



Meeting note

Project name	M42 Junction 6 Improvement
File reference	TR010027
Status	Final
Author	The Planning Inspectorate
Date	14 December 2017
Meeting with	Highways England
Venue	The Planning Inspectorate offices
Attendees	The Planning Inspectorate Richard Price – Case Manager Gail Boyle – Senior EIA and Land Rights Advisor James Bunten – Case Officer Highways England Jonathan Pizzey – Senior Project Manager William Spencer – DCO and Statutory Process Manager Tom Clancy - Environmental Advisor Jamie Gleave - Environmental Specialist (AECOM) Lydia Barnstable - Stakeholder Lead (AECOM)
Meeting objectives	Update on the proposed scheme, feedback on the Scoping Opinion and outline of consultation approach
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project update and consultation approach

The Applicant provided a brief introduction to the Proposed Development and an update on the development of the scheme to date. This included an overview of the non-statutory consultation undertaken between 9 December 2016 and 27 January 2017 and a summary of the level of interest and responses received.

The Applicant summarised the interest of key stakeholders including Solihull Metropolitan Borough Council (SMBC), Birmingham Airport, Birmingham NEC and High Speed Rail 2 (HS2) and noted ongoing engagement. In particular, the Applicant discussed engagement with SMBC, the host local authority, to which the Applicant was providing additional support in light of likely future PA2008 applications in SMBC's area.

The Applicant set out its methodology for selecting the preferred route option and briefly identified the land issues that had arisen. There was discussion regarding the Applicant's



assembly of the Order lands. The Applicant confirmed that the red line boundary did not include any special category land.

The Applicant confirmed that statutory consultation would take place between 9 January to 19 February 2018, ahead of its anticipated submission of the application on 13 August 2018. The Inspectorate encouraged the Applicant to allow sufficient time for a review of draft documents prior to the submission of the application and referred the Applicant to the Inspectorates' Pre-application [Prospectus](#), which sets out the eligible documents for review and the timeframe for feedback. It was noted that a quicker timeframe could be achieved if the date for submission of draft documents could be agreed early, allowing the Inspectorate to resource effectively.

There was brief discussion regarding deposit locations, with the Applicant confirming that nine locations would be used for their statutory consultation. The Inspectorate confirmed that it would usually use one or more of the Applicant's deposit locations at the Examination stage.

The Applicant sought clarification from the Inspectorate on the need to consult SMBC regarding a potential relocation site for the Gaelic Athletic Association (GAA) sports ground. The Inspectorate suggested that the Applicant could potentially cover this matter in a Statement of Common Ground (SoCG) with the GAA.

The Applicant sought clarification on whether separate SoCGs should be prepared for each consultee/ stakeholder. The Inspectorate advised that while bilateral SoCGs would inevitably need to be produced, a multilateral SoCG covering the Development Consent Order could usefully assist the examination.

The Inspectorate also advised the Applicant that the structure of its Consultation Report would need to clearly reflect the requirements of the PA2008.

Scoping Opinion

The Applicant queried how deviation from the Secretary of State's (SoS) [Scoping Opinion](#) could be captured within in the Environmental Statement (ES) and suggested using a table to set out and justify scoped out issues. The Inspectorate concurred with the approach and advised to review the interpretation set out at the front of the Scoping Opinion.

The Inspectorate confirmed that receipt of the Scoping Opinion would not prevent the Applicant from refining its EIA scope following Pre-application consultation and/ or in response to design evolution of the Proposed Development. The Inspectorate advised that any changes to the scope of the EIA or deviation from the Scoping Opinion should be recorded and explained within the ES. Such information could be presented within the scoping table or separately within appendices, depending on the extent of justification being provided.

There was discussion regarding mitigation and how embedded and additional mitigation in accordance with best/ standard practice measures can be presented and taken into account within the assessments reported in the ES, particularly with regard to identifying pre- and post-mitigation effects as noted in the Scoping Opinion. In accordance with the



intent of the Scoping Opinion it was confirmed that the EIA should take account of any embedded and best/ standard practice mitigation from the outset, as these constitute measures that either form an integral part of the design or would be implemented during construction as standard. Pre- and post-mitigation effects would be reported only where the need for additional mitigation is identified, in order to demonstrate the efficacy of such measures.

The Inspectorate advised that the Applicant needed to have regard to all the issues contained within the consultee responses to the Scoping Report; as while not all information within related to the scope of the EIA it nonetheless may need to be taken into account as the design of the Proposed Development evolves. The Inspectorate noted that the scoping table suggested by the Applicant could be used to signpost where any non-EIA related matters in the Scoping Opinion are covered.

The Inspectorate noted that due regard should be given to responses received after the 28 day deadline within the ES, and that any matters arising could be recorded within the scoping table suggested by the Applicant.

There was discussion with regards to how human health should be assessed within the ES with the Applicant noting it intended to cover the issue under various chapters instead of having a standalone chapter; as suggested by Public Health England. The Inspectorate advised that the approach taken was for the Applicant to decide and reiterated the advice given in the SoS' Scoping Opinion. The Inspectorate advised that the Applicant may wish to look at other schemes' approach to assessing human health in the ES.

The Applicant queried whether a Construction Traffic Management Plan would need to be produced, based on the consultee responses within the Scoping Opinion. The Inspectorate confirmed its acceptance of the Applicant's intention to cover such matters within an Outline Environmental Management Plan, which would form part of the ES.

The Applicant noted that there wasn't potential for transboundary effects, and as the scheme design was unlikely to change significantly, no further screening would be required. It was agreed that the approach was adequate and should be justified clearly within the ES by updating the transboundary screening matrix included in the Applicant's Scoping Report.

The Applicant confirmed that internal specialists had screened out significant effects on the Grand Union Canal and advised it would be demonstrated clearly within the ES.

There was discussion regarding air quality in relation to PM_{2.5} and whether it should be assessed in the EIA given that the Design Manual for Roads and Bridges guidance does not require consideration of this pollutant when assessing highway developments. The Inspectorate reiterated advice provided in the SoS' Scoping Opinion in regard to this matter, and noted that as this pollutant is becoming a more relevant issue it should be considered in the EIA. The Inspectorate advised the Applicant to provide sufficient evidence in the ES if it considers there to be no potential for significant effects as a result of PM_{2.5} associated with the Proposed Development.



The need to assess potential effects on local and non-statutory ecological sites was queried by the Applicant. The Inspectorate advised that sufficient evidence would need to be presented in the ES if the Applicant considers there to be no potential for significant effects on these designations.

The Inspectorate confirmed that the Applicant will need to clearly identify whether an environmental effect is significant or not significant in the ES, based on the use of established assessment guidelines and/ or professional judgement as appropriate.

AOB

The Applicant confirmed that Bircham Dyson Bell had been procured as the projects' legal representation.

The Applicant's attention was drawn to the latest example document published to the National Infrastructure Planning website: [National Grid's 'Guide to the application'](#). All applicants were being advised to prepare an equivalent document as part of their applications for development consent.

The Inspectorate confirmed that it can review draft documents comprising the Development Consent Order application prior to formal submission. Should the Applicant wish to take advantage of this service, a duration of between 4 to 6 weeks should be programmed for accordingly.

Specific decisions/ follow-up required?

The following actions were agreed:

- The Applicant agreed that a project update telecon could be held late March 2018.
- The Applicant to advise early in 2018 with regards to the likely submission date and breadth of its suite of draft documents.