



The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Reference: TR010027 – M42 J6 Improvement
Bickenhill & Marston Green Parish Council (BMGPC): Responses on The Examining Authority's (ExA) draft Development Consent Order (dDCO) commentary schedule of changes (issued 8th November 2019)

15th November 2019

Dear Sir / Madam,

Firstly, we would like to thank The Inspectors and their team for their engagement with the concerns raised by Bickenhill & Marston Green Parish Council during the process to date. This appreciated by the village. Having read the ExA's dDCO we are encouraged that the concerns we have raised are being treated seriously. Despite our continued opposition to the new road itself we believe that if the changes outlined in the schedule of changes are implemented this will significantly reduce the detrimental impact of the scheme on local residents and businesses in Bickenhill.

As requested by the ExA, our specific comments on the schedule of changes are as follows:

2: Art 20-Traffic regulation

Art 20(2)(b) provides wide powers to introduce parking restrictions for the purposes of this scheme, subject to the consent of the traffic authority. The Applicant is willing to use these powers to deter anti-social parking (including taxis) in the areas identified by local residents and parish councils, particularly in REP6-028 and REP6-040. It is agreed that details are to be devised, in consultation with Solihull Metropolitan Borough Council (SMBC), indicating how appropriate restrictions might be imposed while preventing, as far as possible, anti-social parking towards the centre of the village. The ExA welcome this approach and considers that the anti-social parking should be deterred. The Applicant should, as appropriate, either make changes to this article so that the traffic regulation powers are focussed enough to allow the imposition of restrictions to prevent anti- social parking, or amend R10 (traffic management) to achieve the same.

Response from BMGPC

BMGPC supports the strengthening of this article. The scheme will make the existing nuisance of anti social parking in the area worse. It is our request that the design of scheme should not allow space for taxis to park up, particularly at the identified hotspots and where the new road meets the old section in Bickenhill, and any road to access the attenuation tank. We would request that restrictions be put in place and enforced. In addition we are concerned that the north end of Church Lane, where new proposed footbridge across the A45 will be a potential risk spot for people looking to take the train/plane and avoid paying for on-site parking, and would request that restrictions are put in place.

7: R4 (working hours)

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 from BMGPC

BMGPC remains concerned about working hours commencing before 08:00. We are not experts in noise/annoyance science, so we will refer to the law of common sense, which leads us to request that if working hours are to start at 07:00, no activities taking place between the hours of 07:00 and 08:00 are heard by local residents and businesses. We would anticipate that this can be achieved by limiting annoying and disturbing activities, and having suitable mitigation. In this regard we hope that the ExA may be prepared to include a recommendation that SMBC should consult with all relevant IP’s in respect of the protocol which is to be devised for addressing the noise issues arising from the construction works between the hours of 7 and 8 a.m. and should take on board the points raised in that regard during this enquiry.

9: R4 (Compound management plan)

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 from BMGPC

BMGPC welcomes the location of the compound as described in Action No.4, of REP-015 (page 13). This would significantly reduce the disturbance of the compound from local residents and businesses. In addition to the suggested location, and controls highlighted in the Outline Compound Management Plan we would also request 1) visual and acoustic screening is installed along the length of the compound boundary on St Peter’s Lane and Church Lane sides, as high as required to attenuate visual and sound levels to an acceptable level to residents and businesses, and 2) single stacking of the compound to keep all facilities to one storey.

12 New R14 Configuration of the main site compound

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 from BMGPC

BMGPC welcomes this insertion. Securing an entrance and exit onto Catherine-de-Barnes Lane at the northern end of the compound is far more preferential than having any access or egress near St Peter's Lane. We do, however still have significant concerns about construction and other traffic turning left out of the compound past the village of Bickenhill. This will result in all compound traffic driving on the temporary Catherine De Barnes lane and directly past the corner of Mrs Burton's land and St Peter's Lane, further causing disturbance to local residents and businesses. In addition, we regularly have lorries coming into the village by mistake and blocking Church Lane and St Peters Lane, often for long periods of time whilst trying turn round. This is likely to get significantly worse if traffic is directed past the village. Current 'no through road' signage dissuading lost traffic is not fully effective so we are not convinced that the proposed signage to dissuade construction traffic will prevent this issue. Further to this we are unclear what will happen to compound traffic once the temporary Catherine de Barnes Lane is removed, the new dual carriageway is operation and works move to J6. In this regard we therefore ask that the final solution agreed ensures that any construction traffic coming past Bickenhill during any phase of the scheme is minimised.

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

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 from BMGPC

We agree with the comments made by the ExA

14: New R16 Relocation of the underground storage tank and access

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 from BMGPC

We agree with the comments made by the ExA

Finally, we have several remaining points to make in advance of the closing of the examination process:

Landscaping: We have requested the opportunity for the Parish Council to comment on the landscaping plan of the scheme in the vicinity of the village. We understand that the REAC will be updated at Deadline 9 to reflect such a commitment. Subject to this inclusion we have no further comments on this matter.

A45 footbridge: We request that the new footbridge crossing the A45 at the north end of Church Lane to allow direct passage to Birmingham International Station to aid walking and cycling, rather than the proposed circuitous route through Trinity Park is considered.

Local walking and cycling: We request a safer and shorter alternative walking and cycling route to the Airport and Birmingham International Station from St Peters Lane: the proposed route is significantly longer and more dangerous than at present and requires the crossing of several major roads.

On behalf of Bickenhill & Marston Green Parish Council

Yours sincerely,



Franciska Giles
Clerk to Bickenhill & Marston Green Parish Council