

**APPLICATION REFERENCE: PL/2021/00471/HS2DIS**

**Site Address:** Waste Lane, Hodgetts Lane and Truggist Lane, Berkswell, Solihull

<p><b>Proposal:</b></p>	<p>Development authorised by the High Speed Rail (London-West Midlands) Act 2017 relating to submissions under Schedule 17 (6) for approvals of Lorry Routes (LR): Waste Lane Overbridge Satellite Compound/Waste Lane East and West Road Head Inbound Route Construction traffic will use the A45 Coventry Rd SRN from the West before taking the A452 southbound at the Stonebridge roundabout. LGVs will continue on the A452 through Balsall Common before turning left onto Kelsey Lane/Waste Lane. Construction traffic will follow Waste Lane until they turn left into the site access for Waste Lane Overbridge and Waste Lane Road Head East and West. Outbound Route Construction traffic will leave Waste Lane Overbridge and Waste Lane Road Head East and West and turn right out of the access onto Waste Lane, continuing onto Kelsey Lane before turning right onto the A452. LGVs will continue on the A452 until reaching the A45 Coventry Rd SRN Carol Green Rail Underbridge North Satellite Compound Inbound Route Construction traffic will use the A45 Coventry Rd SRN from the West before taking the A452 southbound at the Stonebridge roundabout. LGVs will continue on the A452 through Balsall Common before turning left onto Kelsey Lane / Waste Lane. Continue on Waste Lane for approximately 1.3 miles and turn left onto Hodgetts Lane and then left onto Truggist Lane, the site entrance is on the left-hand side Outbound Route Construction traffic must turn right out of site as there is a low bridge to the left. Once LGVs have turned right onto Truggist lane they will follow the above route in reverse until they have re-joined the SRN. Carol Green Rail Underbridge South Satellite Compound/Cromwell Lane Satellite Compound/Beechwood Farm Accommodation Underpass The inbound and outbound routes to these sites (beyond the internal haul road) is the same as the route for Waste Lane Overbridge compound and the Roadhead location.</p>
<p><b>Web link to Plans:</b></p>	<p><b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b></p> <p><a href="https://publicaccess.solihull.gov.uk/online-applications/">https://publicaccess.solihull.gov.uk/online-applications/</a></p>

<b>Reason for Referral to Planning Committee:</b>	<b>Called in by Councillors Howell and Diccio</b>
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<b>Recommendation:</b>	<b>APPROVE</b>
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### **PL2021/00471/HS2DIS - Waste Lane Schedule 17 – UPDATE SECTION**

The following pages are provided as update to the initial report that was published in advance of the Planning Committee meeting dated 30th June 2021. The update is provided following the approval of members to defer this application at the meeting pending further information and the deferment of the meeting as a whole following technical IT issues.

#### **UPDATE ON REPRESENTATIONS RECEIVED**

An update on representations is provided in the same context as the original report. This reflects the perceived overlap in commentary between the first 3 applications on the agenda (detailed below with respective headings) and helps to ensure all views and comments are highlighted for members in a consistent way.

Numbers of signatures on the petition to all 3 applications have increased to 2,717 since the report was published.

Additional representations have been received from the Mayor of the West Midlands, Andy Street CBE and Saqib Bhatti MP in response to **PL/2021/00276/CLOPUD**; **PL/2021/00471/HS2DIS** and **PL/2021/00473/HS2DIS**. Comments are summarised below:

- Support objections from local community;
- These objections focus on a number of material planning considerations, including environmental impact, noise, road safety and air pollution;
- Local communities are right to point out the inconsistencies in the current approach adopted by HS2 when set against the original intent of HS2;
- The petitioners have outlined that their objection is on the grounds that alternative routes have not been adequately considered and that, specifically, the applicant has failed to explain why a continuous trace-line haul route from the Park Lane compound to the Waste Lane compound and onwards to Burton Green, which was HS2's original intent has not been pursued;
- Dedicated haul route across HS2 Land would prevent large volumes of traffic from having to use Balsall Common;
- Issue of displacement parking is at the forefront of residents' concerns;
- Need to consider what is being done to address parking issues at the station and avoid overspill onto local roads if parking restrictions are introduced along Hall Meadow Road;

- Other important issues raised include pedestrian safety and ensuring clear access to the medical centre as well as the prospect of further congestion and increased air pollution as a result of significant increases in HGV movements in these communities;
- Trace line haul route across HS2 land, which would remove HGVs from Balsall Common, would go a significant way to addressing a number of the important concerns being expressed by local residents, and critically, would show that HS2 strives to be a good neighbour in the communities that we serve;
- Alternative route would keep large volumes of traffic away from Balsall Common and off local roads altogether and would minimise further disruption for residents;
- Significant increase in the number of vehicles proposed will result in congestion on local roads and will be detrimental to air quality in residential area;
- Hallmeadow Road is unsuitable in terms of the proposed increase in traffic volume and will be dangerous for pedestrians and residential traffic;
- There is no provision in the plans for overspill parking at Berkswell Station;
- These applications will result in a loss of amenity for Balsall Common residents with no replacement;
- Falls short of the commitment that HS2 made to be a “good neighbour”;
- These applications will directly impact on Annora Guest House where the route will run just a few metres from their boundary and is facing the possibility of closure as a result due to the noise, dust and constant construction traffic that will result;
- Neither HS2 Ltd nor BBV Ltd have come up with adequate proposals to mitigate the impact on Annora Guest House;
- The applications will impact on the local environment and the local amenity with the increase in volume of HGV movements on local roads, near to residential properties and will affect the free flow of traffic in the local area;
- Volume of traffic on Waste Lane/Hodgetts Lane and Truggist Lane is unsafe;
- Failure to evaluate credible alternatives which have been put forward by local residents and parish councils for a number of years;
- Strength of petition is a damning indictment of the attitude that HS2 Ltd and BBV have towards the residents of Balsall Common.

These issues are already covered in the officer reports.

### **PL/2021/00471/HS2DIS – Waste Lane Schedule 17**

Three additional representations have been received, including one from Balsall Parish Council. Concerns raised within the third party representations are already summarised within the Officer report. The Balsall Parish Council representation, which was in response to reviewing the Committee report, reads as follows:

“I have read the report for this agenda item and have noticed a few factual errors and omissions that need to draw to your attention.

- P5 Statutory consultees - "non-applicable"; but both Balsall and Berkswell Parish Councils responded to the consultation and are statutory consultees for planning applications and are referred to elsewhere in the report. Why were they not included here? Nor are the parish council responses on the planning portal (statutory consultees p1);
- P11 4th last bullet point - I understand that the 2016 request for the promoter to construct a temporary bridge was made by Berkswell Parish Council not Balsall Parish Council;
- P17 - LPA not aware of any complaints - I have personally made 3 complaints directly to BBV (Andy DeBell) about the noise from a very loud "stand clear vehicle turning" whilst standing at the Kenilworth Road/Kelsey lights which disturbs local residents, HGVs in convoy (3 at the lights at the same time), before 08.00 and an HGV driver driving too close to car which was keeping to the max speed limit of 30 mph and would not have had a stopping distance if the car had an emergency stop. Given the number of representations already received SMBC and HS2/BBV are likely to get an increasing number of complaints;
- The report does not mention the Solihull Local Plan Concept Masterplans October 2020 - and the Balsall Common Spatial Diagram on p10 that shows the A452 Kenilworth Road along the length proposed to be used by HS2/BBV being highlighted for "environmental enhancements". Allowing its use by HS2/BBV without any of the mitigation requested by the parish council seems to be in conflict with the concept plan - and residents will consider SMBC is allowing environmental degradation;
- The report does not identify the mitigation requested by the parish council nor our concerns about pedestrians crossing the A452 between the George in the Tree and Dengate Road roundabouts in order to access Lavender Hall Park - a key green space, heavily used during the last 15 months - asking HS2 to pay for a pedestrian crossing is a minimal but essential road safety requirement;
- Asking HS2/BBV to plan their logistics to avoid movements during the school start/close periods to protect the lungs of vulnerable children is a minimum request as more research evidence has come out since the ES on the damage particulates and fumes cause to this group;
- Asking HS2/BBV to ensure there is access to the Medical Centre, a key vaccination centre for residents here and surrounding villages, and pharmacy when open as essential infrastructure is a reasonable requirement as is keeping pedestrian and parking for users of the railway station as life returns to normal.

### **Officer comments**

There is limited requirement for consultation under the High Speed Rail Act, which is highlighted within the report. In the context of the Act, statutory consultees are limited to the Environment Agency, Historic England and Natural England where relevant. SMBC Scheme of delegation requires the Council conducts consultation on HS2 planning matters in accordance with the statutory requirements of the HS2 Act; with any additional consultation or publicity beyond that being at the discretion of the Head of Planning, Design and Engagement Services. In this respect the Council does consult with Parish Council's and Ward Members (as appropriate) to ensure

they are notified and able to submit comments. The comments made by both Berkswell and Balsall Parish Councils were therefore included in the summary of representations highlighted in the original reports. This is referenced on Page 10 of the original report pack.

With regards the point about noise complaints, officers would clarify that the LPA is not aware of any complaints having been received by the Council (note paragraph reference on Page 21 of the original report pack).

The Local Concept Masterplan supports the emerging local plan which was submitted to the Planning Inspectorate for public examination in May 2021. Public Hearings are expected to commence in September at which the plan will be scrutinised by independent inspectors. Whilst the weight that can be attached to the draft plan has increased since submission, it is still considered 'limited' given the level of objections and potential for modifications. In that respect the draft Plan makes allowances for the delivery of HS2 and this forms a key part of the overarching strategy. Notwithstanding, the LPA is, through the application before this committee, assessing whether the proposed route is suitable for use by more than 24 lorry movements per day to facilitate construction of HS2, which in itself already has deemed planning permission through the Act. The impacts of the A452/Waste Lane lorry route were assessed as part of the ES, as explained within the original report.

In response to the last three points the section within the original report titled 'to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area' considers whether the arrangements should be modified so to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area. The original report notes that a Route Management Improvement Safety Plan has been submitted and no measures have been identified as being necessary to facilitate such safe use of the route. SMBC Highways Officer has assessed whether the route is suitable and have raised no objection.

### **PL/2021/00473/HS2DIS – Hallmeadow Road, Balsall Common**

Two additional representations have been received including one from residents of Annora House. Further comments are summarised below:

- The plan submitted shows acoustic fencing positioned within the boundary of our property – on our land – and for less than half of the length of our garden for which we have not been asked for permission, would not want it and would not accept it on our land;
- Will not tolerate losing some of our land to mitigate for noise created by HS2 traffic;
- At the end of the garden, the noise bunds do not go the full width of the garden and are omitted at the corner where LGVs will be turning, probably making more noise;
- The ridge of the bund covers less than half the width of the front garden along which the haul route goes along the whole width, this is totally ineffective;
- HS2/BBV have yet to come up with noise modelling information;

- HS2/BBV have advised that there is no other mitigation that they will consider, they refuse to accept that this will result in the closure of our business, which will take away our household income; they refuse any type of arrangement whereby they could take occupancy of our B&B rooms for their contractors to maintain our income;
- No detail on how impact on Annora House of additional LGV movements has been explored;
- Impact on Annora House is as a direct result of the Schedule 17 request;
- CLOPUD application side steps any issues that planning permission could bring up.
- Documents requested to be submitted at time of screening opinion not included within supporting documents.

In response to this representation the impact on 314 Station Road, Annora House, is detailed within the original officer report.

### **PL/2021/00276/CLOPUD – Land to the South East of Station Road, Balsall Common**

One additional representation has been received. Comments are summarised below:

- Majority of land identified of the provision of proposed haul road is within the ownership and control of Colchurch Properties Limited (Colchurch);
- The identified haul road route cannot be secured without the consent of Colchurch;
- Colchurch will not support any temporary or permanent works that will frustrate the delivery of the residential allocation (BC1 Station Road) as identified in the emerging Local Plan;
- The proposed route is undeliverable and needs to be reconsidered by HS2;
- Colchurch will support a revised temporary haul road that will accommodate the future residential development of the emerging allocation;
- HS2 proposed haul road presents the prospect of impacting upon the deliverability of the access to the allocated site and early delivery of housing development;
- The proposals should be subject of Environmental Impact Assessment;
- These impacts must be considered as part of the overall HS2 project within this part of the scheme corridor and not in isolation and without due regard to the inevitable cumulative effects;
- The additional arm on the Station Road/Hallmeadow Road roundabout is to be subject to a separate application – from a technical perspective these applications need to be considered in tandem as the design of the additional arm on the roundabout will impact the alignment of the haul road;
- Earthworks associated with haul road appear very close to 314 Station Road, Annora House. There may be insufficient space to deliver the earthworks in this location;
- Concerns whether the first section of haul road at 7.3m is wide enough;

- Not clear how construction traffic will access/egress the haul road safely;
- Concerns raised regarding the site access design;
- The layout of existing roundabout does not provide sufficient space to accommodate a new arm;
- It is not possible to deliver a safe/access/egress to/from the roundabout without reconfiguring the existing layout;
- Haul road would conflict with the proposed site access for Barrett's Farm, as well as the proposed bypass.

In response to the above representation, land ownership issues are private matters that are not material to the consideration of the application.

The residential allocation (BC1 Station Road) identified in the emerging local plan is not forecast to deliver housing within the first 5 years of the plan period.

A screening opinion under the Environmental Impact Assessment Regulations was provided by the LPA in 2020 and the development was not considered to require an EIA.

The design of the haul road access will need to be the subject of a Schedule 4 submission under the High Speed Rail Act when the technical design will be considered in terms of highway safety.

### **UPDATE TO OFFICER REPORT**

At Planning Committee on 30<sup>th</sup> June Members resolved to defer this Schedule 17 request for approval for the following reasons:

- Greater understanding of traffic movement data, suitability of roads i.e. width and types of vehicle in terms of road safety and impact on pedestrians including children going to/from school;
- Have all alternative options been explored;
- Environment and pollution;
- Monitoring and compliance responsibilities.

The applicants have provided supplementary information to address these points which is summarised as follows:

#### **Safe use and suitability of Roads**

- HS2 note that Waste Lane was considered a safe route when evaluated in the HS2 Environmental Statement.
- The route was assessed in the ES using forecast HGV numbers.
- The route has previously been approved by SMBC [at the planning committee meeting dated 4<sup>th</sup> September 2019, for LGV use for 100, two way LGV movements] and operated by the enabling works contractor, LM, as a suitable route, without incident, to access HS2 working sites.
- Carriageway and footpath widths have been provided at various points along Kelsey Lane and Waste Lane. The minimum carriageway width is 5.85m at

no. 93 Kelsey Lane, although the majority of measurements taken are 6.1-6.2m before the carriageway widens as it enters Waste Lane.

- The footpaths width are 1.7-1.8m except for the western side just by Kelsey Court that measures just 1.15m in width. Both Waste Lane and Kelsey Lane are considered typical B-roads, and as such, are deemed to be sufficient width for safe use at the volumes of movement BBV propose.
- Details of typical construction vehicles – aggregate tipper, concrete wagon, road sweeper/fuel or water tanker, width 2.6m/length 9.1m/height 3.5m
- Restoration of road markings and speed warnings would benefit all users.
- A swept path analysis of an articulated lorry turning left from A452 onto Kelsey Lane has been provided.

### HS2 Environmental Statement (ES) evaluation of using Waste Lane

- The ES concluded that the use of Waste Lane was safe.
- In that respect it considered the environmental impact on the basis of a higher volume of LGV movements than BBV are now proposing.
- The ES concluded that the scheme would increase traffic volumes by no more than 1%.
- An extract from Design Manual for Roads and Bridges (DRMB) TA79/99 has been provided which determines the type of roads and their capabilities of the A452 through Balsall Common and Kelsey Lane/Waste Lane.
- Capacity assessment takes into account (amongst others) carriageway width, total number of lanes, speed limit, number of side roads, parking and loading, pedestrian crossings and bus stops.
- Assessment advises that capacities for A452 and Waste Lane one-hourly flows in each direction is 1550 and 900 respectively (this is detailed below).

### Effect of the HS2 traffic on Local Traffic on the A452 from Wootton Lane to Adler Lane

- Road capacity is 1550 per hour as per TA 79/99 [Design Manual for Roads and Bridges]
- Highest AM peak count for 2021 baseline is a total of 1054 vehicles per hour.
- $1550 - 1054 = 496$  which means 32% spare capacity on A452 between Wootton Lane and Adler Lane.
- HS2 Traffic, max of 20 HGVs per hour.
- $496 - 20 = 476$ .
- Baseline flow and HS2 traffic still allows for 30.7% spare capacity on A452 between Wootton Lane and Alder Lane.
- 30.7% spare capacity on A452.
- 20 per hour is an absolute maximum not an average, so this is a worst-case scenario.  
(Source: HS2 ES, Volume 5)

### Effect of the HS2 traffic on Local Traffic on the Kelsey Lane / Waste Lane

- Road capacity is 900 per hour as per TA 79/99
- Junction, red light impact mitigation we can reduce this by 30%.
- Road capacity is 600 per hour.
- Highest AM peak count for 2021 baseline is a total of 461 vehicles per hour.

- 600 – 477 = 123 which means 20% spare capacity on Waste Lane while allowing for A452 junction traffic.
  - HS2 Traffic, max of 20 HGVs per hour.
  - 123 – 20 = 103.
  - Baseline flow and HS2 traffic still allows for 17% spare capacity on Waste Lane.
  - 17% spare capacity on Waste Lane.
  - 20 per hour is an absolute maximum not an average, so this is a worst-case scenario.
- (Source: HS2 ES, Volume 5)

Specific sections from the Community Forum Area (CFA) for reference

- 8.3.16 CFA23 (Balsall Common and Hampton in Arden) *“a full network safety analysis has been undertaken for 2012 in the baseline assessment. No issues have been identified for the future baseline network operation as a result of changes to the highway network or travel demands, and therefore, the accident and safety records for the future baseline assessment are assumed to be the same as those for the baseline assessment.”*
- 7.14.42 CFA23 (Balsall Common and Hampton in Arden) *“Capacities of single carriageway roads depend upon their geometry but a value of 1600 vehicles per hour per lane is specified within the Department for Transport’s DMRB Volume 13. In this regard all the links assessed in the above table have forecasted traffic flows, including construction traffic, well within the link capacity for single carriageway road.”*
- 8.3.53 CFA23 (Balsall Common and Hampton in Arden) *“Table 8-22 shows a summary of the 2021 future baseline flows for the A452 Kenilworth Road together with the Proposed Scheme construction traffic flows on links where there is expected to be additional traffic associated with the construction of the Proposed Scheme in the AM peak hour (08:00-09:00). The table draws on information for the construction assessment months and shows the worst case flows in any given location irrespective of the month in which the flow occurs. The table therefore provides a robust assessment.”*
- 8.4.53 CFA23 (Balsall Common and Hampton in Arden) *“Table 8-22...clearly shows that construction traffic will not create any capacity related issues on strategic routes within the area. Where flows are forecast to increase, the roads are well within capacity (all V/C ratios less than 85%) and where additional trips are as a result of HGV movements, in no location is the increase greater than one vehicle per minute.”*

Extract from Table 8-22 below:

08:00-09:00	2021 baseline			2021 With HS2 construction traffic		
	Flow (All PCU)	Flow/capacity %	Max queue	Flow (All PCU)	Flow/capacity %	Max queue
B4101 Kelsey Lane (east)	145	72%	5	175	79%	6

17:00-18:00	2021 baseline			2021 With HS2 construction traffic		
	Approach (from)	Flow (all PCU)	Flow/capacity %	Max queue	Flow (all PCU)	Flow/capacity %
B4101 Kelsey Lane (east)	332	81%	6	393	91%	17

### Phased use of Waste Lane route and then Hallmeadow Road

- Waste Lane will initially be used to support construction activities and to create a haul road from Hallmeadow Road to Burton Green.
- If the Hallmeadow Road route is also approved, the majority of traffic will use that route with minimal traffic remaining on Waste Lane.
- Once the permanent structure (on the HS2 trace) is built over the West Coast Mainline (WCML), Hallmeadow Road traffic will be directed onto the haul road from Park Lane compound and use the permanent structure to cross the WCML. Most of BBV's traffic will then be removed from Hallmeadow Road and Waste Lane altogether.
- Under Schedule 4 of the HS2 Act BBV would be committed to providing verge parking to allow users to still park on Hallmeadow Road. This would be subject to a separate application under Schedule 4 for which SMBC would need to grant consent.

Phase	Works	Proposed timeframe
1	<ul style="list-style-type: none"> <li>- Mobilise Waste Lane compound</li> <li>- Build access road to carol green south</li> </ul>	<ul style="list-style-type: none"> <li>- Mobilisation April – July 21;</li> <li>- Access road July – Oct 21</li> </ul>
2	<ul style="list-style-type: none"> <li>- Build access road from Carol Green South the bellmouth of additional roundabout arm on Hallmeadow Road/Station Road roundabout</li> </ul>	<ul style="list-style-type: none"> <li>- Oct 21 – Dec 21</li> </ul>
3	<ul style="list-style-type: none"> <li>- Access road from Waste Lane to Hallmeadow Road complete</li> <li>- Verge parking spaces complete on Hallmeadow Road</li> <li>- Yellow lines painted on remainder of Hallmeadow Road</li> <li>- Transfer majority of HS2 traffic from Waste Lane to Hallmeadow Road</li> <li>- Minimal traffic on Waste Lane route</li> </ul>	<ul style="list-style-type: none"> <li>- Jan 22 – Q3 2023</li> </ul>
4	<ul style="list-style-type: none"> <li>- Permanent structure built over the WCML</li> <li>- Continuous access road from the A452 to the A429 in use</li> <li>- Traffic on Hallmeadow Road reduces further</li> <li>- Minimal traffic on Hallmeadow Road and Waste Lane.</li> </ul>	<ul style="list-style-type: none"> <li>- Q3 2023 – end of construction</li> </ul>

The following table shows the maximum number of LGVs on each route per day throughout construction, considered as a worst case scenario.

Route	Phase 1	Phase 2 – Access from Hallmeadow Rd has been created	Phase 3 – Permanent crossing of the WCML construction complete
Waste Lane	200	40	40
Hallmeadow Road	0	160	40
Trace via access road from Park Lane or the A429	0	0	120

### Logistics Management and Driver Expectations

- BBV have set high standards of its supply chain for driver and vehicle standards.
- Deliveries are planned in advance, including the time and route to be used.
- Deliveries will be phased to reduce impacts and congestion.
- Checks are carried out on all deliveries to ensure compliance.

### Proposed Hallmeadow Road Verge Parking

The following are key points of consideration in establishing the provision of verge parking to Hallmeadow Road. Such provision would be dependent upon the approval of the Hallmeadow Road lorry route.

- Located on eastern side of Hallmeadow Road between Grovefield Crescent and Riddings Hill.
- 2 no. bays.
- Approximately 20 spaces.
- 2-3 weeks work.
- Finish to be agreed with SMBC.
- A temporary traffic restriction order (TTRO) will be needed to suspend the parking on Hallmeadow Road, this will allow for the safe free flow of 2-way HGV traffic.

### LM (Enabling works) Waste Lane Precedent

- Route operated since September 2019 following approval at Planning Committee (PL/2019/01276/HS2DIS).
- Committee report highlighted the position on air pollution with negligible impacts and no significant effects expected from construction works. The report also noted the ongoing HS2 commitments in the Code of Construction practice to limit dust, air pollution, odour and exhaust emissions as far as reasonably practical (HS2 information paper E31). These continue to apply throughout HS2 construction.
- The report noted that the Schedule 17 process should not seek to revisit matters settled through the Parliamentary process on the HS2 Hybrid Bill and its accompanying Environmental Statement;
- It stated clearly that the LPA cannot restrict the number of vehicles on the route, as the approval is for the use of the route only, and that the

obligation is firmly on HS2 and its contractors to manage the works in compliance with the EMRs.

- SMBC highways confirmed that the lorry route would not generate road safety or congestion concerns over and above the impacts already assessed in the HS2 ES.

#### Local Traffic Management Plan (LTMP)

- The LTMP is an important part of HS2's EMRs. Contractors are required to produce them and they include:
  - A list of roads to be used;
  - Any restrictions;
  - Drop-off/pick-up points;
  - Timings of deliveries, and
  - Reasonable practicable measures that may be taken to reduce impacts near to schools.
- The LTMP contains the necessary measures and controls to ensure compliance with the HS2 ES and is a 'live' document that will be consulted on with SMBC as Highways Authority.
- Schedule 17 Statutory Guidance emphasises that conditions should not be imposed which conflict with controls or commitments contained in the EMRs, such as those in the LTMP.
- National Planning Practice Guidance (PPG) advises that conditions requiring compliance with other regulatory regimes will not meet the test of necessity. Instead the use of informatives to remind the applicant to obtain further planning approvals and other consents may be more appropriate.

A Noise and Air Quality Factsheet has also been provided and previously shared with SMBC HS2 Implementation Advisory Group (IAG) in 2019. This provided further detailed background and information on the ES and the project's commitments and obligations through the EMR's.

#### **OFFICER COMMENTS**

The additional information provided by the applicant has provided further data on road widths, vehicle types and numbers for the route. Kelsey Lane for the most part is greater than 6m in width and has footpaths on either side of the road. The two measurements taken on Waste Lane show the carriageway to be 6.7m in width as it leaves the built up area of the village.

SMBC Highways is satisfied that the road widths along Kelsey Lane are acceptable to accommodate the type of construction vehicles expected. Whilst data hasn't been provided for Truggist Lane or Hodgetts Lane, these roads are not within the built up part of the village where pedestrian footfall is much lower. Furthermore the number of vehicles that need to travel along the quieter lanes (Hodgetts lane and Truggist Lane) is significantly less. In conclusion, this Schedule 17 submission uses the most appropriate route to access the site to and from the Strategic Road Network, which in this particular case is the A45 Coventry Road.

The applicants have provided further information from Volume 5 of the ES that demonstrates that the capacity of these roads was assessed and factors such as road width, number of side roads, pedestrian crossing and bus stops were taken into consideration. The ES demonstrated that there is surplus capacity on A452 and Kelsey Lane/Waste Lane even with the construction traffic taken into account, which considered approximately 300 vehicle movements per day along this route.

A swept path analysis has been provided that demonstrates an articulated LGV could turn from the A452 onto Kelsey Lane safely without encroaching into oncoming traffic or footpaths and is achievable without causing undue delay or safety concerns.

In this context such vehicles could therefore navigate this route (even at its narrowest point) in both directions without the need to mount footpaths or cause undue blockage to the highway.

The speed limit through the built up part of the village is 30 mph, from the Hallmeadow Road traffic Island through to Waste Lane where it changes to 40mph just after the Old Waste Lane junction. Hodgetts Lane and Truggist Lane, which would have significantly fewer LGV movements, are subject to the national speed limit. Should speed limits need to be temporarily reduced (for construction traffic) this would need to come through the ROMIS or LTMP which, as explained in the original report, are live documents. Changes to these reports are made via Traffic Liaison Group in association with the Schedule 4 application process which require consent of the local highway authority.

In terms of air quality, the applicants have provided a noise and air quality factsheet that has previously been reported to SMBC HS2 Implementation Advisory Group, which explains how these matters are captured through the EMR's, as advised in the original report to planning committee on 30<sup>th</sup> June.

Bearing in mind the ES assessed the lorry route, subject of this request, and whilst adverse impacts were identified, they were accepted through the Act. This must be taken into account when determining the schedule 17 request. Given that daily LGV numbers now expected would be lower than that assessed in the ES and these impacts identified would be reduced, subject to the controls within the EMRs, there is not sufficient evidence to demonstrate the routes should be amended.

In terms of compliance with the EMRs (including the CoCP), HS2 is bound into these arrangements under the HS2 Development Agreement of 2014 (amended in 2017) with the Secretary of State for Transport. The Secretary of State has also given an undertaking to Parliament, the breach of which would be contempt, that he would secure compliance with the EMRs.

In response to the comments made at Planning Committee on the 30<sup>th</sup> June 2021, around the Human Rights Act, the text is amended, as follows:

In determining this request for approval, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the

Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence. The recommendation for approval is considered a proportionate response to the submitted request based on the considerations set out in this report.

Based on the above, the recommendation remains one of approval of this Schedule 17 request.

## **EXECUTIVE SUMMARY**

Balfour Beatty Vinci (BBV) has sought consent on behalf of HS2 Ltd under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017 for lorry routes to utilise the public highway from the strategic road network (SRN) at the A45/A452 junction to Waste Lane and Truggist Lane HS2 worksite accesses.

SMBC, as a 'Qualifying Authority' for the purposes of the Act, is obliged to consider matters of road transport under paragraph 6 of Schedule 17, in instances where large goods vehicle (LGV) movements exceed 24 on any one day.

The proposed lorry routes are required to provide access to worksites at Waste Lane Overbridge and Waste Lane East and West Road Head (accessed from Waste Lane). From that worksite, LGV's will continue on internal haul roads to Carol Green Rail Underbridge (south), Cromwell Lane and Beechwood Farm Accommodation Underpass worksites. The lorry route also incorporates access to Carol Green Rail Underbridge North using Truggist Lane.

The LGV traffic movements are required to deliver plant, materials, concrete and movement of excavated materials and also to facilitate the demobilisation of compounds and reinstatement of land.

Following the initial site set up, 200, two way LGV movements are expected to utilise the route per day.

This submission is closely related to a separate schedule 17 submission (PL/2021/00473/HS2DIS), pertaining to a Schedule 17 request for approval for a lorry route at Hall Meadow Road, Balsall Common; and an application seeking a Certificate of Lawfulness for the Use or Development of a temporary site access for HS2 construction purposes off Hallmeadow Road, Station Road Roundabout, Balsall Common (PL/2021/00276/CLOPUD). These requests for approval/planning applications appear elsewhere on this agenda.

Having regard to the grounds for consideration under paragraph 6 of schedule 17, the request for approval is considered to be acceptable.

## **MAIN ISSUES**

The High Speed Rail (London-West Midlands) Act 2017 received Royal Assent on 23<sup>rd</sup> February 2017. Section 20 of the Act grants deemed planning permission under Part 3 of the Town and Country Planning Act 1990 (TCPA) for HS2 Phase One and associated works between London and the West Midlands.

However, Schedule 17 of the Act puts in place a bespoke process for the approval of certain matters to the design and construction of the railway which requires that the nominated undertaker must seek approval of these matters from the relevant planning authority.

In February 2017, the Secretary of State for Transport published Schedule 17 Statutory Guidance (updated May 2021). The Statutory Guidance says that the purposes of Schedule 17 is to ensure there is an appropriate level of local planning control over the HS2 Phase One construction works while not unduly delaying or adding cost to the project. The roles that a planning authority has in the determination of different requests for approval and the grounds on which they can determine them are set out in the Schedule.

Under the heading "Scope of Schedule 17", paragraphs 19 & 20 of the Guidance state:

*"19. These approvals have been carefully defined to provide an appropriate level of local planning control over the works while not unduly delaying or adding cost to the project.*

*20. Planning authorities should not through the exercise of the Schedule seek to:*

- revisit matters settled through the parliamentary process;*
- seek to extend or alter the scope of the project; or*
- modify or replicate controls already in place, either specific to HS2 Phase One such as the Environmental Minimum Requirements (EMRS), other controls in the Act such as those under Schedule 4 or 33, or existing legislation such as the Control of Pollution Act or the regulatory requirements that apply to railways."*

Under the heading "Grounds for Determination" the Guidance states:

*"31. As explained above, the Act grants deemed planning permission for HS2. The deemed planning permission has been granted on the basis of the impacts which were assessed and reported as part of the Environmental Statement. In passing the Act, Parliament has judged such impacts to be acceptable when set against the benefits to be achieved by the Phase One scheme.*

*32. The purpose of Schedule 17 is not therefore to eliminate all prejudicial impacts on, or to secure the complete preservation of, any sites within the various categories identified in the schedule (e.g. the prevention or reduction for prejudicial effects on traffic safety and flow, the preservation of local environment, amenity or historic/natural sites). On the contrary, the operation of Schedule 17 is such that there will be cases where a submission must be approved notwithstanding an*

*identified negative impact, unless there are modifications that are reasonably capable of being made.*

*33. Accordingly, it is not open to the planning authorities under Schedule 17 to refuse in principle works or development which is covered by the Environmental Statement and approved by Parliament. The impacts have been assessed and planning permission has been granted on that basis. Instead, Schedule 17 offers planning authorities an opportunity to seek modifications to the details submitted that they consider reduce the impacts of a submission if such modifications can be justified.*

*34. For all approvals under Schedule 17, the Schedule specifies the grounds that are relevant. When determining a request for approval a planning authority must only consider the grounds relevant to that approval (paragraphs 2(5), 2(6), 3(6), 4(6), 6(5), 7(6) and 9(5) of Schedule 17). Therefore requests may only be refused, conditions be imposed, and modifications to submissions or additional information requested, where they relate to the grounds specified for determining the request for approval.”*

In terms of modifications to the request for approval the Guidance states:

*“43. Where a modification to a proposed route is proposed it is likely that the planning authority would need to specify a suitable alternative route using a condition. Any condition that would prevent the number of vehicles reasonably needed for construction accessing worksites at the times at which they are required without the provision of a suitable alternative would not be considered reasonable. Local authorities should consider the effects of any such modifications or conditions on the cost and programme of HS2.”*

The guidance also notes that conditions should not be imposed which conflict with controls or commitments contained in the Environmental Minimum Requirements. This is because these controls would have been considered necessary or sufficient by Parliament when it approved deemed planning permission for the railway.

The Statutory Guidance also notes the requirements of paragraph 206 of the National Planning Policy Framework (2012) apply to the imposition of conditions to approvals under Schedule 17.

HS2 Ltd as the nominated undertaker for the project is contractually bound through a development contract to comply with controls set out in the Environmental Minimum Requirements (EMRs) in designing and constructing the Phase One of High Speed Two works. These EMRs are defined within the document “EMR General Principles”. Paragraph 52 of the Guidance states:

*“When determining any request for approval, conditions should not be imposed which conflict with controls or commitments contained in the EMRs. This is because these controls have been considered necessary and sufficient by Parliament when it approved deemed planning permission for the railway. A condition which would result in a new significant adverse effect would not be reasonable.”*

In terms of this request the nominated undertaker is seeking approval for lorry routes under paragraph 6 'Condition relating to road transport' of the Schedule. In terms of conditions relating to lorry routes paragraph 6(5) states the relevant planning authority may only refuse to approve arrangements for the purposes of this paragraph on the ground that:

- a) *The arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with development which has deemed planning permission under Section 20(1) and which is to be carried out in the authority's area; or*
- b) *The arrangements ought to be modified :*
  - i. *To preserve the local environment or local amenity,*
  - ii. *To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or*
  - iii. *To preserve a site of archaeological or historic interest or nature conservation,*

*And are reasonably capable of being so modified.*

On approving such a lorry route request paragraph 6(6) of Schedule 17 allows the imposition of conditions but only —

- a) with the agreement of the nominated undertaker, and
- b) on the grounds referred to in sub-paragraph (5)(b)

## **CONSULTATION RESPONSES**

**Statutory Consultees:** None applicable

### **Non Statutory Consultees**

The following Non-Statutory Consultee responses have been received:

SMBC Highways – No objection, subject to condition

SMBC Public Protection – No objection

## **PUBLICITY**

The provisions set out by the High Speed Rail (London – West Midlands) Act 2017 do not require the same statutory publicity and consultation requirements that apply to planning applications.

The delegation and consultation arrangements in respect of submissions to the Local Planning Authority under the Act was reported to Cabinet Portfolio Holder Managed Growth Decision Session on 31<sup>st</sup> October 2017 where it was agreed that the local planning authority should conduct consultation on HS2 planning matters in accordance with the statutory requirements of the HS2 Act, with any additional

consultation or publicity beyond that being at the discretion of the Head of Planning, Design and Engagement Services.

There is no requirement to conduct widespread consultation, post site notices or send out neighbour letters. However, relevant parish council members and local ward members have been notified of the proposal.

Third party representations have been received to this schedule 17 request for approval, including from Cllrs Howell and Diccico and Berkswell and Balsall Parish Councils, with some responses also including comment on the schedule 17 request for approval at Hallmeadow Road (PL/2021/00473/HS2DIS), as well as the application for Certificate of Lawfulness for Proposed Use or Development (PL/2021/00276/CLOPUD). Representations to the latter two submissions/application have also made reference to matters relating to the schedule 17 request that is the subject of this report. Therefore, the number of representations received to each of the three submissions/applications are as follows:

PL/2021/00471/HS2DIS (Waste Lane) - 233 objections. A further 41 anonymous objections were received, as well as 2 in support.

PL/2021/00473/HS2DIS (Hallmeadow Road) – 348 objections. A further 55 anonymous objections were received. 41 representations have been received in support, plus 8 anonymous representations in support. 5 neutral comments were received.

PL/2021/00276/CLOPUD – 174 objections. A further 34 anonymous objections were received.

A Petition to all 3 submissions on change.org was presented to full Council on 13<sup>th</sup> April with approximately 2,100 signatures and this has increased to 2,704 signatures (at the time of publication of this report).

Due to the cross referencing of representations between the three submissions/application, a summary of all representations received to PL/2021/00471/HS2DIS, PL/2021/00473/HS2DIS and PL/2021/00276/CLOPUD is as follows:

#### Objections relating to Waste Lane/Truggist Lane Lorry Route (PL/2021/00471/HS2DIS)

- Alternative to use Hallmeadow Road would be a better solution; it's a shorter distance and will bypass the village;
- Large number of homes which directly front the A452 that would be affected;
- Balsall Common is already over-developed and the Kenilworth Road through the village already at bursting point;
- This route will cause even more congestion at an already busy junction between A452 and Kelsey Lane;

- Kenilworth Road is a residential road with little distance between the houses and passing traffic;
- Route would pass the school where children walk;
- HGVs have insufficient turning circle at Kelsey Lane/A452 traffic lights;
- Limited visibility at Meeting House Lane and Kelsey Lane junction;
- Concerns over increase in accidents at Waste Lane/Windmill Lane bend;
- The applicant does not take into account the significant use of the rural lanes by vulnerable users, including pedestrians, cyclists and horse riders;
- The proposal for additional traffic along Hodgetts Lane and Truggist Lane is of particular concern, due to their narrowness and poor safety record;
- Given the high level of road and soft verge damage to Hodgetts Lane and surrounding roads within the last 6 months, it is apparent that HS2 traffic is already freely using Hodgetts Lane to service their Carol Green depot and other surrounding activities;
- With the already steady increase of road traffic and in particular HGVs / LGVs and large plant vehicles the roadway in Hodgetts Lane is already deteriorating resulting in pot holes, collapsed verges, all due to very evident large vehicle damage;
- The lane leading to Truggist Lane Junction appears to have experienced collapsed drainage issues;
- Already serious disruption to traffic movement in Hodgetts Lane due to vehicles;
- Risk of roadway and soft verge collapsing and blocking waterway at Truggist Lane entry/exit;
- Hodgetts Lane is too narrow for the passing of LGVs and plant;
- Railway Bridge on Hodgetts Lane showing signs of structural fatigue and is unsuitable for HGVs/LGVs and plant etc;
- Damage to property frontages;
- The road junction at Hodgetts and Waste Lane is renowned for numerous serious traffic collisions over the last few years and extra traffic will only escalate the issue at this junction which could ultimately lead to serious injury or further fatalities;
- There are a number of local liveries that use this route and horses are regularly seen being walked along Waste Lane and Hodgetts Lane;
- Bus stops on route used by children getting school bus who will have no protection;
- Bridge on Waste Lane is too narrow for two construction vehicles to pass;
- The two planning applications overlap. It would appear that the applicant claims that application PL/2021/00473/HS2DIS, if granted, would result in a reduction of traffic on Kenilworth Road covered by PL/2021/00471/HS2DIS. However, that is not shown in the numbers. As such the applications do not provide a clear and comprehensive view of what is being applied for in terms of the numbers of vehicles using the roads. As such it is not possible to conduct a proper evaluation of two applications which interact;

- Access from properties along roads, and particularly near Beechwood Tunnel bridge is obscured by the bridge parapet effectively making it a blind exit causing a serious collision risk;
- Beechwood Tunnel bridge is narrower than the road and cannot accommodate HGV's in either direction without risking the parapet wall;
- The turn at the junction of Truggist Lane and Hodgetts Lane is too narrow to accommodate HGV's in either direction without posing a severe risk of collision;
- Would like reassurance that HS2 traffic will not be using Windmill Lane;
- Would like 'No HS2 traffic' signs installed at each end of Windmill Lane and the junction with Hob Lane – it is understood that these signs were provided for Old Waste Lane;
- Concern that the pressure from multiple HS2 related HGVs will finally cause the road adjacent the ditch bank [on Hodgetts Lane/Truggist Lane] to subside into the stream.

#### Objections relating to Hallmeadow Road Lorry Route (PL/2021/00473/HS2DIS)

- Hallmeadow Road is a residential road and unsuitable for construction traffic;
- Impact on residents of Annora House, 314 Station Road;
- Haul route will force business at Annora House to close without recompense;
- Hallmeadow Road is a residential road and the only access to the GP surgery;
- Safe access to Balsall Common Health Centre will be affected;
- Traffic from people visiting the health centre cannot be mixed with heavy construction traffic;
- The side of the road is used by cars parking for the nearby railway station and medical practice including for the COVID vaccination programme;
- Concerns that trucks will take a short cut through Station Road and through the village;
- Parking on road would need to be suspended so that there is space for HGV's which would mean parking would disperse to the nearby housing estates and GP surgery car park;
- Medical centre staff park off site on Hallmeadow Road to free up car parking spaces during COVID vaccination project and restrictions would have a significant effect on staff as there is nowhere else for staff to park;
- Displacement of on street car park to local residential roads;
- Alternative car parking facility would need to be provided;
- In 2020 were told that an alternative temporary car park would be provided but now we have been told that no alternative will be built;
- The promised extension to the station car park has been withdrawn;
- Would need parking restrictions on local residential roads;
- Concerned that people will start to use Medical Centre car park whilst travelling by train and unable to finance cost of a two way barrier for patient parking only;

- Roundabout already tight. Has a safety assessment been done on new access;
- Visibility of Lavender Hall roundabout coming from Berkswell is limited;
- Bus stop would be affected – where will this move to;
- Speed bumps are unsuitable for HGV's;
- Traffic calming measures would need to be removed resulting in no physical requirement to observe speed limits;
- Suitable traffic calming measures were required as part of the Berkswell Gate Housing development for safety reason;
- Speed limit should be reduced from 40mph to 30mph;
- No. of lorries will impact vehicles accessing Berkswell Gate, as there is no other access how will traffic be managed in and out of the estate;
- Traffic flow problems could have a significant effect on emergency services gaining access to Berkswell Gate estate;
- Riddings Hill and Grovefield Crescent are on an incline which will be dangerous for vehicles in icy conditions;
- Residents of Berkswell Gate development would experience impairment of property values and might wish to obtain compensation from the applicant;
- Lorry route would have an adverse impact on rail travellers using main pedestrian route to Berkswell Station [Station Road];
- How will footpath from Hallmeadow Road to the Lakes be accessed;
- If approved would need to ensure provision of means so that pedestrians can safely cross Hallmeadow Road and the new construction road on Station Road;
- Pedestrian crossing (identified by BBV/HS2 in papers from meeting in Nov 18/Jan 19) at junction of Hallmeadow Road and Station Road does not feature as part of mitigation proposed which is a safety hazard;
- Impact on listed Brickmaker's Arms pub;
- Impact on Lavender Hall park and its wildlife;
- Noise of continual HGVs will disrupt Specsavers Hearing Clinic which consults from Balsall Common Health Centre;
- Hallmeadow Road route will impact more people than if trucks go through village;
- Papers from 2018/2019 meetings advised that full use of Hallmeadow Road was to be strictly time limited;
- Loss of trees;
- The only described alternative is use of A452 Kenilworth Road, Kelsey Lane and Waste Lane.

Representations in support of Hallmeadow Road Lorry Route  
(PL/2021/00473/HS2DIS)

- Support use of Hallmeadow Road – less traffic through the village itself;
- Support as long as a new car park is provided;
- Village of Balsall Common will not be as impacted on as it would if alternative routes were used through the village;

- Any other route through Balsall Common would mean using roads with housing on both sides, housing on Hallmeadow Road is only one side and the distance from that housing is far greater than anywhere else in the village;
- Reduced risk of accident to school children from Heart of England School and reduced risk of traffic accidents in school area;
- Reduced noise levels along Kenilworth Road, generated by HGV's
- Reduced risk to pedestrians;
- Houses on Hallmeadow Road are set much further back from road than those on Kenilworth Road;
- HS2 plans originally were to use Hallmeadow Road;
- Plans for Balsall Common bypass should be fast tracked to support limiting number of HS2 and general traffic coming through village.

#### Comments relating to possible alternative routes

- Alternative routes have not been adequately considered;
- Concerns of impact of construction traffic through Balsall Common and potential to create a continuous haul road between Park Lane and Waste Lane was raised in petitions to the Bill Select Committee in the Commons and the Lords;
- A continuous Trace-Line haul route was promised, disingenuously by HS2 Ltd on several occasions however HS2 have continually failed to make good their promise;
- Extensive records of alternative options having been raised with HS2 Ltd have been provided;
- Current applications contain sparse reference to the evaluation of any alternatives;
- The only described alternative is use of A452 Kenilworth Road, Kelsey Lane and Waste Lane;
- A continuous, self-contained construction haul route from Park Lane compound to Waste Lane Compound onwards to Burton Green should be pursued as HS2's original intention;
- The applicant has failed to explain why a continuous, self-contained construction haul route cannot be achieved in line with its own previous advice;
- The applicant has failed to disclose their justification for not using Truggist Hill Farm Bridge as a temporary crossing point over the West Coast Main Line for HS2 construction traffic until the new Carol Green Rail Underbridge is constructed;
- Alternative to use a road which was designed for a high volume of traffic – this would not disrupt village life and would leave the least impact when construction complete;
- Condition needed for use to cease as soon as an alternative becomes available;

- The wilful destruction of the daily lives of the affected residents and communities living, in close proximity to the proposed lorry routes, is unacceptable when a viable alternative exists;
- HS2 have already proved adept at building major bridges (M42) with minimal disruption so a temporary HS2 only bridge should be easy;
- Extensive records of alternative options having been raised with HS2 Ltd have been provided;
- Current applications contain sparse reference to the evaluation of any alternatives;
- In 2014 Berkswell and Balsall Parish Council asked for local roads not to be used for construction traffic in a petition to the Bill Select Committee in the Commons;
- In 2016 Balsall Parish Council made a more detailed demand and requested the Promoter construct a temporary bridge or strengthen and widen the Truggist Farm bridge;
- Current application states no alternatives have been considered;
- While there would be additional cost in providing the rail crossing, there would be a benefit to the contractors in terms of operational efficiency;
- Balsall Parish Council favour the use of Hallmeadow Road as a delivery route for HS2 traffic ahead of the Kenilworth Road and Kelsey Lane option, but the Parish Council's position remains strongly that a haul route should be established on HS2 land to avoid this use of village roads.

Objections to Haul Road off Hallmeadow Road, Station Road Roundabout, Balsall Common PL/2021/00276/CLOPUD (material considerations):

- Question the use of the word 'temporary' – how can 5 years be classified as temporary.
- HS2's use of the word temporary is an excuse to minimise the massive negative effects the proposal will have on residents and wider community;
- Any temporary structures and works, made using permitted development rights, must be removed, and the land reinstated to its original condition, as soon as reasonably practicable after operations are finished;
- There is no commitment to reinstatement in application PL/2021/00276/CLOPUD other than generalised references within the request for and EIA Regulations Screening Opinion.

All other representations to Haul Road off Hallmeadow Road, Station Road Roundabout, Balsall Common PL/2021/00276/CLOPUD (not material):

General

- Impact on residential amenity, freedom to enjoy one's home and daily life;
- Increased noise;
- Increased air pollution;
- Increase dangers to health, safety and wellbeing, mental health;

- Quality of life should not be reduced further;
- No consideration being shown to Balsall Common residents;
- Impact on Human Rights;
- Will quickly constitute a statutory nuisance under the Environmental Protection Act 1990 (EPA), including noise, diesel fumes, mud on the roadway turning to dust and accumulations of deposits resulting in possible ongoing damage to air quality and the subsequent health of residents;
- Impact on ecology and biodiversity;
- HS2 should not be allowed to further decimate the landscape;
- Impact on structure of homes;
- Negative effects on climate change;
- Impact on green belt;
- Very special circumstances have not been demonstrated;
- Number of trucks per day will cause massive disruption to local roads;
- Proposals suggest 200 HGV movements per day but earlier figures suggested 800 could be expected so there is a very real risk numbers could escalate;
- Do not believe local roads in and around Balsall Common can accommodate the number of HGV's that HS2 Ltd want to use on a daily basis;
- Increased traffic will increase safety hazards for pedestrians;
- During COVID pedestrians find themselves straying into the road to ensure social distancing;
- Who will clean the roads;
- Queueing lorries will be a feature on roads and lanes as they wait to access compounds and construction sites;
- BBV have stated that the proposed lanes are too narrow for lorries to safely pass;
- During Peak hours for movement to and from school (8.30-9.30am and 3.15-3.45pm) HS2 lorries should be prevented;
- No constructive thinking of the whole area;
- What further assessments have been completed e.g. Traffic Assessment;
- Do not think the benefits of HS2 outweigh the loss of amenity of thousands of local residents and road users;
- No details of hours of operation submitted;
- Not made aware that application had been submitted;
- Query consultation with local residents and businesses;
- Application falls outside the scope of the HS2 Act;
- Development outside the HS2 Act limits must satisfy the requirements for ecological protection;
- In addition, any temporary works have to comply with relevant conditions in the HS2 Act;
- ROMIS does not reflect HS2 100% Euro VI emission standard after 2020;
- Failure to provide full information needed for Environmental Assessment;
- Condition should be imposed that forces temporary cessation in vehicle movements if emissions of NOx and Particulate Matter breached safe levels;

- Would like reassurance that HS2 will resurface road to pre-construction standard;
- HS2 Ltd manipulation of Schedule 17 Planning Applications is disappointing especially as a legal precedent is written in law which clearly lays out what is required of the nominated undertaker, (HS2 Ltd) when navigating the Schedule 17 planning process;
- Buckinghamshire Council have objected to HS2 applications for lorry routes through their county;
- Poor responses from HS2 (such as time, or money for them being an issue) are not to be accepted;
- Has Solihull Council undertaken traffic surveys along the routes HS2 have put in applications for;
- Photos supplied with application are misleading;
- Concern about management of the LGV fleet – what monitoring will take place;
- The two planning applications overlap. It would appear that the applicant claims that application 00473, if granted, would result in a reduction of traffic on Kenilworth Road covered by 00471. However, that is not shown in the numbers. As such the applications do not provide a clear and comprehensive view of what is being applied for in terms of the numbers of vehicles using the roads. As such it is not possible to conduct a proper evaluation of two applications which interact;
- The use of Hallmeadow Road merely 'reduces' numbers however the reduced numbers have not been published within the current applications which leaves reductions open to unexplained change;
- Object to HS2 trying to save money at the expense and safety of local residents when a better solution all round has already been proposed.

## **PLANNING ASSESSMENT**

### The Lorry Route for Approval

Approval is sought for the following lorry routes:

- Waste Lane Overbridge Satellite Compound/Waste Lane East and West Road Head.

Inbound Route: Leave from A45 Coventry Rd exiting onto A452 southbound, exit A452 onto B4101 Kelsey Lane/Waste Lane to site access.

Outbound Route: Construction traffic turn right out of the access onto Waste Lane, continuing onto Kelsey Lane before turning right onto the A452 northbound to A45 Coventry Road.

- Carol Green Rail Underbridge North Satellite Compound

Inbound Route: Leave from A45 Coventry Rd exiting onto A452 southbound, exit A452 onto B4101 Kelsey Lane/Waste Lane. Continue on Waste Lane for approximately 1.3 miles and turn left onto Hodgetts Lane and then left onto Truggist Lane, the site entrance is on the left-hand side.

Outbound Route: Construction traffic turn right out of site as there is a low bridge to the left. Once LGVs have turned right onto Truggist lane they will follow the above route in reverse until they have re-joined the A45 Coventry Road.

- Carol Green Rail Underbridge South Satellite Compound/Cromwell Lane Satellite Compound/Beechwood Farm Accommodation Underpass.

The inbound and outbound routes to these sites (beyond the internal haul road) is the same as the route for Waste Lane Overbridge compound and the Roadhead location.

The Written Statement (not for approval) received in support of the request provides estimated LGV numbers and timings. Accordingly, a maximum of 60, two way, daily LGV movements are expected to be required to facilitate the mobilisation of the compounds, temporary drainage/flood compensation and haul road construction. Once the compounds are fully operational the average number of daily LGV movements using the route to Waste Lane access would be 176 with an expected peak of 200. On average, 10, 2-way LGV movements will journey past the Waste Lane compound onto Hodgetts Lane and into Carol Green Rail Underbridge North Compound.

It is expected that the lorry route will be required until the end of December 2025.

The Lorry Routes that this request seeks approval for were identified in the ES Community Forum Area Report 18 (Stoneleigh, Kenilworth and Burton Green). The Supplementary ES (SES) and Additional provisions 2 (AP2) ES Community Forum Area 18, which reported any new or different likely residual significant environment effects arising from the updates and changes reported in the SES and the amendments proposed in the AP2 ES identified 300 LGV movements for Waste Lane/Kelsey Lane.

#### Matters for consideration under Schedule 17 Paragraph 6: Conditions relating to road transport

- *The arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with development which has deemed planning permission under section 20(1) and which is to be carried out in the authority's area*

The worksites to which this Lorry Route requires LGV access to are identified within the High Speed Rail (London – West Midlands) Act and also the Solihull Context Report.

The Written Statement (WS) explains the reasons why LGV's need to access the sites which include delivery of plant, materials, concrete and movement of excavated materials and also to facilitate the demobilisation of compounds and reinstatement of land.

- *To preserve the local environment or local amenity*

The proposed construction traffic route was identified within the ES. The number of LGV movements indicated within the submission do not exceed those already assessed in the ES and accepted by the Act.

In terms of local environment much of the third party objection received relates to air quality.

The Environmental Statement (ES) as amended provided an assessment of the impacts of the proposed scheme on air quality during both construction (including emissions from construction traffic) and operation. The HS2 Air Quality Strategy and HS2 Phase One Information Paper E31: Air Quality summarises the impacts identified in the ES, as amended.

The Community Forum Area (CFA) reports present the likely significant effects of the construction and operation of the proposed scheme on the environment within specific areas and also includes mitigation measures that are proposed for the purposes of avoiding, reducing or managing the likely significant adverse effects of the proposed scheme on the environment within the specific area. The relevant CFA reports to this application are nos.18 (Stoneleigh, Kenilworth and Burton Green) and 23 (Balsall Common and Hampton in Arden).

The HS2 Air Quality Strategy is clear that significant effects are described as those receptors experiencing 'moderate' or 'substantial' impacts. (The method for determining significant impacts is defined in the Scope and Methodology Report for the EIA). The Strategy at paragraph 5.2.6 states that *"significant impacts related to highway traffic changes and interventions, the nominated undertaker will put in place a management process to manage those impacts through measurement of air quality and regular assessments of the air quality situation as affected by the construction of the scheme.... Baseline (pre-works) air quality monitoring will be required in locations where potential significant effects are predicted."*

In this regard the ES, CFA reports identified receptors along the routes that required assessment of changes in air quality. These assessments found that the magnitude of impact will be negligible (assessed for NO<sub>2</sub> and PM<sub>10</sub>) and therefore the effect on air quality due to construction traffic is not considered to be significant.

As per the Schedule 17 Statutory Guidance, in considering requests for Approval, Local Planning Authorities should not, through the exercise of the Schedule, seek to revisit matters settled through the parliamentary process.

At the time of the consideration of a previous Schedule 17 request for approval (PL/2019/01276/HS2DIS) for Waste Lane to be used as a Lorry Route for up to 100 2-way daily LGV movements for enabling works, the local planning authority

expanded the air quality monitoring currently being carried out in Balsall Common. This included measuring PM10 and PM2.5 by an AQ Mesh monitor which is located on the Kenilworth Road, near to the village centre. Data from the monitor was reported to the Economic Development and Managed Growth Scrutiny Board in January 2021. The data reported is as follows together with the most recent 4 months:

	Pollutant	Concentration $\mu\text{g}/\text{m}^3$ for period 1/7/19 to 30/6/20	Concentration $\mu\text{g}/\text{m}^3$ for period 1/1/20 to 9/12/20	Concentration $\mu\text{g}/\text{m}^3$ for period 1/1/21 to 30/4/21
Kenilworth Rd	PM10	6.84	5.85	7.3
	PM2.5	3.17	2.85	4.01

The data was collected during the same time that the route was used for up to 100 daily 2-way LGV movements. The PM10 and PM2.5 levels fall comfortably within the respective 40  $\mu\text{g}/\text{m}^3$  and 25  $\mu\text{g}/\text{m}^3$  annual mean limits, quoted in National Air Quality Objectives. However, the report to Scrutiny Board noted that the data was to serve as an indication, rather than a verified/validated data set, and the data has not been formally submitted to DEFRA as part of Solihull's statutory reporting framework

Furthermore, in 2017 Solihull MBC commenced an air quality monitoring program to monitor levels of nitrogen dioxide (NO<sub>2</sub>), the pollutant associated with exhaust fumes. There are three locations in Balsall Common where NO<sub>2</sub> is monitored which are all on the proposed lorry route - 2 on Kenilworth Road and 1 on Kelsey Lane. Average data for 2020 and so far in 2021 (January – April) is as follows (the data has been bias corrected for 2020 but not for 2021 which would make a difference of 1 or 2  $\mu\text{g}/\text{m}^3$ ).

	average $\mu\text{g}/\text{m}^3$ for 2020	average $\mu\text{g}/\text{m}^3$ for Jan-Apr 2021
Kenilworth Road	10.83	16.3
Kenilworth Road	12.71	17.3
Kelsey Lane	10.56	15.3

The annual mean concentration of NO<sub>2</sub> should not exceed 40 $\mu\text{g}/\text{m}^3$ . Whilst the 2020 data is likely to be lower than normal, due to COVID restrictions and a general reduction in travelling, the levels fall well within the recommended limits. NO<sub>2</sub> will continue to be monitored at these locations and the results are produced in annual reports submitted to Defra.

The CFA reports advise that the assessment of construction traffic impacts has assumed 2017 vehicle emission rates and 2017 background pollutant concentrations. The reason for this, as provided in the document, is because both pollutant emissions from exhausts and background pollutant concentrations are expected to reduce year by year as a result of vehicle emission controls, and so the year 2017 represents the worst case for the assessment.

HS2 Ltd has strict emission requirements for works across Phase One which include requirements and targets for both on-road movements and Heavy Goods Vehicles

(HGVs). All vehicles are classified based on the amount of emissions they produce. Currently HGVs (or LGVs as they are referred to for the purposes of Schedule 17 Lorry Routes), are classified as Euro 1 – VI with VI being the category with the least emissions. From 1<sup>st</sup> January 2020 the use of Euro VI LGVs became a 100% requirement as set out in the Code of Construction Practice (CoCP).

In terms of local amenity, third party representations received cite concerns over disturbance to residents and Balsall Common village in terms of noise and vibration. The ES Community Forum Area Report 18, Chapter 11 reported the assessment of likely noise and vibration significant effects arising from construction of the proposed scheme on:

- *“people, primarily where they live (‘residential receptors’) in terms of a) individual dwellings and b) on a wider community basis, including any shared community open areas; and*
- *Community facilities such as schools, hospitals, places of worship, and also commercial properties such as offices and hotels, collectively described as ‘non-residential receptors’ and ‘quiet areas’.”*

The ES CFA Report acknowledges that construction traffic is likely to cause adverse noise effects on residential receptors on Waste Lane that are located immediately adjacent to the road. Paragraph 11.3.14 of CFA 18 states that:

*“Properties are forecast to experience an increase in outdoor noise levels of around 3dB during the peak months.”*

Paragraph 11.3.15 states:

*“These adverse effects would be a change in the acoustic character of the area such that there is a perceived change in the quality of life and are considered significant when assessed on a community basis taking account of the local context.”*

This impact has been identified within the ES, which was accepted through the Act. The LGV numbers, at 200 per day at the peak operation are lower than that identified in the ES, which anticipated 300 per day. The impact would therefore be no greater than that already identified.

The CFA did not identify significant noise effects on non-residential receptors arising from construction traffic in this area.

Planning Committee has previously approved a Schedule 17 Lorry Route to Waste Lane for enabling works which anticipated 100 LGV movements per day (50 two way movements). The Local Planning Authority is not aware of any complaints being received in terms of noise or disturbance from HS2 lorry movements since this earlier decision. The Waste Lane enabling works (subject of PL/2019/01276/HS2DIS) have now been completed and it is not expected that there would be any overlap between this lorry route and that previously approved.

Looking at whether the arrangements should be modified to preserve local environment or local amenity, the routes for which consent are sought were identified

within the ES and any impacts accepted through the Act with the EMRs in place to provide any required mitigation. It is not therefore considered reasonable that any modifications should be sought in this regard.

- *To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area*

In considering whether the arrangements should be modified so to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, additional delays and journey times at nearby junctions, including A452 Kenilworth Road/B4101 Waste Lane/Kelsey Lane junctions, were identified as part of the ES and the level of significance of the congestion and delay effects were reported as minor adverse significant effects. Details have been provided of the cumulative impact from this lorry route and that already approved for the Park Lane compound.

Traffic Management is captured by the EMRs, within the CoCP. Chapter 14 of the CoCP 'Traffic and Transport' outlines the general provisions and measures to reduce potential transport impacts during construction. The measures to reduce transport impacts include route wide traffic and transport management (RTMP). The RTMP includes the requirements that LGVs have clear identification, GPS vehicle location and monitoring for deviation from authorised routes. Local area measures will be covered by Local Traffic Management Plans (LTMP) which are produced in consultation with the highway authority, the emergency services and other relevant key stakeholders. Such measures may include (not exhaustive):

- Phasing of works
- Proposed traffic management strategy

The CoCP also covers site specific measures where necessary. Such measures may include (not exhaustive):

- Details of specific traffic management
- Road traffic management layouts/signage
- Measures implemented to reduce construction traffic impacts
- Timing of traffic management operations
- Use of internal haul routes for construction vehicles to minimise the need to use public roads
- Measures to ensure that construction vehicles do not cause damage to highways, and measures to ensure that any damage to grass verges is repaired and reinstated.

Third party representations raise concerns that the roads proposed are not suitable for use by LGV's and the numbers proposed. However, the route has been assessed within the ES. A Route Management Improvement and Safety Plan (ROMIS), which includes measures considered necessary to facilitate the safe movement of large goods vehicles, has been submitted with the request. Within this document, no measures have been identified as being necessary to facilitate such safe use of these routes.

SMBC Highways have reviewed the proposals and consider that the proposed lorry route would not generate road safety or congestion concerns over and above that which the ES has already identified and as such no modifications are considered to be needed or reasonable in this regard. Whilst the local highway authority had recommended a condition that vehicle movements and congestion be monitored with any problems reported to Traffic Liaison Group, this would replicate controls within the EMR's and would thus not be considered reasonable.

- *To preserve a site of archaeological or historic interest or nature conservation*

The proposal would use existing roads which already carry relatively large amounts of traffic and as such the proposal is not considered to cause undue harm in regard archaeology. There are no designated heritage assets that directly front onto the A452 through Balsall Common or Waste Lane between the A452 and Waste Lane Compound. There are a small number of listed buildings between the Waste Lane compound and Carol Green Road compound, however these are generally set well back from the highway and the number of vehicles along this section are proposed to be circa 10 movements per day which is much lower than through the main village. No modifications are therefore considered necessary in this regard.

- *And are reasonably capable of being so modified*

In assessing the above grounds for consideration of the lorry route, if modifications are deemed to be necessary then it falls to be considered whether the arrangements are reasonably capable of being so modified. As explained above it is not felt necessary that the arrangements ought to be modified.

Notwithstanding the above, there is a considerable amount of representation that refers to a continuous off-road haul route, parallel to the HS2 railway line, which would need to cross the West Coast Main Line (WCML). Representations assert that this is the only suitable means of accessing the worksites that relate to this Schedule 17 Request.

A continuous haul road was not identified within the ES. This was petitioned for in 2016 to the House of Lords but was not taken forward as an assurance following the technical assessment of the existing WCML farm accommodation bridge demonstrated that it was unsuitable for construction traffic due to its condition, width (single track) and the available footprint to allow its refurbishment.

The potential use of this farm bridge for construction traffic has been explored by officers during the consideration of this request. The asset owner, Network Rail, have confirmed that the last detailed examination of the bridge was carried out in June 2020 and its condition was reported as being poor. This asset was noted to have deteriorated significantly in the last detailed examination and it now fails its assessment due to the level of defects present. Network Rail have remitted repair works for the primary defects, which will be sufficient to maintain it as safe for its current use as an Occupation Bridge but cannot confirm what the actual capacity is. HS2 Ltd have advised that the existing bridge is inadequate for use by HS2 construction traffic and to improve the existing bridge for this purpose would require

full reconstruction. This would likely require extensive closure of the WCML. Network Rail concur with this assertion.

In terms of providing a temporary crossing for the WCML, HS2 Ltd advise that the design of any structure, which would ultimately require approval from Network Rail, would require the following:

- an additional access route;
- earthworks either side of the WCML to support the bridge at suitable gradients;
- would need to avoid the path of the already diverted pipeline;
- must have sufficient clearance to avoid interference with WCML Overhead Line Equipment (OLE) and structural alignments;
- have access to sufficient land either side of the trace;
- be suitable for two-way traffic and able to bear the loaded vehicle weights HS2 Ltd plan to use;
- must not interfere with the south side permanent works;
- would need to overcome the logistical challenges associated with providing materials and crane lifts;

The creation of such a structure would need to be integrated with the permanent works construction cycle, including the removal of the structure. Furthermore, to cross the WCML, HS2 Ltd would need to secure closure of the WCML with Network Rail. Additionally, a significant number of LGV movements would be required to facilitate the temporary crossing and its ultimate removal.

In terms of timescales, obtaining possession of the railway usually requires several years of forward planning. Network Rail have advised that the typical lead in period for either of these options would be circa 3 years for investigation, investigating options, design, planning and implementation.

The suggested alternative is, therefore, not considered feasible by HS2 Ltd. BBV and HS2 have on a number of occasions engaged with stakeholders to explain why the proposed Park Lane/haul road alternative is not a feasible, realistic or cost-effective solution that can deliver to HS2's construction requirements and programme. Briefings have taken place recently on 14<sup>th</sup> April & 20<sup>th</sup> May 2021 (see further below) and there have been numerous presentations at Parish Council meetings and the SMBC Implementation Advisory Group (IAG) since the original Waste Lane lorry route approval in September 2019. HS2 Ltd consider that a modification based on the suggested alternative route would not comply with paragraph 43 of the Schedule 17 Statutory Guidance in terms of both site access and placing unreasonable cost and programme impacts on the construction process.

Schedule 17 statutory guidance states, at paragraph 43:

*“Where a modification to a proposed route is proposed it is likely that the planning authority would need to specify a suitable alternative route using a condition. Any condition that would prevent the number of vehicles reasonably needed for construction accessing worksites at the times at which they are required without the provision of a suitable alternative would not be considered reasonable. Local*

*authorities should consider the effects of any such modifications or conditions on the cost and programme of HS2.”*

The recent High Court Judgment on Planning appeal ref. APP/HS2/5 (13<sup>th</sup> April 2021) (R. (London Borough of Hillingdon) v Secretary of State for Transport and others) stated the following (para 196 of the Judgment):

*“The planning authority has to show why HS2's proposals should be modified and why that is reasonable, consistent with the normal approach to planning conditions and the authority's undertakings set out in the Planning Memorandum. It is not for the planning authority to impose whatever it wishes and to leave it for HS2 to strike it down by evidence.”*

The onus, therefore, is on the LPA to demonstrate, by the production of evidence, how and why the lorry route could reasonably be modified to achieve the relevant statutory ground for refusal or modification.

It is important to point out that Schedule 17, paragraph 6 applies only to material and/or plant that is to be transported on a public highway by a large goods vehicle to a working or storage site. The above suggested alternative lorry route would need to end at Park Lane compound which ultimately would not afford LGVs access to the worksites listed in this submission. This alternative would be reliant on an off-highway haul road, which would need construction of major earthworks and infrastructure to allow for a temporary crossing or replacement accommodation bridge. Without a suitable existing crossing that can be used, this cannot be considered as a reasonable alternative as LGVs would not be able to access the worksites for the reasons outlined above.

In terms of using Hallmeadow Road (as detailed within separate submission PL/2021/00473/HS2DIS) as a potential alternative to the route subject of this request, if approved, this would reduce the number of LGV's that would need to travel through Balsall Common village. However, it would not totally remove the need for the route, subject of this request, as it would still be required to construct and reinstate the access and haul road and its extension (which is the subject of a CLOPUD application PL/2021/00276/CLOPUD). Furthermore, if the Hallmeadow Road alternative is considered to be acceptable, whilst this will reduce LGV movements along this route once the Hallmeadow Road route is operational, it would not remove all movements due to access being required to other compounds, for example Truggist Lane, which are not accessible off the haul road within Act Limits.

Given the above, no modifications to the lorry route are considered to be necessary or reasonably capable of being modified.

### Other

The numbers provided within the Written Statement are an indication only of those likely to be needed to facilitate the works described. The obligation is firmly on HS2 and its contractors to manage the works in compliance with the Environmental Minimum Requirements (EMRs) General Principles – that is to operate within the envelope of significant environmental effects as assessed in the HS2 Environmental

Statement. It is for the Nominated Undertaker to carry out assurance to demonstrate that this is the case.

It is noted that the position of site access/egress points is not required for Schedule 17 approval as part of a Lorry Route Request under Paragraph 6. This is dealt with through Schedule 4 of the Act and is assessed and determined by the local highway authority.

### Public Sector Equality Duty

In determining this request for approval, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors. It is not considered that the recommendation to grant approval in this case will have a disproportionately adverse impact on a protected characteristic.

### Human Rights

In determining this request for approval, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered a proportionate response to the submitted request based on the considerations set out in this report.

## **CONCLUSION**

This request seeks consent under Schedule 17(6) to the High Speed Rail (London-West Midlands) Act 2017 for road transport movements associated with the construction of the new railway line.

The Local Planning Authority can only refuse the request if it can evidence that the route ought to, and could reasonably, be modified on the three grounds as set out within Schedule 17 Paragraph 6(5)(b).

There is no evidence to suggest that the route would cause any additional harm to that identified within the ES which was accepted by the Act. No modifications are therefore considered necessary.

Having regard to the parameters by which the Local Planning Authority may consider arrangements for lorry routes, as qualifying authority, the proposals are considered to be acceptable.

**RECOMMENDATION**

Approval is recommended.