

**Response to Highways England Deadline 9 Documents 2.6(a), 2.8(a), 3.1(c), 4.1(a), 4.3(a), 8.94 & 8.98:**

**2.6(a) Traffic Regulation Measures Plans Part 2 Speed Limits**

*(TR010027-000877-TR010027\_M42J6\_2.6(a)\_Traffic\_Regulation\_Measures\_Plans\_Part\_2\_Speed\_Limits)*

**2.8(a) Engineering Drawings and Sections**

*(TR010027-000879-TR010027\_M42J6\_2.8(a)\_Engineering\_Drawings\_and\_Sections)*

**3.1(c) 4th Draft Development Consent Order**

*(TR010027-000855-TR010027\_M42J6\_3.1(c)\_Development\_Consent\_Order\_Tracked)*

**4.1(a) Statement of Reasons**

*(TR010027-000858-TR010027\_M42J6\_4.1(a)\_Statement\_of\_Reasons\_Clean)*

**4.3(a) Book of Reference**

*(TR010027-000860-TR010027\_M42J6\_4.3(a)\_Book\_of\_Reference\_Clean)*

**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)*

**8.98 Applicant's Comments on any Additional Information or Submissions Received by Deadline 8**

*(TR010027-000868-TR010027\_M42J6\_8.98\_Applicant's\_Comments\_on\_any\_Additional\_Information\_or\_Submissions\_Received\_at\_Deadline\_8)*

## **2.6(a) Traffic Regulation Measures Plans Part 2 Speed Limits**

*(TR010027-000877-TR010027\_M42J6\_2.6(a)\_Traffic\_Regulation\_Measures\_Plans\_Part\_2\_Speed\_Limits)*

**Traffic Regulation Measures Regulations 5(2)(o) Speed Limits Sheet 2 of 7**

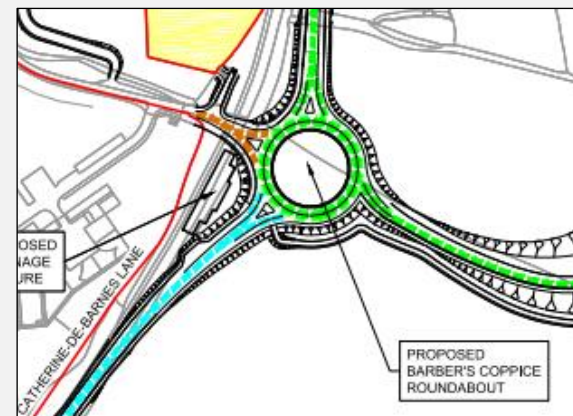
**30mph Speed Limit on Access Road off Proposed 'Barber's Coppice Roundabout'**

**POR Comments:**

The unclassified road off Barber's Coppice Roundabout is an access road to my property, Birmingham Dog's Home and Woodhouse Farm. The road currently has a speed limit of 10mph.

To reduce the risk of anti-social behaviour due to drivers rapidly accelerating on exiting Birmingham Dog's Home the speed limit of this access road should remain at 10mph and not increased to 30mph as shown on the drawing opposite.

I would be grateful if the speed limit was proposed to remain at 10mph on this access road.



LEGEND	
	LIMITS OF LAND TO BE ACQUIRED OR USED PERMANENTLY OR TEMPORARILY (THE ORDER LIMITS)
	LIMITS OF LAND TO BE ACQUIRED TEMPORARILY FOR SIGNAGE INSTALLATION
	LAND NOT INCLUDED WITHIN THE ORDER LIMITS
	PROPOSED 30mph SPEED LIMIT
	PROPOSED 40mph SPEED LIMIT
	PROPOSED 50mph SPEED LIMIT

## **2.8(a) Engineering Drawings and Sections**

*(TR010027-000879-TR010027\_M42J6\_2.8(a)\_Engineering\_Drawings\_and\_Sections)*

**Drainage Engineering Drawings Regulations 5(2)(o) Sheet 2 of 7**

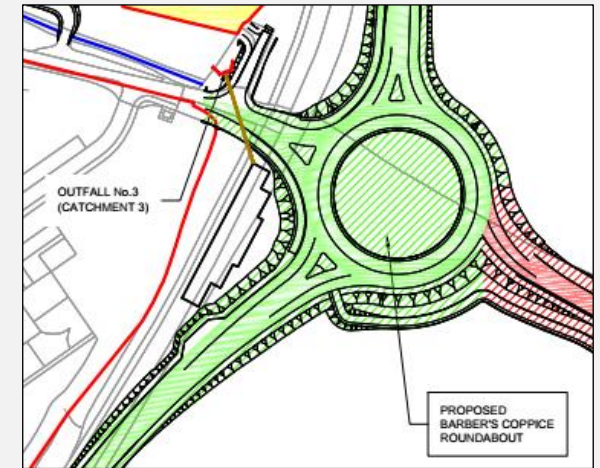
**Outfall No.3 (Catchment 3)**

**POR Comments:**

The proposed location of Outfall No.3 (Catchment 3) is shown on land that reverts to my ownership as a consequence of the Scheme and will therefore require rights of way are provided for maintenance.

It can easily be moved to a location that falls outside my new boundary and I understood that this had previously been agreed with Highways England.

I would be grateful if this outfall was moved to a new location outside my boundary.



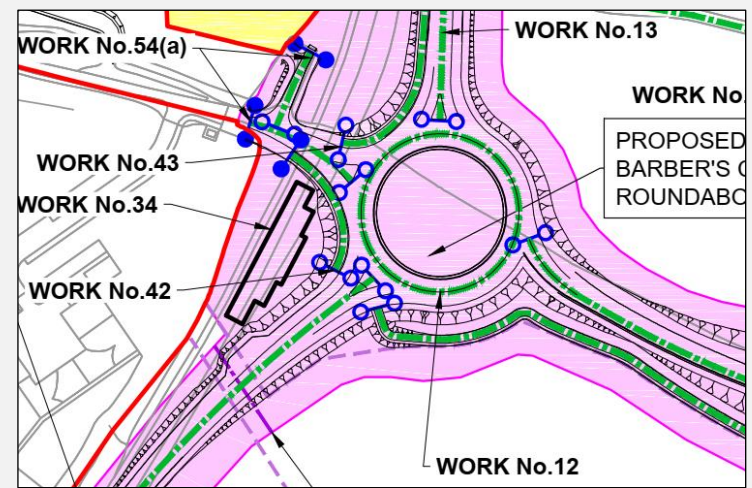
**3.1(c) 4th Draft Development Consent Order**

*(TR010027-000855-TR010027\_M42J6\_3.1(c)\_Development\_Consent\_Order\_Tracked)*

**SCHEDULE 1: AUTHORISED DEVELOPMENT**

**Work No. 54 – as shown on Sheet Nos. 2 and 3 of the works plans and being the construction of -  
(a) Private Means of Access to the property known as Four Winds and any associated tie in Works;**

**POR Comments:**  
 A new rear access is being provided to my property and sheet 2 of HE document 'TR010027-000873-TR010027\_M42J6\_2.3(a)\_Work\_Plans' indicates that work 54(a) relates to that.  
 It is assumed from discussions with Highways England that 'tie in works' will include new fencing to my boundary, new access gate, landscaping and planting but no detail has been provided.  
 Works are also required to my front entrance, which will include a new driveway, new fencing to my boundary, landscaping and planting, but these have not been included under work 54(a) or as a separate works item. Again, no detail has been provided.



**SCHEDULE 4: CLASSIFICATION OF ROADS, ETC.**

**PART 4: UNCLASSIFIED ROADS**

(1) Road	(2) Extent
Access to Birmingham Dog's Home, Four Winds and Solihull Music School off Barber's Coppice Roundabout	Between points 2/27 and 2/28 on Sheet 2 of the classification of road plans.

**POR Comments:**  
 This access is to Four Winds, Birmingham Dog's Home and Woodhouse Farm.  
 It does not provide access to Solihull Music School (which is accessed from Bickenhill Lane).

**PART 5: PRIVATE MEANS OF ACCESS TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED**

(1) Private means of access to be stopped up	(2) Extent of stopping up	(3) New private means of access to be substituted or provided

Private Means of Access (gate) off the existing B4438 Catherine-de-Barnes Lane providing access to the residential property 'Four Winds'.	Private Means of Access at point 3/1 to be stopped up shown on Sheet 3 of the Streets, Rights of Way and Access Plans.	Existing Private Means of Access to the residential property Four Winds to be re-provided at point 3/7 off Barber's Coppice Roundabout shown on Sheet 3 of the Streets, Rights of Way and Access Plans.
Private Means of Access to residential property 'Four Winds'.	Private Means of Access to be stopped up at point 2/13 on Sheet 2 of the Streets, Rights of Way and Access Plans.	To be re-provided off the Barber's Coppice roundabout at point 2/14 shown on Sheet 2 of Streets, Rights of Way and Access Plans.

**PART 7: ALTERATIONS TO PRIVATE MEANS OF ACCESS**

(1) Private means of access to be altered	(2) Extent of alteration
Private Means of Access (gate) off the existing B4438 Catherine-de-Barnes Lane providing access to the residential property 'Four Winds'.	Private Means of Access at point 3/58 to be stopped up shown on Sheet 3 of the Streets, Rights of Way and Access Plans.
Private Means of Access to residential property 'Four Winds'.	Private Means of Access to be stopped up at point 2/13 on Sheet 2 of the Streets, Rights of Way and Access Plans.

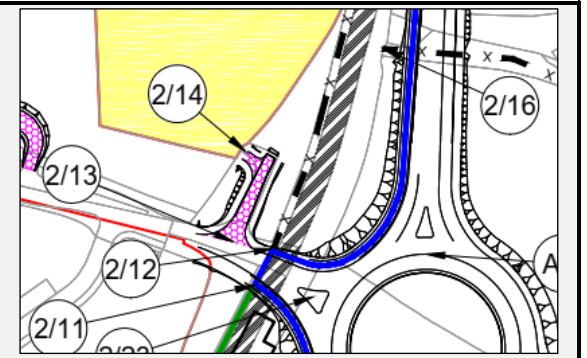
**POR Comments:**

As access to my property is being provided directly off Catherine de Barnes Lane, rather than access being via an access lane off an access lane, as shown on the original DCO application, Part 5 (above) of HE document 'TR010027-000855-TR010027\_M42J6\_3.1(c)\_Development\_Consent\_Order\_Tracked' confirms that these works have been removed from the DCO.

However, as a new rear access is being provided to my property one would expect this to be shown in Part 5 as it is a substitute for the stopped up private means of access. Instead it has been moved to Part 7 and is shown as being stopped up.

As the front access is being altered, one would expect this to be shown in Part 7 (above) of that document. Instead, Part 7 includes alterations to my front (3/58) and rear (2/13) access and indicates that both the front and the rear access points are to be stopped up.

Please note previous comments regarding 'Work No. 54(a)'.





#### **4.1(a) Statement of Reasons**

*(TR010027-000858-TR010027\_M42J6\_4.1(a)\_Statement\_of\_Reasons\_Clean)*

4.1(a) Statement of Reasons

Annex B Version 2 – November 2019					
Schedule of progress of negotiations with parties affected by compulsory purchase					
Land Interest Name / Organisation and Land Agents Name (if applicable):	Type of Interest:	Permanent / Temporary:	Plot(s):	Compulsory Acquisition (Y/N):	Status of negotiations with land interest:
Bernard Joseph O'Reilly	Part 1 (Category 1 – Owner)	(a) Permanent	1. 2/71 – Owner Subsoil 2. 3/3a - Owner Subsoil	1. (a) Y 2. (a) Y	<p>First consultation (CAT 1 &amp; 2, and CAT 3) sent 03/01/2018</p> <p>Second consultation (CAT 1 &amp; 2) sent 07/09/2018 S56 notice letter issued 12/02/2019</p> <p>Notice for proposed non-material design changes to the DCO sent 27/08/2019</p> <p>Negotiations being progressed by AECOM and HE, Lydia Barnstable has full details and information in relation to the extensive correspondence undertaken between the parties and as part of the Planning Inspection process.</p>
Philip Vincent O'Reilly	Part 1 (Category 1 – Owner)	(a) Permanent	1. 2/71 -Owner Subsoil 2. 3/3a - Owner Subsoil	1. (a) Y 2. (a) Y	<p>First consultation (CAT 1 &amp; 2, and CAT 3) sent 03/01/2018</p> <p>Second consultation (CAT 1 &amp; 2) sent 07/09/2018 S56 notice letter issued 12/02/2019</p> <p>Meeting on 21/09/18 to discuss Mr O'Reilly's concerns and alternative access arrangements were discussed.</p> <p>Meeting on 25/01/19 to discuss the proposals for options being discussed with the WGAA, an update on the DCO application submission and other scheme matters.</p> <p>Meeting on 01/03/19. There were discussions regarding the rear access to Four Winds.</p> <p>Meeting on 28/03/19. There was a discussion regarding the suggested design amendments at Four Winds.</p> <p>Meeting on 16/07/19. This was a joint meeting with the WGAA</p>

					<p>Notice for proposed non-material design changes to the DCO sent 27/08/2019</p> <p>Negotiations being progressed by AECOM and HE, Lydia Barnstable has full details and information in relation to the extensive correspondence undertaken between the parties and as part of the Planning Inspection process.</p>
Mary Brigid O'Reilly	Part 1 (Category 1 – Owner)	(a) Permanent	<p>1. 2/71 – Owner Subsoil</p> <p>2. 3/3a - Owner Subsoil</p>	<p>1. (a) Y</p> <p>2. (a) Y</p>	<p>First consultation (CAT 1 &amp; 2, and CAT 3) sent 03/01/2018</p> <p>Second consultation (CAT 1 &amp; 2) sent 07/09/2018</p> <p>S56 notice letter issued 12/02/2019</p> <p>Notice for proposed non-material design changes to the DCO sent 27/08/2019</p> <p>Negotiations being progressed by AECOM and HE, Lydia Barnstable has full details and information in relation to the extensive correspondence undertaken between the parties and as part of the Planning Inspection process.</p>

**POR COMMENTS:**

**PLEASE NOTE, THIS TABLE INCLUDES ENTRIES FOR MY PARENTS, BUT ALTHOUGH THEY HAVE RECEIVED LETTERS FROM HIGHWAYS ENGLAND / AECOM / ARDENT, THEY HAVE NOT HAD ANY NEGOTIATIONS OR ATTENDED ANY MEETINGS WITH ANY PARTY. IT SHOULD BE MADE CLEAR IN THE TABLE THAT THIS IS THE CASE.**

The title of this table is 'Schedule of progress of negotiations with parties affected by compulsory purchase', so my inclusion is somewhat surprising given the fact I have had no negotiations with Highways England.

The heading of the last column is 'Status of negotiations with land interest'. Again, I can confirm I have had no negotiations with Highways England. Although there have been meetings with Highways England, they have maintained from day one that none of my property was affected by compulsory purchase and therefore I have no idea what is being referred to by the statement that negotiations are "being progressed by AECOM and HE".

On numerous occasions I have asked Highways England to cover the cost for the provision of professional advice and Jonathan Pizzey repeatedly told me that as I was not affected by compulsory purchase, and was simply an objector to the Scheme, Highways England would not cover the cost of any professional advice.

My Deadline 2 submission 'Record of engagement with HE and AECOM (12th December 2017 - 6th June 2019) details the record of discussions and correspondence with Jonathan Pizzey (Highways England) and Lydia Barnstable (AECOM) and confirms there have been no negotiations, no discussions regarding compulsory purchase and indeed HE and Ardent have both confirmed that I was not affected by compulsory purchase:

Email to Lydia Barnstable and Jonathan Pizzey dated 1<sup>st</sup> February 2018:

*"We have today received further copies of the letter from Ardent requesting ownership details of our property.*

*As we have already provided these details in response to the Ardent letter received in December 2017 can you please advise on why we are being asked to provide the same details again?"*

Carl Weaver (Ardent) provided the following response dated 16<sup>th</sup> February 2018:

*"The reason an additional RFI was sent to you is because we need to ascertain whether there are any additional interests in your land/property that could be entitled to a Part 1 claim, but is not subject to any potential land take. Part 1 claims can be as a result of physical impacts of a scheme, such as increased noise, reduction in air quality etc. If there are no further interests in your land/property then there is no requirement for you to return the second RFI to us."*

Email to Jonathan Pizzey dated 13<sup>th</sup> February 2019:

*"As discussed with you, when we met at the Statutory Public Consultation in January 2018, we would also like to get professional advice regarding the impact of the scheme as well as the DCO Representations. We would ask that the associated cost is borne by the scheme, as despite the fact our land is not being taken the impact of the Warwickshire GAA / Páirc na hÉireann relocation, and the scheme in general, will affect us quite considerably. We are conscious of the limited timeframe for DCO Representations to be submitted and thus would be grateful if you could please confirm agreement to this undertaking within the next 7 days."*

Response from Jonathan Pizzey dated 19<sup>th</sup> February 2019:

*"HE does not pay professional fees to support objections to our applications, from any stakeholder. If an objection is successful and impacts the scheme; then we would may reimburse their reasonable costs in making the objection".*

At the meeting with HE on 1<sup>st</sup> March 2019 I again asked HE to cover the costs for professional advice and was instead advised to contact the RTPi Planning Aid service for free advice. When I informed Lydia Barnstable on 3<sup>rd</sup> April 2019 that the RTPi no longer provided a telephone service she sent me an email later that day advising the following:

*"With regards to your request for some financial support from Highways England towards your reasonable legal / lands advice. This was an action for Jonathan to check and I will leave him to respond to you directly with the decision."*

The minutes from the meeting with HE on 28<sup>th</sup> March 2019 state the following:

*"POR noted that, whilst Highways England does not have to acquire land from Four Winds, he and his family are badly affected by the scheme and should be eligible for financial support from Highways England to engage a legal or lands advisor. This impact is getting progressively worse as the legacy scheme is evolving."*

*In response, Jonathan Pizzey "offered to seek advice as to whether some payment for an advisor could be facilitated, albeit Highways England is not under any obligation."*

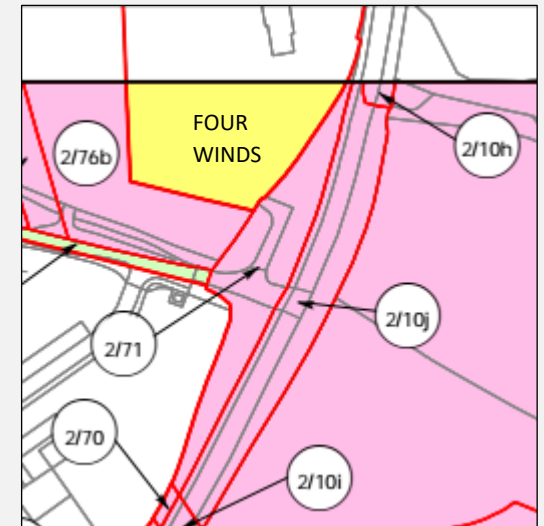
The Highways England Booklet 'Your Property and Compulsory Purchase' states that HE "will also pay reasonable fees for your chartered surveyor, estate agent or other valuer to prepare and negotiate your compensation claim". HE are obviously aware that my property is affected by compulsory purchase so why have they maintained that I am 'just an objector' and not eligible to have reasonable professional fees paid?

Given the above, are HE now prepared to cover the cost f

Also, please note I have had no meetings or discussions with the District Valuer, which would typically be expected if negotiations had commenced / were ongoing.

With regard to the plots identified in the table:

- HE have confirmed that we own the subsoil rights to plots 2/71 and 3/3a, but we believe we also own the subsoil rights to plot 2/10h and plot 2/10j which runs in front of my property as shown on the drawing opposite:
- Plot 2/76b includes a strip of land around my boundary which we have occupied and exclusively used for 20+ years and indeed the area is fully enclosed by the fencing we erected. HE have been made aware of the facts but this has not been included in any of their documentation.
- Also note, the road in front of my property before the construction of Catherine de Barnes Lane was Bickenhill Lane, which was then stopped up. Land should then have reverted to my ownership under the Ad Medium Filum rule rather than ownership being classed as Unregistered / Unknown.



### **4.3(a) Book of Reference**

*(TR010027-000860-TR010027\_M42J6\_4.3(a)\_Book\_of\_Reference\_Clean)*

4. BOOK OF REFERENCE – PARTS 1 TO 5							
Land Plans Sheet No.	Plot Ref	Description of Land	Extent of acquisition or use	Category 1	Category 2		
				Owners	Lessees or Tenants	Occupiers	Occupiers
2	2/10h	approximately 86 square metres of public highway and verge (Catherine-de-Barnes Lane, B4438) WM947456 – Freehold	Land to be acquired permanently	Solihull Metropolitan Borough Council Council House Manor Square Solihull B91 3QB	-	Solihull Metropolitan Borough Council Council House Manor Square Solihull B91 3QB (as highway authority)	
2	2/10j	approximately 2530 square metres of public highway, public right of way – M122, verges and underground electricity cables (Catherine-de-Barnes Lane, B4438); north east of Birmingham Dogs Home WM947456 – Freehold Unregistered (Part)	Land to be acquired permanently	Solihull Metropolitan Borough Council Council House Manor Square Solihull B91 3QB  Susan Barbara Christie Lady Gooch The Estate and Farms Office Hall Farm Benacre Beccles NR34 7LJ (as trustee of The Grandchildren's Fund of Sir Timothy Gooch's Will Trust in respect of subsoil as presumed landowner to centreline of highway)  Lucinda Hutson MVO The Estate and Farms Office Hall Farm	-	Solihull Metropolitan Borough Council Council House Manor Square Solihull B91 3QB (as highway authority)  Zayo Group UK Limited 100 New Bridge Street London England EC4V 6JA (Co. Reg. 03726666) (in respect of telecommunications apparatus)  Western Power Distribution (West Midlands) Plc Avonbank Feeder Road Bristol	

				<p>Benacre Beccles NR34 7LJ (as trustee of The Grandchildren's Fund of Sir Timothy Gooch's Will Trust in respect of subsoil as presumed landowner to centreline of highway)</p> <p>Victoria Vere Nicoll The Estate and Farms Office Hall Farm Benacre Beccles NR34 7LJ (as trustee of The Grandchildren's Fund of Sir Timothy Gooch's Will Trust in respect of subsoil as presumed landowner to centreline of highway)</p>		<p>BS2 OTB (Co. Reg. 03600574) (in respect of underground electricity cables and associated apparatus)</p>	
--	--	--	--	--	--	--	--

**POR COMMENTS:**

We believe we also own the subsoil rights to plot 2/10h and plot 2/10j which runs in front of my property as shown previously.

2	2/76b	approximately 2502 square metres of access track, grassland, underground electricity cables, trees and shrubbery; west of Catherine-de-Barnes Lane, B4438 and north of Birmingham Dogs Home WM878505 – Freehold	Land to be acquired permanently	<p>Geoffrey Hugh Cattell Woodhouse Farm Catherine-de-Barnes Lane Solihull B92 0DJ</p>	-	<p>Geoffrey Hugh Cattell Woodhouse Farm Catherine-de-Barnes Lane Solihull B92 0DJ</p> <p>Western Power Distribution (West Midlands) Plc Avonbank Feeder Road Bristol BS2 OTB (Co. Reg. 03600574) (in respect of underground electricity cables and associated apparatus)</p>	<p>Birmingham Airport Limited Diamond House Birmingham Airport Birmingham West Midlands B26 3QJ (Co. Reg. 02078273) (in respect of deed of grant of Easement dated 23 March 2015 on title WM878505)</p> <p>Charles Heneage Finch Knightley The Earl of Aylesford</p>
---	-------	---	---------------------------------	---	---	--	--



								Packington Hall Packington Park Meriden Coventry CV7 7HF (in respect of conveyance dated 29 September 1980 on title WM878505)
--	--	--	--	--	--	--	--	--

**POR COMMENTS:**  
 Plot 2/76b includes a strip of land around my boundary which we have occupied and exclusively used for 20+ years and indeed the area is fully enclosed by the fencing we erected. HE have been made aware of the facts but this has not been included in any of their documentation.

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

*(TR010027-000865-TR010027\_M42J6\_8.94\_Actions\_Arising\_out\_of\_ISH\_on\_dDCO\_4\_on\_23\_Oct\_for\_Deadline\_8\_clean)*

2 The Applicant's Responses to Actions Arising from ISH on dDCO		
ExA Ref No	Party	Action/Response
18	The Applicant	<p><b>Action:</b> 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><b>The Applicant Response:</b></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:**

Please refer to my comments on page 4 of document '*Response to Highways England Deadline 8 Documents 8.93, 8.94 & 8.95*' which I submitted at deadline 9.

**8.98 Applicant's Comments on any Additional Information or Submissions Received by Deadline 8**  
*(TR010027-000868-TR010027\_M42J6\_8.98\_Applicant's\_Comments\_on\_any\_Additional\_Information\_  
or\_Submissions\_Received\_at\_Deadline\_8)*

Table 1-1 Applicant's comments			
Submitted by	Title	Comments	
Philip O'Reilly	Response to Highways England Deadline 7 Documents 8.80, 8.83, 8.84, 8.86 & 8.89	Doc 8.84 – 2.2.22 Taxi Parking	<p><b>Philip O'Reilly comment:</b> Response provided in separate Deadline 8 document. See item 16 under 'Response to Action Points - Issue Specific Hearing 7 on the draft Development Consent Order – 23rd October 2019' Suffice to say, and despite this assurance from Highways England, information "setting out the parameters of potential landscaping and treatment around my property to mitigate the effect of taxi parking" was not provided in the Highways England letter I received on 25th October 2019.</p>
			<p><b>The Applicant comment:</b> The Letter to Mr O'Reilly dated 25th October 2019 states: <i>"I would like to provide you with the following assurances:</i> 1) Subject to the need to obtain any necessary approvals from Solihull Metropolitan Borough Council (SMBC), these approvals being forthcoming and any conditions attached to that approval, <b>an appropriate gate and fencing will be provided</b> to the existing access to Four Winds off Woodhouse Lane. 2) In advance of the completion of any works needed to return land that will be subject to the Ad Medium Filum rule, the Principal Contactor will liaise with you and your parents as the registered owners of Four Winds to agree the provision of appropriate fencing or boundary treatment for this land."</p>
<p><b>POR Comments:</b> It is assumed from discussions with Highways England that works to my rear entrance will include new fencing to my boundary, new access gate, landscaping and planting but no detail has been provided. Works are also required to my front entrance, which will include a new driveway, new fencing to my boundary, landscaping and planting, but again, no detail has been provided. Highways England have not confirmed the position of the new boundary to my property. Highways England have referred to taxi parking in Bickenhill but have made no reference to taxi parking near my property. Given the above it is clear that Highways England have failed to set out the parameters, as they were instructed to do and as I requested on 23<sup>rd</sup> October 2019 despite their assurances. Please also note that Jonathan Pizey gave repeated assurances during the consultation period and they have proven to be worthless.</p>			
Philip O'Reilly	Response to Highways England Deadline 7 Documents 8.80, 8.83, 8.84, 8.86 & 8.89	Doc 8.84 – 2.5.7	<p><b>Philip O'Reilly comment:</b> Nick Evans (NE) of BDB Pitmans confirmed at the hearing that Highways England had only factored in a once yearly occurrence of standing traffic on Catherine de Barnes Lane, whereas the reality is it is at least a once weekly occurrence and sometimes will occur two or three times a week.</p>
			<p><b>The Applicant comment:</b> As Paragraph 2.5.7 of the Applicants written Submission of Oral Case for ISH on dDCO on 23 October 2019</p>

			makes clear, the Applicant considers that most of the standstill traffic is caused by congestion on local roads not by issues on the M42. The reference to one occurrence per year was given in the context of the M42. <b>[Rep 7-009/Vol 8.84]</b>
--	--	--	---

**POR Comments:**

Highways England have again failed to provide an answer to the concern I have raised and instead chooses to ignore the issue completely.

It would appear that the traffic assessment carried out by Highways England is seriously flawed.

The M42 is at a standstill during the evening rush hour on most days of the week.

If HE are really suggesting that “one occurrence per year was given in the context of the M42” then a) one can only conclude that there are major errors in their data and their traffic flow assessments must be disregarded and b) it adds further proof that their Scheme will do nothing to reduce southbound traffic on Catherine de Barnes Lane, as I have previously stated.

	<b>Response to Highways England Deadline 7 Documents 8.80, 8.83, 8.84, 8.86 &amp; 8.89</b>	<b>Doc 8.86 – ExA ref 20</b>	<p>Philip O’Reilly comment:</p> <p>Highway England refer to document Transport Assessment Report [APP-174/Volume 7.2] and suggest the annual average daily Traffic Flow southbound to Catherine-de-Barnes Lane shall be 8,532 under the do minimum scenario compared to 8,348 under the do something scenario. This is totally incorrect and misleading.</p> <p>The actual 2041 Traffic Flows in front of my property are 9077 under the do minimum scenario compared to 12156 under the do something scenario as stated in Figure 7.3 and Figure 7.4 of Highways England document ‘TR010027-000262-TR010027_M42J6_7-2_Transport_Assessment_Report’. That amounts to a difference between do minimum and do something of almost 34 per cent based on year 2041 only. It is an increase in Traffic Flow of 3079.</p> <p>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.</p> <p>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:</p> <p>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.</p> <p>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.</p>
--	--	------------------------------	--

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

The forecast Traffic Flows are shown in the following diagrams:

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

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

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

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

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

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

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

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

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



**Figure 7.2 - Do-Something 2021 – 2041**

Year	(A) Diverge Slip from proposed Mainline link to Bickenhill Roundabout		(B) Southbound Realigned Catherine de Barnes Lane from Bickenhill Roundabout to Barber's Coppice Roundabout		(C) Southbound Realigned Catherine de Barnes Lane from Barber's Coppice Roundabout to Hampton Lane Roundabout	
	2021	2041	2021	2041	2021	2041
AM	643	819	563	583	358	268
IP	473	632	496	657	372	406
PM	1396	1607	1315	1418	1149	1165

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

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

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

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

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

Year	Section of Road					
	(A) Northbound Realigned Catherine de Barnes Lane from Hampton Lane Roundabout to Barber's Coppice Roundabout	(B) Southbound Realigned Catherine de Barnes Lane from Bickenhill Roundabout to Barber's Coppice Roundabout	(C) Northbound Realigned Catherine de Barnes Lane from Barber's Coppice Roundabout to Bickenhill Roundabout	(D) Southbound Realigned Catherine de Barnes Lane from Barber's Coppice Roundabout to Hampton Lane Roundabout	(E) (Northbound) Merge Slip from Barber's Coppice Roundabout to proposed Mainline link	(F) (Southbound) Diverge Slip from proposed Mainline link to Bickenhill Roundabout
2016	6475	7447	6241	7164	N/A	N/A
2021	8787	10509	719	7999	10021	10668
2041	11829	12156	793	8348	13886	13362

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

**Comments on Southbound Traffic Flow (from Figure 7.4):**

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

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

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

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

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

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

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

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

**Comments on Northbound Traffic Flow (from Figure 7.4):**

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

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

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

			<ul style="list-style-type: none"> <li>- Continue on the Mainline Link road to the Clock Interchange</li> </ul> <p>However, a small number of vehicles will be accessing Bickenhill.</p> <p>The journey from Barber’s Coppice Roundabout to Bickenhill Roundabout (and onto Bickenhill) will be as follows:</p> <ul style="list-style-type: none"> <li>- Exit Barber’s Coppice Roundabout onto the Realigned Catherine de Barnes Lane and continue to Bickenhill Roundabout</li> <li>- Exit Bickenhill Roundabout onto the Realigned Catherine de Barnes Lane and continue to Bickenhill</li> </ul> <p>The majority of vehicles that exit Hampton Lane Roundabout onto the Realigned Catherine de Barnes Lane will be accessing the Mainline Link road via the Merge Slip off Barber’s Coppice Roundabout, and the relevant Traffic Flows are section (A) and section (E). However, some vehicles will exit Barber’s Coppice Roundabout onto the Realigned Catherine de Barnes Lane and continue onto Bickenhill Roundabout to access Bickenhill. The relevant Traffic Flow for this is section (C).</p> <p>Highways England state that in 2041 the daily Traffic Flow from Hampton Lane Roundabout to Barber’s Coppice Roundabout (step 1 above) will be 11829 (section (A)). The Traffic Flow from Barber’s Coppice Roundabout onto the Merge Slip to the proposed Mainline Link road (step 2 above) is stated as 13886 (section (E)), a difference of -2057.</p> <p>Some of the vehicles that exit Hampton Lane Roundabout and travel onto Barber’s Coppice Roundabout will continue northbound to Bickenhill Roundabout and for this the Traffic Flow is 793 (section (C)). As such, the difference between the Traffic Flow from Barber’s Coppice Roundabout onto the Merge Slip to the proposed Mainline Link road is <math>((11829 - 793) - 13866) = -2830</math>.</p> <p>However, the Southbound Traffic Flow calculation confirmed the Traffic Flow onto the Merge Slip to the proposed Mainline Link road is 3808.</p> <p>The difference between the two figures is <math>(3808 - 2830) = 978</math>.</p> <p>Are we to assume that on a daily basis 978 vehicles will vanish when they get to Barber’s Coppice Roundabout?</p>
--	--	--	--

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

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

- Unfortunately Figure 7.5 omits the works between Clock Interchange and Hampton Lane Roundabout but does include Junction 5a
- In 2021, during AM hours, 664 more vehicles will exit Clock Interchange traveling south and 655 of these vehicles will continue onto the Mainline Link road. It appears there will only be an increase of 9 vehicles using the Realigned Catherine de Barnes Lane in 2021 during AM hours
- In 2021, during PM hours, 634 more vehicles will exit Clock Interchange traveling south but 664 vehicles will continue onto the Mainline Link road. Where have the extra 30 vehicles come from?
- In 2041, during AM hours, 1315 more vehicles will exit Clock Interchange traveling south and 1010 of these vehicles will continue onto the Mainline Link road. It appears there will be an increase of 305 vehicles using the Realigned Catherine de Barnes Lane in 2041 during AM hours
- In 2041, during IP hours, 879 more vehicles will exit Clock Interchange traveling south and 878 of these vehicles will continue onto the Mainline Link road. It appears there will only be an increase of 1 vehicle using the Realigned Catherine de Barnes Lane in 2041 during IP hours
- In 2041, during PM hours, 730 more vehicles will exit Clock Interchange traveling south and 512 of these vehicles will continue onto the Mainline Link road. It appears there will be an increase of 218 vehicles using the Realigned Catherine de Barnes Lane in 2041 during PM hours.

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

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

			<ul style="list-style-type: none"> <li>- Unfortunately Figure 7.6 omits the works between Clock Interchange and Hampton Lane Roundabout but does include Junction 5a</li> <li>- In 2021, 7957 more vehicles will exit Clock Interchange traveling south and 7991 of these vehicles will continue onto the Mainline Link road. Where have the extra 34 vehicles come from?</li> <li>- In 2041, 12953 more vehicles will exit Clock Interchange traveling south and 11275 of these vehicles will continue onto the Mainline Link road. It appears there will be an increase of 1678 vehicles using the Realigned Catherine de Barnes Lane in 2041</li> </ul> <p>Given the above it is difficult to conclude that Highways England are correct when stating the annual average daily Traffic Flow southbound to Catherine-de-Barnes Lane shall be 8,532 under the do minimum scenario compared to 8,348 under the do something scenario.</p> <p>In fact, it is glaringly obvious that they have simply cherry-picked data in an attempt to justify their argument. It also appears that their Traffic Flow data is seriously flawed.</p> <p>As HE have used this flawed Traffic Flow data in their air quality assessment document '<i>TR010027-000139-TR010027_M42J6_6-1_Environmental_Statement_Chapter_6</i>' and noise assessment document '<i>TR010027-000145-TR010027_M42J6_6-1_Environmental_Statement_Chapter_12</i>' one must assume that these documents are not a true reflection of the impact of the scheme and they must be updated accordingly before any decision is made by the ExA.</p>
			<p><b>The Applicant comment:</b></p> <p>The Applicant's response to Action point 20 within Volume 8.86 [REP7-011/Volume 8.86] referred to southbound traffic along Catherine-de-Barnes Lane where it reaches Catherine-de-Barnes roundabout, not where it will reach the new Barber's Coppice roundabout. This is because the Applicant is of the view that this is the area currently most susceptible to the congestion described by Mr O'Reilly.</p> <p>Mr O'Reilly's subsequent comments largely relate to the traffic flow numbers not 'adding up' between road sections within the Transport Assessment Report (TAR) [APP-174/Volume 7.2]. The comments also question the validity of the traffic flow data which has been used to inform the air quality and noise assessments.</p> <p>The Applicant can confirm that the traffic flows presented in Figures 7.1 to 7.6 of the TAR provide a summary of the forecast flows produced by the M42 Junction 6 Local Area Model (LAM). As the figures referred to by Mr O'Reilly are summary figures, these do not provide flow information for every road section which is why the totals do not add up and are not meant to. The Applicant's selection of links was made to simplify the presentation of the flows while allowing some comparisons to be made between forecast years and scenarios. The full information is contained in the LAM and informed both the traffic and environmental assessment, including the assessments of air quality and noise.</p>

**POR Comments:**

Considering it took 16 weeks for HE to realise they had actually made a mistake with regard to lighting ‘Barber’s Coppice Roundabout’ it was probably asking a bit much to expect the penny to drop in a shorter timeframe.

In simple terms:

The question is: How many cars arrive at the southern extent of road 66?

10 cars drive south on road 66 off which there are only two car parks (A & B).

There are no roads or premises off the road.

2 cars turn into car park A and park.

3 cars turn into car park B and park.

No cars leave either car park.

Most people would reasonably assume that 5 cars will then arrive at the southern extent of road 66.

However, if we use HE logic, the answer might be 3 cars or the answer might be 12 cars.

Cars do not magically materialise or magically disappear.

The HE data is quite simply wrong.

	<p><b>Response to action points: ISH 7 on the draft Development Consent Order – 23rd October 2019</b></p>	<p><b>16</b></p>	<p><b>POR Comments:</b></p> <p>I can confirm a letter from Chris Harris (Highways England) was attached to an email received from Lydia Barnstable (AECOM) on 25<sup>th</sup> October 2019 and marked ‘Private and Confidential’. However, it does not address the concerns I have raised. In short:</p> <ul style="list-style-type: none"><li>- The letter advises that I should engage a professional advisor but does not confirm that Highways England will meet the cost.</li><li>- The letter confirms that works will be undertaken but does not provide any information or plan showing the extent of those works.</li><li>- It is disappointing to say the least that Highways England are still unable to confirm how my property is affected by their scheme.</li><li>- The letter does not confirm how the main access and the rear access to my property will be treated.</li><li>- Instead of agreeing any fencing or boundary treatment to my property directly with Highways England it will need to be agreed with the Principal Contractor.</li><li>- Although the works in front of my property have not changed a great deal since January 2018 Highways England have still not completed the Land Registry checks (but advise that they will be completed by 2<sup>nd</sup> November 2019) and therefore cannot confirm what land will revert to my ownership under the ad medium filum rule. No information has been provided prior to Deadline 8.</li></ul>
--	---	------------------	--

- |  |  |  |  |
|--|--|--|--|
|  |  |  | <ul style="list-style-type: none"> <li>- I would prefer to have control, and therefore ownership, of as much of the land outside the current boundary to my property up to the realigned Catherine de Barnes Lane to ensure it is properly maintained.</li> <li>- Highways England are proposing to use a CPO to take land that reverts to my ownership under the ad medium filum rule without any discussion or agreement.</li> <li>- Highways England are continuing to apply a broad-brush approach to remedy the concerns of those affected by their scheme rather than addressing individual needs.</li> <li>- The letter does not confirm the extent of any hedging or fencing to my new boundary.</li> <li>- My property is a residential property and therefore the hedge planting should be suitable for a residential property rather than what one would expect to find around a field.</li> <li>- Planting to my boundary is proposed to be native hedge planting which does not appear to include any evergreen content. It is difficult to see how it will provide year-round visual screening to my property.</li> <li>- Hedge planting to the boundary of my property should provide immediate visual screening using established, mature plants. Any proposal to use 1m high plants that will take 5+ years to produce a sparse 2m hedge must be dismissed.</li> <li>- The letter advises that more details on potential species for hedges are given in table 6.7 of the Outline Biodiversity Management Plan, submitted to the Examination at Deadline 7. Table 6.7 does provide details of native hedge planting but does not contain any information on 'domestic' hedging.</li> <li>- Item 3.3.15 of HE document 'Outline Biodiversity Management Plan' states that "Woodland, woodland edge, individual and grouped trees, scrub and shrubs will be established by the PC across the Scheme for the purposes of landscape integration, visual screening and as mitigation / compensation for habitats and vegetation lost". If that is the objective then hopefully they will advise on how a seasonal hedge will provide year-round visual screening to my property.</li> <li>- The letter does not contain any information on what visual screening will be provided between my property and the Mainline Link road / Slip Road from Barber's Coppice.</li> <li>- Any fencing or boundary treatment to my property will be behind an area of 'environmental mitigation' but no details on what that means or the extent of the planting have been provided.</li> <li>- If the 'environmental mitigation' outside my property consists solely of native hedge planting it will provide seasonal cover only.</li> <li>- The land between the centre line of the existing Catherine de Barnes Lane (which I assume will be my new boundary under ad medium filum) and the realigned Catherine de Barnes Lane will be 25m wide but Highways England are unable to confirm if it will all be planted out. Needless to say, leaving large areas of grass verge is not an ideal solution in this location.</li> <li>- Proposed boundary treatments do not include any options for noise mitigation, particularly around the proposed 'Barber's Coppice Roundabout'.</li> <li>- No details on fencing specification such as dimensions, material, finish, etc. have been provided. One would expect the specification to provide a minimum lifespan of 30 years, not require painting (other</li> </ul> |
|--|--|--|--|



			<p>than preservative treatment) and given our existing timber fencing is Oak any new fencing should ideally match.</p> <p>I would also add that on 29<sup>th</sup> October 2019 I suggested a meeting was arranged at the earliest possible convenience to move matters forward. Highways England have yet to respond.</p> <p>Hampton in Arden Parish Council also sent a request on 21<sup>st</sup> October 2019 for a meeting to be arranged. Highways England have yet to respond.</p> <p>Note: Item 2.2.22 of HE Document ‘8.84 Written Submission of Oral Case for ISH on dDCO on 23 October 2019’ states the following:</p> <p><i>“PO’R discussed his concerns regarding the impact of taxi parking at his property and requested further information about the measures the Applicant could take to mitigate the effect of this. NE noted that the detail of measures could not be given at this stage. However, the Applicant would provide PO’R with a letter setting out the parameters of potential landscaping and treatment around PO’R’s property to help address his concerns”.</i></p> <p>As can be seen above, and despite this assurance from Highways England, information “setting out the parameters of potential landscaping and treatment around “my property to mitigate the effect of taxi parking” was not provided in the letter I received on 25<sup>th</sup> October 2019.</p>
			<p><b>The Applicant comment:</b></p> <p>The Ad Medium Filum rule relies on historic land ownership, which is complex. Given the level of design undertaken, the Applicant has given Mr O’Reilly as much information as is available at this stage. As explained to Mr O’Reilly in the 25 October letter if further information comes to light that requires a change to the land ownership plan previously provided to him the Applicant will advise him as soon as practicable.</p> <p>The 25 October letter also confirmed the parameters, in the absence of a detailed design, that the Applicant’s Principal Contractor would be complying with in relation to boundary hedges, boundary fencing and access gates. As the 25 October letter states, these will all be based on the Manual of Contract Documents for Highway Works (MCHW).</p>

**POR Comments:**

HE have known from the outset that their Scheme involved the realignment of Catherine de Barnes Lane which would require the stopping up of the existing road.

The public consultation began almost three years ago.

It would be wholly reasonable to expect HE to have worked out the land ownership plan in that time, and the consequences of the Ad Medium Filum, but for whatever reason they have failed to do so.

It is almost three years since I attended the first consultation event and yet I still do not know how my property is affected by this Scheme.

It is assumed from discussions with Highways England that works to my rear entrance will include new fencing to my boundary, new access gate, landscaping and planting but no detail has been provided.

Works are also required to my front entrance, which will include a new driveway, new fencing to my boundary, landscaping and planting, but again, no detail has been provided.

Highways England have not confirmed the position of the new boundary to my property.

Given the above it is clear that Highways England have failed to set out the parameters, as they were instructed to do and as I requested on 23rd October 2019 despite their assurances.