

M42 Junction 6 Improvement

Scheme Number TR010027

Volume 1

1.1 Introduction to the Application

Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

January 2019

Infrastructure Planning

Planning Act 2008

M42 Junction 6 Improvement Development Consent Order 202[]

Introduction to the Application

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1 Introduction

1.1 Purpose of this document

- 1.1.1 Highways England ("the Applicant") has submitted an application under Section 37 of the Planning Act 2008 (as amended) for an order to grant development consent for the M42 Junction 6 Improvement ("the Scheme").
- 1.1.2 This document provides an accessible guide to the Scheme, Applicant and application, and is designed to assist the Planning Inspectorate (Inspectorate) and other interested parties in reviewing the application documentation.

1.2 Structure of this document

- 1.2.1 This document comprises 12 Chapters as described below:

Chapter 1: Introduced this document

Chapter 2: The Scheme – provides a high level description of the M42 Junction 6 Improvement

Chapter 3: The Applicant – introduces Highways England as the Applicant

Chapter 4: Overview of the application documentation – explains the structure of the documentation submitted as part of the Development Consent Order (DCO) application with a summary of each volume

Chapter 5: Application documents – provides a list of the application documents within each volume and individual reference numbers

Chapters 6-12: these chapters explain the purpose of each of the documents submitted

2 The Scheme

- 2.1.1 The Scheme (**Figure 2.1**) would provide connections between the national motorway network and the A45 Coventry Road, which provides strategic access to Birmingham to the west and Coventry to the east. Junction 6 of the M42 lies on the eastern edge of Birmingham, approximately nine miles from the city centre, with the nearest town being Solihull.
- 2.1.2 The Scheme includes the following main elements:
- a. A new junction (Junction 5A), approximately 1.8km south of the existing junction 6;
 - b. The construction of a new 2.4km dual carriageway link road between the new junction and Clock Interchange (an existing junction on the A45);
 - c. Modifications to the existing Clock Interchange junction;
 - d. Upgrades to the existing junction 6; and
 - e. Realignments and improvements to local roads to the west of the existing M42 in proximity to the proposed bypass.
- 2.1.3 Current congestion and journey reliability issues on the M42 at junction 6 are a significant constraint to future investment and economic growth. Without infrastructure investment to improve the junction, a major investment opportunity of national significance could be lost.
- 2.1.4 In summary, the objectives of the Scheme are to:
1. Ensure the safe and reliable operation of the road network;
 2. Increase the capacity of Junction 6;
 3. Improve access to key businesses and support economic growth in the area; and
 4. Helping cyclists, walkers and other vulnerable users of the network
- 2.1.5 For a detailed description of the Scheme, refer to Chapter 3 The project of the Environmental Statement [**document reference TR010027/APP/6.1**].
- 2.1.6 The location of the Scheme is identified in the Location Plan [**document reference TR010027/APP/2.1**] and the Scheme Boundary within **Figure 2.1** of this document.

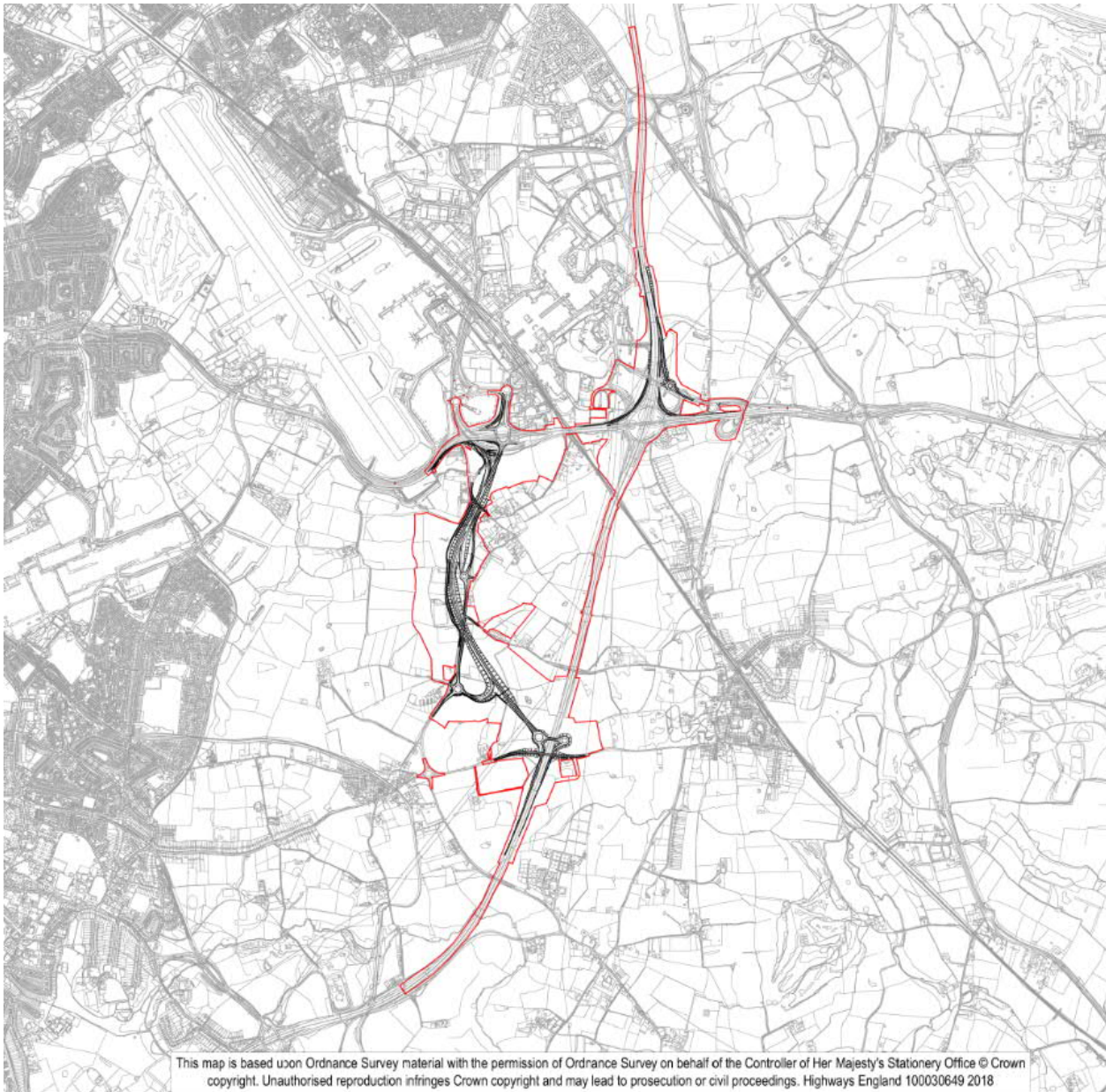


Figure 2.1: The Scheme Boundary

3 The Applicant

3.1 Highways England

3.1.1 The Applicant is the Strategic Highway Authority as defined in the Infrastructure Act 2015. The Applicant is responsible for the maintenance and improvement of the trunk road and motorway network in England on behalf of the Secretary of State for Transport.

3.1.2 The Scheme contact details are:

Highways England

38 Colmore Circus

2 Colmore Square

Birmingham

B4 6BN

United Kingdom

3.2 The M42 Project Team

3.2.1 The Scheme is managed by the Applicant from its Birmingham office by the M42 Junction 6 Improvement Project Team, which is responsible for delivering the Scheme in accordance with the Scheme's requirements.

4 Overview of the application documentation

- 4.1.1 The reports, drawings and plans that make up the DCO application have been organised into seven volumes as listed in the table below.

Table 4.1 Contents of DCO application

Volume	Content
1. Application Information	The completed application form and an introduction to the Scheme as required by the Inspectorate.
2. Plans/Drawings/Sections	Plans that illustrate the location of the Scheme, the proposed works, and provide local geographical information.
3. Draft Development Consent Order	The legal powers that the Applicant is seeking to enable it to build, operate and maintain the Scheme, together with separate documents explaining the provisions of the Order and how other required consents will be obtained.
4. Compulsory Acquisition Information	Evidence of why the Applicant requires legal powers to compulsorily acquire land, how the Scheme will be funded and details of the land interests that are required for the construction and use of the Scheme.
5. Consultation Report	Details of the pre-application consultation that the Applicant has undertaken on the Scheme and how consultation feedback has been taken into account.
6. Environmental Statement	An assessment of the likely significant effects (both positive and negative) of the Scheme on the environment and a description of mitigation measures proposed to reduce any negative impacts.
7. Other Documents	Additional documents that support the DCO application; these are not legally required but provide useful information on the Case for the Scheme and the Transport Assessment.

5 Application documents

- 5.1.1 A list of documents within the application is set out below. If the Inspectorate or any interested party require any of the application documents, or parts thereof, please contact the M42 Junction 6 Improvement Project Team (contact details within Section 3.1.2). A DVD containing these documents can be provided free of charge. Printing and distribution of hard copies will be subject to a reasonable charge.

Table 5.1 List of documents within the DCO application

Volume	Document reference	Document title	Hard copy folder number
Volume 1 Application Information	1.1	Introduction to the Application	Volume 1 Folder 1
	1.2	Covering Letter and Schedule of Compliance with Section 55	
	1.3	Application Form	
	1.4	Electronic Index	
Volume 2 Plans/Drawings/ Sections	2.1	Location Plan	Volume 2 Folders 1 to 8
	2.2	Land Plans	
	2.3	Works Plans	
	2.4	General Arrangement Plans	
	2.5	Streets, Rights of Way and Access Plans	
	2.6	Traffic Regulation Measures Plans	
	2.7	Classification of Road Plans	
	2.8	Engineering Drawings and Sections	
	2.9	Crown Land Plans	
Volume 3 Draft Development Consent Order	3.1	Draft DCO	Volume 3 Folder 1
	3.2	Explanatory Memorandum to Draft DCO	
	3.3	Consents and Agreements Position Statement	
Volume 4 Compulsory Acquisition Information	4.1	Statement of Reasons	Volume 4 Folders 1 to 2
	4.2	Funding Statement	
	4.3	Book of Reference	
Volume 5 Consultation Report	5.1	Consultation Report	Volume 5 Folders 1 to 3
	5.2	Consultation Report Annexes	

Volume 6 Environmental Statement	6.1	Environmental Statement	Volume 6 Folder [1 to 8]
	6.2	Environmental Statement Figures	
	6.3	Environmental Statement Appendices	
	6.4	Environmental Statement Non-Technical Summary	
	6.5	Scoping Opinion	
	6.6	Assessment of Historic Environmental Effects	
	6.7	Assessment of Nature Conservation Effects	
	6.8	Habitat Regulations Assessment: No Significant Effects Report	
	6.9	Statement of Statutory Nuisance	
	6.10	Flood Risk Assessment	
	6.11	Outline Environmental Management Plan (OEMP)	
Volume 7 Other Documents	7.1	Planning Statement and National Policy Statement Accordance Table	Volume 7 Folder 1
	7.2	Transport Assessment Report	

6 Volume 1: Application Information

- 6.1.1 The Introduction to the Application [**document reference TR010027/APP/1.1**] provides a summary of all the documentation provided for the DCO application.
- 6.1.2 The Covering Letter has the Schedule of Compliance with **Section 55** [**document reference TR010027/APP/1.2**] included. This schedule is completed by the Applicant to evidence how the application fulfils the conditions for acceptance by the Inspectorate on receipt of the DCO application.
- 6.1.3 The Application Form [**document reference TR010027/APP/1.3**] is a standard form and provides a high level summary of the Scheme and the documents that have been submitted.
- 6.1.4 Copies of Newspaper Notices are those featured in local and national newspapers. Copies of the newspaper notices for the 2018 consultation can be found respectively in Annex L of the Consultation Report Annexes [**document reference TR010027/APP/5.2**]. These notices publicised the proposed application, the consultation material deposit locations, and the process for making comments, in accordance with the Planning Act 2008. Chapter 3 of the Consultation Report [**document reference TR010027/APP/5.1**] provides further details on these notices.
- 6.1.5 Highways England has completed an Electronic Index [**document reference TR010027/APP/1.4**] provided by the Inspectorate, that lists the electronic file names for all of the DCO application documentation.

7 Volume 2: Plans/Drawings/Sections

- 7.1.1 There are nine sets of plans [**document reference TR010027/APP/2.1 to TR010027/APP/2.8**] as described below. Where a plan comprises three or more sheets, a key plan is provided, showing the relationship between the different sheets. Each plan (and each sheet within a set of plans) includes a key, which explains the use of symbols/lines/shading to denote features and information plans.
- 7.1.2 The Location Plan [**document reference TR010027/APP/2.1**] identifies the location of the Scheme in its wider context.
- 7.1.3 The Land Plans [**document reference TR010027/APP/2.2**] correspond to the Book of Reference [**document reference 4.3**] and, in summary, set out:
- a. The land required for, or effected by, the Scheme;
 - b. Any land over which it is proposed to exercise powers of compulsory acquisition or any right to use the land (including the right to take temporary possession of land); and
 - c. Any land impacted by the removal of private land rights over that land.
- 7.1.4 The Works Plans [**document reference TR010027/APP/2.3**] show the proposed route alignment of the Scheme and works and the limits of deviation within which the development and works may be carried out.
- 7.1.5 The General Arrangement Plans [**document reference TR010027/APP/2.4**] provide a technical illustration of the Scheme shown against the Ordnance Survey base map.
- 7.1.6 Streets, Rights of Way and Access Plans [**document reference TR010027/APP/2.5**] show any new or altered means of access, stopping up of streets, roads and any diversion, extinguishment or creation of rights of way.
- 7.1.7 Traffic Regulation Measures plans [**document reference TR010027/APP/2.6**] are provided to show the speed limits, clearways, Red Routes, restrictions on vehicle weights, and classes of user which are proposed to be applied to the Scheme.
- 7.1.8 Classification of Roads Plans [**document reference TR010027/APP/2.7**] detail the highways classifications which are proposed to be applied to the Scheme where new classifications are required and existing classifications are changed.
- 7.1.9 Engineering Drawings and Sections [**document reference TR010027/APP/2.8**] show the levels of the proposed works including:
- a. ground levels;
 - b. the height of the proposed bridges, viaducts and embankments;
 - c. the depths of cuttings; and
 - d. drainage outfall details.

- 7.1.10 Crown Land Plans [**document reference TR010027/APP/2.9**] show the land required for the Scheme over which the Crown holds an interest as the Secretary of State for Transport or the Department for Transport.

8 Volume 3: Draft Development Consent Order and Related Documents

8.1.1 The draft Development Consent Order [**document reference TR010027/APP/3.1**] sets out the powers that the Applicant is seeking to enable it to construct and maintain the Scheme. It sets out the parameters for what development would be permitted. It is accompanied by eleven schedules as outlined below:

Schedule 1 Authorised Development - lists the works that would be authorised by the grant of development consent, which are shown on the works plans and to which the schedule refers;

Schedule 2 Requirements - sets out the conditions that the Applicant would be required to accord with when implementing the development authorised by the DCO;

Schedule 3 Classification of Roads, ETC. - lists the road classifications and the new and amended highways;

Schedule 4 Temporary Stopping up of Streets and Private Means of Access - sets out the streets and private means of access that would be temporarily stopped up as a result of the Scheme;

Schedule 5 Permanent Stopping up of Streets and Private Means of Access - sets out the public rights of way and private means of access that would be permanently stopped up as a result of the Scheme (and any relevant replacements);

Schedule 6 Clearways and Prohibitions – lists the roads, and length of road, to become a clearway.

Schedule 7 Land in which only New Rights may be Acquired - sets out the land in which the Applicant is only seeking to acquire new rights or impose restrictive covenants (such as a right to maintain new drainage infrastructure or access to construct tracks that are located on another person's land) rather than acquiring the entire freehold interest in that land;

Schedule 8 Modification of Compensation and Compulsory Purchase Enactments for Creation of New Rights - amends relevant compulsory acquisition legislation to ensure that it can apply to the DCO (particularly in relation to compensation provisions in connection with land and rights compulsorily acquired under the DCO);

Schedule 9 Land of which Temporary Possession may be taken - sets out the land which the Applicant is seeking to possess temporarily for the purpose of constructing the Scheme;

Schedule 10 Protective Provisions - includes provisions to protect the interests of various bodies in the context of the Scheme (e.g. statutory undertakers); and

Schedule 11 Certification of Plans and Documents, ETC, - sets out those documents to be certified by the Secretary of State for the purposes of the DCO.

- 8.1.2 The Explanatory Memorandum to the Draft DCO [**document reference TR010027/APP/3.2**] explains the purpose and effect of each provision in the draft order including why it is considered necessary.
- 8.1.3 The Applicant requires a range of consents and agreements to construct and operate the Scheme. Some of these are included in the Draft DCO and would therefore be granted to the Applicant as part of the consent if the order is made. However, there are a range of other consents from different regulatory organisations that will be required separately to the DCO. For example, licenses will be required from Natural England. The Applicant's proposed approach to obtaining these is explained in the Consents and Agreements Position Statement [**document reference TR010027/APP/3.3**].

9 Volume 4: Compulsory Acquisition Information

9.1.1 In order to implement the Scheme, the Applicant may need to use statutory powers to acquire land, rights over land, and to possess and use land temporarily. The Applicant is required to provide evidence that the use of these powers would be justified, proportionate and in the public interest; this evidence is set out in the Statement of Reasons **[document reference TR010027/APP/4.1]**, Funding Statement **[document reference TR010027/APP/4.2]** and Book of Reference **[document TR010027/APP/4.3]** as explained below.

- Statement of Reasons **[document reference TR010027/APP/4.1]** explains that there is a compelling case in the public interest which would justify the Applicant's exercise of powers of compulsory acquisition in order to acquire land and rights permanently and to use land temporarily to enable it to construct, operate, and maintain the Scheme;
- Funding Statement **[document reference TR010027/APP/4.2]** explains how the Scheme, including any compulsory purchase acquisition, would be funded; and
- Book of Reference **[document reference TR010027/APP/4.3]** identifies all parties who own or occupy land and/or have an interest in or right over the land affected by the Scheme, and/or who may be entitled to make a 'relevant claim' as defined in Section 57 of the Planning Act 2008 (as amended). It is structured in five parts in accordance with relevant regulatory requirements. The five parts are:
 - Part 1: Names and addresses for service of each person within Categories 1 and 2 defined as set out in Section 57 of the Planning Act 2008.
 - Part 2 (Development Consent Order boundary): Names and addresses for service of each person within Category 3 as defined in Section 57 of the Planning Act 2008, who would or might be entitled to make a relevant claim as defined in Section 57(6) of the Planning Act 2008. For clarity, Part 2 is sub-divided as follows:
 - Part 2A: Category 3 person who would or might be entitled to make a relevant claim in respect of an interest in land within the DCO boundary; and
 - Part 2B: Category 3 person who would or might be entitled to make a relevant claim in respect of an interest in land outside the DCO boundary.
 - Part 3: Names and addresses of those persons whose entitlement to enjoy private easements or rights may be extinguished, suspended or interfered with.
 - Part 4: Names and addresses of the owner of any Crown interest in the land which is proposed to be used for the purposes of the Scheme.

- Part 5: land which is Special Category Land as defined in Section 131 of the Planning Act 2008.

9.1.2 For each plot of land described in the Book of Reference **[TR010027/APP/4.3]** within which all or part of the Scheme shall be implemented, the plot area is provided in square metres.

10 Volume 5: Consultation Report

10.1.1 The Consultation Report [**document reference TR010027/APP/5.1**] provides an account of the pre-application consultation undertaken on the Scheme. The report includes details of the statutory consultation which the Applicant is required to undertake in accordance with the Planning Act 2008, the informal engagement that has taken place, and how the Scheme has been amended to reflect comments received. The chapters of the Consultation Report are as follows:

- Chapter 1 – Introduction;
- Chapter 2 – Non-Statutory Consultation;
- Chapter 3 – Statutory Consultation
- Chapter 4 – Demonstration of Regard had to Statutory Consultation Responses;
- Chapter 5 – Further Consultation; and
- Chapter 6 – Conclusion.

10.1.2 A range of annexes that support the report are provided in the Consultation Report Annexes [**document reference TR010027/APP/5.2**] are described below:

- Annex A – Options Consultation Brochure, Preferred Route Announcement and Consultation Report;
- Annex B – The Infrastructure Planning (EIA Regulations) 2017: Regulation 8(1) letter to the Planning Inspectorate and acknowledgement;
- Annex C – Copy of the Draft SoCC provided to Local Authorities;
- Annex D – Letter to Local Authorities for SoCC consultation;
- Annex E – Response from Local Authorities on the Draft SoCC;
- Annex F – Published SoCC with Deposits Locations and Dates available;
- Annex G – List of Prescribed Consultees Identified and Consulted;
- Annex H – List of Land Interests (noting their interest);
- Annex I – S42 Letters and Enclosures with Date;
- Annex J – S46 Letters sent to the Planning Inspectorate and Acknowledgement;
- Annex K – S47 Consultation Materials;
- Annex L – S48 Newspaper Notices with Locations and Dates;
- Annex M – Table of Protective Provisions for Statutory Undertakers;
- Annex N – List of Additional Consultees (noting their interest) including any other person notified to Highways England in accordance with Regulation 11(1)(c) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

- Annex O – Further Consultation Materials (S47 consultation materials also made available);
- Annex P – Regard to Consultation Responses;
- Annex Q – Book of Reference Validation Check; and
- Annex R – Order Limits.

11 Volume 6: Environmental Statement and Related Documents

11.1 Environmental Statement

- 11.1.1 The Applicant has undertaken an Environmental Impact Assessment (EIA) of the Scheme to consider what significant effects the Scheme is likely to have on the environment. The Environmental Statement **[document reference TR010027/APP/6.1]** reports the findings of the EIA. The findings of the EIA are also summarised in the Environmental Statement Non-Technical Summary **[document reference TR010027/APP/6.4]**.
- 11.1.2 A Statement of Statutory Nuisance is included within the application **[document reference TR010020/APP/6.9]** and identifies the matters set out in Section 79 of the Environmental Protection Act 1990 in respect of statutory nuisances and considers, whether the proposed development would engage one or more of those matters. Where any matters may be potentially engaged, this statement sets out its proposals for mitigating or limiting them.
- 11.1.3 This statement concludes that, with the mitigation measures secured by the DCO in place, none of the statutory nuisances identified in Section 79 of the Environmental Protection Act 1990 is predicted to arise.
- 11.1.4 The EIA and Environmental Statement are legal requirements and accord with relevant legislation and current guidance. The content of the Environmental Statement was agreed through a Scoping Opinion with the Inspectorate **[document reference TR010027/APP/6.5]**.
- 11.1.5 An Assessment of Historic Environmental Effects is contained in **[document reference TR010027/APP/6.6]** and an Assessment of Nature Conservation Effects is contained in **[document reference TR010027/APP/6.7]**.
- 11.1.6 The Scheme is considered to not give rise to any significant effects to European designated sites. The results of this Assessment are contained in the Habitat Regulations Assessment: No Significant Effects Report **[document reference TR010027/APP/6.8]**.
- 11.1.7 The Environmental Statement also provides general information on the Scheme including context; description of the Scheme and its construction; main alternatives considered; the consultation process that was part of the EIA; and technical information on a range of topics. This chapter provides an overview of the structure of the document to assist with navigation.
- 11.1.8 The Environmental Statement includes the following introductory and reference chapters:
- Chapter 1 - Introduction;
 - Chapter 2 - Site and Surroundings;
 - Chapter 3 – The Project;
 - Chapter 4 - Scheme History and Alternatives;

Chapter 5 - EIA Methodology and Consultation; and

Chapter 18 - Glossary.

11.1.9 The Following technical topic based chapters set out the environmental effects of each topic listed:

Chapter 6 - Air Quality;

Chapter 7 - Cultural Heritage;

Chapter 8 - Landscape;

Chapter 9 - Biodiversity;

Chapter 10 - Geology and Soils;

Chapter 11 – Material Assets and Waste;

Chapter 12 - Noise and Vibration;

Chapter 13 - Population and Health;

Chapter 14 - Road Drainage and the Water Environment;

Chapter 15 – Climate; and

Chapter 16 - Assessment of Cumulative Effects.

11.1.10 The Following chapters conclude and summarise the environmental effects:

Chapter 17 - Summary of Significant Effects.

11.2 Environmental Statement Figures

11.2.1 The Environmental Statement is accompanied by a series of figures which support the findings of the EIA. These are provided in the Environmental Statement Figures **[document reference TR010027/APP/6.2]**.

11.3 Environmental Statement Appendices

11.3.1 The Environmental Statement is accompanied by a series of Appendices which support the findings of the EIA. These are provided in the Environmental Statement Appendices **[document reference TR010027/APP/6.3]** and are also listed below. [Those appendices highlighted in red are confidential reports and will not be made available publically).

Appendix Reference	Appendix Title
1.1	Competent Expert Evidence
3.1	Register of Environmental Actions and Commitments
4.1	Initial Options Report
4.2	EAST Assessment

Appendix Reference	Appendix Title
5.1	Transboundary Effects Screening Matrix
5.2	Screening of major accidents and disasters
5.3	Scoping opinion: Response Table
6.1	Local Air Quality Methodology
6.2	Air Quality Monitoring Report
6.3	Air Quality Modelling Results
7.1	WSI for Archaeological Evaluation Trenching
7.2	Ground Investigation Archaeological Monitoring Report
7.3	Archaeological Geophysical Survey
7.4	Archaeological Gazetteer Table
8.1	Visual Baseline and Impact Schedules
8.2	Arboricultural Survey
9.1	Protected and Notable Sites and Species
9.2	Phase 1 and Phase 2 Habitat Survey Report
9.3	Hedgerow Report
9.4	Badger Survey Report CONFIDENTIAL
9.5	Bat Report
9.6	Breeding Bird Survey Report
9.7	Wintering Bird Survey Report
9.8	Dormouse Report
9.9	Great Crested Newt Survey Report
9.10	Reptile Report
9.11	Invertebrates Survey Report

Appendix Reference	Appendix Title
9.12	Aquatic Habitat Assessment
9.13	White-clawed Crayfish Scoping Assessment
9.14	Water Vole Survey Report
9.15	Legislation and Planning Policy
9.17	Consultation
9.18	Draft Bat License
9.19	Draft Great Crested Newt License
10.1	Ground Investigation Report
10.2	Agricultural Land Classification and Impact Assessment
11.1	Excavated Materials Study
12.1	Construction noise and vibration levels
12.2	Noise Modelling Parameters
12.3	Baseline Noise Survey Report
12.4	Reconfiguration of Warwickshire Gaelic Athletics Association
13.1	Driver Stress Calculation
13.2	Agricultural Data Sheets
14.1	Preliminary Water Framework Directive Assessment (pWFD)
14.2	Bickenhill Meadows Site of Special Scientific Interest – Preliminary Hydrological Investigation Technical Note
14.3	Assessment of Routine Road Runoff and Spillage Risk to Watercourses (HAWRAT Assessment)
14.4	Flood Risk Assessment
14.5	Drainage Strategy Report
16.1	Cumulative effects: screening methodology

Appendix Reference	Appendix Title
16.2	Long List of Developments
16.3	Short List of Developments
16.4	Cumulative Assessment Table

- 11.3.2 A Flood Risk Assessment for the Scheme has been prepared [**document reference TR010027/APP/6.10**].
- 11.3.3 The Outline Environmental Management Plan [**document reference TR010027/APP/6.11**] provides an essential project specific tool to manage on-site construction activities that may affect the environment. The key aims of the OEMP are to ensure all environmental mitigation, DCO requirements, consents and licences are met and to minimise and manage the risk of any adverse environmental effects.

12 Volume 7: Other Documents

- 12.1.1 A range of additional documents have been submitted with the Application. These documents are not legally required, but are intended to provide useful information on the Scheme and aid detailed understanding of the application and its justification.
- 12.1.2 The Planning Statement and National Policy Statement Accordance Table **[document reference TR010027/APP/7.1]** sets out the need for the Scheme, the objectives that it seeks to address, options and alternatives considered and an explanation of the Scheme over time. It sets out how the Scheme meets its objectives and how it aligns with government policy in the NNNPS.
- 12.1.3 The Transport Assessment Report **[document reference TR010027/APP/7.2]** provides information relating to the transport analysis that has been undertaken as part of the development of the Scheme.