

APPLICATION REFERENCE: PL/2021/00473/HS2DIS**Site Address:** Hallmeadow Road, Balsall Common, Solihull

Proposal:	<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): Carol Green Rail Underbridge South Satellite Compound/Waste Lane Overbridge Satellite Compound/Waste Lane East and West Road Head/Cromwell Lane Satellite Compound/Beechwood Farm Accommodation Underpass</p> <p>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 for approximately 3.71 miles before taking the first exit at the A452/Hallmeadow Road roundabout onto Hallmeadow Rd. LGVs will continue on Hallmeadow Rd taking the second exit at the next roundabout to remain on Hallmeadow Rd. At the Hallmeadow Rd / Station Rd roundabout LGVs will take the second exit into a purpose-built site access. Once LGVs have entered the site access they will use an internal haul route to access the listed sites. This internal route does not form a part of this application. Outbound Route LGVs will leave the purpose-built site access onto the Hallmeadow Rd/Station Rd roundabout taking the second exit onto Hallmeadow Rd. Continue on Hallmeadow Rd until the Hallmeadow Rd/A452 roundabout, taking the second exit onto the A452 Northbound. LGVs will continue on the A452 until reaching the A45 Coventry Rd.</p>
Web link to Plans:	<p>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</p> <p>https://publicaccess.solihull.gov.uk/online-applications/</p>

Reason for Referral to Planning Committee:	Called in by Councillors Howell and Diccio
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Recommendation:	APPROVE
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PL/2021/00473/HS2DIS – Hallmeadow Road, Balsall Common Schedule 17 – UPDATE SECTION

The following pages are provided as update to the initial report published in advance of the Planning Committee meeting dated 30th June 2021. The update is provided following the approval of members to defer a similar application relating to a proposed Lorry route at Waste Lane/Kelsey Lane 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.

PL2021/00471/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 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 lives 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 has 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

Whilst the Planning Committee on 30th June was adjourned prior to this item on the agenda being considered, some of the additional information received from the applicant in response to the Waste Lane deferral (PL/2021/00471/HS2DIS) is also of relevance to this lorry route submission, as follows:

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 consent under Schedule 4 for which SMBC would need to grant consent.

Phase	Works	Proposed timeframe
1	<ul style="list-style-type: none"> - Mobilise Waste Lane compound - Build access road to carol green south 	<ul style="list-style-type: none"> - Mobilisation April – July 21; - Access road July – Oct 21
2	<ul style="list-style-type: none"> - Build access road from Carol Green South the bellmouth of additional roundabout arm on Hallmeadow Road/Station Road 	<ul style="list-style-type: none"> - Oct 21 – Dec 21

	roundabout	
3	<ul style="list-style-type: none"> - Access road from Waste Lane to Hallmeadow Road complete - Verge parking spaces complete on Hallmeadow Road - Yellow lines painted on remainder of Hallmeadow Road - Transfer majority of HS2 traffic from Waste Lane to Hallmeadow Road - Minimal traffic on Waste Lane route 	- Jan 22 – Q3 2023
4	<ul style="list-style-type: none"> - Permanent structure built over the WCML - Continuous access road from the A452 to the A429 in use - Traffic on Hallmeadow Road reduces further - Minimal traffic on Hallmeadow Road and Waste Lane. 	- Q3 2023 – end of construction

The following table shows the maximum number of LGVs on each route 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 on 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.

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

For the lorry route subject of this request, whilst matters relating to displacement parking have been raised, this will be managed under a separate schedule 4 application in due course and therefore, as advised in the original report, there were no measures identified as being necessary to ensure safety and free flow of traffic.

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 30th 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 and along Hallmeadow Road to a potential new temporary worksite access off Hallmeadow Road/Station Road traffic island.

This potential new access, which is the subject of a Certificate of Proposed Use or Development (PL/2021/00276/CLOPUD) and appears elsewhere on this agenda, would allow construction traffic to access Carol Green Rail Underbridge South Satellite Compound/Waste Lane Overbridge Satellite Compound/Waste Lane East and West Road Head/Cromwell Lane Satellite Compound/Beechwood Farm Accommodation Underpass,

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 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/2021/00471/HS2DIS), pertaining to a Schedule 17 request for approval for a lorry route at Waste Lane, Hodgetts Lane and Truggist Lane; 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 23rd 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. The 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 – Additional information requested and concerns raised regarding potential impact to 314 Station Road, Balsall Common.

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 31st 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 Waste Lane, Hodgetts Lane and Truggist Lane (PL/2021/00471/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/2021/00473/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/2021/00471/HS2DIS (Waste Lane) - 233 objections. A further 41 anonymous objections were received, as well as 2 in support.

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 13th 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/2021/00473/HS2DIS, PL/2021/00471/HS2DIS and PL/2021/00276/CLOPUD is as follows:

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.

Objections 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;
- Hodgetts Lane is a very popular public lane for leisure;
- 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/2021/00471HS2DIS. 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.

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.

Objection 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 and 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 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;
- 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 route:

Inbound: leave from A45 Coventry Road exiting onto A452 southbound, exit A452 onto Hallmeadow Road onto site access located off Hallmeadow Road/Station Road roundabout.

Outbound: Construction traffic exit site onto Hallmeadow Road/Station Road traffic island onto Hallmeadow Road until the Hallmeadow Road/A452 roundabout, taking the second exit onto A452 northbound to A45 Coventry Road.

A Certificate of Lawfulness for Proposed Use or Development (CLOPUD) application (PL/2021/00276/CLOPUD) has been submitted for the temporary construction site

access point and stretch of haul road from the Hallmeadow Road/Station Road roundabout. This application appears elsewhere on this agenda.

The Written Statement acknowledges that the determination of this Schedule 17 will be subject to the outcome of the CLOPUD application. However, officers are satisfied that the schedule 17 request and CLOPUD application can be determined independently of one another, but the use of the proposed lorry route would be dependent on the access being provided as indicated within the submitted CLOPUD application.

The Written Statement (not for approval) received in support of the request provides estimated LGV numbers and timings. A maximum of 60 daily two-way 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 a maximum of 200 daily two-way LGV movements are anticipated.

Hallmeadow Road was identified in the ES as a potential route for construction traffic including LGV's, however the ES identified access to compounds to be from Waste Lane. Daily average LGV movements along Hallmeadow Road were identified as being less than 10, with a daily peak of between 10 and 20, two-way movements.

At the time of the Schedule 17 request for the Waste Lane Lorry Route to serve early works construction traffic (PL/2019/01276/HS2DIS), following the level of concern regarding traffic through Balsall Common, the route subject of this schedule 17 request for approval was identified by HS2 Ltd as a potential alternative and was first presented to local Parish Councils in January 2019. At the time of the previous submission HS2 Ltd advised that this proposal would mitigate many of the issues raised by significantly reducing the lorry movements through Balsall Common and onto Waste Lane.

It is important to note that if this proposal were approved and provided, while LGV movements through Balsall Common village and along Waste Lane (as detailed within PL/2021/00471/HS2DIS) would be significantly reduced, it would not totally remove LGV movements through this area. LGV movements will still be required, particularly in the early and later stages during compound mobilisation/demobilisation and LGV's will still need to use other compounds that are not accessible from the internal haul road within Act Limits, including Carol Green North, which is accessed off Truggist Lane.

Through the EMRs, HS2 Ltd will need to self-certify that the impacts from this proposal will not significantly exceed those identified within the ES and HS2 have advised that it is ES compliant. This process is a self-assurance exercise controlled through the EMR's to which HS2 Ltd are contractually bound.

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 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*

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 NO₂ and PM₁₀) 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 (NO₂), the pollutant associated with exhaust fumes. There are three locations in Balsall Common where NO₂ 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 NO₂ 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. NO₂ will continue to be monitored at these locations and the results are produced in annual reports submitted to Defra.

Whilst there is no monitoring data for Hallmeadow Road, given that the Kenilworth Road is an A Road which carries more traffic than Hallmeadow Road it is reasonable to conclude that air quality would remain well within recommended levels. Furthermore, HS2 Ltd have advised that by using Hallmeadow Road, lorry movements distances will be shorter and thus carbon emissions would be lower overall than if all LGVs were to utilise the Waste Lane route as identified in the ES.

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 1st January 2020 the use of Euro VI LGVs became a 100% requirement as set out in the Code of Construction Practice (CoCP).

The CoCP, which forms part of the EMR's, at Section 13, refers to best practicable means (BPM) when addressing measures to reduce potential noise and vibration impacts

“BPM are defined in Section 72 of the Control of Pollution Act 1974 and Section 79 of the Environmental Protection Act 1990 as those measures which are “reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to financial implications”.

The nominated undertaker will require its contractors to consider mitigation in the following order:

- *BPM, including:*
 - *noise and vibration control at source: for example, the selection of quiet and low vibration equipment, review of construction programme and methodology to consider quieter methods, location of equipment on site, control of working hours (see Section 5.2), the provision of acoustic enclosures and the use of less intrusive alarms, such as broadband vehicle reversing warnings;*
 - *screening: for example, local screening of equipment, perimeter hoarding or the use of temporary stockpiles; and*
- *then, where despite the implementation of BPM the noise exposure exceeds the criteria defined in this CoCP, the contractors may offer:*
 - *noise insulation; or ultimately*
 - *temporary re-housing.”*

SMBC Public Protection have raised concerns regarding the impact on the amenities of 314 Station Road and have requested a full and detailed assessment of impacts to this property which is located at the haul route end/start. Hallmeadow Road was identified within the ES as a potential route for construction traffic, however it was assessed as a minor route rather than a main route to access compounds

The lorry route the subject of this schedule 17 stops at the site access to the new section of Haul Road located off Hallmeadow Road/Station Road roundabout. This section of haul road is subject to application PL/2021/00276/CLOPUD. If members

are minded to approve the CLOPUD application in isolation then the haul road could be used for up to 24 LGV movements per day without needing a Schedule 17 request under Paragraph 6. This submission would, if approved, increase the number of daily two way LGV movements to a maximum of 200 which would likely have a greater impact on this property.

The plans submitted with the CLOPUD application illustrate that noise mitigation is proposed by way of acoustic fencing and bunds. Notwithstanding the outcome of the CLOPUD application, the EMR's would still be applicable which requires the applicants to provide suitable mitigation which could involve temporary re-housing in a worst case scenario. The impact on Annora House of additional LGV movements in such close proximity, as a consequence of this submission, has been explored. However, the consideration of this request is limited to the suitability of the route in terms of LGVs use of the public highway. The impact in this case would arise from the use of the haul road rather than the public highway. Given that the EMRs require HS2 Ltd to provide suitable mitigation, this is expected to manage the impact on this property and thus the issue falls outside the scope of this schedule 17 request.

Nevertheless, under the Control of Pollution Act 1974, Section 61 consent would be required to be obtained from the Local Authority for the proposed construction works, as appropriate. HS2 Ltd have confirmed that monitoring of the impact of the works on this property will be undertaken under these provisions, as well as the EMRS and therefore an informative is recommended to be attached to any approval.

SMBC Public Protection are satisfied that due to the separation distances between the residential dwellings accessed off Hallmeadow Road and the highway there is unlikely to be a significant loss of amenity due to noise and vibration. Whilst LGV's would likely present higher noise impacts than from smaller domestic vehicles the 30mph speed limit would ensure this is minimised. Furthermore, the separation distance (which in some cases includes earth bunding/landscaping) of housing from the main Hallmeadow Road carriageway (i.e. Grovefield Crescent, Eborne Croft, Huddesford Drive, Riddings Hill) provides significant sound attenuation. Minimum distances (to the centre of the carriageway) are approximately 40m, and the majority of the closest properties have private amenity spaces to the rear (meaning the houses act as barriers) or have significant brick wall boundaries which would mitigate effects on private amenity spaces.

SMBC Public Protection have advised that due to the separation distances involved between the proposed lorry route and sensitive receptors, vibration nuisance/damage is unlikely to occur, however some noise affects may be audible.

There are speed tables located at the junctions of Riddings Hill and Grovefield Crescent. At the time of the screening opinion for the new site access there was mention that these speed tables would be removed due to potential noise concerns from LGV's to nearby residents. This has led to third party representations to raise concerns of potential increases to vehicle speeds along this stretch of road. This matter has been clarified with the applicants who have since confirmed that it is not now intended to remove the speed tables, but to retain them for traffic calming reasons. HS2 Ltd has confirmed that they will monitor and engage with SMBC and the community once the route is operational, to address any concerns. As already

noted within this report, the existing highway condition and provision of any works to be carried out to a route is not relevant to an understanding of the suitability of the route for the purposes of the consideration of this Schedule 17 request. Nevertheless, an informative is recommended to be attached to any approval to encourage the applicant to monitor noise levels between the boundaries of the closest residential properties and the speed ramps, with suitable mitigation implemented as appropriate, in liaison with the Local Planning Authority.

SMBC Public Protection have also requested the following information, in order to consider the effects of the proposed lorry route in terms of local environment and local amenity:

- Commitments that environmental training of all staff using this haul route will cover strict compliance with the 30MPH speed limit on Hallmeadow Road (and that drivers must be mindful and slow for traffic calming features on that carriageway).
- Confirmation that pothole inspection of haul routes will take place before routes become active.
- Written commitment to Heavy Goods Vehicles over 3.5t being Euro VI compliant, and for Light Duty Vehicles to meet Euro 6 (Diesel) and Euro 4 (Petrol).

These above matters are covered by the EMR's and the CoCP and cannot therefore be requested by condition.

Looking at whether the arrangements should be modified to preserve local environment or local amenity, whilst the proposal would have an impact on residents located near to Hallmeadow Road it is considered subject to appropriate conditions, these impacts can be monitored and mitigation secured where appropriate.

- *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 concerns have been raised about the displacement of on-road parking outside the Balsall Common medical centre as a result of a Temporary Traffic Regulation Order (TTRO) that HS2 would introduce along Hallmeadow Road.

HS2 Ltd consider the (TTRO) is necessary to ensure LGV's can travel safely along Hallmeadow Road. Without the TTRO if cars continued to park on the road side, particularly close to the roundabout, the space available for the safe two way LGV movements could be adversely affected. HS2 Ltd have agreed that they would accept a condition to be included if the request were approved to secure the TTRO on the highway.

Third parties are concerned that the displacement of this parking, which serves over flow car parking for the train station and also the medical centre, will lead to illegal parking or a highway safety issue by parking elsewhere. There is also concern that the TTRO could impact on the COVID vaccination roll-out at the medical centre.

The displacement of car parking onto nearby residential roads is not considered to be harmful in terms of highway safety, or the free flow of traffic (or environment or amenity) and thus this issue would not justify a refusal under the parameters of this Schedule 17 request for approval.

Nevertheless, HS2 Ltd has considered numerous options to secure potential replacement car parking, including extending the existing station car park and using other private land, however these options have had to be discounted. However, there is potential scope for the provision for compensatory car parking provision on the highway verge for approximately 20 cars together with the incorporation of new pedestrian crossings in the vicinity. The applicants have agreed to continue discussions with stakeholders on this scheme and any such scheme would need to come forward through a Schedule 4 request. This is welcomed and SMBC Highways consider the principle of this offer of verge parking to be a potentially suitable option. However, given that SMBC Highways do not consider that the displacement of the car parking would prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area then it is not reasonable or necessary to secure this by condition. A suitably worded informative is recommended to encourage that this offer is delivered.

Requests for Approval under Schedule 17, Paragraph 6 'Conditions related to road transport' cannot consider the detail of the site access and whether that is acceptable in terms of highway safety. This detail would also come forward through a Schedule 4 Request.

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

SMBC Highways have reviewed the proposals and consider that subject to conditions, Hallmeadow Road is suitable to cater for the level of lorry movements proposed in terms of highway safety and free flow of traffic.

- *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 or along Hallmeadow Road.

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, subject to the conditions outlined.

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 which 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 14th April & 20th 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 (13th 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.

The lorry route submission proposed under PL/2021/00471/HS2DIS for Waste Lane, which was assessed through the ES for 300 daily LGV movements, is the alternative to this route. If this request is approved and brought into use then it would not totally remove the need for Waste Lane lorry route as there are compounds that are not accessible from the internal haul route i.e. Carol Green North which is accessed off Truggist Lane. Whilst the submissions seek approval for both routes to have a maximum of 200, two way, LGV movements, in reality these movements would be spread across both routes with the majority of lorries using Hallmeadow Road if approved. This would significantly reduce LGV movements along A452 and Waste Lane through Balsall Common village. HS2 Ltd have advised that as the Hallmeadow Road is shorter this would also reduce carbon emissions from the vehicle movements.

Given the above, no modifications to the lorry route are considered to be necessary or reasonable subject to conditions.

Other issues

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).

No modifications are therefore considered necessary, subject to condition.

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

RECOMMENDATION

Approval is recommended subject to the following condition:

1. Before the lorry route hereby approved is brought into use for more than 24 daily LGV movements, a temporary traffic regulation order (TTRO) shall be implemented in accordance with a scheme to be submitted to and agreed in writing by the local planning authority to prohibit on street car parking on Hallmeadow Road.

In the interests of free flow of traffic and highway safety in accordance with Paragraph 6 of Schedule 17 of the High-Speed Rail (London - West Midlands) Act 2017.

NOTE: Before the Traffic Regulation Order is introduced on Hallmeadow Road (subject to condition 4) it is strongly recommended that a scheme for replacement on-street car parking be provided following consultation with stakeholders and the local planning authority.

Note: HS2 and the contractor are reminded of the need to obtain Schedule 4 consents for any changes to the highway including the provision of any replacement on-street car parking. The Schedule 4 process shall be reviewed with Local Highway Authority and Transportation to ensure appropriate consents are secured

Note: The applicant is reminded to fulfil its obligations to carry out monitoring of LGVs in order to reasonably reduce any environmental and amenity impacts on Annora House.

Note: The applicant is encouraged to undertake monitoring of noise levels between the boundaries of the closest residential properties and the speed ramps on Hallmeadow Road, with suitable mitigation implemented as appropriate, in liaison with the Local Planning Authority.