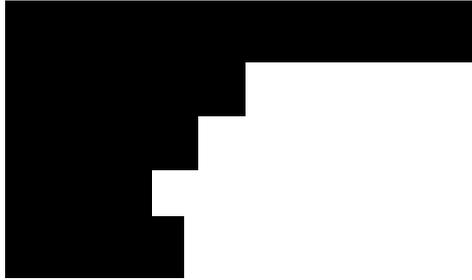


**From:** [REDACTED]  
**To:** [M42 Junction 6](#)  
**Subject:** Response to the Examining Authority's Draft Development Consent Order Commentary Schedule of Changes - Issued 8th November 2019  
**Date:** 15 November 2019 20:09:50

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Heath Cotterill



Interested Party Ref: 42J6-S57005

Thank you for requesting my response to the following items in your letter issued 8th November 2019 re the Examining Authority's draft Development Consent Order commentary schedule of changes:

**\*\*\*No. 7**

**Part of DCO: R4**

**Relevant extract from DCO (for ease of reference)**

(3) The CEMP must be written in accordance with ISO14001 and must ...

(c) require adherence to working hours of [07:00– 18:00](#) on Mondays to Fridays and [08:00–13:00 on Saturday](#)

**Commentary** In agreeing to the working hours proposed, SMBC seek to prevent annoying or disturbing noisy activities taking place between the hours of [07:00](#) and [08:00](#), following the approach that they have adopted for the construction works for HS2. Although BS 5228 provides objective thresholds for construction noise in various situations, such noises may well be annoying or disturbing when heard [between 07.00 and 08.00](#) hours. Discussions are underway between the Applicants and SMBC to devise a protocol for addressing such issues. In those circumstances, the ExA consider that R4(3)(c) should refer to the intended limitations on construction noise levels [between 07.00 and 08.00](#) hours.

The following amendment is proposed:

Insert after ‘working hours of 07:00–18:00 on Mondays to Fridays and 08:00–13:00 on Saturday’

‘, subject to no annoying or disturbing noise activities [referencing the identified protocol] taking place between the hours of 07:00 and 08:00 on those days except for-... (i)-(xiv) etc.’

**Response sought from:** The Applicant, SMBC, Bickenhill and Marston Green Parish Council, Mr Philip O’Reilly, Heath Cotterill, Camila Burton and David Cuthbert

**RESPONSE:** I welcome the examining authority looking into this in more detail as our concerns regarding the noise from works carried out and vehicles present at these unsocial hours remain. I suspect that defining a level of noise in this case would be somewhat subjective but from my perspective any noise at all heard at a residential property that can not normally be heard between the hours of 07:00 and 08:00 would be classed as and found to be annoying or disturbing to myself and family. I would suggest that any noise monitoring equipment located at the compound site be portable so that they can be placed at appropriate points on affected receptor sites (and not directly on walls) to capture any reverberating noises if and when required

**\*\*\*No: 9**

**Part of DCO:** R4(3)d(xvi)

**Relevant extract from DCO (for ease of reference)**

Outline Compound Management Plan Appendix 1: Indicative Proposal for Main Compound and Office for the Scheme [REP8-009]

**Commentary:** The ‘Indicative Proposal for Main Compound and Office for the Scheme’ replicates the initial arrangement set out at D3A [REP3A-003] rather than the alternative

configurations put forward at D6 (REP6-015 – page 13) and D7 (REP7-011 – Appendix 1, Page 2 of 2). It was agreed that an alternative configuration was possible with an entrance and exit onto Catherine-de-Barnes Lane at the northern end of the compound (Figure 1 at Action No.4 of REP6-015). Moreover, a plan at page 13 in the same section of the same document details how the compound could be reconfigured to the north and east to increase the buffer significantly between the compound perimeter and the adjacent properties on Church Lane. Although the laydown areas would then be closer to residents at the north east of Church Lane, they would be screened by existing trees and hedgerows and the proposed stockpile bunds as shown in the cross sections on page 2 of Appendix 1 of REP7-011. The ExA recognise that this configuration might require a right turn from the northern exit to be prohibited and the installation of traffic lights there and additional phases in constructing the main line link road. However, the scale of the embankments and earth moving required for the scheme suggested in EV-040 could be prohibitive.

The following amendment is therefore proposed (see also new R14 below):

Substitute the existing Plan at Appendix 1 of the Outline Compound Management Plan [REP8-009] with the plan shown at Action No.4 of REP6-015 (page 13) detailing how the compound could be pushed further to the north and east to increase the buffer and as also shown in the cross sections on page 2 of Appendix 1 of REP7-011.

**Response sought from:** The Applicant, SMBC, Bickenhill and Marston Green Parish Council, Mr Philip O'Reilly, Heath Cotterill, Camila Burton and David Cuthbert

**RESPONSE:** My understanding was that if it had not been possible to relocate the main site compound then it would be reconfigured further north & east and I concur with the Examining Authority that the reconfigured plan with

**entrance and exits at the northern end of the compound onto Catherine de Barnes Lane would be much more preferable and less intrusive. The reconfigured entrance and exits would also negate the need for the construction and use of a temporary road in the field on the main site compound to the east of Catherine De Barnes Lane.**

**\*\*\*Schedule 2 Part 1 New Requirements**

**No: 12**

**Part of DCO: New R14 Configuration of the main site compound**

**Commentary:** The ExA propose the insertion of a new R14 as follows:

14(1) Notwithstanding the details shown on any Certified Plan and Document listed in Schedule 11 of this Order, work to construct the main site compound shall not commence until a scheme for its configuration has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.

(2) Unless otherwise agreed by the relevant planning authority, the scheme must show how the compound could be configured to the north and east and an entrance and exit onto Catherine-de-Barnes Lane achieved at the northern end of the compound. Those access arrangements may entail prohibiting a right turn at the northern exit, or the provision of traffic lights and the possible re-programming of additional phases in constructing the main line link road.

**Response sought from:** The Applicant, SMBC, Bickenhill and Marston Green Parish Council, Heath Cotterill, Camila Burton and David Cuthbert

**RESPONSE: I welcome the Examining Authority's comments and recommendations regarding this. Moving**

**the main site compound as far north and east as possible with entrance and exits to Catherine de Barnes Lane to the northern end of the compound would result in a far less stressful and intrusive lifestyle in what we expect to be an extremely arduous experience for a minimum of 4-5 years.**

**\*\*\*No: 13**

**Part of DCO:** New R15 Altering the Priority of the Catherine-de- Barnes Lane and St Peters Lane Junction

**Commentary:** The ExA note that the Applicant has previously considered the altered priority for this junction but discounted it due to the need for a departure from standards for the horizontal radius of the bend onto the northern overbridge, for the consequent visibility round the bend and for the visibility to the left at St Peter's Lane: and, the possibility that the 'straight' alignment might encourage vehicles leaving St Peter's Lane to do so without stopping. The ExA acknowledge that the road layout might need to be altered, but they do not agree that land beyond the Order limits would be required, or that necessary road signs and safety features would clutter the roadside scene (similar signs and features would be required by the current proposal) or that the departure from standards would lead to worse or unacceptable road hazards; the opposite would be the case.

Hence, the ExA propose the insertion of a new R15 as follows:

15(1) Notwithstanding the details shown on any Certified Plan listed in Schedule 11 of this Order, no part of the realignment of Catherine-de-Barnes Lane is to commence until a scheme for the northern junction of St Peter's Lane and Catherine-de-Barnes Lane has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.

(2) Unless otherwise agreed by the relevant planning authority, the scheme must change the vehicular junction priority from St

Peter's Lane to the realigned section of Catherine-de-Barnes Lane.

**Response sought from:** The Applicant, SMBC, Bickenhill and Marston Green Parish Council, Heath Cotterill, Camila Burton and David Cuthbert

**RESPONSE:** I agree that changing the priority of the junction from St Peter's Lane to the realigned section of Catherine-de-Barnes Lane would make entering and leaving the village more safe. It would also reduce the likelihood of traffic entering the narrow lanes of the village in error where large vehicles then find the task of turning difficult and can block these lanes for lengthy periods of time. Where the planning authority is referred to I suggest that they take into account representations made by local residents.

**\*\*\*No: 14**

**Part of DCO:** New R16 Relocation of the underground storage tank and access

**Commentary:** It is agreed that the relocation of the underground storage tank and its access on land to the south of St Peters Lane would not affect the drainage arrangements and that it would be within the Limits of Deviation for Work No.35 [REP6-015]. However, this option is discounted because the access and egress would require a departure from standard and those defects (the provision of a layby off the realigned Catherine- de-Barnes Lane) are deemed to entail an increased risk of fly tipping and unregulated taxi parking. The ExA consider that those impediments could be avoided with measures within the dDCO. Moreover, this option has the advantage of locating the drainage arrangements to a roadside rather than introducing them to an otherwise relatively secluded area; the access to the fields and the aqueduct on the

northern side of St Peters Lane need thus only be to an agricultural standard.

Hence, the ExA propose the insertion of a new R16 as follows:

16(1) Notwithstanding the details shown on any Certified Plan listed in Schedule 11 of this Order, no part of the realignment of Catherine-de-Barnes Lane is to commence until an amended scheme for the underground storage tank and associated access (Work No.35) is submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.

(2) Unless otherwise agreed by the relevant planning authority, the amended scheme must relocate the underground storage tank and access from the northern to the southern side of St Peter's Lane.

**RESPONSE: I totally agree with the Examining Authority's comments and feel that relocating the attenuation tank to the field to the south of St Peters Lane has numerous advantages as detailed in my previous submission. This could still include gated access to the field north of St Peters Lane giving agricultural access as is currently provided. The relocating of the attenuation tank would also negate the need for a tarmaced drive at the access point as access to the aqueduct could be gained via the new agricultural entrance. Where the planning authority is referred to I suggest that they take into account representations made by local residents.**

Additionally I would like to take this opportunity to request the following points continue to be considered by yourselves:

Adequate mitigation is given to restrict opportunities for anti social behaviour ie fly tipping/taxi parking, especially regarding the access to the field to the rear of my property and Church Farm.

I agree with Solihull MBC in their Statement of Common Ground that Highways England have incorrectly categorised Bickenhill Conservation Area in their Environmental Statement and therefore the impact that HE feel this will subsequently have in the area around Bickenhill village. I also agree that as per the outline biodiversity management plan any landscaping replaced is done to maintain the the landscape and preserve the character of the local and regional landscape. Any bunds and screening provided should be done at sufficient heights to optimise effectiveness and any lighting required in and around the conservation area should be only be applied where absolutely necessary and then as discreetly as possible. I would ask that as per previous requests local residents and the parish council are consulted regarding these aspects. Thank you for looking to include this in the REAC.

Your intent to look at realigning the footpath route to the train station to be more direct would be extremely advantageous to local residents

I would also like to take this opportunity to thank the Examining Authority for listening to mine and others residents concerns regarding this application and taking the time to give them due consideration