

Our Reference: **SHARE/ 76010428**
Your Reference: West Midlands Interchange

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Via Email:

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Dear Sirs

WEST MIDLANDS INTERCHANGE DCO - DEADLINE NO. 8 SUBMISSION

This is Highways England's Deadline 8 submission. It confirms matters that remain outstanding between the applicant and ourselves.

Rail Requirement 4 (RR4)

It remains important to note from the outset that Highways England's sole concern in this regard relates to the potential impacts of the development on the SRN should more than 186,000 sq. m of warehousing be in use without an operational rail terminal. Highways England's interest in this application is not whether or not the rail terminal is provided but rather whether the development's impacts on the SRN are adequately mitigated. The revised dDCO wording promoted by the applicant at Deadline 7 is noted but this deals with the principle of the rail terminal's provision rather than the consequences of a failure to deliver. The applicant has offered no further technical information that would allow us to review our position of maintaining our stance in the case of the terminal not being delivered within the specified time limits.

Culvert

We remain fundamentally opposed with the Applicant's position with regards the use of the culvert underneath the A449 as stated in their Deadline 6 submissions. We reiterate our Deadline 7 submission that any attempt to use this culvert without Highways England's consent will be strongly resisted and, if necessary, appropriate legal action will be taken to prevent any unlawful use. The provision of alternative drainage infrastructure is not recorded in the latest dDCO and therefore this matter in our view remains an impediment to the scheme being delivered.

Bond & Cash Sum

Highways England has previously recorded the requirement for the bond sum to be recorded in the dDCO at 150% of the value of the trunk road works and the cash surety in favour of Highways England at £150,000. The applicant has tabled no counter-estimate to that made by Highways England to provide justification for the lower sums stated in the dDCO. As such, we remain of the view that the bond and surety values calculated by ourselves are appropriate and necessary.

Deemed Consent

The dDCO continues to make Highways England the subject of deemed consent provisions. We reiterate the significant safety concerns that this raises which is completely unacceptable to Highways England. Highways England has a statutory duty to protect and improve the safety of the SRN¹ and therefore no work should be carried out on the SRN without Highways England's approval. By seeking to bypass this, there is an unacceptable risk that Highways England will become responsible for substandard works and the associated liabilities that come with that.

Amendments to existing TROs to prohibit verge parking

Whilst we welcome the changes made to the dDCO to include the amendment to existing TROs to prohibit verge parking we do not believe that the changes go far enough. Our reasoning for this and the required geographic coverage of the TROs affecting the SRN were set out in our Deadline 7 submission.

We note that the applicant supplied at Deadline 7 further traffic order plans, in particular, revised Traffic Regulation Plans Key Plan (REP7-007) (REP7-011) and Traffic Regulation Plans Sheet 4 (REP7-011). We note that these plans do not reflect the position set out in our Deadline 7 submission (which was agreed in principle by the applicant's transportation technical advisor) and remain dated June 2017 and June 2018 respectively. On that basis we have no clarity that the TROs as currently defined reflect the 'in principle' position reached with the applicant's advisors or our requirements stated at Deadline 7.

Road Safety Audit

The applicant has continued to engage with Highways England in respect of the Road Safety Audit process. At the time of writing the applicant has failed to complete the RSA stage 1 process to our satisfaction. A further submission of some 400 pages of technical evidence has been submitted for our review 2 days prior to Deadline 8. A summary review of this material indicates that our position on the RSA stage 1 process remains unchanged. Our substantive concerns are set out below.

The location of the proposed pedestrian crossing of the A449/A5 link road adjacent to the A449 access roundabout has been moved in response to the RSA Stage 1 findings. The

¹ Paragraph 4.2e Highways England: Licence April 2015

audit process and consideration of the need for a GG104 safety risk assessment² has not been concluded at the newly proposed location. An early iteration of the Safety Risk Assessment submitted by the applicant on 2nd August 2019 has not followed the correct procedure and the outcomes quoted cannot therefore be relied upon. We do note, however, that the designer now intends to produce a DMRB compliant design (noting the need for compliance with the new standard CD 116 which has superseded TD 16/07) which should, subject the completion of the RSA process negate the need for a Road Safety Audit exception report for this element of the highway design being required. However the applicant's traffic modelling of the pedestrian crossing indicates that traffic will block back from the crossing onto the proposed A449/link road roundabout. This is as a result of the crossing being relocated closer to the roundabout; this is a safety concern which will require resolution through the further stages of the audit process.

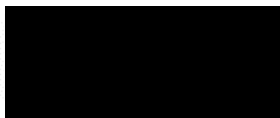
The matter of the RSA stage 1 relating to the operation of the M6 junction 12 circulatory remains unresolved. In the latest technical note on this matter the applicant asserts that the evidence of traffic speeds on the roundabout circulatory is linked to the geometry of the road layout at this point and by application of DMRB standards speeds would be unable to exceed 30mph. We are unable to concur with this view as the applicant makes no references to the DMRB design standard applied, and gives no reference to, or demonstration of, the roundabout's geometry. Given this state of affairs we have not been able to confirm that the element of the RSA Stage 1 has been based on sound data and cannot be relied upon.

In terms of the RSA process, we note that the Examination is scheduled to close on 27th August 2019. We are currently reviewing the late material submitted by the applicant and will advise the ExA on any progress made, or otherwise by the 27th August deadline.

Other Submissions

We have reviewed the Deadline 7 submissions from parties other than the applicant and can confirm that we have nothing to add.

Yours sincerely,



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² As based on the relevant DMRB requirements