherine de Barnes Lane from Barber’s Coppice Roundabout to Bickenhill Roundabout	(D) Southbound Realigned Catherine de Barnes Lane from Barber’s Coppice Roundabout to Hampton Lane Roundabout	(E) (Northbound) Merge Slip from Barber’s Coppice Roundabout to proposed Mainline link	(F) (Southbound) Diverge Slip from proposed Mainline link to Bickenhill Roundabout
2016	6475	7447	6241	7164	N/A	N/A
2021	8787	10509	719	7999	10021	10868
2041	11829	12156	793	8348	13886	13362

- In 2016, 7447 vehicles will travel southbound on the Realigned Catherine de Barnes Lane from Bickenhill Roundabout to Barber’s Coppice Roundabout but in 2041 that figure rises by 63 per cent to 12156 vehicles. That is an increase in southbound Traffic Flow of more than 4700 vehicles
- It appears that a lot of vehicles are going missing on the journey from the north end of Catherine de Barnes Lane to the south end
- There appears to be a false assumption that a lot of southbound traffic is / will be using Shadowbrook Lane
- In 2041, 13362 vehicles take the Diverge Slip from proposed Mainline link to Bickenhill Roundabout but only 12156 will travel southbound on the Realigned Catherine de Barnes Lane from Bickenhill Roundabout.
- On a daily basis 1206 vehicles from the Diverge Slip from proposed Mainline link and 793 vehicles from the northbound Realigned Catherine de Barnes Lane will be going into Bickenhill on a daily basis in 2041. That amounts to 1999 vehicles
- Almost a third of the vehicles that exit Bickenhill Roundabout in 2041 will apparently not reach Hampton Lane Roundabout - 12156 vehicles exit Bickenhill Roundabout but only 8348 vehicles will get to Hampton Lane Roundabout
- In 2016, only 283 vehicles do not travel the full distance from Bickenhill Roundabout to Hampton Lane Roundabout but in 2041 this number has increased by almost 1250 per cent to 3808

Comments on Southbound Traffic Flow (from Figure 7.4):

The majority of vehicles that currently travel southbound from the Clock Interchange are using Catherine de Barnes Lane to travel to their destination via Hampton Lane Roundabout.

The journey following completion of the Scheme will be as follows:

- Exit Clock Interchange onto the Mainline Link road
- Leave the Mainline Link road and continue onto Bickenhill Roundabout via the Diverge Slip from proposed the Mainline Link road
- Exit Bickenhill Roundabout and travel Southbound on the Realigned Catherine de Barnes Lane to Barber's Coppice Roundabout
- Exit Barber's Coppice Roundabout and continue to Hampton Lane Roundabout

As the majority of these vehicles will exit Bickenhill Roundabout and travel Southbound on the Realigned Catherine de Barnes Lane to Barber's Coppice Roundabout, then continue from Barber's Coppice Roundabout to Hampton Lane Roundabout, the relevant Traffic Flows are section (B) and section (D).

Highways England state that in 2041 the daily Traffic Flow from Bickenhill Roundabout to Barber's Coppice Roundabout (step 3 above) will be 12156 (section (B)). The Traffic Flow from Barber's Coppice Roundabout to Hampton Lane Roundabout (step 4 above) is stated as 8348 (section (D)), a difference of 3808. Highways England are forecasting that on a daily basis in 2041, 3808 vehicles that travel south from Bickenhill Roundabout to Barber's Coppice Roundabout are doing so to get onto the Mainline Link road, as they are not continuing to Hampton Lane Roundabout. That amounts to almost a third of all southbound vehicles.

It is unlikely that 3808 vehicles have left the Mainline Link road will make the same mistake on a daily basis and are simply travelling back to the Clock Interchange or are leaving Bickenhill on a daily basis so where have these 3808 vehicles come from?

If step 2 of the journey is included, the Traffic Flow for the Diverge Slip from proposed Mainline link to Bickenhill Roundabout (section (F)) is 13362. The Traffic Flow from Barber's Coppice Roundabout to Hampton Lane Roundabout (step 4 above) is stated as 8348 (section (D)), the difference is 5014 vehicles.

Are Highways England suggesting that on a daily basis in 2041, 5014 vehicles will exit the Mainline Link road but will not continue to Hampton Lane Roundabout?

Comments on Northbound Traffic Flow (from Figure 7.4):

The majority of vehicles that currently travel northbound from Hampton Lane Roundabout are using Catherine de Barnes Lane to travel to their destination via the Clock Interchange.

The journey following completion of the Scheme will be as follows:

- Exit Hampton Lane Roundabout onto the Realigned Catherine de Barnes Lane and continue to Barber's Coppice Roundabout
- Exit Barber's Coppice Roundabout onto the Merge Slip to the proposed Mainline Link road
- Continue on the Mainline Link road to the Clock Interchange

However, a small number of vehicles will be accessing Bickenhill.

The journey from Barber’s Coppice Roundabout to Bickenhill Roundabout (and onto Bickenhill) will be as follows:

- Exit Barber’s Coppice Roundabout onto the Realigned Catherine de Barnes Lane and continue to Bickenhill Roundabout
- Exit Bickenhill Roundabout onto the Realigned Catherine de Barnes Lane and continue to Bickenhill

The majority of vehicles that exit Hampton Lane Roundabout onto the Realigned Catherine de Barnes Lane will be accessing the Mainline Link road via the Merge Slip off Barber’s Coppice Roundabout, and the relevant Traffic Flows are section (A) and section (E). However, some vehicles will exit Barber’s Coppice Roundabout onto the Realigned Catherine de Barnes Lane and continue onto Bickenhill Roundabout to access Bickenhill. The relevant Traffic Flow for this is section (C).

Highways England state that in 2041 the daily Traffic Flow from Hampton Lane Roundabout to Barber’s Coppice Roundabout (step 1 above) will be 11829 (section (A)). The Traffic Flow from Barber’s Coppice Roundabout onto the Merge Slip to the proposed Mainline Link road (step 2 above) is stated as 13886 (section (E)), a difference of -2057.

Some of the vehicles that exit Hampton Lane Roundabout and travel onto Barber’s Coppice Roundabout will continue northbound to Bickenhill Roundabout and for this the Traffic Flow is 793 (section (C)). As such, the difference between the Traffic Flow from Barber’s Coppice Roundabout onto the Merge Slip to the proposed Mainline Link road is $((11829 - 793) - 13866) = -2830$.

However, the Southbound Traffic Flow calculation confirmed the Traffic Flow onto the Merge Slip to the proposed Mainline Link road is 3808.

The difference between the two figures is $(3808 - 2830) = 978$.

Are we to assume that on a daily basis 978 vehicles will vanish when they get to Barber’s Coppice Roundabout?

Figure 7.5 – 2021 (Opening Year 2023) Peak Hour Differences (DS-DM) & 2041 (Design Year 2038) Peak Hour Differences (DS-DM)

Year	(A) Southbound on Catherine de Barnes Lane from Clock Interchange		(B) Southbound on Mainline Link road to Junction 5a	
	2021	2041	2021	2041
AM	664	1315	655	1010
IP	485	879	473	878
PM	634	730	664	512

- Unfortunately Figure 7.5 omits the works between Clock Interchange and Hampton Lane Roundabout but does include Junction 5a
- In 2021, during AM hours, 664 more vehicles will exit Clock Interchange traveling south and 655 of these vehicles will continue onto the Mainline Link road. It appears there will only be an increase of 9 vehicles using the Realigned Catherine de Barnes Lane in 2021 during AM hours
- In 2021, during PM hours, 634 more vehicles will exit Clock Interchange traveling south but 664 vehicles will continue onto the Mainline Link road. Where have the extra 30 vehicles come from?
- In 2041, during AM hours, 1315 more vehicles will exit Clock Interchange traveling south and 1010 of these vehicles will continue onto the Mainline Link road. It appears there will be an increase of 305 vehicles using the Realigned Catherine de Barnes Lane in 2041 during AM hours

- In 2041, during IP hours, 879 more vehicles will exit Clock Interchange traveling south and 878 of these vehicles will continue onto the Mainline Link road. It appears there will only be an increase of 1 vehicle using the Realigned Catherine de Barnes Lane in 2041 during IP hours
- In 2041, during PM hours, 730 more vehicles will exit Clock Interchange traveling south and 512 of these vehicles will continue onto the Mainline Link road. It appears there will be an increase of 218 vehicles using the Realigned Catherine de Barnes Lane in 2041 during PM hours.

Figure 7.6 – AADT 24hr Flows Differences (DS-DM) (2021 and 2041)

	(A) Southbound on Catherine de Barnes Lane from Clock Interchange	(B) Southbound on Mainline Link road to Junction 5a
Year	Difference	Difference
2021	7957	7991
2041	12953	11275

- Unfortunately Figure 7.6 omits the works between Clock Interchange and Hampton Lane Roundabout but does include Junction 5a
- In 2021, 7957 more vehicles will exit Clock Interchange traveling south and 7991 of these vehicles will continue onto the Mainline Link road. Where have the extra 34 vehicles come from?
- In 2041, 12953 more vehicles will exit Clock Interchange traveling south and 11275 of these vehicles will continue onto the Mainline Link road. It appears there will be an increase of 1678 vehicles using the Realigned Catherine de Barnes Lane in 2041

Given the above it is difficult to conclude that Highways England are correct when stating the annual average daily Traffic Flow southbound to Catherine-de-Barnes Lane shall be 8,532 under the do minimum scenario compared to 8,348 under the do something scenario.

In fact, it is glaringly obvious that they have simply cherry-picked data in an attempt to justify their argument.

It also appears that their Traffic Flow data is seriously flawed.

As HE have used this flawed Traffic Flow data in their air quality assessment document '*TR010027-000139-TR010027_M42J6_6-1_Environmental_Statement_Chapter_6*' and noise assessment document '*TR010027-000145-TR010027_M42J6_6-1_Environmental_Statement_Chapter_12*' one must assume that these documents are not a true reflection of the impact of the scheme and they must be updated accordingly before any decision is made by the ExA.

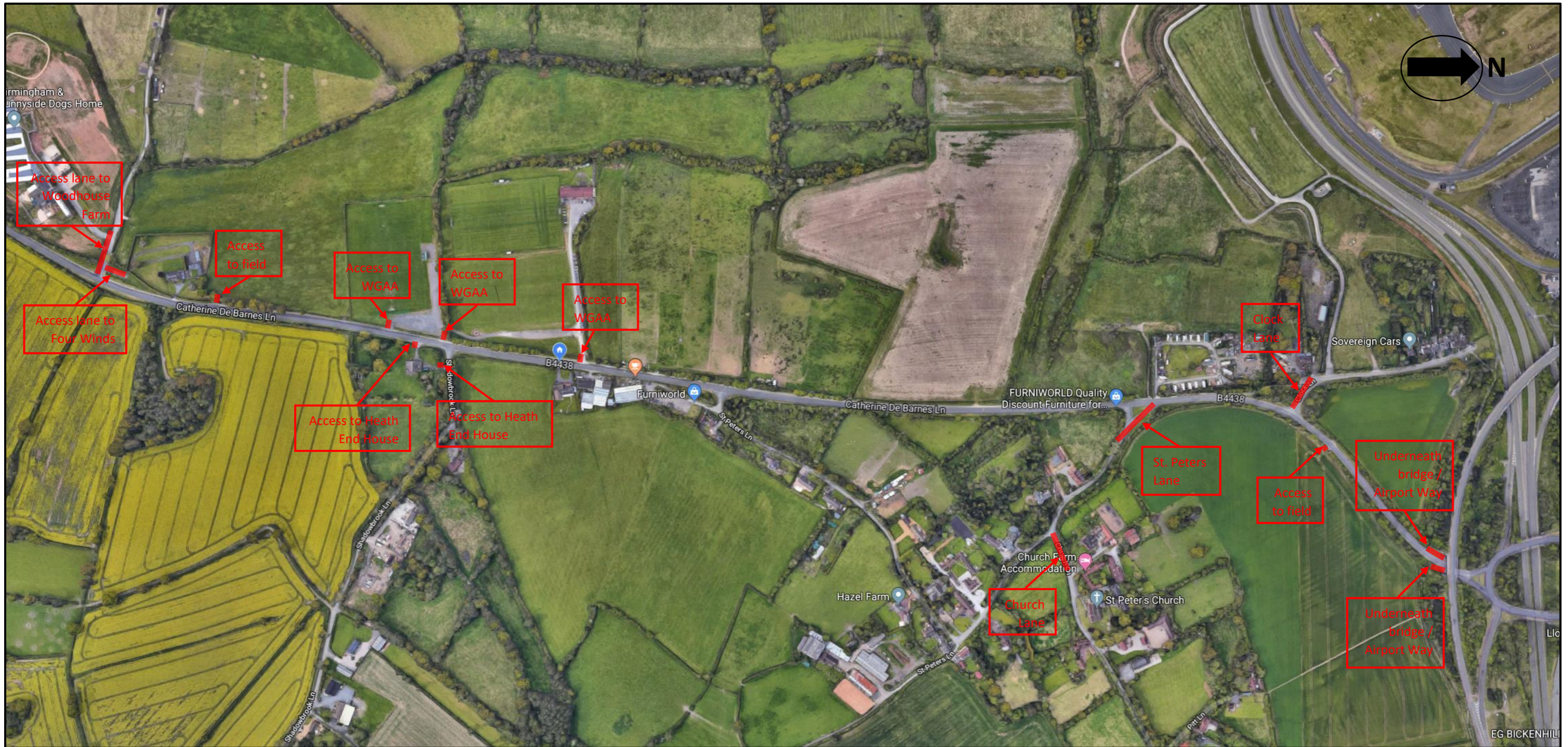
8.89 Actions Arising out of ISH on dDCO 4 on 23 October

(TR010027-000808-TR010027_M42J6_8.89_Actions_Arising_out_of_ISH_on_dDCO__4_on_23_Oct)

2. The Applicant's Responses to Actions Arising from ISH on dDCO		
ExA Ref No	Party	Action/Response
14	The Applicant	<p>Action: The Applicant and Solihull MBC to identify measures for controlling taxi parking, especially in those locations identified in the D6 submissions from Interested Parties.</p>
<p>Applicant Response: The Applicant has provided a response to this matter as part of the Applicant's Comments on any Additional Information or Submissions Received by Deadline 6 [Volume 8.80].</p>		
<p>POR Comments: Response provided above. See item 16 under '8.86 Actions Arising out of ISH on Living Conditions on 1 October 2019 for Deadline 7'.</p>		
15	The Applicant	<p>Action: The Applicant to write to Mr O'Reilly setting out the aims and objectives for landscaping and other mitigating measures that could be implemented around Four Winds.</p>
<p>Applicant Response: The Applicant has written to Mr O'Reilly on the 25 October 2019. As this letter also addressed issues relating to Mr O'Reilly's property ownership the Applicant has not submitted the letter to the Examination. Should Mr O'Reilly wish to submit this letter or his reply to the Examination, the Applicant would not object to this.</p>		
<p>POR Comments: Response provided in separate Deadline 8 document. See item 16 under 'Response to Action Points - Issue Specific Hearing 7 on the draft Development Consent Order – 23rd October 2019'</p>		

Appendix A:

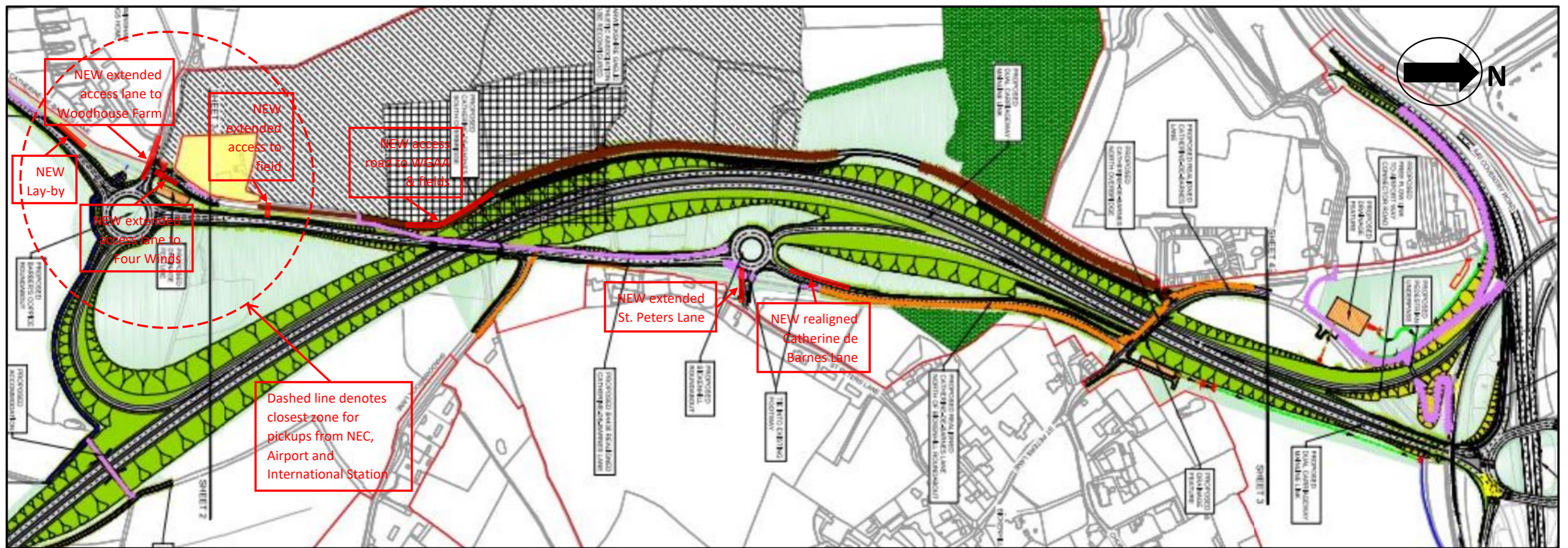
Plan of Current Taxi (& Airport Pickup) Parking Hotspots On or Adjacent to Catherine de Barnes Lane



Plan produced following consultation with, and on behalf of:
Catherine de Barnes Residents' Association
Hampton in Arden Parish Council

Appendix B:

Plan of Taxi (& Airport Pickup) Parking Hotspots On or Adjacent to Catherine de Barnes Lane Following M42 Jct 6A Works



Plan produced following consultation with, and on behalf of:
 Catherine de Barnes Residents' Association
 Hampton in Arden Parish Council

Appendix C:

FORECAST TRAFFIC FLOWS

(From Highways England document 'TR010027-000262-TR010027_M42J6_7-2_Transport_Assessment_Report')

Figure 7.1 - the 'DM' (without the improvement scheme) forecast Traffic Flows for the AM, IP and PM peak hours in the 2016 base year and the 2021 and 2041 future years

Figure 7.2 - the 'DS' (with the improvement scheme) forecast Traffic Flows for the AM, IP and PM peak hours in the 2021 and 2041 future years

Figure 7.3 - the 'DM' (without the improvement scheme) forecast AADT flows in the 2016 base year and the 2021 and 2041 future years

Figure 7.4 - the 'DS' (with the improvement scheme) forecast AADT flows in the 2016 base year and the 2021 and 2041 future years

Figure 7.5 - the differences between the 'DS' and 'DM' forecast Traffic Flows for the AM, IP and PM peak hours in the 2021 and 2041 future years

Figure 7.6 - the differences between the 'DS' and 'DM' forecast Traffic Flows in terms of AADT flows in the 2021 and 2041 future years

AECOM

PROJECT
**M42 Junction 6
Improvements**

CLIENT
Highways England
The Cube
199 Wharfside Street
Birmingham
B1 1RN

CONSULTANT
AECOM
95 Fife
1 New York Street,
Manchester,
M1 4PD, United Kingdom
T +44 (0) 161 901 1700
www.aecom.com

- REGISTRATION
- Notes
1. Do Not Scale From This Drawing.
 2. All flows were produced from the Local Area Model (LAM).
 3. Use This Drawing in conjunction with the Traffic Forecast Report.
 4. AM Peak is 0800 to 0900 hours.
 5. PM Peak is 1700 to 1800 hours.
 6. All values are in Vehicles and represent the current flows (not Demand Flows).
 7. Airport Way from Junction 6 at Base year 2016 doesn't have the Tiger marking and therefore, traffic on the north-east free flow lane can join the A45 westbound.
- NEC : National Exhibition Centre
NMM : National Motorcycle Museum
NCC : National Conference Centre
CdB : Catherine-de-Barnes



Highways Schematics Roads Network
Figure. 7.1
SHEET 1 OF 2

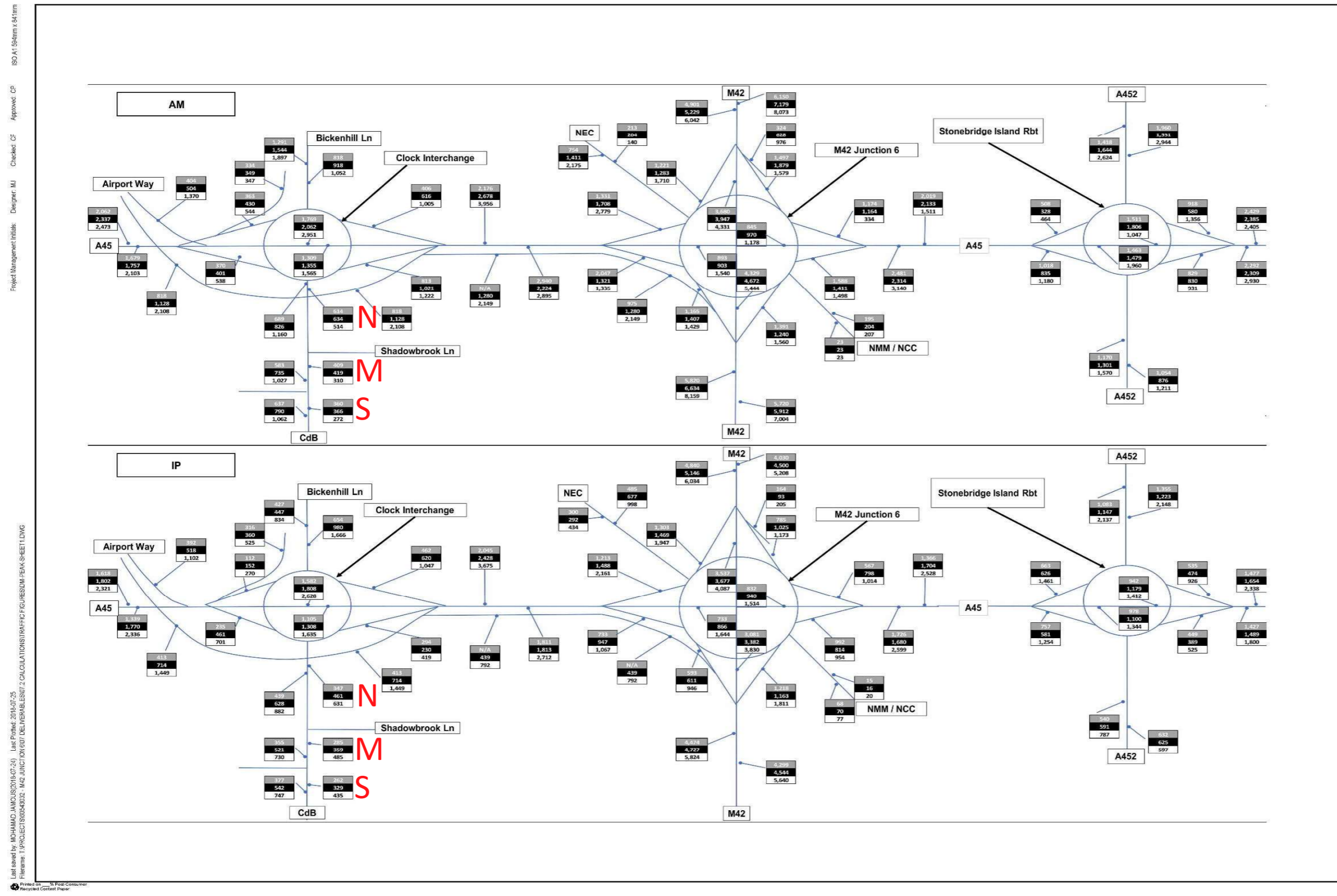
ISSUE/REVISION

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SHEET TITLE
Traffic Flow Schematics
Do-Minimum Peak Hour Flows
(2016 Base - 2021 - 2041)
SHEET 1 OF 2

SHEET NUMBER
HE51485-ACM-VTR-ZZ_SW_ZZ_ZZ-SC-TR-0001.1



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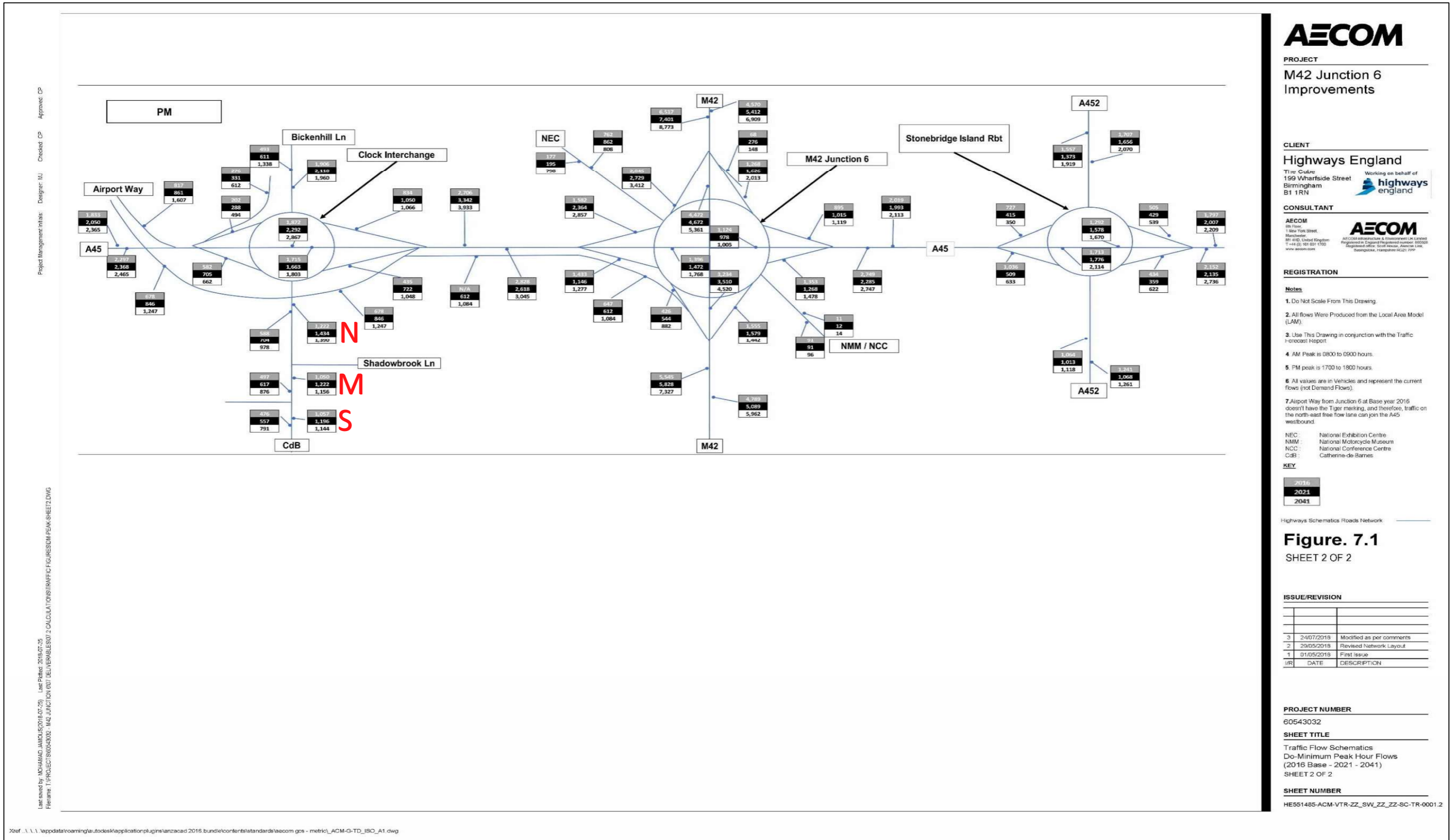
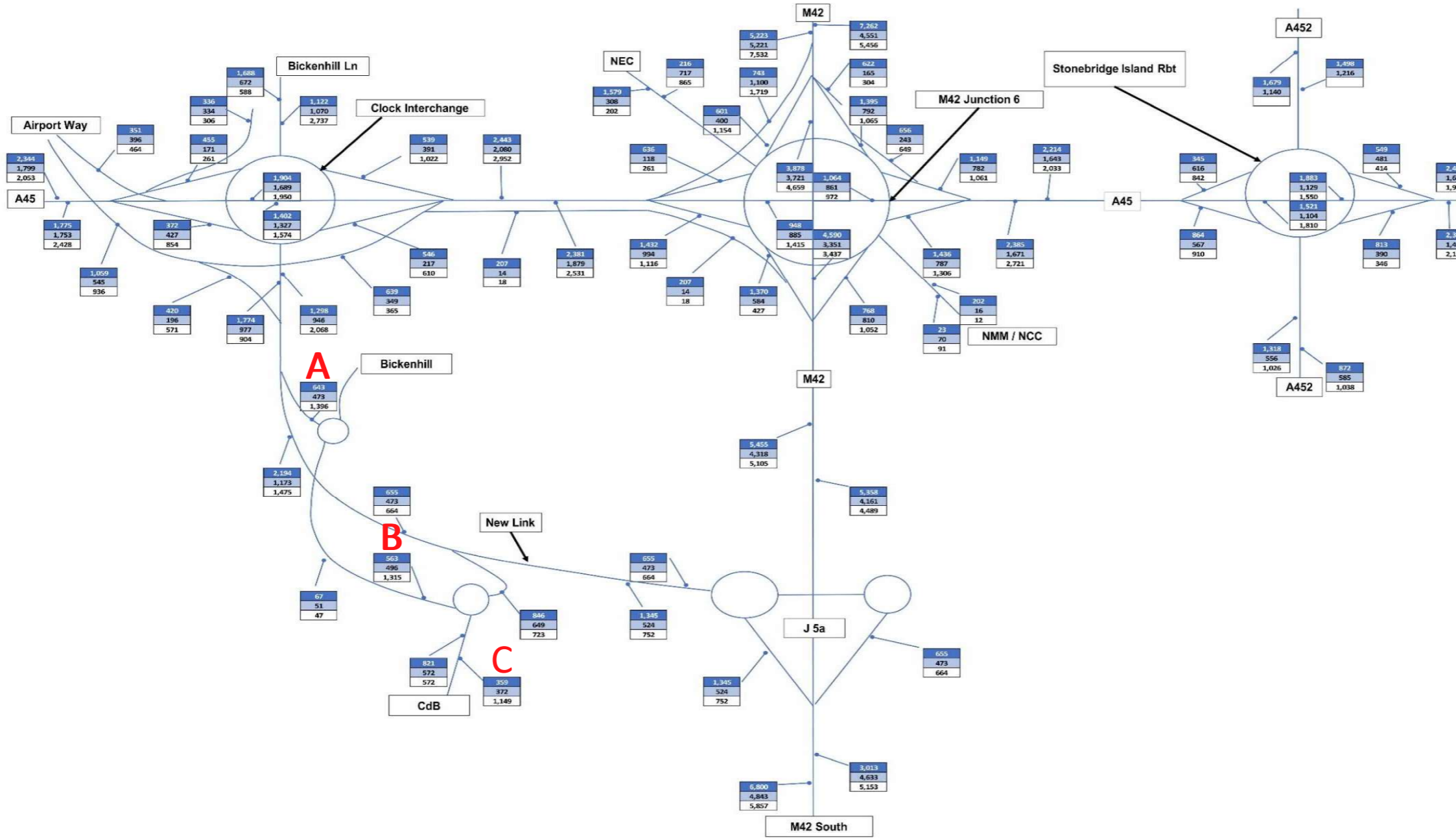


Figure 7.1: DM 2021 and 2041 peak hour flows

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AECOM

PROJECT
M42 Junction 6
Improvements

CLIENT
Highways England
The Cube
159 Wharfedale Street
Birmingham
B1 1RN

CONSULTANT
AECOM
58, Four
1 New York Street,
Manchester,
M1 4EQ, United Kingdom
Tel: +44 (0) 161 891 1700
www.aecom.com

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NEC: National Exhibition Centre
NMM: National Motorcycle Museum
NCC: National Conference Centre
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KEY

AM
IP
PM

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Figure. 7.2
SHEET 1 OF 2

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Traffic Flow Schematics
Do-Something 2021
SHEET 1 OF 2

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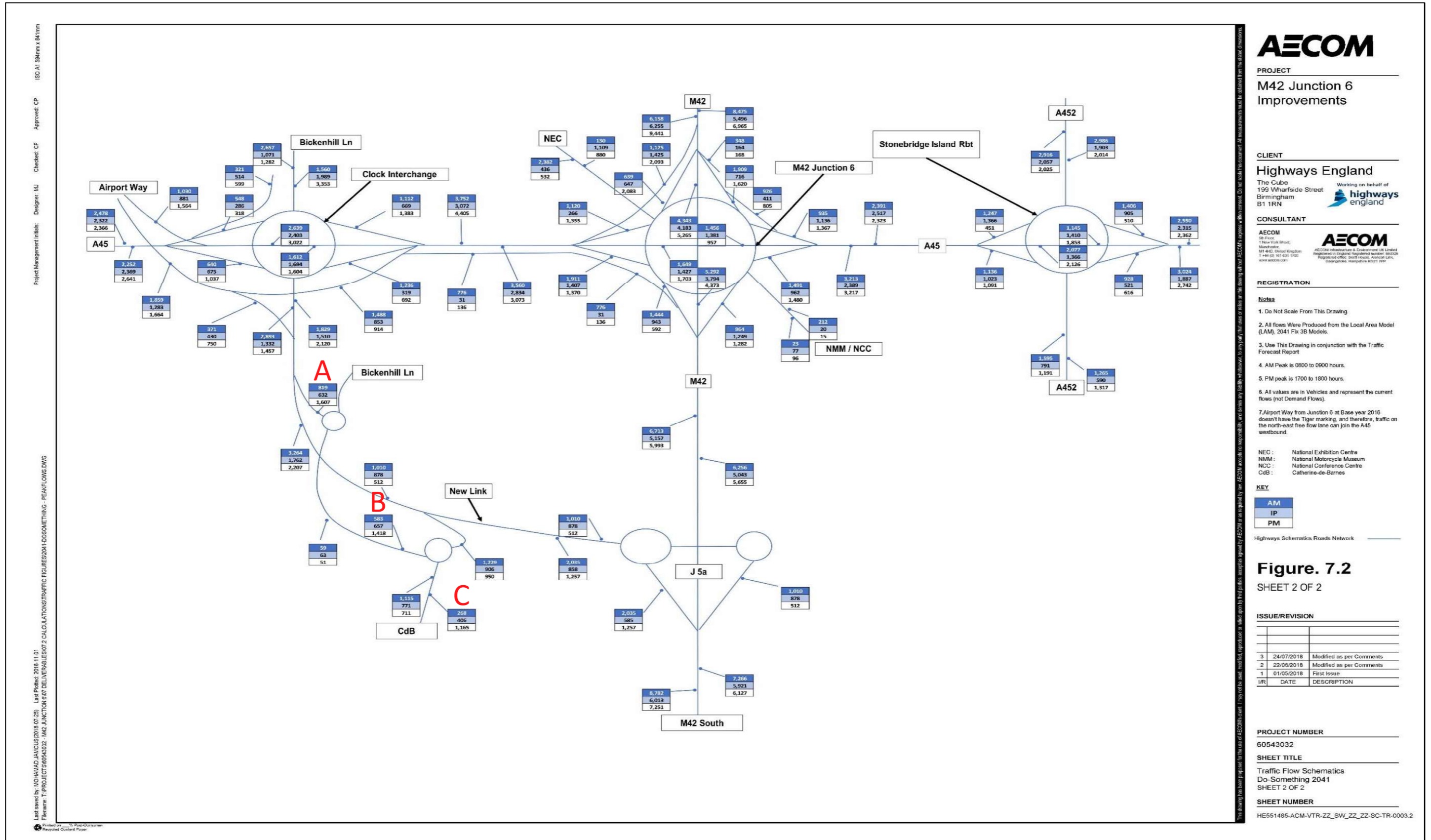


Figure 7.2: DS 2021 and 2041 peak hour flows

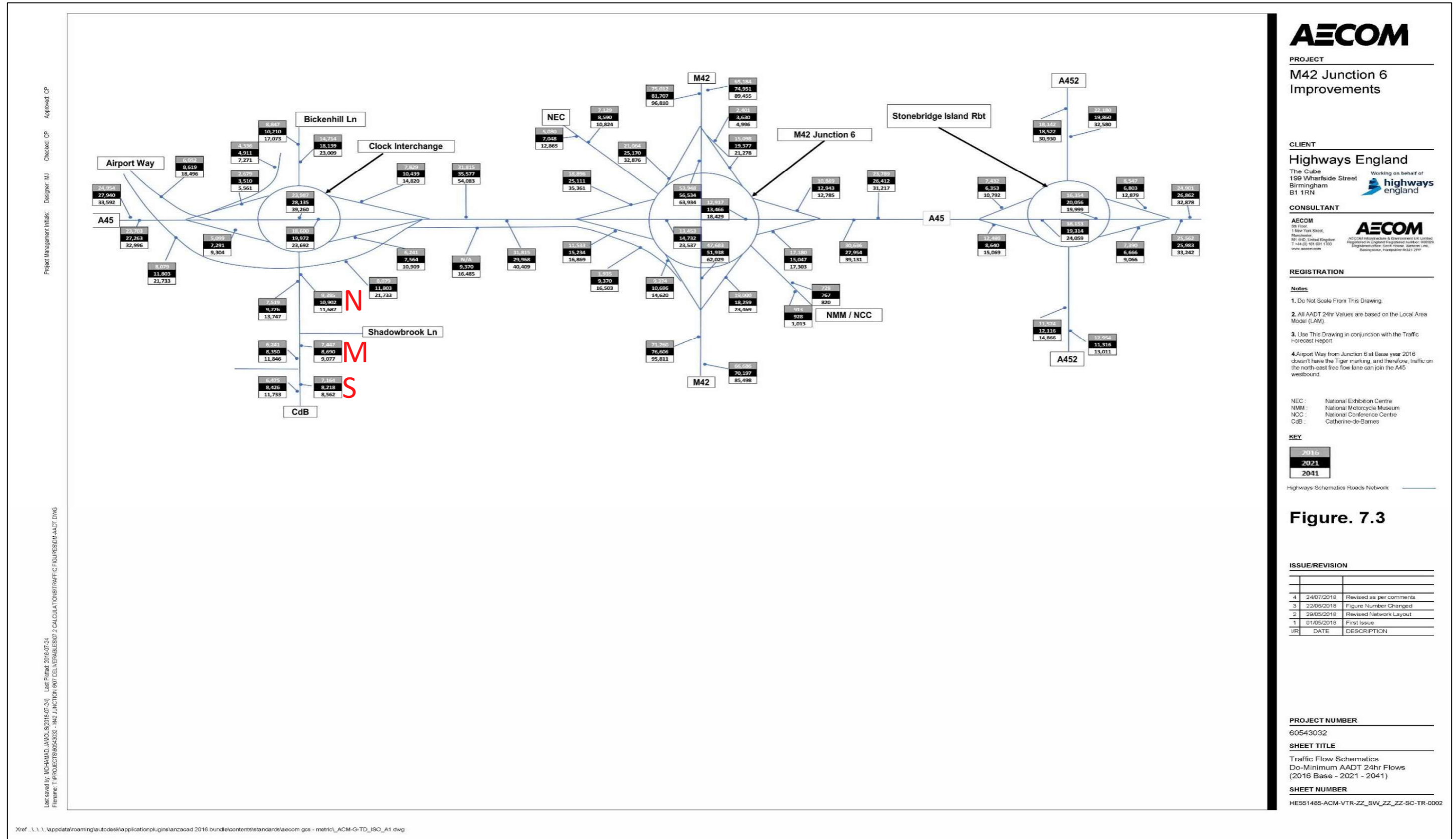


Figure 7.3: DM AADT 24hr flows

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PROJECT
M42 Junction 6
Improvements

CLIENT
Highways England
The Cube
199 Wharfedale Street
Birmingham
B1 1RN

CONSULTANT
AECOM
5th Floor
1 New York Street
Birmingham
M1 4GL, United Kingdom
T +44 (0) 161 801 1100
www.aecom.com

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KEY
2016
2021
2041
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Figure. 7.4

ISSUE/REVISION		
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SHEET TITLE
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Do-Something AADT 24hr Flows
(2016 Base - 2021 - 2041)
SHEET NUMBER
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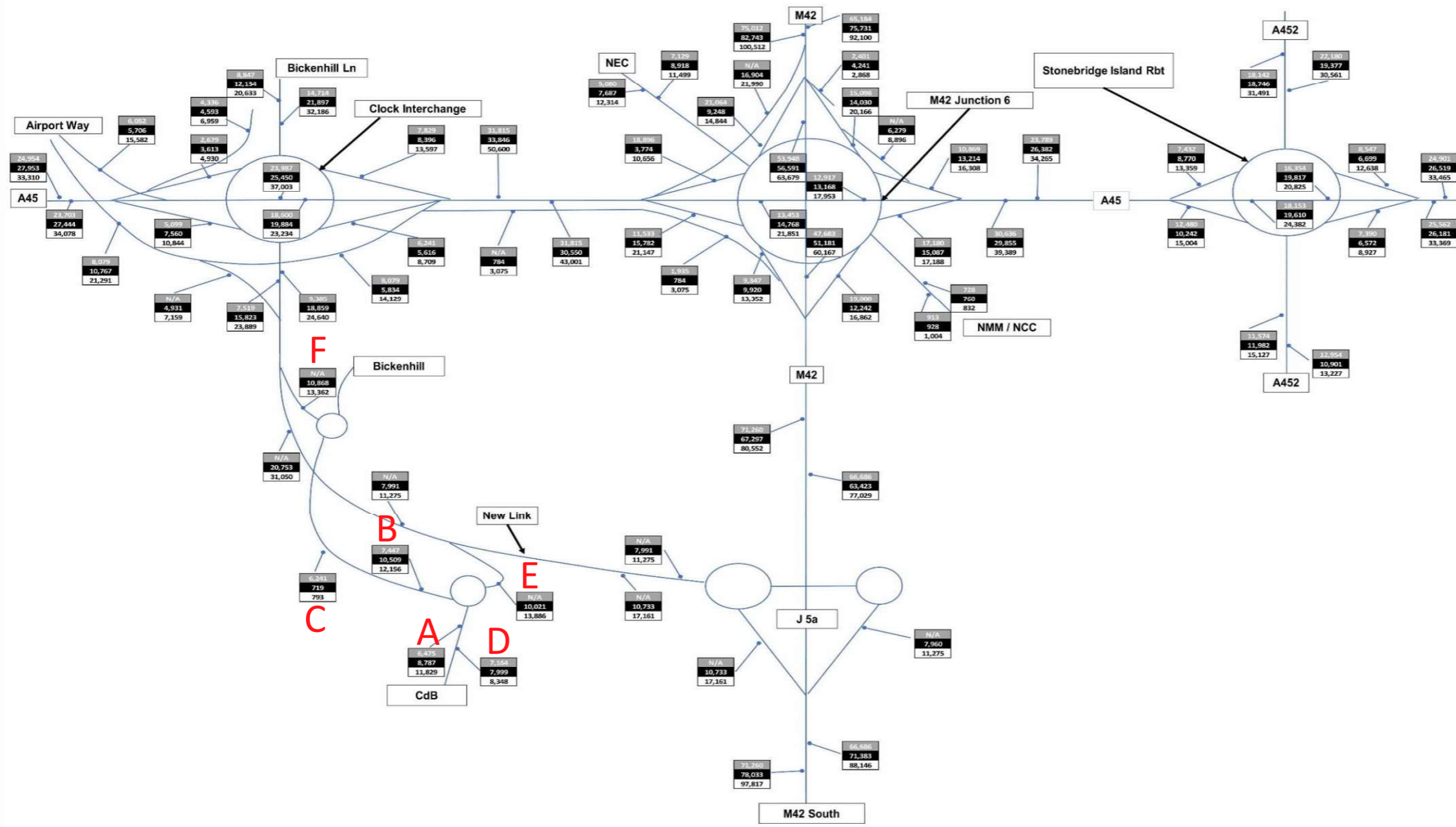


Figure 7.4: DS AADT 24hr flows

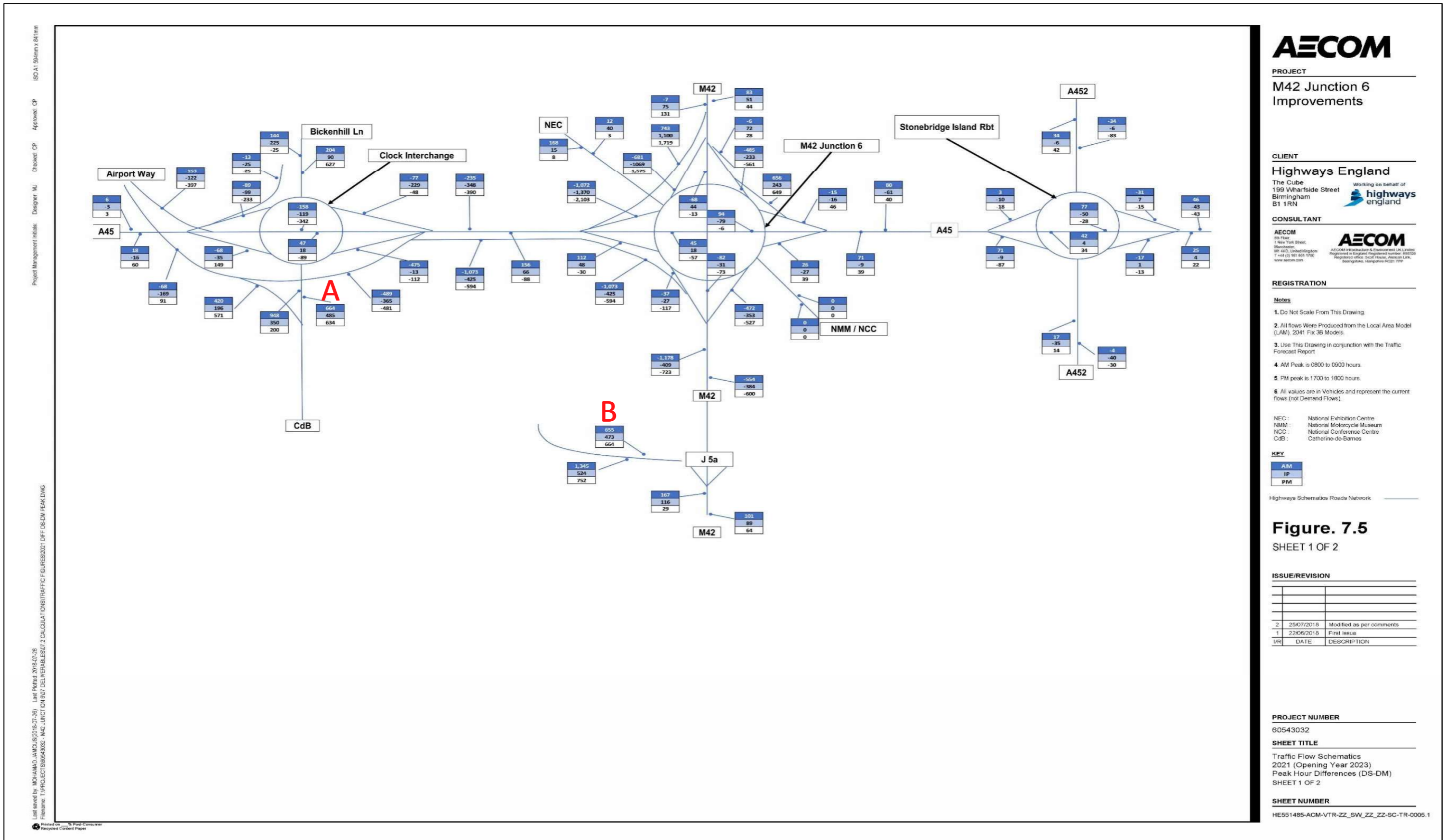
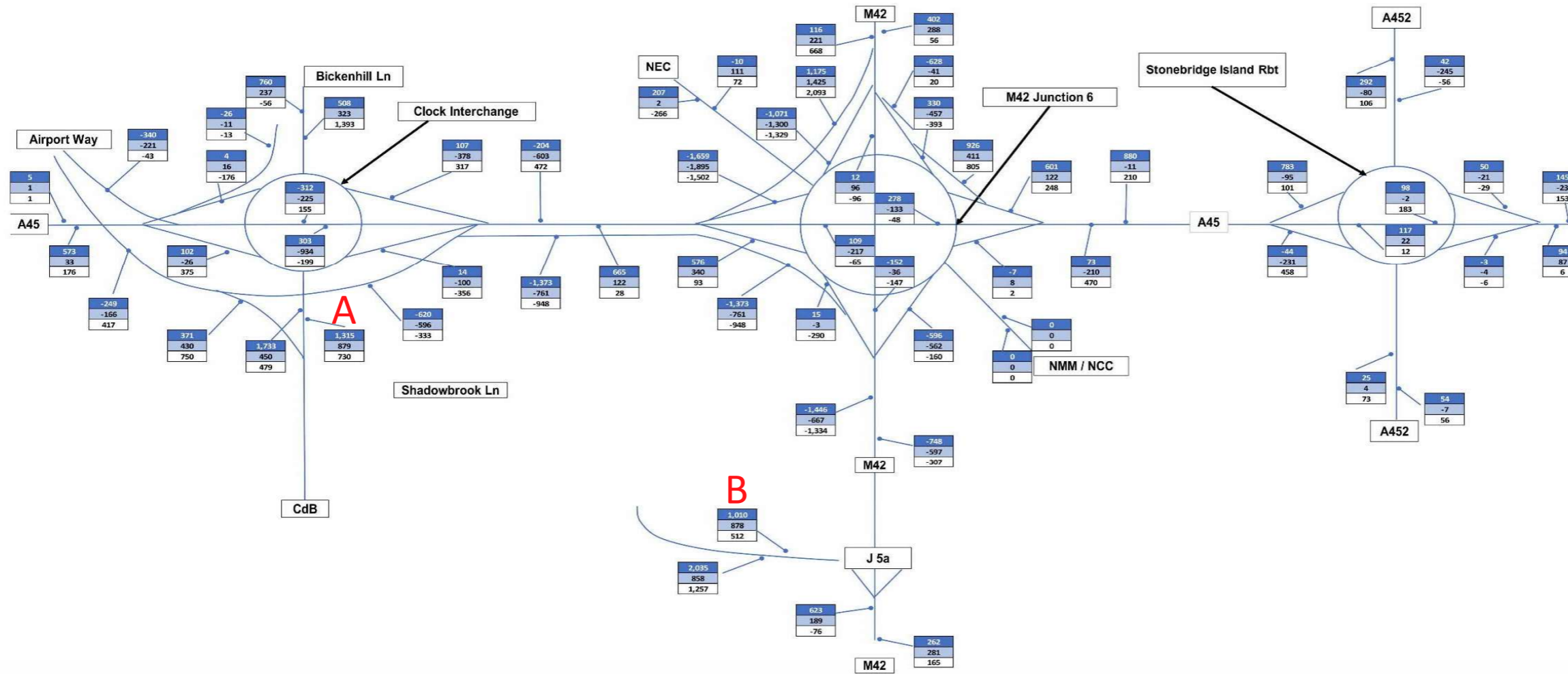


Figure 7.5: 2021 and 2041 peak hour differences (DS-DM)

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PROJECT
M42 Junction 6
Improvements

CLIENT
Highways England
The Cube
199 Wharfside Street
Birmingham
B1 1RN

CONSULTANT
AECOM
58 Floor,
1 New York Street,
Manchester,
M1 4EQ, United Kingdom
T +44 (0) 161 601 1100
www.aecom.com

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KEY

AM
IP
PM

Highways Schematics Roads Network

Figure. 7.5
SHEET 2 OF 2

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Traffic Flow Schematics
2041 (Design Year 2038)
Peak Hour Differences (DS-DM)
SHEET 2 OF 2

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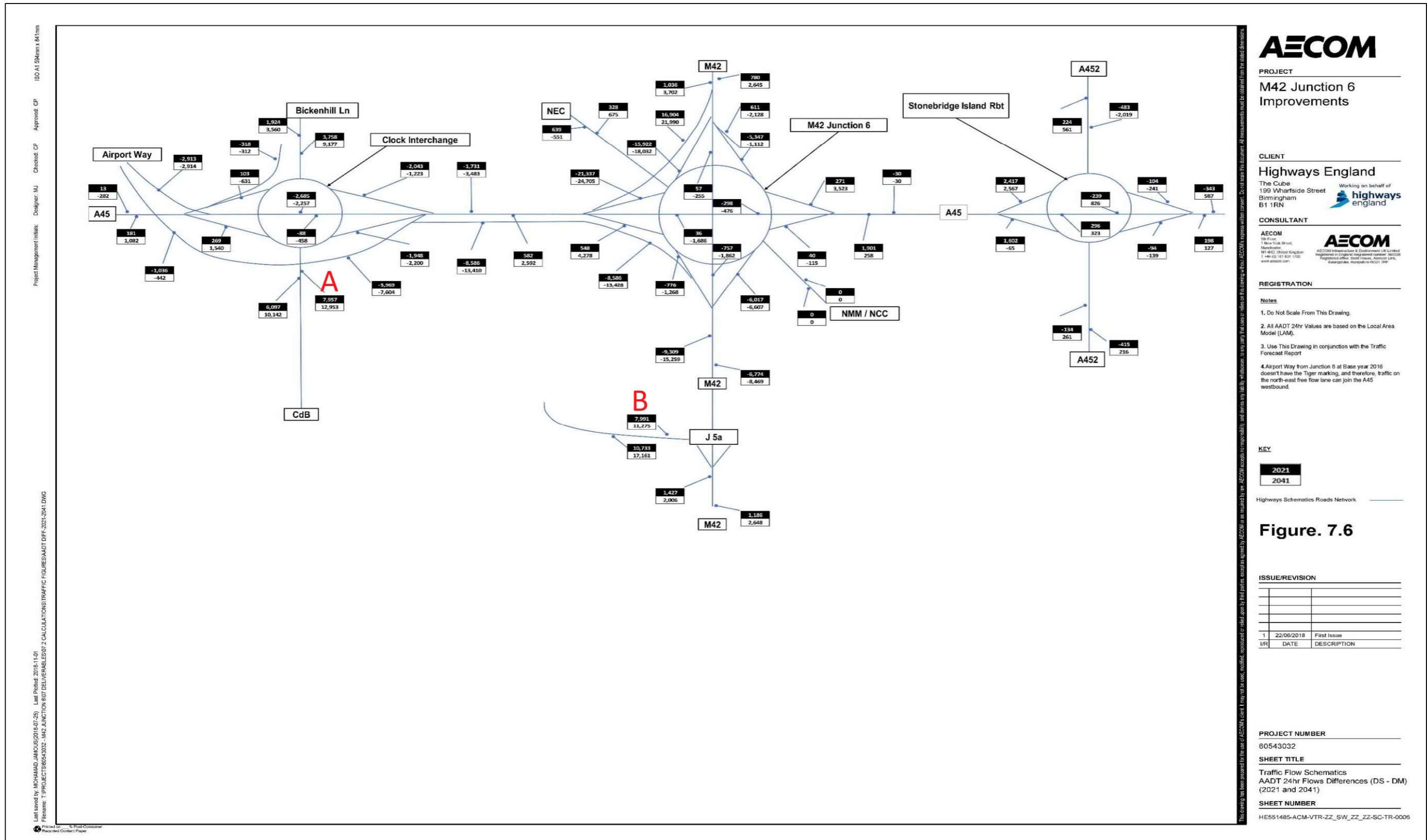


Figure 7.6: AADT 24hr flows differences (DS-DM)