

From: [REDACTED]
To: [M42 Junction 6; Bartkowiak, Bart](#)
Subject: Philip O'Reilly - M42 Jct6 - Deadline 9 Submission
Date: 15 November 2019 23:16:36
Attachments: [Mr Philip O'Reilly - M42 Jct6 - Response to Highways England Deadline 8 Documents 8.93, 8.94 & 8.95.pdf](#)

Dear Sir / Madam,

Please find attached my Deadline 9 submission:

Response to Highways England Deadline 8 Documents 8.93, 8.94 & 8.95

Kind regards,
Philip

Response to Highways England Deadline 8 Documents 8.93, 8.94 & 8.95:

8.93 Actions Arising out of ISH on Compulsory Acquisition and Temporary

Possession on 22 October for Deadline 8

*(TR010027-000833-TR010027_M42J6_8.93_Actions_Arising_out_of_ISH_on_Compulsory_Aquisition
_and_Temporary_Possession_on_22_Oct_for_Deadline_8)*

8.94 Actions Arising out of ISH on dDCO 4 on 23 October for Deadline 8

(TR010027-000834-TR010027_M42J6_8.94_Actions_Arising_out_of_ISH_on_dDCO_4_on_23_Oct_for_Deadline_8)

8.95 Applicant's Comments on any Additional Information or Submissions Received by Deadline 7

*(TR010027-000835-TR010027_M42J6_8.95_Applicant's_Comments_on_any_Additional_Information
_or_Submissions_Received_at_Deadline_7)*

8.93 Actions Arising out of ISH on Compulsory Acquisition and Temporary Possession on 22 October for Deadline 8

(TR010027-000833-TR010027_M42J6_8.93_Actions_Arising_out_of_ISH_on_Compulsory_Aquisition_and_Temporary_Possession_on_22_Oct_for_Deadline_8)

| 2. The Applicant's Responses to Actions Arising from ISH on Compulsory Acquisition and Temporary Possession | | |
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| ExA Ref No | Party | Action/Response |
| 2 | The Applicant | <p>Action: The Applicant is to provide further information, including justification, as to why options to relocate WGAA have not been pursued.</p> |
| <p>Applicant Response:</p> <p>The Applicant has attached the Document entitled 'Warwickshire Gaelic Athletic Associate [sic] Relocation Site Assessment Technical Note May 2018' (the Technical Note) as Appendix 1 to this report. This document was originally produced in May 2018 as an internal Technical Note (which is why it retains the draft watermark) but contains options that were shared with the WGAA in Autumn 2018 for discussion. This document is unaltered since this time but contains redacted information where this is deemed sensitive for publication.</p> <p>As set out in the Technical Note, a number of relocation options were considered but were later discounted. The Technical Note explains why the preferred options were taken forward. These preferred options were then developed further for environmental assessment [APP-069/Volume 6.2] and refined into the Applicant's final reconfiguration proposal as presented in Volume 8.21 [REP2-019].</p> | | |
| <p>POR Comments:</p> <p>Highways England have not provided document 'Warwickshire Gaelic Athletic Associate [sic] Relocation Site Assessment Technical Note May 2018' (the Technical Note) as they failed to attach it to their Deadline 8 submission.</p> <p>Given the failure to check the validity of cited material or their own calculations it has been apparent for quite some time that Highways England do not have a proper checking procedure in place.</p> | | |

8.94 Actions Arising out of ISH on dDCO 4 on 23 October for Deadline 8

(TR010027-000834-TR010027_M42J6_8.94_Actions_Arising_out_of_ISH_on_dDCO_4_on_23_Oct_for_Deadline_8)

| 2. The Applicant's Responses to Actions Arising from ISH on dDCO | | |
|--|---------------|--|
| ExA Ref No | Party | Action/Response |
| 18 | The Applicant | <p>Action: The Applicant to review and respond to the D6 submissions from Mr O'Reilly following the ISH on living conditions, which sets out the 'length' of Barber's Coppice Roundabout with reference to 8.23 Lighting Technical Note.</p> <p>Applicant Response:</p> <p>As noted during the Issue Specific Hearing on the DCO, held on the 23 October, the Applicant clarified that the assessments contained in lighting technical note were conducted during preliminary design at a point in time where both the design speed assumptions and overall scheme layout were still being developed. This means that the current design differs from the preliminary design in respect of roundabout size, roundabout alignment, and the design speed for Catherine-de-Barnes Lane. All of these factors affect the BCR calculations.</p> <p>As requested, the Applicant has reviewed the BCR calculations using revised distances based on the current design. The distances for each approach arm at Barber's Coppice Roundabout have been determined using the Institute of Lighting Professionals Guidance Note PLG02 and are as follows:</p> <p>Barber's Coppice Roundabout</p> <p>Northern approach = 89m (40mph)</p> <p>Southern approach = 111m (50mph)</p> <p>Barbers Coppice Roundabout = 220m</p> <p>Access Road =20m</p> <p>Total=440m</p> <p>The BCR is a function of not just the lengths of the conflict area, but also the cost of installing street lighting and the number of accidents saved. A consequence of the reduction in length is that the BCR value increases from 2.21 as presented in Table 3 of the Lighting Technical Note [REP2-021/Volume 8.23] to 2.56. It is on this basis that the provision of street lighting at Barbers Coppice roundabout is justifiable against the number of accidents saved.</p> <p>The BCR is not a definitive tool for determining the need to provide street lighting infrastructure, and only provides guidance in justifying whether street lighting is required. The scores will become more refined as the design progresses through the detailed design phase when more accurate costs are provided for the lighting infrastructure and updated accident data is provided. This will include further road safety audits to inform the recommendation to the local highway authority.</p> <p>Finally, as explained at the ISH on the dDCO on 23 October 2019, the final design of the roundabout, including the lighting, will be agreed in consultation with SMBC as the local highway authority.</p> |
| POR Comments: | | |

In my Deadline 3 submission 'Response to Highways England Deadline 2 Documents 8.20, 8.23, 8.25 & 8.26' (published on 17th July 2019) I questioned the validity of the data in HE document '8.23 Lighting Technical Note', and in particular the distances HE had used for 'Barber's Coppice Roundabout'.

The response received from HE in their Deadline 4 document 'TR010027-000624-TR010027_M42J6_8.56_Applicant's_comments_on_any_additional_information_received_at_Deadline_3' was as follows:

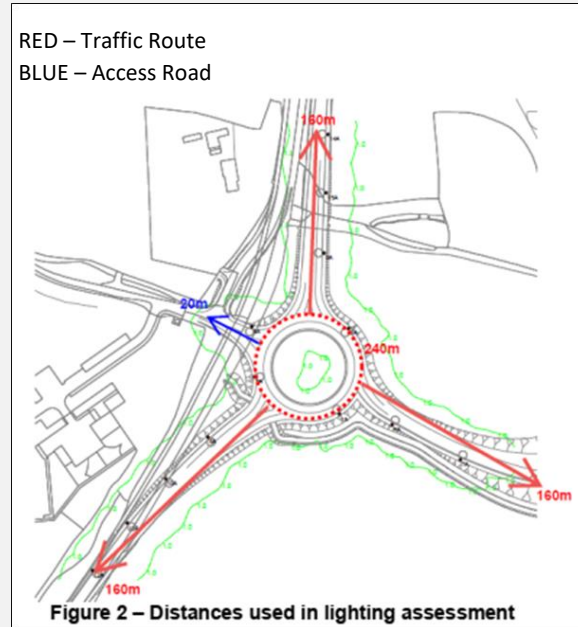
"In relation to Barber's Coppice Roundabout, the distance given covers the whole of the 'conflict area' including all approach roads and the roundabout circumference consequently 0.74km is the correct distance for Barber's Coppice Roundabout. The Benefit Cost Ratio value for the roundabout given in the Lighting Technical Note is therefore correct".

I raised the matter again at Issue Specific Hearing 5 (Living conditions) on 1st October 2019 and it was then included as 'Action Point 18' in the ExA document 'Action Points from Issue Specific Hearing 5 – Living conditions on 01 Oct 2019'.

The response received from HE in their Deadline 6 document 'TR010027-000762-TR010027_M42J6_8.77_Applicant's_Response_to_Actions_in_Respect_of_ISH_on_Living_Conditions_on_1_October_2019' was as follows:

"The applicant has reviewed the lengths specified in the Street Lighting Technical Note [REP2-021/Volume 8.23].

As stated in the Applicant's comments on any additional information or submissions received by Deadline 3 [REP4-008/Volume 8.56], the lengths defined for Barber's Coppice roundabout include "all approach roads and the roundabout circumference". The approach lengths are based on the stopping sight distances, which in turn are based on the design speed of each road. The distances are outlined in the figure shown below:



As can be seen from Figure 2 the total length of Barber's Coppice roundabout and its approaches is $240+160+160+160+20=740m$ ".

HE also stated the following in their Deadline 6 document 'TR010027-000755-TR010027_M42J6_8.69_Post_Hearings_submissions_Written_summary_of_Oral_Case_for_ISH_on_Living_Conditions_on_1_October_2019':

"3.1.4 POR asked . . . whether the Applicant's calculation of the size of the roundabout (which affects the cost benefit analysis of lighting the roundabout) was correct. NE confirmed that the Applicant was confident in its calculations, but recognised that an inaccuracy would affect the results, so the Applicant would check its calculations."

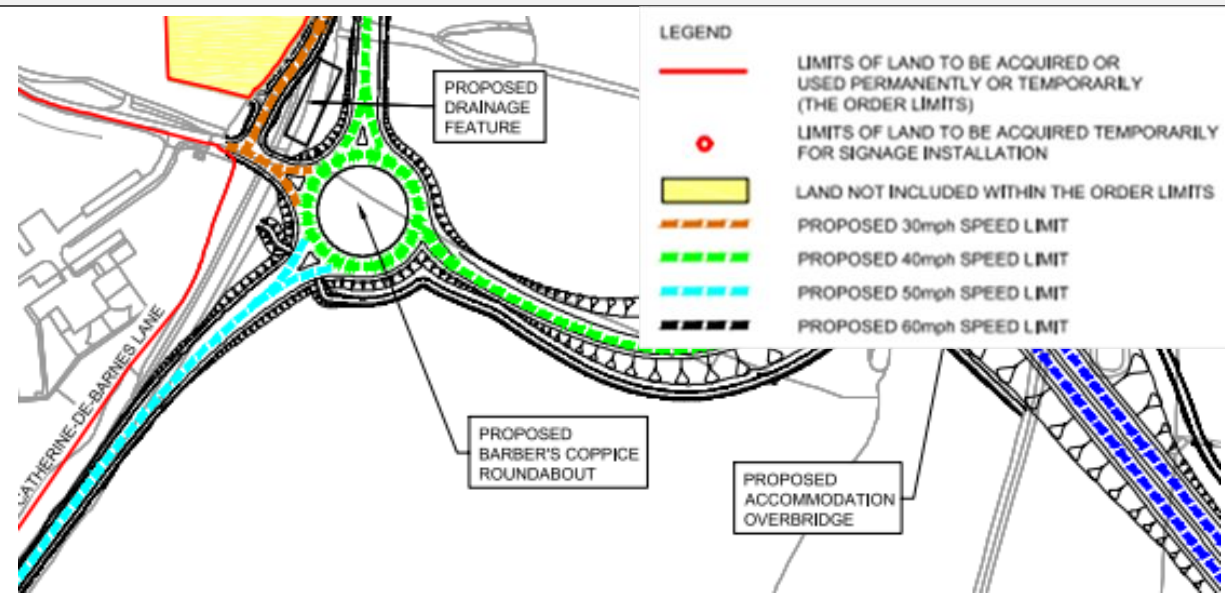
HE did not include any reference to the matter in their Deadline 7 submissions. Despite having a period of 17 days between Deadline 6 and Deadline 7 on 28th October 2019, to check the figures, they were so cocksure of their calculations they obviously felt it would be pointless to check them properly, despite my repeated concerns.

I raised the matter again in my Deadline 7 submission 'Response to Highways England Deadline 6 Documents 8.68, 8.69 & 8.70'.

In response, HE advise that they have now checked their calculations for 'Barber's Coppice Roundabout' and found them to be incorrect. Their response was submitted for Deadline 8 on 5th November, almost 16 weeks after the issue was first highlighted.

In their response they state that ". . . the assessments contained in lighting technical note were conducted during preliminary design at a point in time where both the design speed assumptions and overall scheme layout were still being developed. This means that the current design differs from the preliminary design in respect of roundabout size, roundabout alignment, and the design speed for Catherine-de-Barnes Lane".

The following drawing is an extract from HE document 'TR010027-000099-TR010027_M42J6_2-6_Traffic_Regulation_Measures_Plans_Speed_Limits' (sheet 2 of 7), submitted with the original DCO application in January 2019:



In terms of roundabout size, the roundabout is now proposed to be 220m rather than 240m.

The roundabout alignment is not significantly different.

The design speeds have not changed.

HE repeatedly stated that the total length of Barber's Coppice roundabout and its approaches was 740m. They now say it has only changed as a result of design changes.

If it was solely down to design changes, the revised length would be $740\text{m} - 20\text{m} = 720\text{m}$. It isn't.

The simple fact is that HE incorrectly stated the facts to justify their argument, in the hope they wouldn't be checked.

One can only conclude that unless a thorough independent checking process is carried out the ExA must not rely on any of the data HE have submitted to support their application.

Highways England are also now advising that "the distances for each approach arm at 'Barber's Coppice Roundabout' have been determined using The Institute of Lighting Professionals Guidance Note PLG022".

Highways England document '8.23 Lighting Technical Note' lists the International, British and Highways England standards HE say they have used in carrying out the lighting assessment:

"3 Road Lighting Guidance and Standards

3.1.1 In deciding where lighting should be provided, safety, economic, environmental and social impacts have all been considered. The lighting economic assessment has been carried out considering the latest Highways England guidance. The following International, British and Highways England standards have also been used in carrying out the lighting assessment:

- International Commission on Illumination (CIE) - CIE115: 2010 – Technical Report - Lighting of roads for motor and pedestrian traffic.

- *British Standards (BS) - BS 5489-1: 2013 - Code of practice for the design of road lighting - Part 1: Lighting of roads and public amenity areas.*
- *Design Manual for Roads and Bridges, Volume 8, Section 3 - TD 34/07 – Design of road lighting for the strategic motorway and all-purpose trunk road network.*
- *Design Manual for Roads and Bridges, Volume 8, Section 3 - TA 49/07 - Appraisal of new and replacement lighting on the strategic motorway and allpurpose trunk road network.*
- *Interim Advice Note IAN 160/12 - Appraisal of Technology Schemes.*
- *Interim Advice Note IAN 167/12 Rev1 - Guidance for the Removal of Road Lighting.*
- *Design Manual for Roads and Bridges, Volume 6, Section 2- TD 22/06 – Layout of Grade Separated Junctions.”*

Given their latest statement, it is rather odd that the above list does not include ‘The Institute of Lighting Professionals Guidance Note PLG022’.

In their Deadline 4 document ‘TR010027-000624-TR010027_M42J6_8.56_Applicant's_comments_on_any_additional_information_received_at_Deadline_3’ HE state the following:

“The locations referred to by Mr O’Reilly . . . have been recommended for lighting to meet the requirements set out in the Design Manual for Roads and Bridges. Please refer to section 3.4 of the Lighting Technical Note for further explanation.”

Again, no mention of ‘The Institute of Lighting Professionals Guidance Note PLG022’ but it does mention the DMRB, which I used in my previous submission.

So, rather than using the International, British and Highways England standards they reference in their application, which can then be fact checked, HE are now saying they are using data from other sources, without referencing them, meaning they cannot be fact checked.

One can only conclude that a thorough independent checking process must be carried out to determine the validity of the data HE have submitted to support their application.

With regard to the response provided by Highways England:

‘Barber’s Coppice Roundabout’

HE now state that the distances for each approach arm at ‘Barber’s Coppice Roundabout’ are as follows:

Northern approach = 89m (40mph)

Southern approach = 111m (50mph)

Barbers Coppice Roundabout = 220m

Access Road =20m

Total=440m

This is in accordance with the table shown opposite, taken from ‘The Institute of Lighting Professionals Guidance Note PLG02’.

| Speed Limit (MPH) | Speed Limit (KPH) | 5 second at speed limit (m) |
|-------------------|-------------------|-----------------------------|
| 30 | 48 | 67 |
| 40 | 64 | 89 |
| 50 | 80 | 111 |
| 60 | 96 | 133 |
| 70 | 112 | 156 |

Unfortunately, HE then revert to type and do not update the corresponding data for Personal Injury Accidents in order to calculate the correct BCR for providing lighting to 'Barber's Coppice Roundabout'.

HE state that *"the BCR is a function of not just the lengths of the conflict area, but also the cost of installing street lighting and the number of accidents saved."*

The number of Personal Injury Accidents for 'Barber's Coppice Roundabout' as shown in 'Table 1- PIA's saved for scheme sections' in HE document '8.23 Lighting Technical Note' are based on a length of 740m. HE have confirmed this length is incorrect and should in fact be 440m. This results in a corresponding reduction in the number of PIAs saved over a 30-year period, from 2.00 down to 1.00.

The 30-year cost of PIAs saved is reduced accordingly from £288,308.00 down to £144,154.00.

The number of lighting units has not changed and the cost shown in 'Table 2 – Scheme 30-year costs' in HE document '8.23 Lighting Technical Note' is still applicable - £130,264.18.

The new BCR calculation is as follows:

$$\mathbf{£144,154.00 / £130,264.18 = 1.11}$$

A BCR of 1.11 confirms that it is not considered economically justifiable to install street lighting against PIAs saved per year at 'Barber's Coppice Roundabout'.

Given the impact on our property, and the surrounding environment, any proposal to install lighting at 'Barber's Coppice Roundabout' should therefore be omitted from the scheme.

'Bickenhill Roundabout'

As HE have now confirmed how the distances are determined when calculating the lengths of the conflict area, this can be used to correctly calculate the conflict length of 'Bickenhill Roundabout':

'Bickenhill Roundabout' has a circumference of 180m, taken from AutoCAD drawing provided by HE - 'HE551485-ACM-HML-M42_ML_01_ZZ-SK-CH-0002'.

The 'Diverge Slip from proposed Mainline link to Bickenhill Roundabout' has a speed limit of 70mph which corresponds to a length of 156m.

The southern approach road to 'Bickenhill Roundabout' has a speed limit of 40mph. The desirable minimum stopping sight distance is 89m.

The northern approach road to 'Bickenhill Roundabout' has a speed limit of 30mph. The desirable minimum stopping sight distance is 67m.

The eastern approach road (St. Peters Lane) to 'Bickenhill Roundabout' has a speed limit of 30mph. The desirable minimum stopping sight distance is 67m.

The length of 'Bickenhill Roundabout' is **180m + 156m + 89m + 67m + 67m = 559m** (NOT 330m as used in the BCR calculation in HE document '8.23 Lighting Technical Note')

The number of Personal Injury Accidents for 'Bickenhill Roundabout' as shown in 'Table 1- PIA's saved for scheme sections' in HE document '8.23 Lighting Technical Note' are based on a length of 330m. Increasing this to the correct length of 559m results in a corresponding increase in the number of PIAs saved over a 30-year period, from 1.00 up to 2.00.

The 30-year cost of PIAs saved is therefore increased from £144,154.00 up to £288,308.00.

The number of lighting units has not changed and therefore the cost shown in 'Table 2 – Scheme 30-year costs' in HE document '8.23 Lighting Technical Note' is still applicable - £93,955.22.

The new BCR calculation is as follows:

$$\mathbf{£288,308.00 / £93,955.22 = 3.07}$$

A BCR of 3.07 is considered a high BCR score (in fact the second highest for this Scheme) and highlights that street lighting would be economically justifiable along this length of the highway.

This BCR value is also almost three times the BCR value for 'Barber's Coppice Roundabout'.

Given the above, it is difficult to conclude that HE can justify the omission of any lighting provision to the 'Bickenhill Roundabout' (or its approach roads), especially given the proposed 70mph speed limit of the 'Diverge Slip from proposed Mainline link to Bickenhill Roundabout'.

It is noted that Birmingham Airport have voiced their concerns lighting provision to a roundabout below the flight path.

Just to repeat my comments from a previous submission: HE confirm in their document '8.23 Lighting Technical Note' that new lighting will have a low mounting height and/or shielded lamps to minimise light-spill and will utilise low-intensity lighting, where possible, and "the use of full horizontal cut off luminaires installed at 0° uplift will reduce Sky Glow in the surrounding area". SMBC confirm in their Deadline 6 submission, 'TR010027-000745-Metropolitan Borough of Solihull Council 20191010_SMBC to PINS_', that "the street lighting design should cater for the local environment by providing low mast columns (street lighting to provide their design) which will only direct light directly on to the carriageway, utilising shields, if necessary". It should also be noted that street lamps are already installed on St Peters Lane, adjacent to the proposed location for 'Bickenhill Roundabout'.

As the assurances from HE with regard to the lighting specification are not sufficient to allay the concerns of Birmingham Airport, resulting in the omission of all lighting below the flight path, and in particular to 'Bickenhill Roundabout', the consistent approach would be to also remove any lighting provision to 'Barber's Coppice Roundabout' as we know it will have a considerable negative impact on our outlook, which HE are failing to address, and we have little confidence in the lighting specification produced by HE.

I would also suggest that, given the rural location, an alternative solution to lighting provision may be to reduce the proposed speed limit on both the southernmost section of the 'realigned Catherine de Barnes Lane' and the 'Diverge Slip from proposed Mainline link to Bickenhill Roundabout' to 40mph.

- It can be seen from the above comment that the lengths of the conflict areas, and the number of accidents saved, which HE have used to assess the lighting provision for 'Barber's Coppice Roundabout' and 'Bickenhill Roundabout', is flawed.
- Also, with regard to the impact on my property, the comments provided in response to '*8.95 Applicant's Comments on any Additional Information or Submissions Received by Deadline 7*' below, as well as previous submissions, confirm that the noise level data used for the WGAA Impact Assessment and the traffic flow data used to assess the noise impact of the Scheme are also both flawed.
- It is extremely disappointing to note that I first requested confirmation of the impact of this Scheme on my property almost three years ago, and it has still not been provided.

8.95 Applicant's Comments on any Additional Information or Submissions Received by Deadline 7
*(TR010027-000835-TR010027_M42J6_8.95_Applicant's_Comments_on_any_Additional_Information
_or_Submissions_Received_at_Deadline_7)*

| Table 1-1 Applicant's comments | | |
|---|--|--|
| Submitted by | Title | Comments |
| Mr O'Reilly | Deadline 7 submission – Comments on any Additional information or submissions received by previous deadline – 8.68 Responses to ExA's Third Round of Written Questions | <p>3.4 Landscape ES Chapter 8</p> <p>Question 3.4.1</p> <p>Mr O'Reilly Comment:</p> <p>Highways England document 'TR010027-000215-TR010027_M42J6_6-3_Environmental_Statement_Appendices_Appendix_8.1' confirms "the magnitude of impact (on my property) is likely to be major, resulting in large adverse effect impact on views". It states that "the new road corridor would dominate the view" and "planting along the new alignments would help to integrate them within the view, but the large-scale changes to this view would remain".</p> <p>4.1 From viewpoint EE the view is across open land towards the M42. The outlook does not have 'a general light spill in the night sky from nearby transportation, aviation and commercial infrastructure'.</p> <p>I included three images in my Deadline 6 document 'Issue Specific Hearing on Living Conditions (1st October 2019)' which show the current view from my property looking towards the north-east, the east and the south-east.</p> <p>There is no street lighting outside my property. There is no street lighting visible from viewpoint EE. There is no street lighting in the near vicinity of my property. The proposed location for 'Barber's Coppice Roundabout' is currently open greenbelt land which is unlit. The proposal is for lighting to also be installed on the approaches to 'Barber's Coppice Roundabout', and not solely on the Roundabout. Lighting is proposed to be installed along the full length of the eastern boundary to my property. Night time views from viewpoint EE will effectively stop at the location of any light source that is introduced into the surrounding darkness.</p> |
| <p>Applicant Response:</p> <p>As indicated by Mr Gleave at the ISH on dDCO on 23 October 2019, the Applicant can clarify that Viewpoint EE is located adjacent to Four Winds and was selected during the scoping of the landscape and visual impact assessment to represent the general outlook afforded to receptors from this location, rather than the outlook available from rooms within the property. The photographs provided by Mr O'Reilly appear to have been taken from the upper floor of his property. These are not reflective of the outlook available from Viewpoint EE, which was taken from the roadside at ground level.</p> <p>The outlook available from Four Winds is predominantly orientated towards an east-north-east direction. Ground floor views in this direction are generally well screened and contained by existing boundary hedging, whilst upper floor views feature the stand of woodland east of Catherine-de-Barnes Lane as a point of focus set within the wider agricultural landscape.</p> | | |

In relation to the changes that will be introduced by the Scheme, the upper floor windows within Four Winds will permit a view from an acute angle of elements of the new Barber's Coppice roundabout and its associated lighting towards the east and south-east. As recognised by Mr O'Reilly the lighting at Barber's Coppice Roundabout will obscure views beyond the roundabout and so there will be no significant in-combination effect with the lighting at Junction 5A.

POR Comments:

The location of viewpoint EE is clearly shown on the following drawing from HE document 'TR010027-000173-TR010027_M42J6_6-2_Environmental_Statement_Figures_Figure 8.1':



The location of Viewpoint EE is clearly shown as being at my property and is not shown adjacent to Four Winds.

HE are suggesting that they selected a location for Viewpoint EE "during the scoping of the landscape and visual impact assessment to represent the general outlook afforded to receptors from this location". HE have taken a photograph from the access lane to Woodhouse Farm, taken below the road level of Catherine de Barnes Lane, looking in a north-north-east direction. What receptor are they concerned about in that location?

My property should be the receptor they are concerned about but rather than taking a photograph that illustrates the impact of the Scheme on my property HE are instead downplaying the impact on my property by submitting a photograph taken from a different location.

The fact that I have a hedge on my private property should be of no concern to HE as they should be relying on their own measures to ensure adequate mitigation is provided to minimise the impact of their Scheme on my property. My boundary will change under the ad medium filum rule and as a consequence of that the existing boundary hedging to the front of my property will likely be removed in order for that land to be included in the curtilage. As such, my property will not be well screened and contained by my existing boundary hedging. Whether from the upper floor or lower floor the views from my property to the north-east, the east and the south-east will be dominated by the proposed Mainline link road, the proposed realigned Catherine de Barnes Lane, the proposed overbridge, the proposed 'Barber's Coppice Roundabout' and the proposed Merge Slip from 'Barber's Coppice Roundabout' to the proposed Mainline link.

My outlook is across open land towards the M42. At night time the view stretches out into the darkness. If a light source is introduced into the surrounding darkness it effectively kills the night time view. That is not something I welcome and that is what I hoped HE would recognise. Are HE seriously trying to suggest that installing lighting at 'Barber's Coppice Roundabout' is a good thing or that I somehow see it as a positive move?

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| <p>Mr O'Reilly</p> | <p>Deadline 7 submission – Comments on any Additional information or submissions received by previous deadline – 8.68</p> | <p>4.2</p> | <p>Question 3.4.2</p> <p>Mr O'Reilly Comment:</p> <p>From viewpoint EE the view is across open land towards the M42 only. The outlook is not 'already disrupted by the presence of lighting and other infrastructure'.</p> |
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| | Responses to ExA's Third Round of Written Questions | | <p>I included three images in my Deadline 6 document 'Issue Specific Hearing on Living Conditions (1st October 2019)' which show the current view from my property looking towards the north-east, the east and the south-east.</p> <p>There is no street lighting outside my property. There is no street lighting visible from viewpoint EE. There is no street lighting in the near vicinity of my property. The proposed location for 'Barber's Coppice Roundabout' is currently open greenbelt land which is unlit. The proposal is for lighting to also be installed on the approaches to 'Barber's Coppice Roundabout', and not solely on the Roundabout. Lighting is proposed to be installed along the full length of the eastern boundary to my property. Night time views from viewpoint EE will effectively stop at the location of any light source that is introduced into the surrounding darkness.</p> |
| <p>Applicant Response:</p> <p>As indicated by Mr Gleave at the ISH on dDCO on 23 October 2019, the Applicant wishes to clarify to Mr O'Reilly that its response to Question 3.4.2 in Volume 8.68 [REP6-010] relates to the assessment of the effects of the Scheme on landscape character, not its effects on the visual environment.</p> <p>The landscape character and visual impact are two separate elements considered in the assessment. Accordingly, it is not appropriate to associate the outlook from Four Winds (and Viewpoint EE) to the understanding and appreciation of local landscape character.</p> <p>The Applicant confirmed in its response to Question 3.4.2 that the southern and western extents of LCA 2 – the character area with which the new Barber's Coppice roundabout would emerge – is already disrupted by existing lighting.</p> | | | |
| <p>POR Comments:</p> <p>Lighting to the southern and western <u>extents</u> of a predominantly rural landscape does not mean that "the character area within which the new Barber's Coppice roundabout would emerge – is already disrupted by existing lighting".</p> <p>There is no street lighting outside my property. There is no street lighting visible from viewpoint EE. There is no street lighting in the near vicinity of my property. The proposed location for 'Barber's Coppice Roundabout' is currently open greenbelt land which is unlit.</p> <ul style="list-style-type: none"> • It is a predominantly rural landscape into which HE are proposing to install lighting. | | | |
| Mr O'Reilly | Deadline 7 submission – Comments on any Additional information or submissions received by previous deadline – 8.68 Responses to ExA's Third Round of Written Questions | 4.3 | <p>Question 3.4.4</p> <p>Mr O'Reilly Comment:</p> <p>Highways England document 'TR010027-000174-TR010027_M42J6_6-2_Environmental_Statement_Figures_Figure 8.2_A', submitted in January 2019, does not show the view from my property – Viewpoint EE. Instead, Viewpoint EE shows a view from the access lane to Woodhouse Farm, taken below the road level of Catherine de Barnes Lane, looking in a north-north-east direction and therefore does not reflect the actual view from my property.</p> <p>The views from my property to the north-east, the east and the south-east will be dominated by the proposed Mainline link road, the proposed realigned Catherine de Barnes Lane, the proposed overbridge, the proposed 'Barber's Coppice Roundabout' and the proposed Merge Slip from 'Barber's Coppice Roundabout' to the proposed Mainline link.</p> |

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| | | | <p>I included three images in my Deadline 6 document 'Issue Specific Hearing on Living Conditions (1st October 2019)' which show the current view from my property looking towards the north-east, the east and the south-east.</p> <p>Highways England document 'TR010027-000215-TR010027_M42J6_6-3_Environmental_Statement_Appendices_Appendix_8.1' confirms "the magnitude of impact (on my property) is likely to be major, resulting in large adverse effect impact on views". It states that "the new road corridor would dominate the view" and "planting along the new alignments would help to integrate them within the view, but the large-scale changes to this view would remain".</p> <p>The visualisations depicted on Figure 8.7 Viewpoint Location Plan B (Sheet 1 to 9) of Volume 2 of the Environmental Statement [APP-094/Volume 6.2] do not include a visualisation from my property. If a visualisation had been included it would demonstrate that the Scheme does emerge in all views from my property, as confirmed by Highways England in their statement that "the magnitude of impact (on my property) is likely to be major, resulting in large adverse effect impact on views".</p> |
| <p>Applicant Response:</p> <p>As indicated by Mr Gleave at the ISH on dDCO on 23 October 2019, the Applicant refers Mr O'Reilly to its response to the above comment which clarifies that Viewpoint EE is representative of the general outlook afforded to receptors at this location, rather than the outlook available from Four Winds.</p> <p>In relation to Mr O'Reilly's observation that a visualisation was not provided for Viewpoint EE, the Applicant can confirm that when undertaking landscape and visual impact assessments in line with the advice contained within the Guidelines for Landscape and Visual Impact Assessment (3rd Edition), visualisations are not generated for every viewpoint identified in the assessment.</p> <p>Visualisations were generated from a number of the representative viewpoints to illustrate how the Scheme would likely appear in close proximity, mid-distant and long-distance views across the study area. Visualisations are not generated for the purposes of 'proving' how adverse a visual change will likely be.</p> | | | |
| <p>POR Comments:</p> <p>The views from my property to the north-east, the east and the south-east will be dominated by the proposed Mainline link road, the proposed realigned Catherine de Barnes Lane, the proposed overbridge, the proposed 'Barber's Coppice Roundabout' and the proposed Merge Slip from 'Barber's Coppice Roundabout' to the proposed Mainline link. However, HE did not think a visualisation of the landscape and visual impact on my property would be representative "to illustrate how the Scheme would likely appear in close proximity, mid-distant and long-distance views across the study area". Instead HE have provided a visualisation from viewpoint R, which shows a close-proximity view of the lower edge of the 'Catherine de Barnes South Overbridge'; a view that does not show how the overbridge sits within the landscape.</p> <ul style="list-style-type: none"> • It is beyond belief that none of the viewpoints HE have chosen as "representative" include a visualisation of 'Barber's Coppice Roundabout' and the surrounding area. | | | |
| <p>Mr O'Reilly</p> | <p>Deadline 7 submission – Comments on any additional information or Submissions received by previous</p> | <p>4.3a</p> | <p>3. Responses to questions from Interested Parties</p> <p>3.1.3 Philip O'Reilly (POR) of Four Winds asked about possible mitigation measures to minimise the effect of construction noise on his property. The ExA asked whether the noise assessment conducted on POR's property took into account mitigation measures or not. NE explained that noise barriers would mitigate the impact of some but not</p> |

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| | <p>deadline – 8.69 Post Hearing submissions - Written summary of Oral Case for the ISH on Living Conditions on 1 October 2019</p> | | <p><i>all of the works on POR’s property and that appropriate mitigation measures would be confirmed at the time the construction activities are planned.</i></p> <p><i>Where noise levels hit the trigger for insulation, the Applicant will comply with the appropriate regulations.</i></p> <p>Mr O’Reilly Comment:</p> <p>We will be subjected to the effect of construction noise for 4+ years.</p> <p>My parents should be enjoying all of their retirement years in the home they worked hard for, where they have lived for almost 40 years and where they reared a family. Instead they have been subjected to significant stress and suffering due to the proposed scheme and have 4+ years of living on a building site to look forward to.</p> <p>My parents are both retired and are at home all day, as am I (due to ill health), so we will have to suffer the effects of this project every day with no respite.</p> <p>Rather than continuously looking for a way out Highways England should be actively seeking solutions to mitigate those impacted by the construction of the scheme in order to lessen the effects as much as possible. 4+ years is a long time to be living on a building site, and given the ages of my parents, Highways England should be doing everything they can to ensure they do not suffer as a consequence, and basically should be doing the right thing.</p> |
| <p>Applicant Response:</p> <p>[None provided]</p> | | | |
| <p>POR Comments:</p> <p>See item 16 under ‘Response to Action Points - Issue Specific Hearing 7 on the draft Development Consent Order – 23rd October 2019’ in my Deadline 8 submission ‘Response to Highways England Deadline 7 Documents 8.80, 8.83, 8.84, 8.86 & 8.89’.</p> <p>Suffice to say, despite assurances from Highways England, no information on this matter was provided in the Highways England letter I received on 25th October 2019.</p> <ul style="list-style-type: none"> • The impact on my property has been largely downplayed, has not been properly assessed and the issue of mitigation measures remains outstanding. | | | |
| <p>Mr O’Reilly</p> | <p>Deadline 7 submission – Comments on any additional information or Submissions received by previous deadline – 8.69 Post Hearing submissions - Written summary of Oral Case for the ISH</p> | <p>4.4</p> | <p><i>3.1.4 POR asked the Applicant to explain why ‘Barber’s Coppice Roundabout’ was designed to be lit, whereas ‘Bickenhill Roundabout’ was not. He asked whether the Applicant’s calculation of the size of the roundabout (which affects the cost benefit analysis of lighting the roundabout) was correct. NE confirmed that the Applicant was confident in its calculations, but recognised that an inaccuracy would affect the results, so the Applicant would check its calculations. NE also noted that other factors such as whether a roundabout is below the flight path of Birmingham Airport are relevant to determining whether a roundabout should be lit.</i></p> |

on Living Conditions on
1 October 2019

Mr O'Reilly Comment:

In HE document '8.23 Lighting Technical Note' the length of 'Barber's Coppice Roundabout' is stated as 740m and the length of 'Bickenhill Roundabout' is stated as 330m.

HE Deadline 6 document 'TR010027-000762-TR010027_M42J6_8.77_Applicant's_Response_to_Actions_in_Respect_of_ISH_on_Living_Conditions_on_1_October_2019' states that 'the lengths defined for 'Barber's Coppice Roundabout' include "all approach roads and the roundabout circumference". The approach lengths are based on the stopping sight distances, which in turn are based on the design speed of each road'.

The Merge Slip from 'Barber's Coppice Roundabout' to proposed Mainline link is not an approach road to 'Barber's Coppice Roundabout'.

The two approach roads to 'Barber's Coppice Roundabout' are therefore the 40mph section of southbound carriageway of the realigned Catherine de Barnes Lane and the 50mph section of northbound carriageway of the realigned Catherine de Barnes Lane.

'Bickenhill Roundabout' is approached from four roads - the 70mph slip road from the proposed Mainline Link, the 30mph section of southbound carriageway and the 40mph section of northbound carriageway of the realigned Catherine de Barnes Lane, and the 30mph approach from St. Peters Lane. Somehow, the length of 'Bickenhill Roundabout' has been calculated to be 330m, less than half the stated 740m length of 'Barber's Coppice Roundabout'.

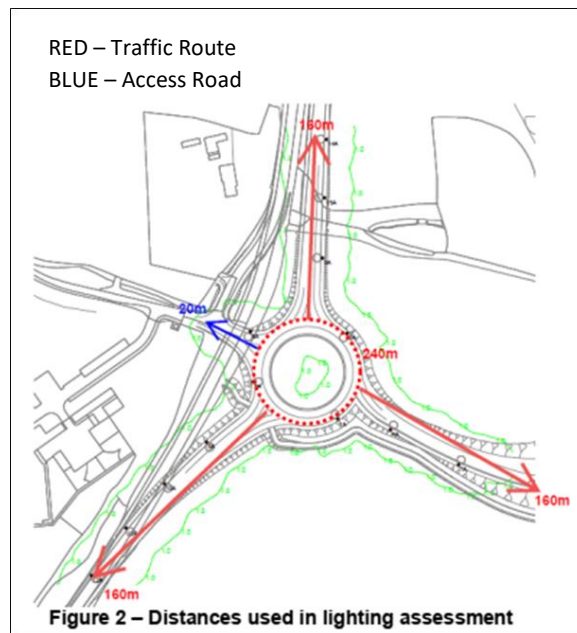
In their Deadline 6 document, HE provide the following drawing to illustrate the distances used in their lighting calculation for 'Barber's Coppice Roundabout':

Unfortunately, the distances shown on the drawing are incorrect.

Page 1/3 of the 'Design Manual for Roads and Bridges, TD 9-93 - Amendment No.1 - Highway Link Design' (see Appendix 1) includes these two tables which confirm the design speed and corresponding sight distances to be used to determine approach lengths:

| DESIGN SPEED kph | 120 | 100 | 85 | 70 | 60 | 50 |
|----------------------------------|-----|-----|-----|-----|----|----|
| STOPPING SIGHT DISTANCE m | | | | | | |
| Desirable Minimum | 295 | 215 | 160 | 120 | 90 | 70 |
| One Step below Desirable Minimum | 215 | 160 | 120 | 90 | 70 | 50 |

| SPEED LIMIT | | DESIGN SPEED |
|-------------|-----|--------------|
| MPH | KPH | KPH |
| 30 | 48 | 60B |
| 40 | 64 | 70A |
| 50 | 80 | 85A |
| 60 | 96 | 100A |



'Barber's Coppice Roundabout' has a circumference of 220m, taken from AutoCAD drawing provided by HE - 'HE551485-ACM-HML-M42_ML_01_ZZ-SK-CH-0002'. It is not 240m as shown.

The Merge Slip from 'Barber's Coppice Roundabout' to proposed Mainline link is not an approach road to 'Barber's Coppice Roundabout'. 160m has therefore been included in error.

The northern approach road to 'Barber's Coppice Roundabout' has a speed limit of 40mph. The desirable minimum stopping sight distance is therefore 120m. It is not 160m as shown.

The southern approach road to 'Barber's Coppice Roundabout' has a speed limit of 50mph. The desirable minimum stopping sight distance is therefore 160m, as shown on the HE drawing.

∴ The length of 'Barber's Coppice Roundabout' is 220m + 120m + 160m + 20m = **520m (NOT 740m)**

'Bickenhill Roundabout' has a circumference of 180m, taken from AutoCAD drawing provided by HE - 'HE551485-ACM-HML-M42_ML_01_ZZ-SK-CH-0002'.

The 'Diverge Slip from proposed Mainline link to Bickenhill Roundabout' has a speed limit of 70mph (113kph). The design speed is rounded up to 120kph resulting in a desirable minimum stopping sight distance of 295m.

The southern approach road to 'Bickenhill Roundabout' has a speed limit of 40mph. The desirable minimum stopping sight distance is 120m.

The northern approach road to 'Bickenhill Roundabout' has a speed limit of 30mph. The desirable minimum stopping sight distance is 90m.

The eastern approach road (St. Peters Lane) to 'Bickenhill Roundabout' has a speed limit of 30mph. The desirable minimum stopping sight distance is 90m.

∴ The length of 'Bickenhill Roundabout' is 180m + 295m + 120m + 90m + 90m = **775m (NOT 330m)**

Given the above, it is difficult to conclude that HE can justify any lighting provision to the 'Barber's Coppice Roundabout' (or its approach roads).

I would also suggest the sloppy approach of HE casts doubt on the validity of all of the data and calculations they have submitted for the DCO.

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| | | <p>I would ask the ExA to note that the above concerns regarding HE document ‘8.23 Lighting Technical Note’ were raised (on pages 3 & 6) of my Deadline 3 (15th July 2019) submission – ‘Response to Highways England Deadline 2 Documents 8.20, 8.23, 8.25 & 8.26’.</p> <p>Given the HE statement from Nick Evans that “the Applicant was confident in its calculations” one can only conclude that a) HE do not have any checking procedures in place, and b) HE have adopted such a level of blind arrogance that any concerns raised by Interested Parties relating to ‘rogue’ data or calculations in their DCO documents is dismissed out of hand, rather than being checked.</p> <p>With regard to the statement from Nick Evans of BDB Pitmans concerning lighting provision to a roundabout below the flight path of Birmingham Airport: HE confirm in their document ‘8.23 Lighting Technical Note’ that new lighting will have a low mounting height and/or shielded lamps to minimise light-spill and will utilise low-intensity lighting, where possible, and “the use of full horizontal cut off luminaires installed at 0° uplift will reduce Sky Glow in the surrounding area”. SMBC confirm in their Deadline 6 submission, ‘TR010027-000745-Metropolitan Borough of Solihull Council 20191010_SMBC to PINS_’, that “the street lighting design should cater for the local environment by providing low mast columns (street lighting to provide their design) which will only direct light directly on to the carriageway, utilising shields, if necessary”. It should also be noted that street lamps are already installed on St Peters Lane, adjacent to the proposed location for ‘Bickenhill Roundabout’.</p> <p>As the assurances from HE with regard to the lighting specification are not sufficient to allay the concerns of Birmingham Airport, resulting in the omission of all lighting below the flight path, and in particular to ‘Bickenhill Roundabout’, the consistent approach would be to also remove any lighting provision to ‘Barber’s Coppice Roundabout’ as we know it will have a considerable negative impact on our outlook, which HE are failing to address, and we have little confidence in the lighting specification produced by HE.</p> <p>I would also suggest that, given the rural location, an alternative solution to lighting provision may be to reduce the proposed speed limit on both the southernmost section of the ‘realigned Catherine de Barnes Lane’ and the ‘Diverge Slip from proposed Mainline link to Bickenhill Roundabout’ to 40mph.</p> |
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Applicant Response:

The Applicant refers Mr O’Reilly to the response provided in the Actions Arising out of the ISH on dDCO 4 on 23 October for Deadline 8 [Volume 8.94].

POR Comments:

Regarding the length of length of ‘Barber’s Coppice Roundabout’ see response above - item 18 under ‘8.94 Actions Arising out of ISH on dDCO 4 on 23 October for Deadline 8’.

- **HE have provided no response regarding lighting to ‘Bickenhill Roundabout’.**
- **Given the concerns expressed by Birmingham Airport, and the omission of lighting to ‘Bickenhill Roundabout’ HE have provided no explanation as to why the impact of installing lighting to ‘Barber’s Coppice Roundabout’ is not being considered in the same manner.**

- HE have provided no response to the suggestion of reducing speed limits on both the southernmost section of the 'realigned Catherine de Barnes Lane' and the 'Diverge Slip from proposed Mainline link to Bickenhill Roundabout' to 40mph.

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| <p>Mr O'Reilly</p> | <p>Deadline 7 submission – Comments on any additional information or Submissions received by previous deadline – 8.69 Post Hearing submissions - Written summary of Oral Case for the ISH on Living Conditions on 1 October 2019</p> | <p>4.5</p> | <p><i>3.1.5 POR expressed his concern that 'Barber's Coppice Roundabout' would cause an increase in noise pollution affecting his property due to decelerating and accelerating vehicles at the roundabout. NE said it was the Applicant's position that, as Catherine-de-Barnes Lane would be moved further away from POR's property, there would be less of an impact as demonstrated in Table 12-28 in Chapter 12 [APP-057/Volume 6.1] of the Environmental Statement. He said that the Applicant's noise experts anticipated a negligible decrease in the noise affecting POR's property.</i></p> <p>Mr O'Reilly Comment:</p> <p>My concerns are with regard to the proposed 'Barber's Coppice Roundabout' (and the three roads connected to it) and the increased noise and pollution at my property due to standing traffic, and traffic accelerating away, particularly at night.</p> <p>HE are also overlooking the fact that vehicles will be accelerating away from 'Barber's Coppice Roundabout' onto the 'Merge Slip from Barber's Coppice Roundabout to proposed Mainline link' to get up to the 70mph speed limit of the proposed Mainline link.</p> <p>I explained that although traffic volume will be reduced at night, and noise levels should therefore be lower, the noise events due to 'Barber's Coppice Roundabout' will still amount to a significant number. They will also be more noticeable at night, given the rural location, quieter environment and reduction in 'background' traffic volume, particularly at the time when a quiet environment is needed in order to sleep.</p> <p>This issue was raised in answer 8 of my consultation response 'ID ANON-THZ3-TD6A-R' submitted on 23rd January 2018.</p> <p>HE confirmed during the consultation that the noise calculations they produced are more or less based on volume of traffic, speed of traffic and materials used in road construction. They confirmed at that time that noise related to braking and accelerating traffic at a roundabout is not factored into their calculations and neither is any associated increases in air pollution levels. Despite this, HE have not provided any noise data to demonstrate the specific issues relating to the construction of a new roundabout directly outside my property.</p> <p>The response from HE fails to address the concern raised.</p> |
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Applicant Response:

The Applicant has provided a response to Mr O'Reilly regarding the acceleration and deceleration of vehicles at roundabouts within the noise model as part of its responses in Volume 8.80 [REP7- 006] which was submitted at Deadline 7.

POR Comments:

- **Contrary to their response above, Highways England have not provided a response to this point in Volume 8.80.**
- **This point was raised in January 2018 and yet, almost 2 years later, HE are still unable to address my concerns or confirm the impact the proposed 'Barber's Coppice Roundabout' (and the three roads connected to it) will have on my property.**

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| <p>Mr O'Reilly</p> | <p>Deadline 7 submission – Comments on any additional information or Submissions received by previous deadline – 8.69 Post Hearing submissions - Written summary of Oral Case for the ISH on Living Conditions on 1 October 2019</p> | <p>4.6</p> | <p><i>3.1.6 POR suggested that the Sport England guidance used to determine the noise impact of the Warwickshire Gaelic Athletic Association on his property only considered the noise level of practice sessions, not actual matches. JG said that the Applicant would check the guidance and confirm the position.</i></p> <p>Mr O'Reilly Comment:</p> <p>HE Deadline 6 document 'TR010027-000762-TR010027_M42J6_8.77_Applicant's_Response_to_Actions_in_Respect_of_ISH_on_Living_Conditions_on_1_October_2019' states that 'the noise data in the Sport England guidance are based on what Sport England describe as 'typical' artificial grass pitch sessions. It is not clear from the guidance whether these typical sessions are training sessions or matches'.</p> <p>Highways England are relying on third party data as the basis of their noise level calculations, and thus the impact on my property, but have failed to verify the validity of that data.</p> <p>The response from HE fails to address the concern raised.</p> |
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Applicant Response:

The Applicant would like to draw attention to the paragraph that followed the excerpt provided above from Volume 8.77 [REP6-018], which stated that: “Nevertheless, the Applicant considers that it is appropriate to use the Sport England data for the purposes of its noise assessment. As it was not possible to undertake measurements at WGAA sports pitches at the time of the assessment, the source level of 58 dB LAeq, 1hr at 10 m from the side line half way marking from Sport England guidance was used and this approach was confirmed as acceptable by the Environmental Health Officer at Solihull Metropolitan Borough Council. It is important to note that the primary purpose for using the Sport England data **was to allow prediction of noise level 'change' due to the reconfiguration of the sports pitches.**” [emphasis added]

POR Comments:

Actually, it is important to note that the Sport England data was used because HE failed to carry out any monitoring of the existing noise levels at the WGAA site.

It should also be noted that any data used for the purpose of predicting “**noise level 'change' due to the reconfiguration of the sports pitches**” must accurately reflect the noise levels of the existing configuration, and the validity and appropriateness of that data must be thoroughly checked and verified before it can be used. Instead, HE failed to check or verify the data, and used it regardless.

Finally, HE state in document 'TR010027-000241-TR010027_M42J6_6-3_Environmental_Statement_Appendices_Appendix_12.4' that the impact of the noise from the sports pitches will be assessed using two methodologies: 1) Comparing the predicted noise levels against The World Health Organisation's (WHO) 'Community for Noise Guidelines' recommended external daytime and evening environmental noise limits and 2) Comparing the predicted noise levels against the existing noise levels with reference to the IOA/IEMA working consultation draft guidelines ('Guidelines for Environmental Impact Assessment' (2014)). The document does not state that the

“primary purpose for using the Sport England data was to allow prediction of noise level ‘change’ due to the reconfiguration of the sports pitches”. [no emphasis necessary]

The following excerpts and tables are taken from HE document ‘TR010027-000241-TR010027_M42J6_6-3_Environmental_Statement_Appendicies_Appendix_12.4’:

“12.2 Assessment Methodology and Guidance

12.2.4 Table 1-1 summarises the WHO guidelines for community noise in outdoor and indoor living areas.

12.2.8 To predict the noise from sports pitches, the 3D noise model has been prepared using the CadnaA modelling software. The Do-Minimum ground model from the DMRB assessment has been used to model the existing pitch layout. The DoSomething ground model from the DMRB assessment has been used to model the proposed layout options. As it has not been possible to undertake noise measurements when the existing sports pitches are in use, the source level of 58dB LAeq,1hr at 10m from the sideline halfway marking taken from Sports England’s Design Guidance has been used. Sports England has measured noise levels during nine sports sessions on three separate AGPs. The sessions included football, hockey and rugby and participation by men, women and children. The most significant noise levels were found to be generally derived from the voices of players, with the exception of hockey where impact noises of balls hitting perimeter strike boards and goal back boards were more noticeable.

It is acknowledged that the reconfigured pitches will not be artificial grass, but as shown the significant noise source is from the voices of players and not the surface of the pitch.

Table 1-1 WHO guideline values for community noise in specific environments

| Specific environment | Critical health effect(s) | Noise level |
|----------------------|---|-----------------------------------|
| Outdoor living area | Serious annoyance, daytime and evening | 55 dB $L_{Aeq,16h}$ (07:00-23:00) |
| | Moderate annoyance, daytime and evening | 50 dB $L_{Aeq,16h}$ (07:00-23:00) |
| Inside bedrooms | Sleep disturbance, night-time | 30 dB $L_{Aeq,8h}$ (23:00-07:00) |
| | | 45 dB $L_{Amax,8h}$ (23:00-07:00) |
| Outside bedrooms | Sleep disturbance, night-time with window open (outdoor values) | 60 dB $L_{Amax,8h}$ (23:00-07:00) |

12.4 Existing Noise Climate

12.4.1 Unattended baseline noise surveys were undertaken between 15 and 26 March 2018 at 8 locations. The closest monitoring locations to WGAA site were at Monitoring Locations 2 (ML 2) Oak Tree Lodge, Shadow Brook Lane and Monitoring Locations 7a and 7b (ML7a, ML7b) at the front and rear of Four Winds, Catherine-de-Barnes Lane. At these locations the dominant noise source was road traffic noise from Catherine-de-Barnes Lane and aircraft noise. Tables 1-4 to 1-6 provide a summary of the noise levels during the daytime and night time periods at ML2, ML7a and ML7b respectively.

Table 1-6 Noise Monitoring Results at ML7b – Four Winds (Rear)

| Date | Start Time | $L_{Aeq,T}$ dB | $L_{Amax,T}$ dB | $L_{A10,T}$ dB | $L_{A90,T}$ dB |
|-----------------------|----------------|----------------|-----------------|----------------|----------------|
| Thursday 15 March | 14:00 – 23:00* | 60.0 | 86.0 | 58.6 | 48.2 |
| | 23:00 – 07:00 | 53.4 | 83.7 | 55.6 | 42.1 |
| Friday 16 March | 07:00 – 23:00 | 60.3 | 85.5 | 61.1 | 45.0 |
| Monday 19 March | 07:00 – 23:00 | 55.7 | 85.9 | 57.3 | 47.7 |
| | 23:00 – 07:00 | 49.5 | 77.8 | 53.5 | 40.8 |
| Tuesday 20 March | 07:00 – 23:00 | 52.9 | 74.7 | 56.1 | 47.3 |
| | 23:00 – 07:00 | 49.7 | 74.7 | 54.1 | 39.9 |
| Wednesday 21 March | 07:00 – 23:00 | 49.6 | 74.0 | 52.0 | 41.4 |
| | 23:00 – 07:00 | 47.8 | 70.3 | 53.4 | 39.6 |
| Thursday 22 March | 07:00 – 23:00 | 54.7 | 83.8 | 55.9 | 43.7 |
| | 23:00 – 07:00 | 54.1 | 84.1 | 55.0 | 43.4 |
| Friday 23 March | 07:00 – 23:00 | 59.4 | 85.9 | 60.5 | 45.5 |
| | 23:00 – 07:00 | 54.4 | 81.0 | 54.6 | 35.3 |
| Saturday 24 March | 07:00 – 23:00 | 55.6 | 85.4 | 53.6 | 41.7 |
| | 23:00 – 07:00 | 46.5 | 74.3 | 53.0 | 36.6 |
| Sunday 25 March | 07:00 – 23:00 | 49.5 | 75.3 | 52.5 | 40.5 |
| | 23:00 – 07:00 | 51.0 | 72.6 | 57.8 | 36.0 |
| Monday 26 March | 07:00 – 10:00* | 51.5 | 83.1 | 56.0 | 40.7 |

* incomplete period.

12.5 Impact Assessment

Sports Pitches

12.5.1 To assess the potential noise impact due to the uses of the sports pitches, the average (LAeq) noise from the pitches have been predicted for the existing layout and for the 5 options. It should be noted that the change in noise levels due to the change the road layout have not been considered in the predicted noise levels

12.5.2 Table 1-7 shows the predicted sports pitch noise levels at the nearby NSRs

12.5.3 Table 1-8 shows the noise level difference between the existing layout and proposed options.

12.5.4 Table 1-7 shows the noise levels from the use of the sports pitches during the daytime period. The predicted noise levels for Options 1-5 are below the daytime WHO guidelines level lower criterion of 50 dB LAeq. However as shown in Table 1-8 the reconfigured sports pitches would result in an increase compared to the existing layout at Four Winds and Solihull Music School. Based on the impact criteria in Table 1-2 options 3 and 4 at Four Winds would result in a moderate adverse impact and options 1,2 and 5 would result in a slight adverse impact. It has been assumed that the sports pitches will not be used during the night time period.

12.5.5 When comparing the predicted noise levels against the existing ambient baseline noise levels, the predicted sports pitch noise levels are lower than the baseline noise levels for the properties on Catherine De Barnes Lane and Shadowbrook Lane. The existing ambient noise levels at the rear of Four Winds are as expected, lower than the noise levels at the front of the property which is adjacent to Catherine De Barnes Lane. The predicted sports pitch noise levels are generally lower or similar to the existing ambient noise levels at the rear of Four Winds.

12.5.6 The increase in noise levels from sports pitch noise based on the sports pitch layout for Options 3 and 4 could potentially have a moderate adverse impact at Four Winds.”

Table 1-7 Predicted Noise Levels from the Use of Sports Pitches

| NSR | Predicted L _{Aeq,1hr} , dB | | | | | |
|------------------------------------|-------------------------------------|----------|----------|----------|----------|----------|
| | Existing Layout | Option 1 | Option 2 | Option 3 | Option 4 | Option 5 |
| Four Winds | 46.6 | 48.1 | 47.7 | 49.6 | 49.9 | 47.8 |
| Music School | 34.1 | 35.2 | 35.2 | 34.9 | 34.9 | 35.2 |
| The Dale, Catherine De Barnes Lane | 51.8 | 48.1 | 48.3 | 47.9 | 47.9 | 48.3 |
| Oak Tree Lodge, Shadowbrook Lane | 47.3 | 45.8 | 46 | 45.9 | 46 | 46 |
| Meadow View, Shadowbrook Lane | 45 | 43.6 | 43.8 | 43.7 | 43.8 | 43.7 |
| The Paddocks, Shadowbrook Lane | 44.6 | 43.6 | 43.7 | 43.8 | 43.9 | 43.7 |
| Green Acre, Shadowbrook Lane | 44.4 | 42.5 | 42.4 | 42.6 | 42.7 | 42.4 |
| The Pleck, Shadowbrook Lane | 43.5 | 42.3 | 42.3 | 42.4 | 42.4 | 42.3 |

Table 1-8 Predicted Change in Noise Level

| NSR | Predicted L _{Aeq,1hr} , dB | | | | |
|------------------------------------|-------------------------------------|----------|----------|----------|----------|
| | Option 1 | Option 2 | Option 3 | Option 4 | Option 5 |
| Four Winds | 1.5 | 1.1 | 3 | 3.3 | 1.2 |
| Music School | 1.1 | 1.1 | 0.8 | 0.8 | 1.1 |
| The Dale, Catherine De Barnes Lane | -3.7 | -3.5 | -3.9 | -3.9 | -3.5 |
| Oak Tree Lodge, Shadowbrook Lane | -1.5 | -1.3 | -1.4 | -1.3 | -1.3 |
| Meadow View, Shadowbrook Lane | -1.4 | -1.2 | -1.3 | -1.2 | -1.3 |
| The Paddocks, Shadowbrook Lane | -1 | -0.9 | -0.8 | -0.7 | -0.9 |
| Green Acre, Shadowbrook Lane | -1.9 | -2 | -1.8 | -1.7 | -2 |
| The Pleck, Shadowbrook Lane | -1.2 | -1.2 | -1.1 | -1.1 | -1.2 |

The World Health Organisation's (WHO) guideline values for community noise in specific environments, taken from the WHO 'Community for Noise Guidelines' are shown in Table 1-1. It can be seen that moderate annoyance during daytime and evening will be experienced at a noise level of 50 dB LAeq and severe annoyance during daytime and evening will be experienced at a noise level of 55 dB LAeq.

In Table 1-6 (Rear) for NSR ML7b (Four Winds), HE have stated the noise monitoring result for Sunday 25th March as 49.5 dB (LAeq, T dB) during the hours 07:00 – 23:00.

As confirmed by HE in their response, the "source level of 58 dB LAeq, 1hr at 10 m from the side line half way marking" is taken from 'Sports England 'Design Guidance Note Artificial Grass Pitch (AGP) Acoustics-Planning Implications, New Guidance for 2015'.

The predicted sports pitch noise levels at the nearby NSRs are therefore derived from this source level of 58 dB LAeq, 1hr at 10 m from the side line half way marking.

Highways England advise that the predicted noise levels at Four Winds will be just below the daytime WHO guidelines level lower criterion of 50 dB LAeq.

The problem is that the "source level of 58 dB LAeq, 1hr at 10 m from the side line half way marking" (as stated in the Sports England Design Guidance), which HE have used in their calculations, is derived from noise levels measured during nine different sports sessions on three separate Artificial Grass Pitches. These sessions involved adults and children and the activities were limited to hockey, 11 a-side football, rugby training, and multiple small pitch games. The guidance does not confirm whether any of the activities were recreational or competitive or if they were attended by spectators.

None of these activities are played by 15 players on each side as is the case with Gaelic football and hurling.

The noise from these activities could not, therefore, be considered as representative of the noise from a competitive game of Gaelic football or hurling as would typically be the case at the WGAA site.

It also appears from the HE data that the source level of 58dB LAeq,1hr at 10m does not include the noise from spectators, or the particularly shrill noise of a whistle, which again would typically be heard at the WGAA site, particularly during competitive games of Gaelic football or hurling

Given the above, the source level of 58 dB LAeq, 1hr at 10 m cannot be considered as being representative of the noise levels from the existing layout of the WGAA pitches. In fact, it is wholly probable that the true noise level from the existing layout of the WGAA pitches is considerably higher.

As HE have used this 'low' figure in their modelling to predict noise levels at the nearest noise sensitive receptors (NSRs) from the use of the WGAA sports pitches, for five different options, it obviously means that the predicted noise levels, for those five options, are also going to be lower than they would actually be.

It also means that the predicted noise levels at Four Winds are highly likely to not only be above the daytime WHO guidelines level lower criterion of 50 dB LAeq but to be closer to, if not above, the WHO guidelines level upper (severe annoyance during daytime and evening) criterion of 55 dB LAeq.

The predicted changes in noise levels shown in Table 1-8 are therefore also incorrect, and are likely to be higher than HE have stated.

When comparing the predicted noise levels against the existing ambient baseline noise levels HE have overlooked the fact that the WGAA sports pitches are typically only used on Sundays, rather than during the week. In Table 1-6 (Rear) for NSR ML7b (Four Winds), HE have stated the noise monitoring result for Sunday 25th March as 49.5 dB (LAeq, T dB) during 07:00 – 23:00. Contrary to the assertion made by HE in item 12.5.5 it is therefore highly likely that the predicted sports pitch noise levels are considerably higher than the existing ambient noise levels at the rear of Four Winds.

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| <p>Mr O'Reilly</p> | <p>Deadline 7 submission – Comments on any additional information or Submissions received by previous deadline – 8.69 Post Hearing submissions - Written summary of Oral Case for the ISH on Living Conditions on 1 October 2019</p> | <p>4.6a</p> | <p><i>3.1.7 POR said that Catherine-de-Barnes Lane in front of his property is affected by more traffic than the Applicant has suggested, especially when there is significant traffic on the M42 which he estimated occurred once a week. NE said that the Applicant would check traffic data to confirm how often the M42 is at a standstill, and traffic diverted to Catherine-de-Barnes Lane. NE said that the scheme would provide extra capacity to Junction 6 of the M42 meaning that significant traffic would be less likely. It was one of the key purposes of the scheme to ease traffic in the area.</i></p> <p>Mr O'Reilly Comment:</p> <p>Photographs showing standing traffic on Catherine de Barnes Lane was included in my Deadline 6 Submission - 'Issue Specific Hearing on Living Conditions (1st October 2019)'.</p> |
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Applicant Response:

[None Provided]

POR Comments:

The 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.

See item 20 under '8.86 Actions Arising out of ISH on Living Conditions on 1 October 2019 for Deadline 7' in my Deadline 8 submission 'Response to Highways England Deadline 7 Documents 8.80, 8.83, 8.84, 8.86 & 8.89'.

Queuing traffic on Catherine de Barnes Lane is already a problem and will only get worse.

Highways England are under the illusion that queuing traffic on Catherine de Barnes Lane is a 'once yearly event'.

HE have modelled traffic flow in the area and the results are quite obviously incorrect.

- **The impact on my property has been largely downplayed and has not been properly assessed.**

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| <p>Mr O'Reilly</p> | <p>Deadline 7 submission – Comments on any additional information or submissions received by previous deadline – 8.73 Applicant's Responses to Actions in respect of ISH on Compulsory Acquisition on 20 August 2019</p> | <p>4.7</p> | <p>Action no.7: Four Winds, Catherine-de-Barnes Lane</p> <p><i>The Applicant is to consider by Deadline 6, options for landscaping and appropriately enclosing land to the front (east) and side (south) of the residential property known as Four Winds, and potential access issues arising from any proposed drainage features in this location. The response provided by Highways England does not correspond to the action requested by the ExA.]</i></p> <p>Mr O'Reilly Comment:</p> <p>The question I asked at the ISH held on Tuesday 20th August 2019 was with regard to the new boundary to my property and how the rear entrance to my property would be enclosed.</p> <p>I highlighted the fact that there had been no further consultation with Highways England and I was still waiting on Highways England to produce drawings showing the boundary treatment to my property.</p> <p>I understood these drawings would be produced for Deadline 6 but that has not happened.</p> |
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Applicant Response:

The Applicant has written to Mr O'Reilly setting out the parameters regarding ongoing discussions regarding boundary treatments. Mr O'Reilly has responded requesting further detail which the Applicant is unable to provide at this time as this information would be finalised in advance of the construction works surrounding his property. The Applicant will continue to liaise with Mr O'Reilly on this matter.

POR Comments:

See item 16 under 'Response to Action Points - Issue Specific Hearing 7 on the draft Development Consent Order – 23rd October 2019' in my Deadline 8 submission 'Response to Highways England Deadline 7 Documents 8.80, 8.83, 8.84, 8.86 & 8.89'.

- **The impact on my property has been largely downplayed, has not been properly assessed and the issue of mitigation measures remains outstanding.**

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| <p>Mr O'Reilly</p> | <p>Deadline 7 submission – Comments on any additional information or submissions received by previous deadline – 8.73 Applicant's Responses to Actions in respect of ISH on Compulsory</p> | <p>4.8</p> | <p>Mr O'Reilly Comment:</p> <p><i>HE document '4.1 Statement of Reasons' states that "It is the intention of the Applicant to submit further updates post-application, either when appropriate or as directed by the Examining Authority in the form of a Compulsory Acquisition Schedule". However, no updates appear to have been provided.</i></p> <p><i>Four Winds:</i></p> <ul style="list-style-type: none"> • <i>Highways England (HE) have provided a drawing but unfortunately it lacks sufficient detail for meaningful discussion.</i> |
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| | Acquisition on 20 August 2019 | | <ul style="list-style-type: none"> • <i>HE have committed to further discussions regarding the boundary works around my property but nothing has been scheduled.</i> • <i>Given it has now been confirmed that a number of issues will impact my property and will require professional advice – boundary changes, the Ad Medium Filum rule and compulsory purchase – I would ask that HE agree to cover the cost of a professional advisor.</i> <p>WGAA:</p> <ul style="list-style-type: none"> • <i>In its DCO application for the Scheme, Highways England (HE) seeks compulsory acquisition powers in respect of certain land interests.</i> • <i>The HE scheme will impact one of the pitches located in the north of the Warwickshire Gaelic Athletic Association (WGAA) site, may also impact the pitch located in the south of the site, will impact 39 parking spaces and will impact access to the clubhouse. As a consequence of this HE have proposed to reconfigure the WGAA site.</i> • <i>HE document ‘TR010027-000444-TR010027_M42J6_8.21_WGAA_Proposed_Reconfiguration’ includes a drawing (Figure 8.21) of the proposed reconfigured site and item 1.2.3 of that document confirms that the key elements of the proposed WGAA reconfiguration are as follows:</i> <ol style="list-style-type: none"> a. <i>a new access off Catherine-de-Barnes Lane and access track to the existing clubhouse and new car parking area;</i> b. <i>new car parking to the west and north of the clubhouse broadly equivalent in size to that which will be lost by the Scheme;</i> c. <i>two new, approximately north-south facing sports pitches (85m x 135m and 80m x135m respectively) with the third pitch retained;</i> d. <i>ball stop fencing; and</i> e. <i>relocation of the memorial</i> • <i>Item 1.2.3 a. specifically states the new access and access track are to the existing clubhouse and new car parking area only.</i> • <i>Item 1.2.3 b. specifically states new car parking equivalent in size to that which will be lost is to be provided to the west and north of the clubhouse only.</i> • <i>Item 1.2.3 c. specifically states two new pitches will be 85m x 135m and 80m x135m respectively.</i> • <i>Figure 8.21 specifically shows the size and position of the two new pitches on the reconfigured site.</i> • <i>The compulsory acquisition powers are therefore to be used for the specific purpose of facilitating the above works under the DCO.</i> • <i>That said, it is hard to conclude that HE can justify the acquisition of land outside the existing WGAA site to facilitate these works as there does not appear to be a compelling case in the public interest to do so, particularly as HE confirmed a number of relocation sites were offered to the WGAA and rejected out of hand.</i> |
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- *Furthermore, HE are unable to provide any reasonable justification for the use of compulsory acquisition powers to acquire land that currently provides income to a landowner in order to provide leisure facilities to a private members club, other than as a means to remove an objection to their proposed scheme.*
- *It is also difficult to understand how compulsory acquisition powers can be used to facilitate works that will have a detrimental impact on my property and are therefore in contravention of the right to peaceful enjoyment of possessions under The Human Rights Act.*
- *Should these works be taken out of the DCO and submitted under a separate planning application it is difficult to understand how, in that event, any compulsory acquisition powers in respect of the proposed reconfiguration of the WGAA site (under the DCO) can still apply.*
- *In the event that these works are taken out of the DCO and submitted under a separate planning application, one can only conclude that, given the difficulties in justifying the use of compulsory acquisition powers under the DCO, any land required could only be acquired through negotiation as compulsory acquisition powers could not be used.*

Applicant Response:

The Applicant has engaged with Mr O'Reilly about how his land and property is affected by the Scheme and does not consider that further updates to the Book of Reference [AS-006/Volume 4.3(rev 2)] and the Statement of Reasons [APP-018/Volume 4.1] are required in this respect.

The Applicant considers that the reconfiguration proposals for the WGAA contained within Volume 8.21 [REP2-019], represent the minimum land take required to adequately mitigate the effects of the Scheme on the WGAA facility. This land is therefore "required to facilitate" the DCO Scheme within the meaning of Section 122(2)(b) of the Planning Act 2008. The Applicant considers that there is a compelling case in the public interest for this land to be acquired given the strong protection that the National Policy Statement for National Networks provides to sports and recreational buildings and land.

The Applicant has attached the Document entitled 'Warwickshire Gaelic Athletic Associate [sic] Relocation Site Assessment Technical Note May 2018' (the Technical Note) as Appendix 1 to Volume 8.93. This document was originally produced in May 2018 as an internal Technical Note (which is why it retains the draft watermark) but contains options that were shared with the WGAA in Autumn 2018 for discussion. This document is unaltered since this time but contains redacted information where this is deemed sensitive for publication. This technical note shows the alternative locations and reconfiguration options that were considered.

POR Comments:

No response provided with regard to the cost of a professional advisor.

Highways England have not provided document 'Warwickshire Gaelic Athletic Associate [sic] Relocation Site Assessment Technical Note May 2018' (the Technical Note) as they failed to attach it to their Deadline 8 submission.

Given the failure to check the validity of cited material or their own calculations it has been apparent for quite some time that Highways England do not have a proper checking procedure in place.