

M42 Junction 6 Development Consent Order

Scheme Number TR010027

8.8(b) Statement of Common Ground with Solihull Metropolitan Borough Council

Planning Act 2008

Rule 8 (1)(e)

The Infrastructure Planning (Examination Procedure) Rules 2010

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M42 Junction 6

Development Consent Order 202[]

STATEMENT OF COMMON GROUND
Solihull Metropolitan Borough Council

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2	Sept 2019	Updated Draft for Deadline 4 Submission

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Solihull Metropolitan Borough Council.

Signed.....

Chris Harris

Project Manager

on behalf of Highways England

Date: [DATE]

Signed.....

[NAME]

[POSITION]

on behalf of Solihull Metropolitan Borough Council

Date: [DATE]

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed M42 Junction 6 Development Consent Order ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 The order, if granted, would authorise Highways England to carry out the following works:
- a. a new dumbbell junction approximately 1.8km south of the existing Junction 6 on the M42;
 - b. 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.
- 1.1.3 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.4 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Solihull Metropolitan Borough Council (SMBC).
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of Highways England, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 SMBC is defined as one of two host local authorities as the majority of the Scheme is located within its administrative boundary. SMBCs role in relation to the Development Consent Order (DCO) process derives from Section 42(1)(b) of the PA 2008.
- 1.2.4 Collectively Highways England and SMBC are referred to as 'the parties'.

1.3 Terminology

- 1.3.1 In the table in the Issues chapter of this SoCG:
- a. “Agreed” indicates where the issue has been resolved.
 - b. “Not Agreed” indicates a final position, and
 - c. “Under discussion” where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to SMBC’s representation and therefore have not been considered in this document. It is recognised however that engagement between both parties will need to continue due to their joint vested interest in the area of the Scheme

2 Record of Engagement

- 2.1.1 The parties have been engaged in consultation since the beginning of the proposed development. A summary of the meetings and correspondence that has taken place between Highways England and SMBC in relation to the Application is outlined in **Table 2-1**.

Table 2-1 - Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
14.04.16	Meeting	Early engagement to present details of the scheme to date and to listen to thoughts and concerns for developing the options further.
21.11.16	Meeting	Meeting to discuss Highways England's proposals.
29.11.2016	Pre-consultation Meeting	Meetings to share further progress on the options and to listen to any thoughts or concerns prior to presenting the options at Public Consultation.
08.12.16	Email correspondence	SMBC request for information from Highways England regarding which local stakeholders were consulted and if the consultation document that was used was the same that which was shared with SMBC.
		Email with attached list of all the stakeholders Highways England has consulted with up until the end of November 2016. Confirmation that the presentation that was used was the same one given to SMBC.
26.01.17	Letter	SMBC response to the scheme options consultation.
27.06.17	Email correspondence	Confirming that the land occupied by the WGAA is not common land.
19.07.17	Email	To Highways England regarding SMBC's response to Julian Knight MP to address his comments on the scheme proposals.
09.10.17	Meeting	Discussion of alternative locations within the authority boundary of SMBC for the WGAA, update on the Extra and Applegreen MSA proposals with particular reference to Natural England's objection to the Extra MSA on the grounds of harm to the Ancient Woodland.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
10.10.17	Email	Details of the site search carried out by SMBC in relation to the potential relocation of the WGAA.
12.10.17	Letter	Preparation of a draft SoCC
13.10.17	Email	Email from Highways England containing plans for Clock Interchange, the access into the NEC/UGC/East Way and options for J5A, if the MSA doesn't proceed.
10.11.17	Letter	Notification of development letter to SMBC
13.11.17	Meeting	Discussion of the SoCC
15.11.17	Letter	Response from Solihull MBC on the SoCC
17.11.17 Email correspondence		Regarding some concerns that SMBC have regarding the proposed Scheme, particularly in relation to reviewing the highway designs in line with SMBC's Cabinet making comments. Highways England's response outlines that some of the information regarding the design does not exist at present as the preliminary design is still being shaped. This will be produced following consultation with stakeholders in the coming months.
22.11.17	Email correspondence	Comments by SMBC on the joint Highways England and SMBC position paper.
23.11.17	Email	Highways England email to SMBC with final Joint Position Paper, subject to agreement from SMBC.
27.11.17	Meeting	Discussed 6-7 concerns raised by SMBC
09.01.18	Meeting	Design review with SMBC
18.01.18 Email correspondence		Request by SMBC that Highways England attend a Tourism Forum hosted by SMBC to give an update on the scheme and the current consultation on the preferred option. Highways England was unable to attend, however, supplied a supply of scheme brochures and a link to a 3D fly-through for the meeting.
20.02.18	Letter	Statutory Consultation Response

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
19.03.18 Email correspondence		Regarding the possibility of reviewing the extent of the trunk road flowing from the construction of a new D2AP link road from the SRN to Clock Interchange.
		Highways England is willing to entertain, with the DfT, the possibility of trunking a short length of the A45 and associated lengths of highway.
17.05.18	Meeting	Highways England/SMBC Quarterly Meeting
15.06.18	Meeting	To discuss signage strategy for primary and local destinations.
23.08.18 Email correspondence		Regarding update on consultation for the scheme. Request for briefing note regarding the letters to land owners for the additional consultation, and the revised plans.
		Highways England responded by providing a copy of the consultation letter, draft plan and Appendix 1 which provides the definitive list of the changes proposed.
30.08.18 Email correspondence 31.08.18		Derek Lawlor wishes Highways England to advise SMBC on the comments regarding Appendix 1. Request that Highways England send SMBC the latest General Arrangement plans ahead of the DCO meeting on the 4 September.
		Highways England confirmed that the further consultation will commence on Tuesday 4 September and run until 2 October. The general arrangement plans and engineering drawings are not able to be shared at this time, however, it may be possible to share them next week on an in-confidence basis.
		SMBC raise the issue of the bus stop relocation.
		Highways England will speak with the designers to see what can be stated on the plans with regards the bus stop, to retain some flexibility. This could be something to address at the meeting on Tuesday 4 September.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
04.08.18	Email	Bus stop issue was not resolved at meeting on 4 September as there were no attendees from Highways England. Request that the land plans are sent to SMBC as shape files in order to load them into the mapping system and identify the areas in SMBC's ownership which overlap the highway.
17.09.18	Email	SMBC requires advise on who will lead on the 'Greening the grey' landscape proposals from Highways England.
27.09.18	Meeting	Review of proposed departures with SMBC
27.09.18 Email correspondence 28.09.18		Query as to how Highways England require feedback from the further consultation.
		Highways England note SMBC's comment regarding the NMM access, however, with the scheme in place, there is no justification for it; even including HS2's traffic in the modelling, now that they are a committed development. Therefore the Access has been withdrawn from our proposals. The NMM are happy with this course of events.
		SMBC request that the NMM rear access is discussed further.
15.10.18	Meeting	Overview of the DCO process.
16.10.18	Meeting	Highways England/SMBC Quarterly Meeting
16.10.18	Email	To SMBC regarding the maintenance programme and Catherine-de-Barnes classification.
18.10.18 Email		Provision of the plans for a secondary access for Haven Caravan Park, and the plan for an alternative access arrangement from Catherine-de-Barnes Lane to Four Winds.
		SMBC supports the proposals for the WGAA/Four Winds accesses. SMBC has concern over the suggested revised access.
30.10.18	Email correspondence	SMBC requiring confirmation of the status of the DCO submission.
25.10.18	Meeting	To discuss traffic signs strategy

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
18.12.18	Meeting	Traffic assessment meeting. The meeting was arranged as a result of an outstanding action from the previous Traffic Signs Strategy meeting, where both Solihull Council (SMBC) and Highways England's Operations Directorate required an additional meeting to discuss the development of the traffic model and the subsequent decisions that were influenced by the traffic model.
24.01.19	Meeting	Overview of roles and responsibilities pre and post submission of the DCO, the role of local planning authority's role and a detailed overview of the submitted Environmental Statement.
28.02.19	Email	Updated signage strategy report and proposed sign drawings provided by Highways England for comments and review by SMBC, following the Traffic Signs Strategy meeting held on 24 October 2018.
02.04.19	Meeting	Meeting to discuss DCO powers and outstanding highways issues regarding signage strategy, design and departures.
17.04.19	Meeting	Signage Strategy Meeting.
07.05.19	Meeting	Meeting to discuss queries regarding the Local Impact Report and remaining issues.
10.06.19	Meeting	DCO Process and SoCG
16.07.19	Meeting	DCO Process and SoCG
24.07.19	Meeting	DCO briefing for SMBC cabinet members
06.08.19	Meeting	Review of SoCG and key project updates
11.09.19	Meeting	Review of SoCG and key project updates

- 2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) SMBC in relation to the issues addressed in this SoCG.
- 2.1.3 Both parties have agreed that engagement to date has been positive and collaborative and that this engagement will need to continue throughout the DCO process, detailed design and construction stage and beyond. SMBC has confirmed to both Highways England and the Examining Authority that it supports the Scheme as it will bring benefits to the area and support future growth aspirations. The issues and matters highlighted in **Table 3-1** summarise the key

issues that have been in discussion between the two parties over the last two years. These issues generally fall into two categories: 1) those substantive issues which have been formally been raised by SMBC during the formal DCO consultation and representation stages, and 2) lesser issues and matters where further information has been requested of the applicant by SMBC to assist with its understanding about the localised impacts of the Scheme.

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3 Issues

3.1 Issues Raised

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
Local Impacts			
Green Belt	The Examining Authority have requested a statement on Green Belt to be included in the Statement of Common Ground (SoCG). SMBC has reviewed Paragraphs 5.3.56 - 5.3.61 of the Planning Statement in relation to Green Belt and concurs with the applicant on this matter.	<i>Noted</i>	Agreed
Air quality	SMBC queried whether there is going to be an air quality impact on the A45 towards Birmingham, as they thought that there was not enough information within the existing DCO, although the DCO reports that there is no significant adverse effect as a result of the Scheme.	<i>Highways England has confirmed to SMBC that the Scheme will neither give rise to new significant air quality effects, nor will it substantially worsen air quality in Air Quality Management Areas. Highways England and its advisors have discussed this issue specifically with SMBC and Highways England agreed to provide SMBC with links to where the baseline data for the air quality assessment can be found on the National Infrastructure Planning website:</i> <i>In addition to this, and as a matter which is distinct and separate to the Development Consent Order application, SMBC has</i>	Agreed

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
		<i>requested from Highways England baseline traffic data and assumptions around M42 Junction 6 construction traffic to feed into its own traffic model for the stretch of the A45 to enable it to discharge its own requirements for managing air quality effects in this area. Highways England has agreed to provide this data to SMBC.</i>	
Cultural heritage	SMBC note that the ES prepared by Highways England is inconsistent in its own conclusions towards heritage assets when Landscape and Heritage Assets chapters are compared. SMBC has raised these points formally through the Examination and the Examining Authority has sought clarification from Highways England on some of these points. SMBC note that the remaining key differences in professional opinion relate to how Highways England has categorised certain heritage assets and the resultant findings of the environmental assessment. These outstanding matters relate to Bickenhill Conservation Area, Hampton in Arden Conservation Area, The Clock tower of Hampton Manor and how HE has assessed the impact on landscape around Bickenhill Village.	<i>Highways England notes SMBC's position on this matter and based on the discussions on 6th August understands that following clarifications provided by HE through the Examination the points of difference have been narrowed and that there are now only four issues where the difference in professional opinion remains.</i> <i>Highways England acknowledge that key differences in professional opinion remain between both parties.</i>	Under Discussion.

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
Ancient woodland	SMBC agree with Natural England that the compensation ratio proposed in the DCO is not enough to reflect the loss of Ancient Woodland. SMBC has discussed compensation ratios with Woodlands Trust, which advised SMBC that it considers the ratio should be 30:1. SMBC recognises that Natural England will take a view on their recommended ratio once discussed with Highways England which SMBC would then consider supporting. SMBC recognises that there is unlikely to be any progress on this issue until the ExA has given an opinion, therefore we are content to no longer discuss with HE or provide comments until either a new compensation scheme is proposed or the ExA comes to a conclusion on the current scheme.	Highways England is having ongoing discussions with Natural England about the ratio of ancient woodland compensation planting proposed within the DCO Scheme. Highways England is however currently of the view that the ratio of replanting proposed within the DCO is proportionate and appropriate - Highways England proposed ratio is 3:1. As set out in the Register of Environmental Actions and Commitments contained within the Outline Environmental Management Plan [APP-172 Vol 6.11] any diseased or dying trees would be replaced as part of the 5-year management plan.	Under Discussion.
Construction	SMBC confirm that in our Borough, we would not normally permit work to commence on proposed works until 8am in the morning – weekdays & Saturdays. We would not normally permit working after 6pm. We would not normally permit any deliveries and/or arrivals on site before 7am – weekdays & Saturdays 8am. We would expect to receive any applications for work outside of these hours incl. Sundays and Bank Holidays	The working hours proposed within the DCO are standard hours of working by Highways England on schemes across its national programme, which strike a balance between impacts on local amenity and the timely delivery of nationally significant infrastructure. Where working hours are restricted on schemes of this scale the total duration of works can increase which can often be worse for amenity overall.	Not Agreed

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
	for specific work and to seek our agreement. HE and its Contractor, Skanska, confirmed that the 7am start includes any set up and there will be no noise before 7am such as reversing vehicles –SMBC view is that construction works between 7am & 8am should be avoided where possible and should not include operation of plant or machinery likely to cause a disturbance to local residents or businesses, but will include (but not limited to) deliveries, movement to place of work, unloading, maintenance and general preparation work. Skanska will need to seek Section 61 approval from the Council for any works outside of the Council's normally permitted hours.	<i>Highways England has confirmed to SMBC that the environmental assessment has taken into account the working hours proposed.</i> <i>Highways England can confirm that the 07:00 start time is the earliest time that the workforce will arrive at the site and that no works (except those as described within Schedule 2, Part 1, paragraph 4, section 3, items c (i) to c(xiv) will take place before 07:00.</i> <i>Furthermore, reducing the hours of operation by 1 hour a day over a four-year construction programme would have the consequence of delaying the completion of the Scheme by approximately five to six months (i.e. 1 day per every 1.5 weeks worked), which Highways England do not consider reasonable given the precedent for these working hours on other consented schemes.</i> <i>SMBC noted at the meeting on 11.09.19 that HS2 working hours are from 08.00hrs to 18.00hrs Monday to Friday and 08.00hrs to 13.00hrs on Saturday. This is correct but it does not account for the additional hour at each end of the day that HS2 allow for start up and close down of works. This means HS2 contractors can be active on site from 07.00hrs to 19.00hrs Monday to Friday and 07.00hrs to 14.00hrs on Saturday which is longer than that proposed by the Scheme.</i> <i>Highways England has not defined start up' or 'close down' periods within the Order as it can</i>	

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
		<i>sometimes be unclear what activities might be considered to be 'start up' and what activities might be considered to be construction works. The wording suggested by SMBC relating to activities that it considers can occur on site between the 07.00hrs and 08.00hrs, i.e. 'should not include the operation of plant or machinery likely to cause disturbance' is open to interpretation. This ambiguity has the potential to lead to confusion to local residents about whether or not an activity occurring during this time is authorised. In turn this could give rise to unnecessary enforcement enquiries to the local planning authority. The working hours stated in the draft DCO are definitive in that they include start up and close down periods within them.</i> <i>It is correct that Section 61 consents will be sought from SMBC during the construction of the Scheme. This will include those works that will fall outside of the core working hours set within the draft DCO.</i>	
	SMBC seeks clarification on what mitigation will be used during both the operational and construction periods.	<i>The ES reports no significant change in the noise environment, and it even reports an improvement along some parts of Catherine-de-Barnes Lane. It is therefore not within the current design to have operational noise barriers within the Scheme. However, during construction, if there is a requirement for temporary noise barriers this will be considered on a case-by-case basis as set out in the</i>	Agreed

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
		<i>Outline Environmental Management Plan (OEMP).</i> <i>See above</i>	
	SMBC have also sought a commitment to no loss of traffic capacity at peak periods. 1. Traffic movements – the Council have requested a commitment from Highways England that there is no reduction in the current capacity on the strategic road network during peak periods. This is a very sensitive area where the strategic road network serves nationally significant sites such as Birmingham Airport, the National Exhibition Centre and Jaguar Land Rover. Congestion in this area can have a major impact on these businesses and all major road works which have been carried out over recent years have had this requirement built into the construction contracts as works information. The Council have also requested details of lorry routes and how these will be enforced. 2. HE proposed to engage with stakeholders on advance plans for traffic management arrangements to avoid delays SMBC have asked that these plans are agreed in advance with the Council in consultation with	<i>Highways England can provide the following assurances to SMBC:</i> i) <i>Highways England will seek to minimise the impact on the road network when carrying out works recognising the sensitivity of the area (as set out by the Council).</i> ii) <i>Highways England and/or its appointed principal contractor will develop its traffic management plan, which will include details of routes for lorry routes for construction traffic, in consultation with SMBC.</i> iii) <i>Highways England and/or its appointed principal contractor will liaise with SMBC to discuss and agree reasonable temporary traffic management measures that will be introduced onto the strategic road network prior to those traffic management works being implemented in accordance with the provisions in the DCO.</i> iv) <i>Highways England and/or its appointed principal contractor will discuss with SMBC the measures it will put in place to ensure large construction vehicles such as lorries</i>	Agreed.

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
	major stakeholders such as the Airport and NEC. Skanska added that they would need to carry out certain works such as the A45 footbridge out of hours that may require road closures and would be subject to agreement with the Council. 3. Lorry route enforcement – Skanska confirmed that they had reviewed unsuitable routes and would establish defined and agreed routes with SMBC and a management plan incl. vehicle identifying symbols, vehicle tracking, signage, enforcement etc.	<i>and heavy goods vehicles only use agreed routes. Such measures will be set out in the Traffic Management Plan.</i>	
	Construction Compounds – SMBC met with Highways England to discuss the approach to construction, in particular the location and rational for construction compounds. The meeting covered construction methods and the necessary mitigation measures for compounds. Compounds – SMBC and local residents were concerned over the extent of the proposed main compound and its proximity to local residents. The Council have requested details from Highways England of the assessment of other locations for the compound. They have also asked Highways England if they had	<i>Highways England has provided additional detail on the alternative locations it considered for the main site compound and the reasons why these other locations were discounted in the document Consideration of Alternative Locations for the M42 Junction 6 Main Site Compound [REP3A-004 Vol 8.47].</i> <i>In addition, Highways England has produced an Outline Management Plan for Main Site Compound [REP3A-003 8.46] which sets out the day to day management and mitigation controls that will be put into place by the Principal Contractor to manage environmental effects. This includes measures to do with lighting. The Outline Environmental Management Plan [APP-172 Vol 6.11] contains</i>	Agreed.

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
	considered a compound near the new Junction 5a. SMBC understand:- - Order provides the power to create the compounds. The Main site compound north of Bickenhill is not a construction compound but would include storage of materials and would provide staff facilities. It is proposed to include topsoil bunds around the southern perimeter of approx. 2-3m height that would also provide screening for Bickenhill residents. - Noise & hrs of operation – these are defined in the DCO and was assess in the ES. - Light pollution – low level LED lights with baffling plates proposed to be used. There is also a safeguarding issue as this is on the Airport approach route. - Other locations – HE preparing a paper for the EA – 5 locations – & addressing the use of the compound - Local field offices – HE will provide and agree details	<i>additional control measures that the Principal Contractor will put in place to manage environmental effects during construction across the Scheme and Highways England requests that SMBC reviews this document.</i>	

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
	J5a – HE will use Motorway for access for bridge beams etc.		
SSSI	SMBC query whether the new solution for mitigating the impact on the SSSI would sufficiently reflect what has been lost, as well as how this solution would work. SMBC also query the wider implications that this alternative solution may have on the surrounding environment. SMBC note that Highways England have had various discussions with Natural England, which has led to a 'passive' mitigation solution being agreed between both parties. Whilst SMBC has a direct interest in ensuring that the SSSI is not degraded as a result of the M42 Junction 6 Scheme it supports the conclusions made by Natural England on this matter SMBC is in agreement with the Position Statement submitted to the ExA for Deadline 4. However, as we made clear in our response to the ExAs questions for Deadline 4 that there are issues outstanding in relation to the SSSI and proposed mitigation solution that we have yet to reach agreement on including for example:	<i>Highways England has had various discussions with Natural England, which has led to a 'passive' mitigation solution being agreed between both parties. At the request of the Examining Authority a Position Statement on SSSI Mitigation [REP4-006 Vol 8.54] was submitted at Deadline 4.</i> <i>Highways England will consider the further information provided by SMBC on 16 September and will discuss these matters with it in due course.</i>	Under discussion.

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
	• The MG5 community within the SSSI should also be included in the monitoring scheme – this has been raised with the Applicant but not addressed. • What is the timescale for agreement of the threshold/triggers from which to monitor against? • What is the contingency plan if there is too much or too little water reaching the SSSI, and what is the feedback loop for this? • Design and location of the swale on Shadowbrook Lane and any other infrastructure relating to the mitigation scheme that SMBC will be responsible for maintaining in the long term. As SMBC will be responsible for managing part of the SSSI mitigation scheme in the future, it is essential that we are involved in discussions relating to this issue.		

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
Archaeology	SMBC are satisfied with Highways England's engagement regarding archaeology throughout the DCO process. SMBC are satisfied that sufficient archaeological evaluation has been undertaken to inform the Environmental Assessment, but would highlight that it did not examine the full area to be disturbed by this scheme. It is expected that the DCO/CO will secure appropriate archaeological work to mitigate any remaining potential archaeological impacts	<i>Highways England submitted its final Archaeological Investigation Report [REP4-004 Vol 8.51] at deadline 4, which confirmed that there were no findings of significance within the survey area. This report has been shared with SMBC's archaeology advisor</i>	Agreed.
Traffic and transport			
Traffic Modelling	SMBC has advised Highways England that during peak periods, in particular in the evenings, that a Resilience Plan is put into action when there are shows and exhibitions at the NEC. Effectively, if M42 J6 is at capacity then the NEC direct traffic out of Northway even though their destination may be M42 S. Once the new junction and new dual carriageway are in operation, there will be less traffic exiting from M42 Northbound but the NEC will take up this capacity by directing more traffic on to Southway and up to Junction 6.	<i>This issue has now been raised and discussed at the Examination Hearings and SMBC has confirmed that the Model follows standard guidance.</i> <i>Models and associated modelling runs are compliant with DMRB/ WebTAG and has been signed off by Highways England's specialists. The traffic forecasts have been prepared using traffic models representing all significant roads and junctions in the area. The models have been calibrated and validated against DMRB/ WebTAG criteria to represent existing traffic count and journey time data in the morning, interpeak and evening peak hours. Future year</i>	Agreed.

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
		<i>forecasts were developed from the base model using standard forecasting methods and assumptions.</i> <i>However, recognising that SMBC were concerned that the junction will not cope with exceptional peaks due to events at NEC and Birmingham Airport, Highways England undertook further sensitivity tests and presented the findings in various meetings – this facilitated agreement with SMBC of a scheme base case that realistically reflected the current conditions. This formed the basis for revised traffic forecasts into the future design year, which confirmed the Scheme's compliance with DMRB capacity requirements.</i> <i>Highways England will continue to engage with key stakeholders to further develop their traffic management plans to accommodate exceptional events with the Scheme in place.</i>	
Signage	Solihull MBC has requested a signing strategy be agreed with themselves and other major stakeholders before the DCO. SMBC support variable signing to allow traffic to be switched to alternative routes for network resilience, details, discussion and responsibility for management need to be discussed with Solihull MBC and the Combined Authority and HS2, NEC and BAL. SMBC request	<i>Highways England has developed a signage strategy in collaboration with SMBC and Highways England's Operations Directorate. This is an ongoing activity and currently the strategy is being refined following feedback from SMBC and other stakeholders.</i> <i>Highways England remains committed to developing a VMS strategy and will seek the support of those interested Stakeholders to deliver the VMS infrastructure through the</i>	Agreed

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
	provision of a variable message sign (VMS) network through the Scheme to help facilitate traffic movements through Junction 5A and Junction 6 during peak traffic period and major events periods. SMBC awaiting strategy from Highways England to review	<i>detailed design and construction phase of the Scheme.</i> <i>Highways England will continue to discuss the Signage Strategy with SMBC during the detailed design and construction phase, seeking SMBC's input as appropriate.</i>	
	Would be useful to see signage and carriageway marking details of the approach to the proposed A45 Eastbound free running link on to the M42 North and traffic modelling.	<i>Highways England has addressed this matter.</i>	
Design			
Haven Caravan Park secondary access	A secondary access is welcomed and would be supported by SMBC, there would clear highway benefits if this were to be made permanent. SMBC has concern regarding the suggested revised access as it is on a bend and there will presumably be TM in place as well with the proposed bridgeworks. We discussed another option of an approach via Old Clock Lane but this is likely to raise an objection from the two properties nearby in Old Clock Lane. SMBC has highlighted Catherine-de-Barnes Lane in red on the plan that Highways England sent to SMBC and wondered if Highways England could	<i>Highways England has confirmed that the secondary access to the site will be provided permanently by the Scheme</i>	Agreed.

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
	consider a temporary access over the land shown in yellow – part of this will also be the PMA in the final scheme. SMBC has also requested a one way system through the caravan park for safety reasons and would like to see this as a permanent system - Highways England will share a plan with SMBC – SMBC can provide response to CH on safety issue if not made permanent		
Construction Impacts			
Traffic	SMBC believes that collaborative working is needed to ensure efficient and effective traffic management during construction. SMBC have requested a similar commitment that other developers provided on previous schemes in the area that at peak periods there will be no reduction in traffic capacity on the road network	<i>Highways England recognise the need to work closely with customers, businesses and promoters of all projects to ensure the effective coordination of works to minimise disruption having regard to the fact the scheme involves works on the highway. In accordance with Requirement 10 of the dDCO. Highways England will produce a Traffic Management Plan in consultation with SMBC.</i>	Agreed.
	Concern over construction congestion, especially at Clock due to the scheme which interfaces at the same time at Birmingham International Station. Options to combine works should be explored.	<i>This is noted. Highways England recognise the need to work closely with customers, businesses and promoters of all projects to ensure the effective coordination of works to minimise disruption having regard to the fact the scheme involves works on the highway. In accordance with Requirement 10 of the dDCO.</i>	Agreed.

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
		<i>Highways England will produce a Traffic Management Plan in consultation with SMBC.</i>	
Matters resolved 2017 to December 2018			
Design			
WGAA	Adequate re provision for WGAA agreed in principle. SMBC have not had sight of the proposed and detailed mitigation but will be happy to review and comment as and when it's received.	<i>Highways England has discussed the impact of the Scheme on the WGAA with SMBC over the last two years. Highways England has shared its options for reconfiguration proposals for the club on land adjoining the existing club facilities that now form part of the DCO Scheme. SMBC has confirmed its support for the proposals in the DCO Scheme. Highways England has since confirmed which reconfiguration option will be promoted by the Scheme. This is set out in document Proposed Proportionate Reconfiguration of the Warwickshire Gaelic Athletic Association Facility [REP2-019 Vol 8.21].</i>	Agreed
	An alternative access is welcomed. Is there an alternative access to the WGAA, off Catherine-de-Barnes Lane, that would avoid a link past Four Winds?	<i>Highways England has developed a proposal for an alternative access for the WGAA within the Order Limits that has been discussed with SMBC. It was noted that this proposal is preferable to SMBC. Highways England will be putting this forward to the ExA as part of the more detailed proposals for the WGAA reconfiguration.</i>	Agreed

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
Slip roads	The exclusion of north-facing slips at the new Junction 5A does not seem to cater for future growth.	<i>This is noted. During design development Highways England's traffic modelling demonstrated, based on the agreed growth scenario, that there was minimal traffic demand for north-facing slips at Junction 5A.</i> <i>Highways England continues to work with its regional partners to support their firm growth aspirations. The possibility of north-facing slips has not been precluded by the design of the Scheme subject to wider improvements of the SRN in the area – such as widening of the M42 or use of All Lane Running.</i>	Agreed
	Should you look at increasing the number of lanes available on the M42 J6 north slip road for Coventry bound traffic? At the existing Northbound off slip, SMBC have observed that there is only one right lane from M42 N for Coventry and this could be improved with two lanes for vehicles turning right At a meeting last year with the Highways England's Regional Operational Team and their National Infrastructure Team, it was agreed that Highways England would remove the segregated lane from M42 northbound slip onto the A45W and consider if they could accommodate five lanes at the stop line. This will help Coventry-bound traffic as two lanes will	<i>Increasing the number of running lanes over Clock Interchange from 2 to 3 lanes is one of the key aspects of providing capacity improvements at Clock Interchange, along with traffic signalisation. The M42 Project Team has worked closely with both SMBC and Warwickshire County Council structures specialist to agree the assessment and approval of the design. Similarly, Highways England will be developing a local model to determine if these proposals will address the traffic growth in this area taking into account sensitivities in traffic flows particularly in the evening peak period.</i> <i>The segregated lane from M42 northbound slip onto the A45W has been removed and the geometric design has been modified (i.e. increased) to incorporate four lanes at the stop</i>	Agreed

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
	be signed to Coventry but also allow more traffic to access the NEC.	<i>line, this will help Coventry-bound traffic as two lanes will be signed to Coventry.</i>	
	A free running lane should be considered onto the A45W at the Clock Interchange.	<i>As a consequence of consultation with SMBC a free flow link has been added to Clock Interchange from the mainline link road to the A45 westbound.</i>	Agreed
	SMBC requests that Highways England trunks the section of the A45 between Clock Interchange and Junction 6 of the M42. DfT having met with Highways England at a national level wrote to SMBC on 13/2/19 and advised “As far as trunking the A45 from the M42 to the Clock Interchange is concerned, at our meeting Highways England accepted that the principle for trunking looked sound, but expressed an initial preference to defer trunking activity until after the DCO for the RIS 1 M42 Junction 6 improvements has been concluded.”	<i>The DCO Scheme does not include proposals to trunk the section of the A45 at Clock Interchange to Junction 6 of the M42. Highways England has however acknowledged that, subject to the outcome of a detailed review, this could be an area of road that is trunked at a later stage.</i>	Agreed

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
Free running lane	SMBC request that the M42 northbound to A45 westbound free-flow link road is kept open for resilience, especially during periods of peak traffic, or when Junction 5A is closed to traffic.	<i>The free flow link was removed from the proposed scheme as part of the modifications to Option 1 at PRA. Further work on the link design showed that there were significant challenges with the horizontal and vertical alignment of the link, impacts on the current access arrangements to adjacent businesses and prohibitively high construction costs compared to potential benefits.</i> <i>Highways England presented a technical justification for removing the free flow link road based on traffic use and operational safety for road users and operators. It was agreed with SMBC that this link road will not be required but Highways England would maximise the capacity of the northbound off slip by considering a 5-lane junction at the signals subject to the possibility of a safe design being implemented.</i>	Agreed
Rear egress	An alternative access from the NMM would be beneficial as it would provide an alternative to the current exit on M42 Junction 6 where traffic can block the roundabout when traffic from major events leaves the NMM at the uncontrolled exit. HS2 advise that they are expecting Highways England to deliver the exit from the NMM which HS2 are to fund.	<i>This is noted.</i> <i>Notwithstanding the commitment by HS2 Ltd to provide a rear egress to the NMM, Highways England assessed whether the Scheme would justify the provision of a rear egress. The study identified that there was no significant safety or capacity problems associated with the current access/egress arrangements for the NMM. The traffic modelling indicates that there are no capacity issues in the design year, supporting</i>	Agreed

Sub-topic	SMBC Comment	Highways England Response/Actions	Status/Agreement
		<i>the conclusion that the existing arrangements will continue to be satisfactory.</i> <i>Following discussions with the NMM, Highways England confirmed that a new rear egress would not be included as part of the Scheme.</i>	
Bus stop	SMBC prefers the location of the bus stop shown on consultation plan to the proposal to move it nearer to Church Lane.	<i>This is noted. The precise location of the bus stop will be subject to discussion with SMBC and Transport for West Midlands.</i> Highways England has agreed to move the proposed bus-stop on the A45 westbound near the A45 Footway overbridge to the Airport Way Connector Road, to the requested location as is outlined in the current DCO documents.	Agreed