

# **M42 Junction 6 Development Consent Order**

## **Scheme Number TR010027**

### **8.36 Applicant's Response to Local Impact Report: Warwickshire County Council**

Planning Act 2008

Rule 8 (1)(k)

The Infrastructure Planning (Examination Procedure) Rules 2010

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**M42 Junction 6 Development Consent Order**  
Development Consent Order 202[ ]

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# 1. Highways England: Responses to Local Impact Report – Warwickshire County Council in partnership with North Warwickshire Borough Council

## 1.1 Overview

- 1.1.1 In accordance with the requirements of the Planning Act 2008 and the Planning Inspectorate's Advice Note One: Local Impact Reports, Warwickshire County Council (WCC) in partnership with North Warwickshire Borough Council has prepared and submitted its Local Impact Report (LIR) [REP2-038] to the examination of the Development Consent Order (DCO) application for the M42 Junction 6 scheme (the Scheme).
- 1.1.2 WCC's LIR covers matters that it considers to be relevant to the likely impact of the Scheme on its area. The Applicant has reviewed the content of WCC's LIR and has provided responses and clarification on the matters recorded by WCC.
- 1.1.3 The Applicant would like to thank WCC for providing its LIR, expressing support for the Scheme and acknowledging the regional and national benefits it will deliver and for its submission in the form of a Written Representation [REP1-025]. As the content of WCC's LIR and Written Representation discuss matters that are broadly comparable, the Applicant has chosen to respond to the points raised in both documents collectively to avoid repetition.
- 1.1.4 The Applicant is continuing to work with WCC to develop a Statement of Common Ground (SoCG), through which it is seeking to reach agreement on the matters raised.

## 1.2 Structure of the response

- 1.2.1 This document responds to the local impacts identified by WCC. The Applicant acknowledges statements made within the LIR where WCC has agreed with the assessment methodologies, approaches and conclusions presented within the Environmental Statement.
- 1.2.2 Where sections or paragraphs from the LIR have been omitted from this response and are not responded to directly by the Applicant, this is because the content comprises:
- general summary observations;
  - introductory text around a topic;
  - statements of agreement (as outlined above);
  - conclusions or mirroring text presented within the Environmental Statement; and/or
  - statements on WCC planning policy.
- 1.2.3 **Table 1.1** below sets out the Applicant's response to WCC's LIR.

**Table 1.1 – Full Response**

Ref	WCC LIR Comment	Highways England Response
<b>Executive Summary</b>		
		Section noted by the Applicant. The points recorded within the Executive Summary are considered within the applicable sections presented below.
<b>Section 1: Introduction</b>		
		No response required.
<b>Section 2: Warwickshire Context</b>		
		No response required.
<b>Section 3: Development Proposals and Communications</b>		
	Any remaining issues of concerns will be resolved and agreed through a Statement of Common Ground.	A draft SoCG [REP2-010/Volume 8.9] has been prepared and the Applicant will continue to work with WCC seek to resolve any outstanding issues and areas of concern.
<b>Section 4: Material Documents</b>		
		No response required.
<b>Section 5: Local Impacts Assessment</b>		
		Responses are provided below to specific matters raised in Section 5.

Ref	WCC LIR Comment	Highways England Response
<b>Section 5.1: Economic Growth</b>		
	WCC consider the Scheme would result in a positive local impact on economic growth.	The Applicant supports WCC's position that the Scheme would result in a positive local impact on economic growth and would deliver related benefits by providing additional capacity and resilience on the network, and by improving journey times and journey reliability.
<b>Section 5.2: Ecological Consideration</b>		
	WCC are concerned about the lack of an assessment of the environmental impacts of the scheme, significantly an assessment of the construction works impacts, on the Coleshill and Bannerly Pools Site of Special Scientific Interest (SSSI) located to the north of the Scheme Order Limits.	<p>The Applicant can confirm that the air quality assessment of the Scheme did consider the likely changes in concentrations of oxides of nitrogen, nutrient nitrogen deposition and acid deposition at the Coleshill and Bannerly Pools Site of Special Scientific Interest (SSSI) associated with changes in traffic related emissions from the M42 and A446 adjacent to the SSSI, once operational.</p> <p>Emissions from construction traffic on the wider road network were scoped out of the air quality assessment using the traffic screening criteria set out in the Design Manual for Roads and Bridges Volume 11, Section 3, Part 1 – Air Quality, as outlined in paragraph 6.9.4 of Chapter 6 Air Quality of the Environmental Statement <b>[APP-051/Volume 6.1]</b>.</p> <p>These traffic screening criteria identify whether a change in air quality requiring further consideration may be expected. Where anticipated traffic changes are below these screening criteria, no further consideration of changes in air quality is required. The assessment shows that changes in pollutant concentrations and deposition rates due to construction traffic related emissions are unlikely to cause significant effects at receptor locations within 200m of the Scheme, including at the SSSI.</p>

Ref	WCC LIR Comment	Highways England Response
		<p>During the construction phase, traffic management methods will be used to reduce congestion on the road network. Measures to control speed limits and divert traffic will likely lead to a reduction in traffic related emission rates along roads where traffic management is implemented. The details of traffic management measures to be implemented will be presented in a Traffic Management Plan, which will be prepared by the Contractor and agreed with the relevant authorities in accordance with Requirement 10 of the DCO <b>[APP-015/Volume 3.1]</b>.</p> <p>Consistent with this, Paragraph 9.9.143 within Chapter 9 of the Environmental Statement <b>[APP-054/Volume 6.1]</b> considers the potential for habitat degradation at Coleshill &amp; Bannerly Pools SSSI as a result of altered air quality, and concludes that any change would be imperceptible, leading to a neutral effect in the design year.</p> <p>The biodiversity and air quality assessments concluded that there would not be any significant effects on the SSSI, and further assessment and review of the SSSI after the completion of the Scheme is therefore not considered necessary.</p> <p>The Applicant's findings are supported by Natural England, as evidenced in their consultation response to the Applicant, dated 02 October 2018, in which they state: "<i>Natural England has considered the evidence and advises that the development is unlikely to impact upon the special features of either The River Blythe SSSI or Coleshill and Bannerley [sic] Pools SSSI.</i>"</p> <p>A copy of Natural England's consultation response is contained within Part II: Annexes of their Written Representation <b>[REP01-019]</b>. Accordingly, the Applicant contends that further assessment and review of the potential impacts of the Scheme on the SSSI are not required.</p>

Ref	WCC LIR Comment	Highways England Response
	<p>WCC notes that the Protected Species Licences and compensation areas are not defined within the application. This information is vital to enable protection of these species and their relocation.</p>	<p>The Applicant can confirm that a draft Bat licence is contained within Appendix 9.18 of Volume 3 of the Environmental Statement [<b>APP-145/Volume 6.3</b>], and a draft Great Crested Newt licence is contained within Appendix 9.19 of Volume 3 of the Environmental Statement [<b>APP-146/Volume 6.3</b>].</p> <p>As part of their statutory duties, Natural England has reviewed both draft licences and has, through their letter of no impediment, confirmed that the Applicant has provided sufficient information to ensure that the Favourable Conservation Status of European protected species will be maintained.</p> <p>With regard to other protected species i.e. badgers, the letter of no impediment also confirms that the mitigation for this species is considered adequate.</p>
	<p>WCC seeks clarification on how the ecological connectivity within the scheme can be achieved in accordance with the sub-regional Green Infrastructure Strategy.</p>	<p>The Strategy to WCC refers identifies Green Infrastructure (GI) Biodiversity Assets as comprising areas of woodland, grassland and wetland that can be shown to have a connective function or have high habitat distinctiveness. The Strategy recommends the safeguarding, connection and expansion of GI Biodiversity Assets for the purposes of establishing functional Core Areas of biodiversity.</p> <p>The Environmental Masterplan within the Environmental Statement [<b>APP-095/Volume 6.2</b>] presents the biodiversity habitats incorporated into the design of the Scheme, which have been selected to achieve relevant improvements for biodiversity whilst also being cognisant of overarching constraints imposed by Birmingham Airport's aerodrome safeguarding zone.</p>



Ref	WCC LIR Comment	Highways England Response
		<p>Habitat creation focuses on a mix of grassland, scrub and hedgerows and will:</p> <ul style="list-style-type: none"> <li>• establish a linear inter-connecting corridor of habitats along the mainline link road between the A45 and M42 Junction 5A, contiguous with the existing grassland areas to the west, including those of Castle Hill Meadows Local Wildlife Site;</li> <li>• form connections with other relevant habitats, in particular woodland areas, including Aspbury's Copse ancient woodland; and</li> <li>• create additional habitat immediately north of M42 Junction 6.</li> </ul> <p>The proposed semi-improved grassland and scrub habitats will be classified as having 'moderate' distinctiveness, and so the emphasis is on their function as connecting habitat.</p> <p>The biodiversity measures incorporated into the Scheme will establish an interconnected corridor of habitat where none currently exists, and therefore improves habitat connectivity and coverage, in accordance with the aspirations and targets of the GI Strategy.</p>
	<p>WCC seeks clarification on how the biodiversity net gain is being achieved within the scheme proposals in accordance with the Local Plan policies, the sub-regional Green Infrastructure Strategy and emerging national policy.</p>	<p>An interim Biodiversity Net Gain calculation is currently being prepared by the Applicant to demonstrate how the Scheme has taken advantage of opportunities to conserve biodiversity conservation interests, in accordance with the requirements of the National Policy Statement for National Networks.</p> <p>The Applicant has aspired to achieve a net gain for the Scheme; however, a large majority of the Scheme is located within the aerodrome safeguarding zone (which delineates, and to a degree</p>

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		<p>protects, the take-off and landing routes up to 13km from the Birmingham Airport).</p> <p>This constraint has influenced the environmental mitigation strategy for the Scheme and has restricted the ability to implement the types of mitigation measure typically applied to road schemes of this nature, for example woodland planting.</p> <p>The Applicant is currently undertaking an interim biodiversity calculation and will report back in due course.</p>
<b>Section 5.3 Traffic Management Closures &amp; Diversion Routes</b>		
	<p>WCC, as Highway Authority, notes the implications that the impact these construction works could have on the surrounding highway network, especially in the form of closures and lane restrictions.</p> <p>However, there is not the detail or information provided within the application submission. This is concerning due to other capacity constraints and works which will be taking place both on the Strategic Road Network and Warwickshire's Highway Network as well as HS2, which could result in significant rerouting across all networks.</p> <p>WCC is concerned that a lack of coordination of the works, traffic management, closures and diversions could have a detrimental impact on the operation of the highway networks.</p>	<p>The Applicant can confirm that it will be preparing a Traffic Management Plan in accordance with Requirement 10 of the DCO <b>[APP-015/Volume 3.1]</b>.</p> <p>The Traffic Management Plan will give due regard to the interaction of construction works associated with the Scheme and those associated to other development projects and events in the area, and will include measures that seek to mitigate and minimise the impacts of construction traffic on the local and strategic road networks.</p> <p>The Applicant notes the concerns of WCC in respect of the routing of construction traffic associated with the Scheme. A summary of the proposed haul routes for construction traffic and where traffic restrictions will be imposed, are detailed in Chapter 3 The Project, of Volume 1 of the Environmental Statement <b>[APP-048/Volume 6.1]</b>. Further details of the construction traffic routes will be set out in the Traffic Management Plan.</p>
<b>Section 5.4 Communication Management Strategy</b>		

Ref	WCC LIR Comment	Highways England Response
	WCC considers the need for a Communication Strategy which clearly sets out how key stakeholders, authorities, elected members, local residents, businesses & organisations, and other interested parties will be kept informed of the works as they progress.	<p>A Communication Strategy will be developed by the Contractor based on the framework of roles, responsibilities and actions presented within the Outline Environmental Management Plan (OEMP) [<b>APP-172/Volume 6.11</b>].</p> <p>Section 2 of the OEMP [<b>APP-172/Volume 6.11</b>] defines the responsibilities associated with the role of dedicated Community Liaison Officer.</p> <p>The Community Liaison Officer will be identified by the Contractor and will have responsibilities including communication with the public, stakeholders and other interested parties, outreach and education (where appropriate), which will be carried out during construction of the Scheme in accordance with the Communication Strategy.</p>
<b>Section 6: Summary and Conclusion</b>		
		No response required.