

M42 Junction 6 Development Consent Order Scheme Number TR010027

8.40 Written Submission of Applicant's Case at the Third ISH on 2 July 2019

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M42 Junction 6
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1. Introduction

- 1.1.1 This document summarises the case put forward by Highways England (the Applicant), at the Issue Specific Hearing (ISH) 3 for the M42 Junction 6 scheme (the Scheme) on the need for improvements at Junction 6 on the M42 which took place at the Ramada Hotel, Church Hill Road, Solihull on 2 July 2019.

2. The Impetus for Improvements

- 2.1.1 Jonathan Pizzey (JP), Senior Project Manager for the Applicant, set out the origins of the Scheme. He explained how Solihull Metropolitan Borough Council (SMBC) had originally proposed improvements at junction 6 in 2010 following the identification of problems relating to capacity. Despite various improvements having been undertaken by the Applicant between 2010 and 2015 to maximise capacity at the junction, it remained an issue and the Scheme was therefore included in the first Road Investment Strategy (RIS) by the Secretary of State for Transport in 2015.
- 2.1.2 JP indicated that the original proposal had been larger than the Development Consent Order (DCO) scheme subsequently applied for, but that this larger proposal had been neither affordable, achievable nor promotable (this is shown in the schematic plans). On that basis, the Applicant and SMBC considered 41 alternative options and took six families of options forward to assessment, in order to understand the impacts, costs and benefits of each. From this, it was identified that the only solution was a new A45-M42 link and improvements to M42 Junction 6 itself.
- 2.1.3 David Cuthbert of Catherine-de-Barnes Residents' Association raised concerns about any link between the proposed design for the M42 and the two Motorway Service Area (MSA) applications currently being considered by SMBC, and asked why a simple ingress and egress option had not been considered. In response, Nick Evans (NE) on behalf of the Applicant explained that such a design would affect not only ancient woodland but would also require greater land take and asset diversions for statutory undertakers in order to accommodate safe curves on the link road.
- 2.2 In response to challenges about the origins of the Scheme, NE explained that regardless of these, there was a need for extra capacity in the area (recognising that HS2 and the National Exhibition Centre (NEC) expansion plan have been approved) and that having been included in the RIS, the Applicant now had a duty to deliver the Scheme under the Infrastructure Act 2015.
- 2.2.1 Mark Sullivan (MS) of Campaign to Protect Rural England (CPRE) submitted that the Examining Authority (ExA) ought to be looking at alternative scheme designs during the examination and that the Applicant had fallen short in its duty to consult by including only two of the four free flow links at junction 6 in its statutory consultation. In response, NE explained that the consultation had been confirmed as adequate by the local authorities and had resulted in the Scheme being accepted. It was now for the ExA to consider the application that had been

submitted and having regard to the balancing test in the Planning Act 2008. This position was supported by the ExA.

3. Current Baseline Conditions

- 3.1.1 In response to the ExA's request for further information about the baseline conditions for the Scheme, Clive Posford (CP), on behalf of the Applicant, provided an overview.
- 3.1.2 CP explained that the Figure 6.3 in the Transport Assessment Report [**APP-174/Volume 7.2**] showed a one hour snapshot of queues for the evening peak model. Whilst the length of the queues can be variable depending on the traffic, CP submitted that they were consistently long with delays. In response to the ExA's concerns that the diagrams of the current traffic and 2040 projections looked very similar, CP confirmed that the Applicant would provide the information in Figure 6.3 in a clearer tabular form for Deadline 3 showing the average, maximum and minimum queue times, and growth to 2041 [**Volume 8.45**].
- 3.1.3 CP explained that modelling had been done using two models; the M42 Local Area Model, which was a large strategic model, and a MicroSimulation model. Whilst the models do not provide the same results, the huge variability around the NEC traffic was also highlighted. SMBC confirmed that they were confident that the models showed the baseline of the current traffic flow. In response to the ExA's request for further information about the deterioration of the operation of the Clock Interchange since 2014, CP explained that this was difficult to do as the Mott MacDonald report does not provide the level of detail needed to compare the situations accurately, and piecing it together from other sources is difficult as they are not comparable data sets.

4. Compliance with National Policy

- 4.1.1 **Ancient Woodland:** The ExA sought further information from the Applicant on whether the need for the Scheme outweighs the loss of ancient woodland that will result and to understand the constraints at the site.
- 4.1.2 JP submitted that in identifying the best design for Junction 5A, the Applicant had considered other options but that the position was largely linked to the location of Junction 5, 1.95km being close to the minimum desirable weaving distance between two junctions. JP explained that the dumbbell junction design was identified as being one that would fit within the surrounding landscape and be hidden.
- 4.1.3 In response to the ExA's request, the Applicant agreed to submit a note for Deadline 3 [**Volume 8.42**] setting out further information about the location of the proposed Junction 5a, including the positioning and constraints such as the clearance between the road over the motorway and powerlines, and the maximum radius of the curvature of the link they would be comfortable with.
- 4.1.4 Nick Roberts, on behalf of Applegreen, and MS submitted that the choice of a dumbbell design had been primarily influenced by the Extra MSA application. In response NE, on behalf of the Applicant, directed the ExA to the appendix to the

Planning Statement **[APP-173/Volume 7.1]** which sets out the factors that the Applicant took into account when deciding on the design. This shows that whilst the MSA was a factor, it was one of many considered.

- 4.1.5 **Open space and playing fields:** NE, on behalf of the Applicant, explained that they remain in negotiations with the Warwickshire Gaelic Athletic Association (WGAA) and that a proposal had been put forward which meets the test of 'equivalent or better'. NE explained that the WGAA had different aspirations to what was being proposed and would be submitting these to the ExA, but that the Applicant still hoped to obtain agreement for this proposal. Additionally, NE confirmed on behalf of the Applicant that Esso were content with the proposal given the location of their pipeline in relation to the pitches.
- 4.1.6 **Green Belt impacts:** Phil King (PK), on behalf of the Applicant, responded to the ExA's questions about balancing the need for the Scheme against the impact on the Green Belt. He explained that whilst being a RIS scheme was not, in itself, enough to justify special circumstances, in this case the benefits of the Scheme also outweighed the harm it would cause.
- 4.1.7 The ExA reiterated the need to demonstrate that the Scheme was one that would meet the country's long term needs and PK directed them to Chapter 3 of the Planning Statement **[APP-173/Volume 7.1]** whilst setting out the development enabled by the Scheme; that the Scheme would remove the need for HS2 to use their powers to carry out works on the M42; and that as the whole area was already all in the Green Belt, any intervention would also have to be.
- 4.1.8 Taken together, PK submitted that these constituted special circumstances and were supported by SMBC who confirmed that they were still in dialogue with the Applicant about interventions. Warwickshire County Council also highlighted the findings of two Midlands Connect Studies included in their Local Impact Report **[REP2-038]** which demonstrated the importance of resilience on the M42 to accommodate expected growth.
- 4.1.9 NE, on behalf of the Applicant, submitted that when looking at long term need, it should be recognised that paragraph 2.2 from the National Policy Statement for National Networks did not necessarily mean looking at future development but could include the immediate need to improve national networks.
- 4.1.10 **Footpaths and cycle routes:** The ExA asked whether the Applicant could provide an alternative route for the M106 Green Man Trail to overcome the severance and provide a more direct route to the train station via Trinity Park.
- 4.1.11 James Hemingway, on behalf of the Applicant, said that mitigation work was ongoing, and discussion has been undertaken with the local community about proposals to join the route to Bickenhill Lane – where the route currently goes – rather than through the business park. Whilst Trinity Park was currently outside the order limits and therefore had not been assessed, the Applicant committed to assess the ExA's proposal. A note explaining the position was submitted at Deadline 3 **[Volume 8.41]**.
- 4.1.12 In response to queries from Jonathan Horton, on behalf of the Bickenhill and Marston Green Parish Council, and Camilla Burton, a local business owner, about whether the footpath being provided via the footbridge might connect Bickenhill to

Birmingham International railway station and the NEC, NE confirmed that a footbridge was being provided and the ultimate destination of the continuing footpath could be decided in time.

5. Compliance with Local Policies

- 5.1.1 The ExA raised concerns that the proposed job growth from UK Central Hub has not been accommodated in the Traffic Assessment modelling and that the Scheme was not compliant with local planning policies.
- 5.1.2 CP, on behalf of the Applicant, referred the ExA to the Applicant's answer in question 1.11.3 of the Panel's First Written Questions **[REP2- 007/Volume 8.6]**. CP responded by explaining that the modelling was based on the Department for Transport's (DfT's) National Trip End Model (NTEM) and the Policy Responsive Integrated Strategy Model (PRISM) which includes growth of 18,000 jobs in Solihull between 2016 and 2041, and is therefore compliant with the local plan projections. The ExA requested that the Applicant provide a note on the hierarchy of models.
- 5.1.3 PK, on behalf of the Applicant, further explained that modelling had taken growth factors and adopted allocation into account but had not specifically included the emerging policy for the UK Central Hub which was published in January 2019 at the same time the application was submitted.
- 5.1.4 PK further submitted that there was a risk that had the Applicant taken emerging policy into account, the application may have attracted criticism for over specifying the junction. He submitted that any development coming after the Scheme would need to consider the impact it would have on the existing transport infrastructure and whether interventions would be required. This was a view supported by SMBC.
- 5.1.5 NE, on behalf of the Applicant, confirmed that by Deadline 4 at the latest they would provide further information on the relationship of the hierarchy of models used and clarity on job growth predictions to assist the ExA. The Applicant also committed to review SMBC's note of growth in Solihull and how it fits with the Traffic Assessment modelling.