

Our ref: M42J6/DCO_D8
Your ref: TR010027

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Chris Harris
Project Manager
Highways England
2 Colmore Square
Birmingham
B4 6BN

Tel: 0300 123 5000
5 November 2019

By email only

Dear Kate,

M42 Junction 6 Development Consent Order (TR010027): Deadline 8 (D8)

Please find, accompanying this letter, Highways England's (the Applicant's) submission for Deadline 8 (D8) containing:

- 8.4(h) Updated Guide to the Application
- 8.8(d) Final Statement of Common Ground – Solihull MBC
- 8.16(a) Statement of Common Ground – National Exhibition Centre
- 8.20(b) Final Statement of Common Ground – Birmingham Airport Ltd
- 8.93 Actions Arising out of ISH on Compulsory Acquisition and Temporary Possession on 22 October 2019 for Deadline 8
- 8.94 Actions Arising out of ISH on dDCO 4 on 23 October 2019 for Deadline 8
- 8.95 Applicant's Comments on Any Additional Information or Submissions Received by Deadline 7
- 8.96 Outline Compound Management Plan (superseding the Outline Management Plan for Main Site Compound [**REP3A-003/Volume 8.46**])

Statements of Common Ground and agreements

Set out below is the current position on the remaining Statements of Common Ground (SoCGs):

- **Arden Hotel** – The Applicant is awaiting comments from Arden Hotel on a technical note regarding construction impacts of different designs for the pedestrian overbridge in the vicinity of the Arden Hotel. The Statement of Common Ground (SoCG) will be revised following receipt of any comments on the technical note and submitted at Deadline 9 (D9).
- **Warwickshire Wildlife Trust** – Comments from the Warwickshire Wildlife Trust have been delayed due to a change in personnel, and their availability due to leave. If no response is received by the Applicant prior to D9, the Applicant will

assume that all items currently marked as 'under discussion' will change to 'Not Agreed'. An update on this will be provided at D9.

- **National Exhibition Centre** – Please note that all matters described as 'under discussion' in the SoCG are matters which the parties have agreed will be covered by a separate Legal Agreement, which is currently under negotiation. No further changes are therefore proposed to this SoCG.
- **Severn Trent Water** – An asset protection agreement has been agreed and is in the process of being completed.
- **Gooch Estate** – Progress continues to be made towards an agreement.

Examining Authority (ExA) letter postponing the decision on Applicant's proposed change to the dDCO [PD-013]

In response to the Examining Authority's letter [PD-013] dated the 31 October 2019, the Applicant has provided the following information regarding the proposed Change 3 (parcels of land to be removed from the Order, namely 3/1d, 3/45c, 2/32c, 2/36, 2/32a from the draft Development Consent Order (dDCO)).

For land parcels identified as 3/1d and 3/45c

These parcels of land were included within the Order limits to be utilised if required for the purpose of the reconfiguration of the Warwickshire Gaelic Athletic Association (WGAA). The Order limits as presented within the Development Consent Order (DCO) application were defined at a point in time when the final reconfiguration of the WGAA facility was unknown. Thus, wider Order limits were drawn to reflect this possible refinement to the final layout.

Given the potential for these land parcels to be acquired for the reconfiguration of the WGAA, and therefore the extent of any remaining land within the plot was unknown at the time that the DCO was submitted, the parcels of land were not considered appropriate or suitable to mitigate the Scheme's identified significant environmental effects.

The adjacent parcels to 3/1d and 3/45c identified for the purpose of essential environmental mitigation are 3/32b, 3/32c, 3/45a and 3/53c. The essential mitigation on these parcels is mainly hedgerow replacement, the creation of scrub habitat and species rich grassland, and soil translocation from the directly impacted area of Castle Hill Farm Local Wildlife Site. In addition, during the construction phase on parcels 3/32b, 3/32c and 3/53c monitoring is required for an identified barn owl roost and for the monitoring of the First Castle Meadow Unit of the Bickenhill Meadows Site of Special Scientific Interest.

The removal of parcels 3/1d and 3/45c is not likely to adversely affect the intended function of the mitigation on the identified adjacent parcels nor reduce the potential for wider habitat mitigation or monitoring requirements as this will still be provided on the adjacent land parcels.

As such, in the event the requested changes for the removal of the aforementioned land parcels is accepted by the examining authority as a non-material change to the dDCO, the removal from the Order limits would not undermine or alter the proposed essential environmental mitigation as identified within the Environmental Impact Assessment and illustrated on Figure 8.8 Environmental Masterplan [**APP-095**].

For land parcels identified as 2/32c, 2/36 and 2/32a

These parcels of land were included within the Order limits to be utilised, if required, for any tie-in works to the existing private means of access for the properties off Solihull Road associated with the construction of the new Solihull Road Overbridge. Following a detailed design review of these works and meeting with the affected residents, it has been determined that the land parcels identified would not be required for any of the associated tie-in works.

The parcels of land were not considered necessary to mitigate the Scheme's identified significant environmental effects as they contain existing vegetation which would have to be removed in order to allow mitigation planting. There will therefore be no benefit in using these parcels for mitigation planting.

The adjacent parcels to 2/32c, 2/36 and 2/32a identified for the purpose of essential environmental mitigation are 2/1c, 2/3e, 2/40 and 2/42. The essential mitigation on these parcels is namely grassland verge planting and woodland / woodland edge planting to reinstate and integrate the engineered slopes and screen the Solihull Road overbridge.

The removal of parcels 2/32c, 2/36 and 2/32a is not likely to adversely affect the intended function of the mitigation on the identified adjacent parcels nor reduce the potential for wider habitat mitigation or monitoring requirements as this will still be provided on the adjacent land parcels.

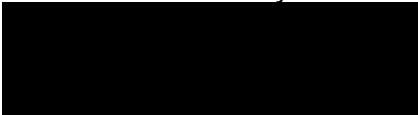
As such, in the event the requested changes for the removal of the aforementioned land parcels is accepted by the examining authority as a non-material change to the dDCO, the removal from the Order limits would not undermine or alter the proposed essential environmental mitigation as identified within the Environmental Impact Assessment and illustrated on Figure 8.8 Environmental Masterplan [**APP-095**].

Changes to the dDCO

The Examination timetable provides for the ExA to publish its preferred dDCO or dDCO commentary on 8 November 2019 and for the Applicant to respond by D9 with its final dDCO. In order to inform the ExA's publication, the Applicant can confirm that it intends to make the following changes to the dDCO submitted to the Examination at Deadline 5:

- the changes set out in the non-material change request, subject to the ExA's decision on whether these changes may be made;
- changes to Article 15 (classification of roads etc) to reflect the fact that the slip roads for Junction 5A will be subject to the existing variable speed limits that apply to this section of the M42;
- changes to Schedule 2 (Requirements) taking account of the points made by Birmingham Airport Limited and Solihull Metropolitan Borough Council at Deadline 6; and
- changes to the protective provisions in Schedule 10. These will include changes for the protection of National Grid in accordance with its Deadline 7 submissions. They may also include changes for the protection of Cadent Gas and HS2 Ltd, subject to agreements on whether the protection they seek is more appropriately dealt with in a side agreement.

Yours sincerely



Chris Harris

Project Manager

Email: chris.harris@highwaysengland.co.uk