

WALSALL METROPOLITAN BOROUGH COUNCIL

and

THE HIGHWAYS ENGLAND COMPANY LIMITED

THE HIGHWAYS ENGLAND COMPANY LIMITED (M6 JUNCTION 10) (SLIP ROADS, SPECIAL ROADS) SCHEME 2018

**THE HIGHWAYS ENGLAND COMPANY LIMITED (M6 JUNCTION 10) (SLIP ROADS, SPECIAL ROADS) (SIDE ROADS)
ORDER 2018**

**THE HIGHWAYS ENGLAND COMPANY LIMITED (M6 JUNCTION 10) (SLIP ROADS, SPECIAL ROADS) COMPULSORY
PURCHASE ORDER 2018**

and

THE WALSALL METROPOLITAN BOROUGH COUNCIL (M6 JUNCTION 10) COMPULSORY PURCHASE ORDER 2018

STATEMENT OF REASONS

CONTENTS

<i>INTRODUCTION</i>	<i>3</i>
<i>BACKGROUND TO THE SITE AND SCHEME HISTORY</i>	<i>6</i>
<i>NEED FOR THE SCHEME AND OBJECTIVES</i>	<i>9</i>
<i>HOW DOES THE SCHEME MEET ITS OBJECTIVES.....</i>	<i>13</i>
<i>HUMAN RIGHTS AND PUBLIC SECTOR EQUALITY DUTY.....</i>	<i>22</i>
<i>THE PLANNING POSITION.....</i>	<i>24</i>
<i>SCHEME APPROVAL, FINANCIAL PROVISION AND PROGRAMME</i>	<i>31</i>
<i>THE COMPULSORY PURCHASE ORDERS.....</i>	<i>35</i>
<i>FURTHER INFORMATION</i>	<i>41</i>

1 INTRODUCTION

1.1 Purpose of Statement

1.1.1 Under the provisions of the Highways Act 1980 ("**1980 Act**"), Highways England ("**HE**") has:

- made The Highways England Company Limited (M6 Junction 10) (Slip Roads, Special Roads) Scheme 2018 ("**SpRS**");
- made The Highways England Company Limited (M6 Junction 10) (Slip Roads, Special Roads) (Side Roads) Order 2018 ("**SiRO**"); and
- made The Highways England Company Limited (M6 Junction 10) (Slip Roads, Special Roads) Compulsory Purchase Order 2018 ("**HECPO**").

1.1.2 Walsall Metropolitan Borough Council ("**WMBC**") (together with HE, the "**Partners**") has also made the Walsall Metropolitan Borough Council (M6 Junction 10) Compulsory Purchase Order 2018 ("**WCPO**") (the SpRS, the SiRO, the HECPO and the WCPO together being the "**Orders**"); and

1.1.3 WMBC and HE are seeking confirmation of all Orders from the Secretary of State for Transport with WMBC leading on the Orders process.

1.1.4 This Statement has been prepared to support the Orders by describing the aim and purpose of the proposals for the highways alterations and improvements at Junction 10 of the M6 ("**Scheme**") and to explain the reasons for and deliverability of the Orders on the basis of the satisfaction of the following principles:

- the Scheme's justification and need;
- the consultation process and how third party interests have been considered;
- the status of associated consents;
- the availability of all necessary funding;
- the availability of all the land required and the reasons why all the land identified is necessary;
- the statutory requirements that must be satisfied before construction can start; and
- confirmation that there are no legal impediments to the Scheme being implemented.

1.1.5 The document will demonstrate that the requirements of the non-statutory guidance document entitled "Compulsory Purchase Process and the Crichel Down Rules" published on 29 October 2015, Highways Circulars 1/97 and 2/97 and the requirements of sections 16 (relating to Special Roads Schemes) and section 18 (relating to Side Roads Orders) of the 1980 Act have been met.

1.2 Powers under which the Orders are made

1.2.1 The SpRS is made under section 16, 17 and 19 and in accordance with Schedule 1, of the 1980 Act. Section 16 of the 1980 Act authorises HE, by means of a scheme, to provide, along a route prescribed by the scheme, a special road for the use of traffic of any class prescribed thereby.

- 1.2.2 The SiRO is made under section 18, and in accordance with Schedule 1, of the 1980 Act. Section 18 of the 1980 Act authorises HE in relation to a special road to stop up, improve, divert, alter or construct a highway that crosses or enters the route of a special road
- 1.2.3 The HECPO is made under sections 239, 240 and 246 of the 1980 Act. The powers in the 1980 Act enable HE to acquire land compulsorily for the following purposes:
 - 1.2.3.1 section 239 authorises HE to acquire land required for the construction of a special road, as well as any land required for the improvement of a special road; and
 - 1.2.3.2 section 240 authorises HE to acquire land required for the use in connection with the construction or improvement of a highway; and
 - 1.2.3.3 section 246 authorises HE to acquire land for the purposes of mitigating any adverse effect that the existence or use of the highway may have on its surroundings;
- 1.2.4 The WCPO is made under sections 239, 240, 246 and 250 of the 1980 Act. The powers of the 1980 Act enable WMBC to acquire land compulsorily for the following purposes:
 - 1.2.4.1 section 239 authorises WMBC to acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense, as well as any land required for the improvement of a highway;
 - 1.2.4.2 section 240 authorises WMBC to acquire land required for the use in connection with the construction or improvement of a highway;
 - 1.2.4.3 section 246 authorises WMBC to acquire land for the purposes of mitigating any adverse effect that the existence or use of the highway may have on its surroundings; and
 - 1.2.4.4 section 250 allows WMBC to acquire rights over land, both by acquisition of those already in existence and by the creation of new rights.
- 1.2.5 The Orders will allow the Partners to undertake the following works;
 - 1.2.5.1 altering the slip roads by realigning the same outside of the existing highway boundary;
 - 1.2.5.2 widening of the junction of the A454, Tempus Drive and Bloxwich Lane and alterations to the A454 Black Country Route; and
 - 1.2.5.3 mitigating the adverse effect that the existence or use of the highways will have on the surroundings thereof by the provision of measures in relation to: construction phase air quality; noise and vibration; visual amenity; materials; nature conservation; cultural heritage; geology and soils; people and communities; road drainage and the water environment; all travellers; arboriculture; climate change; and human health.

1.3 Confirmation of Orders

- 1.3.1 The making and confirmation of the SpRS and SiRO will enable HE and WMBC to improve, raise, lower, divert or otherwise alter highways stop up highways and construct new highways required as a consequence of the alterations to the special road and the construction of the classified road.

- 1.3.2 The making and confirmation of the WCPO and HECPO will enable WMBC and HE to acquire the land and rights necessary for the construction and maintenance of the Scheme and ensure the necessary alterations and improvements are made to the strategic and local highway networks.

2 BACKGROUND TO THE SITE AND SCHEME HISTORY

2.1 Introduction

2.1.1 The Scheme will involve the construction of two replacement wider highway bridges over the M6 Motorway at Junction 10, together with a package of highways alterations comprising:

- 2.1.1.1 Enhanced motorway slip roads;
- 2.1.1.2 Installation of traffic signals;
- 2.1.1.3 Widening of the junction of the A454 and Tempus Drive Bloxwich Lane;
- 2.1.1.4 Modifications to the A454 Black Country Route;
- 2.1.1.5 Landscaping works; and
- 2.1.1.6 Associated infrastructure and engineering works.

2.1.2 All of the works will be undertaken within the administrative area of WMBC. WMBC are the local highway authority with responsibility for the A454 Black Country Route, the A454 Wolverhampton Road, Tempus Drive and Bloxwich Lane. HE are the strategic highways company with responsibility for the elements of the Scheme affecting the motorway as it is a special road.

2.1.3 The Scheme seeks to improve highway capacity and reduce vehicle delays principally by building new widened bridges over the motorway, alterations to the slip roads, the installation of traffic signals, the widening and modernisation of a nearby Bloxwich Lane junction and modifications to a small section of the Black Country Route. Construction of the Scheme will take around 26 months, and is proposed to start in 2020 and finish in 2022.

2.1.4 In addition to road alterations and improvements, the Scheme will deliver an upgrade to pedestrian and cyclist facilities. A change of route will remove the need to cross the non-signalised north-bound M6 on-slip road and all pedestrian crossings will become traffic light controlled.

2.1.5 To facilitate provision of the new junction, there will be additional construction works including construction of new retaining walls, new signs and supporting gantries, improved lighting, and two noise barriers. One noise barrier will be located on the south side of the A454 adjacent to the north end of Bentley Mill Lane and the other adjacent to the M6 south off-slip road. There will also be drainage improvements, landscaping and diversions of electricity, water and telephone utilities.

2.2 Site Location

2.2.1 The M6 is a north-south motorway linking Junction 19 of the M1 to Carlisle, where the motorway ends at the A74. Junction 10 of the M6 (“**Junction**”) is located in Walsall in the West Midlands and has various connections comprising the A454 Black Country Route, A454 Wolverhampton Road and the B4464 Wolverhampton Road West. The Junction provides a primary access route between Walsall, Wolverhampton and the M6 Motorway forming a key interchange within the West Midlands region. The Scheme Plan is at Appendix 1.

2.2.2 The M6 is part of the strategic highway network, carrying more than 100,000 vehicles every day. Since 2011, Junctions 8 to 10a (which includes the section through the Junction) have operated as a smart motorway, running a dynamic hard shoulder operational regime. There is through junction running at the Junction. Junctions 10a to 13 have subsequently also been upgraded to a smart motorway with all lanes running.

2.3 Site Description

- 2.3.1 The existing Junction is of varying standards. To the west of the Junction is the A454 Black Country Route, a dual carriageway with grade separate junctions. To the east of the Junction is the A454 Wolverhampton Road, a dual carriageway that passes through residential areas of Walsall. Also to the west of the Junction is the B4464, within the residential area of Bentley. Bloxwich Lane feeds off the A454 Wolverhampton Road immediately east of the Junction, via an at grade junction. Tempus Drive also feeds off A454 Wolverhampton Road at the Bloxwich Lane junction and provides access to sites with a mixture of uses.
- 2.3.2 The northwest quadrant is a mixture of housing and a hotel. To the north east there is a row of houses along a truncated section of Wolverhampton Road, a church, and the Pale Leaf Industrial Estate.
- 2.3.3 The south east quadrant includes a mixture of hotels (Holiday Inn Express and the Village Hotel), a fast food outlet (KFC) two vacant development sites and the Alumwell Business and Enterprise College along with playing fields.
- 2.3.4 To the south west there are retail outlets at Boundary Mill, housing along Bentley Mill Lane, industrial units and a cinema.
- 2.3.5 Vehicle access is readily available to the site due to its current use. The Junction is accessed via a number of highway routes including the M6 northbound and southbound, A454 Black Country Route, A454 Wolverhampton Road and B4464 Wolverhampton Road West.

2.4 Background to the Scheme

- 2.4.1 The Junction is coming to the end of its serviceable life and was not designed to accommodate the number of vehicles that are using the roads, which has caused congestion at peak travel times.
- 2.4.2 The use of the Junction has changed markedly since its opening in 1968 as part of the Walsall to Stafford Link, with an increase in vehicle use and development of nearby enterprise zones which use the Junction to access the motorway network.
- 2.4.3 The Black Country Route was developed in the 1990s and has aided in unlocking development sites in Walsall and beyond, and improving accessibility for residents in these areas. This has increased vehicle use through the Junction, which has become an interchange between the national M6 motorway and the regional Black Country Route, as well as serving the local Wolverhampton Road West. The Junction now suffers from vehicle congestion and journey delays. Improvement in Junction capacity to reduce this congestion is therefore considered to be an important factor in the further economic development of the area, in particular, the further development (and therefore employment provision) of the Darlaston section of the Black Country Enterprise Zone.
- 2.4.4 In December 2014 the Department for Transport (“DfT”) published the Road Investment Strategy (“RIS”) for 2015–2020. The RIS document set out the list of schemes that are to be developed by HE over the 5-year period. The Scheme was included in the RIS.
- 2.4.5 Possible solutions for schemes named in the RIS were identified through the route strategies process run by HE. This process collated evidence on network performance issues and engaged local stakeholders and interested parties on the problems, issues and potential range of options/solutions for the schemes.
- 2.4.6 Prior to the publication of the RIS, HE developed an Options Assessment Report which recommended a scheme solution from which a Strategic Outline Business Case (“SOBC”) was produced. Using the SOBC the proposed scheme solutions for the Scheme were prioritised to inform the DfT RIS.

- 2.4.7 Two variants of the preferred solution for the Scheme were identified. Option 1A incorporated two 4-lane straight bridges whilst Option 1B envisaged use of 4-lane curved bridges. Based on an analysis of both options, against a number of key criteria, Option 1B was selected and is the Scheme that the Partners now propose to deliver.
- 2.4.8 For retention of the existing bridges, extensive and ongoing investment would be required as these structures are reaching the end of their serviceable life. Furthermore, the works would be disruptive, likely causing congestion problems elsewhere.
- 2.4.9 Doubling the number of lanes on the Junction from two to four will help to reduce traffic congestion, and reduce journey times for road users. This has the potential to open up new areas for development by improving access to them and attracting more businesses into the area, boosting the local economy and driving further investment in housing and social facilities.
- 2.4.10 The opportunity is being taken to install noise barriers at locations which have been identified as key noise sensitive areas. These barriers will ensure residents in these locations are better protected from traffic noise.
- 2.4.11 As the landscaping to be provided matures, an avenue of trees will form a feature along Wolverhampton Road as an attractive entrance to the Junction. The use of native plant species will also create natural habitats for wildlife at the Junction, creating an attractive area of green space which is also good for local biodiversity.
- 2.4.12 Improved pedestrian and cycle facilities will reduce conflicts between road vehicles, bicycles and pedestrians, and all pedestrian crossings will be controlled by traffic lights. This is a significant improvement on safety compared with the present situation.

2.5 Relationship between the Parties

- 2.5.1 The Scheme is being jointly delivered by HE and WMBC as WMBC are the local highway authority with responsibility for the management and maintenance of the local highways connected into the Junction.
- 2.5.2 The Scheme is being delivered by the Partners collaboratively in what is an exemplar relationship between the strategic highways company and a local highway authority. Heads of Terms have been agreed between the Partners and a Delivery Agreement based upon these Terms will be completed imminently. It is an agreed principle of the Heads of Terms that WMBC will act as the promoting authority for the Scheme.
- 2.5.3 WMBC's role will include managing the statutory compulsory purchase order process for both the HECPO and the WCPO and given WMBC's local knowledge, liaising with landowners affected by HE's assets and statutory powers on HE's behalf.
- 2.5.4 HE will make the HECPO and SpRS and SiRO. The publication, notice and promotion of all road orders underpinning the Scheme will also be the responsibility of WMBC.

3 NEED FOR THE SCHEME AND OBJECTIVES

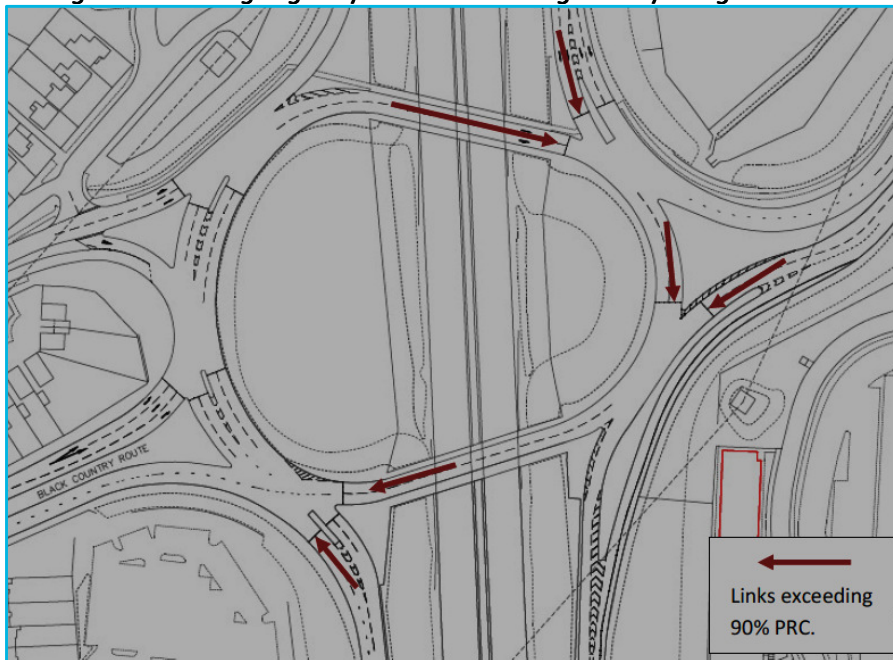
3.1 Introduction

This section gives a summary of the reasons for the Scheme, and thus why land is required for construction of the road, as well as justifying the associated SpRS and SiRO. The information is set out in greater detail in the Transport Assessment that was submitted as part of the planning application (“**Application**”) that secured permission reference 17/0870 (“**Permission**”) authorising provision of “*two replacement wider bridges over the M6 Motorway and a package of highway improvements comprising, enhanced motorway slip roads, installation of traffic signals, widening of the Junction of A454 and Tempus Drive, Bloxwich Lane, modification to the Black Country Route, landscape works and associated infrastructure and engineering works*” at the Junction.

3.2 Existing Conditions

- 3.2.1 The Junction is maintained by WMBC and HE. During peak periods, the existing junction is heavily congested with large queues on all approach arms. In particular, the circulatory carriageway and the adjacent junction at Wolverhampton Road / Bloxwich Lane are heavily congested in peak periods, and increasingly at other times throughout the day.
- 3.2.2 In the AM and PM peaks, exit blocking from the Junction negatively impacts upon Bloxwich Lane by inhibiting approaching flows.
- 3.2.3 The existing highway network is shown in Figure 1 below:

Figure 1: Existing Highway Network showing Heavily Congested Links



- 3.2.4 In addition to the congestion issues, the physical conditions of the northern and southern bridges across the motorway that form part of the current Junction necessitate major works.
- #### 3.3 Need for the Scheme
- 3.3.1 At present, in an attempt to manage flows at the Junction and minimise blocking back onto the motorway, local operator intervention by WMBC’s Urban Traffic Control team is often required on a daily basis to

clear the slip roads. Both HE and WMBC recognise this as a temporary solution; a more suitable, permanent solution is required to address this problem.

- 3.3.2 Regular structural inspections indicate that the bridge structures are at the end of their serviceable life. Continued monitoring of their structural integrity is therefore required and promotion and delivery of a bridge replacement scheme necessary.
- 3.3.3 During 2013, HE reviewed the need to allocate development resources for a potential maintenance scheme at the Junction. It was found that due to the existing structural integrity of the Junction, either a HE maintenance scheme or a combined scheme with WMBC needed to be delivered. HE invited WMBC to prepare a combined scheme, understanding the existing congestion issues at the Junction and the condition of the bridge structures.
- 3.3.4 Beyond the needs of the Junction itself, there has been significant investment in transport infrastructure in this area. A capacity improvement scheme at the Junction would help link these investments together, improving regional and local access for Black Country businesses.

Employment Opportunities

- 3.3.5 There are a number of development sites that could be unlocked with improvements to the road network. The Darlaston section of the Black Country Enterprise Zone straddles the M6 directly south of Junction 10, with a number of development trips requiring access and egress north via Junction 10. These sites are anticipated to deliver 2,000 new jobs in the region.
- 3.3.6 Improved capacity at Junction 10 will also encourage the continued development of the Black Country regeneration corridors, in this case being Regeneration Corridor 6 (A454 Black Country Route and Willenhall, west of the Junction) and Regeneration Corridor 7 (A454 Wolverhampton Road to Walsall Town Centre, east of the Junction) as identified within the Black Country Core Strategy. When developed, these sites could respectively create 2,048 new houses and 339 hectares of employment land, and 1,645 new houses and 156 hectares of employment land.
- 3.3.7 The Junction is situated between the city of Wolverhampton and the town of Walsall, both key Black Country Strategic Centres. Improvements to the Junction will enhance connectivity and trade between these centres as well as access to the national road network. Both centres suffer from severance as a result of congestion at the Junction, with limited alternative routes available. Improved journey times and reductions in delays would encourage a greater interaction between these two regional centres.
- 3.3.8 The traffic and infrastructure conditions at the Junction are recognised as a key transport issue facing the Black Country in both the Black Country Joint Core Strategy and the West Midlands Local Transport Plan. Improved connectivity to the M6 via the Junction will assist freight access to employment sites and help deliver better connectivity locally and regionally. Transport for the West Midlands and the West Midlands Integrated Transport Authority also recognise the importance of improvements to the Motorway network and support their improvement.

Social and Economic Opportunities

- 3.3.9 There are socio-economic discrepancies in the region which are particularly prevalent in the parliamentary constituencies around the Junction. As of February 2013, unemployment benefit claimant counts in these constituencies were recorded as: Walsall North (7.5% – 4,225), Walsall South (8.3% – 4,403); and, Wolverhampton South East (9.6% – 4,189). These are some of the highest levels of unemployment in England.
- 3.3.10 The Index of Multiple Deprivation categorises 32,482 areas of England by indices of deprivation, consisting of: income; employment; health deprivation and disability; education skills and training; barriers to housing and services; crime; and the living environment. Of the 169 lower level output areas in Walsall, 57 are categorised within the 15% most deprived areas of England (1 in 3). These areas are

concentrated around the Motorway and the Junction. These areas also suffer from disproportionate adversities, not just nationally high levels of unemployment but also increased instances of Road Traffic Collisions. Growth and employment opportunities can lead to improved socio-economic circumstances, reducing these national discrepancies.

3.3.11 Pedestrian movements at the Junction are currently uncontrolled. Signalisation of pedestrian movements and improved pedestrian facilities at the Junction will improve pedestrian accessibility and safety.

3.4 Scheme Objectives

3.4.1 The principal aim of the Scheme is to reduce delays at the Junction and at an adjacent junction by increasing capacity, broken down into:

3.4.1.1 reducing the delays experienced by each vehicle travelling through the Junction; and,

3.4.1.2 increasing the practical reserve capacity of the Junction to accommodate current traffic flows and future growth.

3.4.2 However, further objectives have been identified by WMBC to ensure that the Scheme will improve the social, economic and environmental well-being of the area.

3.4.3 Overall Objectives

- To support and enhance the roles of the current M6 Motorway and Black Country Route as both major national and inter-urban regional transport arteries;
- To develop the Scheme to provide additional capacity, increase journey time reliability, to improve and better manage traffic flow conditions, and to ensure the safe and economic operation of the Junction; and
- To ensure the Scheme is affordable whilst maximising the benefit/cost ratio and hence value for money.

3.4.4 Transport and Safety Objectives

- To provide a new grade separated junction with 4 lane gyratory and increased approach widths;
- To remove the existing bridge structures;
- To relieve traffic congestion on a critical junction in the regional transport network, to provide more reliable journey times and to make life easier and safer for businesses and commuters;
- To connect communities by reducing highway delays between Black Country urban centres; and
- To achieve a safety objective under which the “after” accident numbers (per annum) are no greater than those “before” and to ensure that the severity ratio is not increased.

3.4.5 Economic Objectives

- To maximise the return on public investment;
- To plan all works to achieve optimum whole life costs;
- To unlock local economic growth potential by improving access to commercial districts, to make it easier to travel to work and to do business in the Black Country;
- To support job growth in the Black Country and to support sustainable economic activity and local development plans;
- To support housing requirements in the region; and
- To provide more reliable journey times.

3.4.6 Other Objectives

- To improve the environment by reducing congestion and delays on the existing Black Country Route, which will improve air quality; and
- To create a positive legacy that enhances the reputation and attractiveness of the Black Country whilst further unlocking adjacent development sites.

3.4.7 The objectives of the Black Country Local Enterprise Partnership (“LEP”) are to promote local growth and create local jobs. These opportunities lead to improved incomes, achieving a more sustainable socio-economic balance for families in the region. Through employment opportunities, net migration from the Black Country can be reversed.

3.4.8 The Black Country has a long and proud tradition of manufacturing goods for export. An investment that assists and encourages the export of goods will support the national economic recovery. Strategically, investment in the Junction fits the national, regional and local objectives of Central Government.

3.4.9 The LEP supports projects that:

- Improve the flow, reliability and access of employees to and from the workplace;
- Improve the flow, reliability and access of goods to and from the market; and
- Improve the flow, reliability and access for visitors (tourism and business) through the Black Country.

3.4.10 The LEP recognises that improvements at the Junction will achieve the aims listed above. As a result of this, the Junction is promoted as one of the key transport priorities for the Black Country.

4 HOW DOES THE SCHEME MEET ITS OBJECTIVES

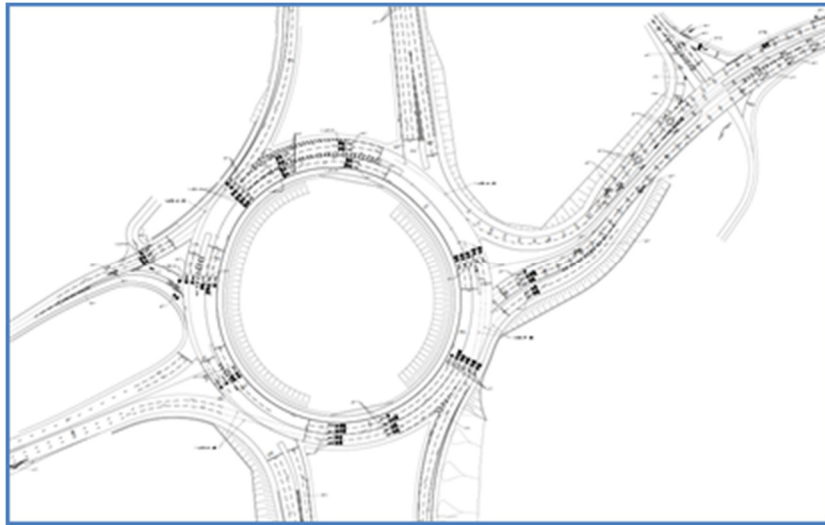
4.1 Introduction

This section describes the physical elements and characteristics of the Scheme which has been developed to solve the problems identified in Part 3 of this Statement. It also sets out the Scheme's impacts and proposed mitigation measures and details the benefits of the new road, concluding with how the Scheme meets the strategic Scheme objectives.

4.2 Summary Scheme Description

- 4.2.1 The Scheme will increase the capacity of the existing Junction and remove the existing concrete overbridges which are in a poor state of repair.
- 4.2.2 The Scheme will replace the current bridges with two new four-lane bridges to form a circular above-motorway junction. The new bridges will be situated in parallel with the existing bridges, which will be demolished when the new bridges are operational.
- 4.2.3 The Scheme will require the demolition of the existing bridge structures, after having been replaced by new four-lane bridges, doubling the capacity of the bridges and improving capacity at the Junction. Associated lane widening is to be carried out on the approach roads and lane widths on the bridges will be wide enough to accommodate wide vehicles.
- 4.2.4 The Scheme will address the following issues:
 - 4.2.4.1 Increasing the capacity of the Junction to accommodate access to the motorway network and to key developments including the nearby Darlaston sites within the Black Country Enterprise Zone;
 - 4.2.4.2 Reducing peak hour queueing and increasing reliability, especially for commuters, allowing the route to function as a strategic corridor/through route;
 - 4.2.4.3 Improving connectivity and community cohesion through reducing severance issues between Wolverhampton and Walsall allowing the Birmingham Box (the linked M5, M6 and M42 motorway network around Birmingham) to function as a strategic corridor or through route;
 - 4.2.4.4 Reducing congestion would help to support economic growth and improve connectivity and trade; and
 - 4.2.4.5 Replacing bridge structures that have reached the end of their serviceable lifespan
- 4.2.5 Associated development will also be undertaken including the installation of lighting, gantries, retaining structures and landscaping.
- 4.2.6 The proposed layout of the Scheme is shown at Figure 2.

Figure 2: Layout of Proposed Bridge Widening and Realignment



4.3 Design Standards

4.3.1 The Scheme has been designed to the requirements for geometric layouts set out in the DfT's standards and advice notes, contained in the Design Manual for Roads and Bridges. Departures from Standards are noted in the Scheme's Departures from Standards Report.

4.4 Detailed Scheme Description

4.4.1 The Junction roundabout will be fully-signalised. Pedestrian crossings will be incorporated into the signal phasing. These signals will be Toucan Crossings, which are designed to enable both cyclists and pedestrians to use the crossing at the same time.

4.4.2 The junction between Wolverhampton Road and Bloxwich Lane will continue to be signal-controlled. Both right turn movements from Bloxwich Lane will be controlled by separate right-turning lanes and signal displays. Toucan Crossings will also be introduced at each crossing point.

4.4.3 The Scheme provides additional lanes on the overbridges of the Junction and on some approach roads to the roundabout. Signage (including overhead gantries where appropriate) will inform road users of the correct lane to use.

4.4.4 Two new bridges will be constructed, and the existing bridges will be demolished. The bridges will be constructed principally of steel and concrete.

4.4.5 The new bridges will be constructed on the outside of the existing roundabouts. These will be single-span bridges, removing the need for a central pier in the M6 motorway central reservation underneath. They will have four running lanes for vehicles, compared with the two lanes of the current bridges.

4.4.6 Retaining walls will be constructed in each of the four corners of the roundabout.

4.4.7 Gantries and signage will be provided, as detailed below.

4.4.8 In order to help protect residential dwellings within Noise Important Areas within the Scheme, two noise barriers will be installed.

- 4.4.9 On the west side of the Junction, the southern side of the A454 Black Country Route, where the westbound lane leaves the Junction roundabout (in the vicinity of the northern end of Bentley Mill Lane) one noise barrier will be installed. This will be at a height of 2m above the existing walling (which will be retained) for a length of approximately 87m. On the eastern end of this barrier, for a distance of 108m it will be 2m high from the ground, as there is no existing wall to build it upon. The total length of this noise barrier will therefore be 195m.
- 4.4.10 In the north-east corner of the Junction, a second noise barrier will be installed, 4m high, for a length of 165m.
- 4.4.11 There will also be some increase in road lanes on the following road sections:
- 4.4.11.1 The northbound M6 off-slip increases from four to five lanes at the approach to the Junction;
 - 4.4.11.2 The westbound Black Country Route, going west from the Junction roundabout, increases from two to three lanes as far as the junction with Marshland Way;
 - 4.4.11.3 Wolverhampton Road West, where the eastbound lane approaches the Junction, there will be an increase from two to three vehicle lanes;
 - 4.4.11.4 The southbound M6 off-slip increases from four lanes to five where it meets the roundabout;
 - 4.4.11.5 Where Wolverhampton Road meets the Junction on the east side of the roundabout, there is a lane increase from three to five; and
 - 4.4.11.6 At the junction between Bloxwich Lane and Wolverhampton Road, the overall road width will increase on Bloxwich Lane due to the installation of an enhanced pedestrian crossing, incorporating an island in the road, including Toucan crossings (for pedestrian and cycle use). Segregated lanes will be as follows:
 - Two segregated turn right lanes from Bloxwich Lane on to the A454 Wolverhampton Road (for traffic heading westbound towards the Junction);
 - One segregated turn left on the A454 Wolverhampton Road westbound for traffic from Walsall turning into Tempus 10 Drive;
 - A segregated turn left lane on the A454 Wolverhampton Road for traffic coming from the Junction onto Bloxwich Lane; and
 - A segregated turn left from Tempus 10 Drive westbound towards the Junction.
- 4.4.12 In order to provide these alterations, retaining structures are to be incorporated, as above.

4.5 Drainage

- 4.5.1 The existing drainage around the Junction collects runoff from both impermeable and permeable areas, which discharges into the River Tame. The proposed drainage layout seeks to maintain existing discharge points while reducing the potential flood risk within the site itself as well as areas downstream of the Junction by increasing the system's capacity (and storage) and reducing the discharge rate to the River Tame.
- 4.5.2 The proposed drainage is designed to cover a 1 in 100 year storm event with a 30% increase in rainfall intensity to allow for the effects of climate change during the Junction's design life. The peak runoff discharged from the proposed network to the River Tame is to be reduced to 80% of the existing peak discharge rate, providing a 20% betterment. This will be achieved by storing some of the runoff within vegetated ponds located in the centre of the roundabout area and large diameter pipes located along the Junction's slip roads as well as locations along the Black Country Route and Wolverhampton Road. The ponds also serve as runoff filters that reduce the amount of pollutants and sediment carried by the runoff before being released to the watercourse. Further details are available in the Flood Risk Assessment submitted with the Application that secured the Permission for the Scheme.

4.6 Lighting, Gantries and Signage

- 4.6.1 A lighting design has been prepared for the Scheme and is set out within the ES. The design will be similar in nature to the existing layout. Lighting of the motorway mainline will be as the existing layout. New lighting columns will replace the existing for the remainder of the Scheme to accommodate the new alignment. Lighting will be of similar-strength to present conditions.
- 4.6.2 Eight gantries will be installed to provide signage to vehicle users, as the wider highway widths necessitate some above-road signage to ensure visibility to all drivers. These have been located to minimise the visual intrusion for residents where possible, making use of existing screening.
- 4.6.3 Gantries will be up to approximately 8.5m in height (from ground level to the top of signage) and are required to ensure visibility of directions to all road users, as necessitated by increasing the number of road lanes as road-side signage may be blocked from view by vehicles in neighbouring lanes.
- 4.6.4 Other road signage will be at the edge of the roadway, as at present, rather than above it. The exact locations and nature of this signage will be confirmed through detailed design.

4.7 Additional Traffic Management Measures

- 4.7.1 Traffic management measures will be required to facilitate the construction of the Scheme. Temporary closures of the M6 will be required for the erection of the new bridges and demolition of the existing bridges.

4.8 Statutory Services and Diversions

- 4.8.1 Distribution networks for gas, electricity, telecommunications, and water pass through the Junction.
- 4.8.2 Where necessary, these will be diverted onto new infrastructure provided as part of the replacement bridges. Statutory undertakers have been engaged to confirm the diversions of utilities required.
- 4.8.3 Overhead electricity lines cross the M6 motorway to the north and south of the Junction. These will not be affected by the Scheme.
- 4.8.4 A high pressure gas main is present to the west of the Scheme which passes below the Black Country Route and Wolverhampton Road West. No diversions are proposed to the high pressure gas main.

4.9 Environmental Mitigation Measures

Air Quality

- 4.9.1 Construction works will be carried out in accordance with the Best Practicable Means as described in Section 79 (9) of the Environmental Protection Act 1990 and site-specific mitigation measures from the Institute of Air Quality Management to reduce fumes or emissions which may impact upon air quality. A Construction Environmental Management Plan (“CEMP”) will also be produced to ensure that nuisance and pollution from activities is minimised.
- 4.9.2 Air quality impact during the operational phase is considered in the Environmental Statement (“ES”) to be not significant, and therefore no operational phase air quality mitigation is proposed.

Noise and Vibration

- 4.9.3 Construction would be undertaken pursuant to a 'Section 61 Agreement' entered into in accordance with the provisions of the Control of Pollution Act 1974. Reference would be made within that agreement to mitigation strategies outlined within British Standard ("BS") 5228:2009, which offers detailed guidance on the control of noise and vibration from construction activities.
- 4.9.4 The use of thin surface course through the Scheme and the implementation of noise barriers located in the north-east and south-west corners of the roundabout will mitigate against adverse operational noise impacts.

Landscape and Visual

- 4.9.5 Construction will be carried out using industry best practice to reduce any potentially adverse effects. This will include using screening of compounds where possible, minimising vegetation removal and design construction-phase lighting to minimise light pollution.
- 4.9.6 To mitigate against landscape impacts when the Scheme becomes operational, existing vegetation will be retained where possible. Replanting will take place as quickly as is practicable and screening will be provided wherever possible. A Landscape Mitigation Plan has been produced including tree and shrub planting. When this matures after fifteen years, the changes in views from these receptors will no longer be significant.
- 4.9.7 On completion of the main construction works, the area within the roundabout will be planted with a native woodland mix consisting of silver birch *betula pendula*, alder *alnus glutinosa*, field maple *acer campestre*, blackthorn *prunus spinosa*, lime *tilia cordata* and English oak *quercus robur* planted as whips. A whip is an unbranched young tree seedling of approximately 0.5–1.0 m (1 ft 7 in–3 ft 3 in) in height and 2–3 years old that has been grown for planting out. Scattered throughout this area, more mature Scot's pine *pinus sylvestris* trees will be planted to provide a level of instant impact with the planting. The embankments to the central roundabout will be planted in a grass mix which should open up views of woodland planted mix at the centre of the roundabout.
- 4.9.8 A secondary woodland planting mix consisting of black poplar *populus nigra*, alder, field maple, hawthorn *crataegus monogyna*, and dog rose *Rosa canina* has been proposed along the northern and southern approaches to the Junction with more mature Scot's pine trees planted to form an avenue of trees on each side of the motorway.
- 4.9.9 The central reservation approaching from the south is planted with of a mix of ornamental cherry trees and the eastern approach has a mix of pin oak *quercus palustris* and American sweetgum *liquidambar styraciflua* planted in a line within the central reservation. Both sets of trees will provide seasonal displays of colour and visual interest throughout the year.
- 4.9.10 The western approach has screen planting for properties that lie in close proximity to the Scheme. Screen planting with larger trees has also been proposed for the north eastern area adjacent to Wolverhampton Road. Further detail regarding the landscaping associated with the Scheme is set out within the ES.

Materials

- 4.9.11 A CEMP and a Site Waste Management Plan are to be produced monitoring and managing the production of waste as a direct result of this Scheme. This will reduce impacts associated with the construction phase of the proposed Scheme.

Nature Conservation

- 4.9.12 An Ecological Mitigation Strategy will be prepared, detailing the proposals to manage and mitigate for ecological impacts associated with the preferred Scheme. This document will be a live document that will be updated following additional protected species surveys identified below. This document will be used to inform the CEMP for the Scheme, which would be prepared prior to construction and contain all measures to be implemented for mitigation. This document will be compiled in accordance with BS 42020:2013 (Biodiversity). Timings and specific procedures for the works and mitigations will be included within the CEMP.
- 4.9.13 Measures will be looked at during the operational phase of the Scheme to manage habitat to ensure restoration and opportunity to maximise biodiversity opportunities. This work will be undertaken in consultation with appropriate bodies and statutory consultees.

Water and Drainage

- 4.9.14 The Scheme will increase the paved area which would lead to an increase in the risk of fluvial and surface water flooding occurring. The estimated surface new water runoff levels, with a 30% climate change increase allowance on the new Junction area, will be limited to a discharge rate of only 80% of the current estimated discharge rate i.e. a 20% reduction. This is to be achieved through the provision of attenuation storage either in the form of storage ponds or large diameter storage pipes, as confirmed through post-consent design works.

Temporary Land Use

- 4.9.15 The Scheme will require some areas of land to be used temporarily during the construction phase. Where this change of land use potentially impacts upon any relevant animal species the relevant areas will be checked by a suitably qualified ecologist prior to the commencement of any works who will either ensure that no relevant species are present or, where any such species are found, their mitigation advice will be followed to ensure that species are not harmed. Some areas of vegetation will be lost as a result of the temporary use of land and areas of replanting and re-landscaping have been identified to ensure that such loss is temporary. Finally, any land used temporarily will be returned both to its previous use and its previous owners.

4.10 Construction

- 4.10.1 Construction of the Scheme is scheduled to begin in 2020 and run for a period of 26 months, finishing in 2022.
- 4.10.2 An average of 128 vehicles will access the construction site each day, giving rise to approximately 256 vehicle journeys on public highways. This yields a total of approximately 133,500 journeys over the course of construction of the Scheme.
- 4.10.3 Demolition of the existing bridges will be undertaken once their replacement is in use. This will commence with the northern bridge and will then be followed by the southern bridge. Temporary closures of the M6 will likely to be required for short periods to complete the demolition works.
- 4.10.4 Demolition of a retaining wall which currently supports the south west side of the Junction is also necessary. Aside from this, no other demolition works are proposed.

4.11 Maintenance

- 4.11.1 Generally, the Scheme does not change the current normal operation and maintenance activities but for some activities additional work is required due the increased size of the Junction such as resurfacing of the circulatory carriageway and larger bridges to inspect and maintain. The new features introduced by the Scheme are the retaining walls, sign gantries, drainage ponds and tanks, and environmental barriers.
- 4.11.2 For the new features, annual inspections and maintenance can be carried out either using the accesses provided or using temporary traffic management for lane closures. The increased number of lanes on the Junction should reduce the need for a full Junction closure.
- 4.11.3 The Scheme has looked to reduce maintenance requirements by:
- 4.11.3.1 Removal of the central bridge pier;
 - 4.11.3.2 Using a concrete barrier on the A454 Black Country Route;
 - 4.11.3.3 Using hard surfacing between the shared use footway/cycleway and carriageway, rather than grass which would require frequent mowing; and
 - 4.11.3.4 Where appropriate, replacing existing grassed splitter islands with hard surfacing.
- 4.11.4 The new bridges are designed with a lifespan of 100 years, with maintenance measures extending this lifespan. Other Scheme elements, such as lighting, gantries and road surfacing will need regular maintenance, and it is assumed this will be undertaken. It is assumed that some Scheme elements will need to be replaced at regular intervals, such as the road surfacing. This maintenance will be undertaken by the responsible highway authority. Regular decommissioning of various Scheme elements will be required as part of ongoing maintenance and management measures. Individual components should be re-used or recycled wherever possible. However, wider decommissioning of the road network is unlikely as it is considered to become an integral part of the infrastructure in the area.
- 4.11.5 The Scheme will comprise publicly maintainable highway and the Partners will be responsible for all maintenance aspects of the areas of highway for which they are the responsible highway authority.

4.12 Assessment of Scheme Impacts

- 4.12.1 An Environmental Assessment (“EA”) was undertaken as part of the preparation for the Application submission in 2017. The EA was updated in December 2017. The Environment Agency and other Statutory Consultees were consulted during the preparation of the assessment and did not object to the planning application. They were happy for a range of environmental aspects to be safeguarded and secured by planning conditions and will be consulted in the condition discharge process. The EA, identifying the overall impact of the Scheme on the environment, is summarised below:

Air Quality

- 4.12.2 The Scheme is predicted to cause minor reductions in regional emissions of NO_x, PM₁₀, PM_{2.5}, and CO₂ in the Opening Year and minor increases of NO_x, PM₁₀, PM_{2.5}, and CO₂ in the future year (2035). Small increases in aggregate levels of emissions are likely as a result of road development and these should be seen in the context of nationally projected improvements in air quality as a result of the current and future policies, such as those promoted by DEFRA’s Air Quality Action Plan.
- 4.12.3 Overall, the predicted effects of the operation of the Scheme on local air quality are not significant, and therefore no mitigation measures are proposed. The Scheme is consistent with national and local planning policy with respect to air quality.

Archaeology and Historic Environment

4.12.4 The Scheme impacts upon Anson Branch and Bentley Canal which are undesignated heritage assets. Although once of importance to the local area and wider canal network, they are no longer navigable and large parts have been buried beneath the M6. The impact of the Scheme on both was assessed under the EA which found that the Scheme will have less than substantial harm on the non-designated heritage assets primarily due to the adverse effects of the previous developments in the area which have already truncated much of the historic fabric of the assets. No mitigation is therefore considered necessary.

Noise and Vibration

4.12.5 It is assumed that implementation of best practice during the construction phase will form the mitigation for noise and vibration. Given the distances between the nearest parts of the Scheme and the nearest potentially affected residences, predicted noise levels due to construction will be significant at some residences. A noise management plan will therefore be implemented.

4.12.6 The assessment incorporated the use of thin surface course throughout the Scheme and noise barriers located in the north-east and south-west corners of the Junction roundabout, but no other noise mitigation for the operational phase. In summary, during the operational phase of the Scheme, the EA concludes that the Scheme will have a net beneficial effect during the day time and a net adverse effect at night.

Landscape and Visual Impacts

4.12.7 The EA assesses the visual impact of the Scheme during both the construction and operation phase. The EA found that once the mitigation planting has matured in 2035, no receptors will be subject to significant adverse visual effects. During the construction phase, a number of significant effects for visual amenity will occur, however these are short term in nature and will be mitigated against using best practice methods such as screening construction activities.

4.12.8 Once construction activities have been completed and all site compounds removed, only a single receptor will be subject to significant visual effects. Once all mitigation planting has matured, no receptors will be subject to significant, adverse visual effects.

Ecological

4.12.9 Following implementation of the incorporated ecological mitigation measures including those identified during production of the CEMP to prevent pollution, restricted lighting, and careful management of vegetation clearance, no significant adverse residual effects are predicted during both the construction and operational phases of the Scheme. Four Sites of Local Importance for Nature Conservation (“**SLINCS**”) lie immediately adjacent to the Scheme. Despite the proximity of these SLINCS to the Scheme, there is no proposed direct loss of habitats associated with the Scheme while remaining indirect impacts can be managed through the CEMP. There are no protected species or statutory designated sites within the Scheme boundaries.

Sustainable Transport

4.12.10 Sustainable transport has been deemed to primarily involve Non-Motorised Users (“**NMUs**”) who might be impacted as a result of the Scheme. The EA assessed the Scheme for impacts to NMUs. During construction, overall effects on NMUs are anticipated to be not significant, with closures being temporary in nature and diversions put in place as mitigation. The operational phase assessment takes into account changes in journey length, changes to journey amenity either through the provision or reduction in footpaths, cycleways and crossings, or changes to journey experience through traffic flow change. During the operational phase of the Scheme, the impacts are assessed to be beneficial overall but not significant. The proposed

changes to the routing of NMUs across the north bridge and associated changes to traffic signal control of all road users will provide a safer crossing than existing. However, there will be an increase in journey length for non-motorised road users accessing the new footway from the B4464.

Traffic

- 4.12.11 There are a number of Scheme objectives that are achieved through the traffic improvements proposed for the Scheme. These focus on relieving congestion and provide more journey time reliability which will connect communities, improve the environment and unlock economic growth.
- 4.12.12 The journey time savings represent the majority of the Scheme's benefits. 63% of the benefits accrue to car users. This is to be expected as this is the dominant vehicle class. The bulk of the benefits are produced by the business journey purpose, equating to 49% of the total journey time savings and 70% of the Vehicle Operating Cost benefits. Business journey users comprise car business, LGV business and HGV business.
- 4.12.13 The improvements will therefore provide journey time reliability for businesses, commuters and other road users. This will help the local area connectivity as well as the wider areas of Walsall and Wolverhampton.

5 HUMAN RIGHTS AND PUBLIC SECTOR EQUALITY DUTY

5.1 Introduction

In accordance with the provisions of Article 1 of the First Protocol to the European Convention on Human Rights (“**Convention**”), a compulsory purchase order should only be made where there is a compelling case in the public interest, and land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss. The following describes the response to Article 1 and includes details of consultation with the public that supports the assertion. Discussions and negotiations with those who have interests in land directly affected by the road Scheme have also been taking place during the evolution of the Scheme.

5.2 Human Rights Act

5.2.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights. The Convention includes provision in the form of articles, the aim of which is to protect the rights of the individual.

5.2.2 Section 6 of the Human Rights Act prohibits public authorities from acting in a way which is incompatible with the Convention. Various Convention rights may be engaged in the process of making and considering a compulsory purchase order, notably the following articles:-

- Article 1 of the First Protocol protects the rights of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 8 protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- Article 14 protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion or national or social origin.

5.2.3 The European Court of Human Rights has recognised in the context of Article 1 that regard must be had to the fair balance which has to be struck between the competing interests of the individual and of the community as a whole. Similarly any interference with Article 8 rights must be necessary for the reasons set out. Both public and private interests are taken into account in the exercise of the Partner’s powers and duties as highway authorities. Any interference with Convention rights should be necessary and proportionate. In the case of each of these Articles (and the other provisions of the Convention) the Partners should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit that will arise from the alterations to the Junction it is considered that it would be appropriate to make the Orders. Interference with Convention rights is necessary in the context of delivery of the Scheme and is justified in order to secure the economic, social and physical benefits that the Scheme will bring. In the circumstances, it is not considered that the Order would constitute an unlawful interference with individual property rights.

5.2.4 Extensive consultation has been undertaken during the Application process with the opportunity being given for interested parties to make representations regarding the proposals. Further representations can

be made in the context of any public inquiry which the Secretary of State decides to hold in connection with the Orders. Those directly affected by the Orders will be entitled to statutory compensation.

5.3 Public Sector Equality Duty

- 5.3.1 In formulating and promoting the Orders, the Partners have had regard to their statutory duties and obligations under the Equality Act 2010 (“**2010 Act**”) and in particular, to their obligations under section 149 and 150 of the 2010 Act, in taking into account the differential impact the Orders will have on various groups of persons with different characteristics.

5.4 Consultation Summary

- 5.4.1 WMBC and HE have throughout the life of the Scheme been committed to an active programme of community engagement which has comprised discussion with the local planning authority, key stakeholders and local residents. The Statement of Community Involvement accompanying the ES sets out a comprehensive overview of the engagement undertaken prior to the submission of the Application.
- 5.4.2 Public consultation first began in December 2015 when the public were asked for their opinion on the two preferred options for the Scheme in a consultation running from Thursday 3 December 2015 to Sunday 24 January 2016. The consultation exercise also included four exhibitions held in early December in different locations in Walsall.
- 5.4.3 A public information exercise was subsequently undertaken during February 2017, which announced Option 1B as the Partner’s preferred option for the Scheme and shared updated information about the Scheme. The exercise included posting letters to households and businesses within an area of influence of the Junction followed up by three separate ‘drop in’ events allowing members of the public to view further information about Option 1B and providing attendees with a leaflet and feedback form seeking further comments on the Scheme.
- 5.4.4 The Partners ran further consultation events targeted at key stakeholders and the public in the run up to the submission of the Application and also after submission of the Application through a Public Art Project run in Autumn 2017 engaging with children attending schools in the vicinity of the Junction. A Schedule of the responses received during the Application consultation process is at Appendix 3.

5.5 Consultation during the CPO Process

- 5.5.1 This is ongoing and is covered in more detail in Section 9 below.

6 THE PLANNING POSITION

6.1 Introduction

6.1.1 This section sets out the key planning considerations for the Junction proposals and discusses the Scheme's compliance with both national and local planning policies and any other material considerations. In doing so, the section will demonstrate how the need for the Scheme and its concurrent objectives accord with the requirements of planning policy.

6.1.2 The starting point for considering all development proposals is the statutory Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides: "If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise." Central Government advice is a material consideration in any determination.

6.1.3 When WMBC determined the Application, the statutory Development Plan for this area comprised:

6.1.3.1 the Black Country Core Strategy (February 2011);

6.1.3.2 Walsall Council Unitary Development Plan ("**UDP**") 2005 'Saved' Policies; and

6.1.3.3 Walsall Council UDP 2005 Proposals Map.

6.1.4 Other material considerations at the time of the decision were:

6.1.4.1 National Planning Policy Framework (March 2012 edition) ("**NPPF 2012**");

6.1.4.2 National Planning Practice Guidance; and

6.1.4.3 Emerging Walsall Site Allocation Document ("**SAD**") and Proposals Map – Draft Submission Version (April 2017).

6.1.4.4 Black Country Air Quality Supplementary Planning Document ("**SPD**") (October 2016) ;

6.1.4.5 Designing Walsall SPD (July 2013);

6.1.4.6 Road Investment Strategy 2015–2020 (March 2015);

6.1.4.7 Highways England Delivery Plan 2015–2020 (2015);

6.1.4.8 West Midlands Local Transport Plan 2011–2026; and

6.1.4.9 Black Country Local Enterprise Partnership Strategic Economic Plan 'Made in the Black Country: Sold around the World' (March 2014).

6.2 Statutory Development Plan

Black Country Core Strategy (February 2011)

6.2.1 The Black Country Core Strategy ("**BCCS**") was adopted by the four Local Authorities of the Black Country (Dudley, Sandwell, Walsall and Wolverhampton) in February 2011 and forms the basis for the Authorities' Local Development Framework. The BCCS will guide the transformation and regeneration of the Black Country by promoting economic growth for a period up to 2026.

- 6.2.2 Policy CSP5 (Transport Strategy) of the BCCS provides a transport strategy which seeks to improve air quality and help address negative impacts on climate change, improve the accessibility of employment sites to residential areas and providing reliable access for freight to the national motorway network, facilitate access to high quality employment land, and contain congestion by development and managing transport networks to operate more efficiently.
- 6.2.3 Policy TRAN1 (Priorities for the Development of the Transport Network) of the BCCS provides a number of priorities for the development of the transport network, including improvements to the Junction which is considered as the gateway to the Black Country. However, it notes that the existing infrastructure is dated and the road network is over saturated. The provision of additional capacity is therefore, required to alleviate congestion, reduce travel and transportation costs for existing businesses and accommodate for the additional traffic that will be created by business located in Regeneration Corridor 6.
- 6.2.4 The following other policies of the Black Country Core Strategy are also relevant to the proposed Scheme:
- Policy TRAN2 (Managing Transport Impacts of New Development)
 - Policy TRAN3 (The Efficient Movement of Freight)
 - Policy ENV1 (Nature Conservation)
 - Policy ENV2 (Historic Character and Local Distinctiveness)
 - Policy ENV3 (Design Quality)
 - Policy ENV5 (Flood Risk, Sustainable Drainage Systems and Urban Heat Island)
 - Policy ENV8 (Air Quality)
 - Policy WM1 (Sustainable Waste and Resource Management)
 - Policy WM5 (Resource Management and New Development)

Walsall Unitary Development Plan (UDP) 2005 'Saved' Policies

- 6.2.5 The Walsall UDP was adopted in 2005 and was set to cover the period up to 2011. However, most of the policies and plans have been "saved" by the Secretary of State, and will now stand until they are replaced by policies from future Local Plans.
- 6.2.6 Policy T5 (Highway Improvements) of the Walsall UDP 'Saved' Policies states that the WMBC will take into account the impact of proposed development on highways in the Borough. The supporting text to Policy T5 also confirms that there is a need to invest in selective road improvement schemes in order to bring the Walsall highway network up-to-date with modern transport requirements, and reduce the delays to all road users, including public transport, caused by congestion.
- 6.2.7 The following other 'saved' policies of the Walsall UDP are also considered relevant to the proposed Scheme:
- Policy T4 (The Highway Network)
 - Policy GP2 (Environmental Protection)
 - Policy ENV10 (Pollution)
 - Policy ENV11 (Light Pollution)

- Policy ENV17 (New Planting)
- Policy ENV18 (Existing Woodlands, Trees and Hedgerows)
- Policy ENV19 (Habitat and Species Protection)
- Policy ENV21 (Site of Local Importance for Nature Conservation)
- Policy ENV22 (Protected Species)
- Policy ENV23 (Nature Conservation and New Development)
- Policy ENV24 (Wildlife Corridors)
- Policy ENV32 (Design and Development Proposals)
- Policy ENV33 (Landscape Design)
- Policy ENV40 (Conservation, Protection and Use of Water Resources)

National Planning Policy Framework

- 6.2.8 The NPPF 2012 was first published on 27 March 2012 and came into immediate effect on that date. An updated version was published, and came into effect, on 24 July 2018 (“**NPPF 2018**”). NPPF 2018 sets out the government’s planning policies for England and is a material consideration in planning decisions. At the time of determination of the Application for the scheme, it was determined in line with NPPF 2012, whose policies supported the principle of development of the Scheme. NPPF 2018 is now the relevant national planning policy document and the revisions contained therein do not materially affect the national planning policy support from which the Scheme benefits.
- 6.2.9 The NPPF 2018 advises that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). Paragraph 10 confirms that at the heart of the NPPF 2018 is a presumption in favour of sustainable development. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, and for decision making this means:
- 6.2.9.1 Approving development proposals that accord with an up-to-date development plan without delay; or
- 6.2.9.2 Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (see footnote 7 of NPPF 2018), granting permission unless:
- 6.2.9.2.1 The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (see footnote 6 of NPPF 2018); or
- 6.2.9.2.2 Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.2.10 Achieving sustainable development is one of the main themes of the NPPF. Within this overarching objective is a focus on building a strong, competitive economy (paragraphs 80–84). Paragraph 80 states that “planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.

6.2.11 The NPPF 2018 outlines that promoting sustainable transport also plays a role in delivering sustainable development (paragraphs 102 – 111). Paragraph 104 confirms that planning policies should provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Material Considerations

6.2.12 Draft Policy T5 (Highway Improvements) of the SAD sets out a series of highways improvements for Walsall, including improvements to the Junction as this will improve journey times for all users that want to access the local road network and strategic network. Although the SAD has not been formally adopted, it is currently going through examination and is therefore, at a very advanced stage of the plan making process and there are no outstanding objections to draft Policy T5.

6.2.13 The RIS demonstrates support for the expansion of the Junction as this will help unlock 10 key employment sites within a 10-minute radius and 2,500 new homes. The strategy outlines improvements comprising additional capacity on the Junction via replacement of both bridges to allow the widening of the roundabout to four lanes.

6.2.14 The Highways England Delivery Plan 2015 to 2020 outlines improvements to the Junction in which HE will work with WMBC, which is undertaking and promoting development of a package of solutions across the local road linking up to the Junction. This will include the development of initial designs and site surveys.

6.2.15 The West Midlands Local Transport Plan (“**LTP3**”) identifies the main transport issues facing the Black Country, including the need for improved connectivity, by all modes, between the four strategic centres of Brierley Hill, Walsall, West Bromwich and Wolverhampton. In addition, LTP3 confirms the need for improved local connections with the M5 and M6 and tackling congestion at motorway junctions, especially the Junction.

6.2.16 The Black Country Strategic Economic Plan (“**SEP**”) sets out a number of transport priority investments, one of which is the Junction. The SEP confirms that a project for a major motorway junction congestion busting scheme with improvements to the adjacent local highway network and in support of the Enterprise Zone is a priority. Under the priority project, the SEP states that there is a significant amount of potential to develop employment sites around the Junction, but for these sites to be developed, a significant level of investment is required in the existing road network. Thus reaffirming that the existing infrastructure is dated and that the road network is over saturated. As proposed by the Scheme, doubling the size of the circulatory will accommodate future development and traffic growth prediction whilst acting to reduce the existing delays and queues on the network.

6.2.17 The National Networks National Policy Statement (“**NN NPS**”) sets out the need for, and Government’s policies to deliver, development of nationally significant infrastructure projects on national road and rail networks in England. It explains that the NN NPS may also be a material consideration in decision making on applications determined under the Town and Country Planning Act 1990.

6.2.18 The NN NPS reinforces the Government’s intention to deliver national networks that meet the country’s long-term needs by; supporting a prosperous and competitive economy and improving overall quality of life as part of the wider transport system. To do this they will provide:

- Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs;
- Networks which support and improve journey quality, reliability and safety;

- Networks which support the delivery of environmental goals and the move to a low carbon economy; and
- Networks which join up our communities and link effectively to each other.

6.2.19 With regard to the development of the national road network, the NN NPS states that roads are the most heavily used mode of transport in England and a crucial part of the transport network. In addition, it highlights that, amongst other things, the Strategic Highway Network provides critical links between cities and provides a vital role in people's journeys, driving prosperity by supporting new and existing development, encouraging trade and attracting investment. It also emphasises that a well-functioning Strategic Highway Network is critical in enabling safe and reliable journeys and the movement of goods in support of the national and regional economies.

6.2.20 The NN NPS explains the negative impacts of traffic congestion on the economy and on quality of life resulting in constrained economic activity and economic growth, deterioration in the experience of road users, constrained job opportunities and an increase in environmental problems. The NN NPS also confirms that the national road network is already under significant pressure and that pressure is forecast to increase with economic growth, substantial increases in population and a fall in the cost of car travel from fuel efficiency improvements.

6.2.21 To overcome the above issues, the Government's policy is to bring forward improvements and enhancements to the existing Strategic Road Network to address the needs and pressure placed on the highway network. This includes, amongst other things, junction improvements, new slip roads and upgraded technology to address congestion and improved performance and resilience at junctions, which are a major source of congestion.

6.3 Scheme Compliance with Local and National Planning Policy (i.e. Principle of Development)

6.3.1 The principal aim of the Scheme is to address the structural and capacity issues at the Junction. This is to be achieved through the provision of new widened curved bridges at the Junction and works to increase the capacity of the surrounding highway network. The increased capacity will enable improved traffic flows through the Junction and create a reduction in queuing traffic on the approach. This will in turn reduce journey times and reduce the level of congestion on the surrounding highway network and increase reliability of journey times in Walsall and the wider region.

6.3.2 The structural works are required due to the ongoing depreciation of the Junction structures since the beginning of its operation. The comprehensive optioneering exercise has demonstrated that full replacement of the structures is the most appropriate solution as doing so removes the need for maintenance interventions which will further impact the highway network. It also provides an opportunity to increase capacity, addressing issues of congestion and future proofing the infrastructure to accommodate increased levels of traffic and providing access to key employment sites.

6.3.3 The provision of additional capacity at the Junction and the surrounding network will reduce congestion at the roundabout and within the surrounding highway network. This will assist in supporting the economic regeneration of Walsall and the wider Black Country. The additional capacity will also accommodate the associated growth aspirations for the area as evidenced in the emerging Site Allocations Document facilitating improved access to key employment sites located close to the motorway Junction, most notably the Darlaston Enterprise Zone and Regeneration Corridors, supporting its development for B1, B2 and B8 land uses.

- 6.3.4 The alterations to the Junction will also support the delivery of economic objectives in the wider region, including those of the Midlands Engine which seeks to increase connectivity between town and cities within the Midlands.
- 6.3.5 The need for an alteration and improvement scheme at the Junction is reinforced in adopted and emerging planning and transportation policies and strategies. Policy T5 of the emerging Site Allocations Document specifically identifies the Junction requiring a scheme for highway improvement. The Scheme will provide the required alterations and enhancements stated throughout these policies. Once operational, the Scheme will achieve a reduction in overall journey times and queuing, and bring about improved vehicle flows through the Junction which will bring associated benefits, particularly in relation to the regeneration of the area. As such, the Scheme accords with Policy CSP5 of the Black Country Core Strategy, Policies TRAN1 and TRAN2 of the Walsall UDP, draft Policy T5 and policies contained in the NPPF 2018.

6.4 Planning Permission

- 6.4.1 The Partners have considered the advice contained in paragraph 15 of the Ministry of Housing, Communities and Local Government Guidance document entitled “Compulsory Purchase and the Criche Down Rules” (“**CPO Guidance**”) and the requirements of Department of Transport Circular 2/97 entitled “Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority” (“**Highways CPO Circular**”).
- 6.4.2 Paragraph 15 of the CPO Guidance provide that:

“The acquiring authority will also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. These include:

- The programming of any infrastructure accommodation works or remedial work which may be required; and*
- Any need for planning permission or other consent or licence*

Where planning permission will be required for the scheme, and permission has yet to be granted, the acquiring authority should demonstrate to the confirming minister that there are no obvious reasons why it might be withheld. Irrespective of the legislative powers under which the actual acquisition is being proposed, if planning permission is required for the scheme then, under section 38(6) of the Planning and Compulsory Purchase Act 2004, the planning application will be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. Such material considerations might include, for example, a local authority’s supplementary planning documents and national planning policy, including the National Planning Policy Framework.”

- 6.4.3 The Highways CPO Circular provides at paragraph 2 that:

“There is no statutory requirement for planning permission to precede the confirmation of a CPO made for the purposes of the [1980 Act]. Nevertheless the Secretary of State for Transport would always wish to be sure that a scheme for which he was authorising the compulsory acquisition of land would go forward as proposed in the order. Consequently it is his practice not to confirm a CPO until he is satisfied that the planning permission aspect of the scheme, to which the order relates, has been granted.”

6.4.4 Alongside supporting planning policies, the Scheme benefits from the Permission which was granted on 8 May 2018 and is now clear of the risk of judicial review challenge. Accordingly there are no planning impediments to delivery of the Scheme.

7 SCHEME APPROVAL, FINANCIAL PROVISION AND PROGRAMME

7.1 CPO Guidance

7.1.1 Paragraph 14(iii) of the CPO Guidance states that in preparing their justification, the Partners should address:

“a) sources of funding – the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required. If the scheme is not intended to be independently financially viable, or that the details cannot be finalised until there is certainty that the necessary land will be required, the acquiring authority should provide an indication of how any potential shortfalls are intended to be met. This should include:

- the degree to which other bodies (indulging the private sector) have agreed to make financial contributions or underwrite the scheme; and*
- the basis on which the contributions or underwriting is to be made*

b) timing of that funding – funding should generally be available now or early in the process. Failing that, the confirming minister would expect funding to be available to complete the compulsory acquisition within the statutory period (see section 4 of the Compulsory Purchase Act 1965) following the operative date, and only in exceptional circumstances, would it be reasonable to acquire land with little prospect of the scheme being implemented for a number of years.”

7.1.2 The Partners have secured substantial funds to deliver the Scheme as set out below.

7.2 Background to Scheme Funding Approval

7.2.1 Indicative funding has been allocated by the Partners since April 2015. Funding streams come from HE’s Road Investment Programme budget and the Black Country Local Growth Fund (“**BCLGF**”) that is maintained by the LEP.

7.2.2 Within the total BCLGF allocation was a ring-fenced budget of £29.6m for the Scheme over the five years to March 2020.

7.2.3 The budget that sits with LEP is described as ‘DfT retained funding’. This is because, although various responsibilities around budget and Scheme approval do sit with the LEP – and also with HE – the DfT) have not fully devolved all responsibility from central government on this Scheme as they have done with a large number of smaller Schemes funded by LEPs around the country. Accordingly, DfT retain the final responsibility for budget, and they also retain the option to scrutinise and approve the Scheme should they determine that intervention around any approval is necessary.

- 7.2.4 Work on inception of the Scheme began in 2012 a total of nine reports have been submitted to Cabinet in relation to the Scheme. Seven of these reports confirmed WMBC's annual Capital Programme for each financial year from 2012/13 up until the present financial year 2018/19. All of these reports were submitted prior to the start of each relevant financial year and all reports included a precise request for annual budget to facilitate further development work of the Scheme at the Junction. All seven of these reports and their sections relevant to the Scheme were approved. The eighth report was submitted to Cabinet in October 2013 to seek the approval of £650,000 of internal capital funding to expedite development work in lieu of required further external funding. It was also submitted so as to appraise Cabinet of the early work undertaken and the likely design solution which that work had recommended. The December 2017 Report was approved and thus facilitated the commencement of land negotiations and a Request for Information ("**Rfi**") process to allow the Partners to actively work towards acquiring all permanent land and temporary rights over land necessary to construct the Scheme.
- 7.2.5 In July 2014 it was announced by Central Government that as part of the Black Country Growth Deal, funding for the Scheme would be made available, having previously been prioritised by the LEP within their Strategic Economic Plan. This equates to £29.65m that is to be routed to the Scheme via LEP and WMBC. This was to cover expenditure from the start of the Scheme in April 2015 until the end of the construction period. HE made a commitment within the RIS in December 2014, to provide the funding over and above the £29.65m.
- 7.2.6 WMBC has received annual development funding from the DfT retained funding of £650k, £350k and £120k in the financial years 2015/16 to 2017/18 respectively. The Scheme formally entered the DfT's Project Control Framework ("**PCF**") Stage 4 on 1st February 2018, following a successful Stage Gate Assessment Review for PCF Stage 3 on 31st January 2018. PCF Stage 4 is the PCF stage that is formally concerned with any land acquisition and/or any statutory orders that are required for a scheme. This milestone did not formally trigger the release of funding to be used to facilitate the making of statutory orders. DfT funding for land acquisitions will not be available until we achieve 'Full Approval' with DfT at the end of PCF Stage 4. The funds for land acquisition (part of the Scheme delivery budget (i.e. construction funding)) will only be released to WMBC once HE have signed-off the Scheme at the end-of-stage Stage Gate Assessment Review for PCF Stage 4. The above arrangement regarding the funding of land acquisition was agreed with the DfT in March 2018. In the interim and until that funding becomes available, WMBC have agreed to cashflow land acquisition costs and has the funds available for this.

7.3 Financial Provision

- 7.3.1 The Scheme is now jointly funded by HE (£39.0m); LEP (£37.670m); and WMBC (£1.331m), although the Department for Transport has some discretion over an element (£29.65m) of the LEP funding.
- 7.3.2 HE funding is subject to the approval of the HE Investment Decision Committee ("**IDC**"), which gives financial approval prior to the start of each stage of the Scheme as defined by the PCF. As at PCF Stage 4 (Statutory Orders), maximum total funding of £39.0m has been approved by the IDC.
- 7.3.3 LEP funding of £29.65m is subject to confirmation at the end of PCF Stage 4 by HE's Transport Planning Group that the Scheme has a valid business case, which is affordable (i.e. in line with the

total budget) and has assurance of the Scheme traffic modelling validity and economic performance (produces transport benefits that exceed Scheme costs, as expressed in a Benefit-Cost Ratio).

7.3.4 LEP funding of £37.670m has been approved by the LEP Board and the Black Country Joint Committee.

7.3.5 WMBC has contributed funding of £1.331m from its allocation of the West Midlands Strategic Transport Plan funding, received from the Combined Authority.

7.3.6 HE and WMBC are about to enter into a legally-binding Delivery Agreement that sets out the conditions both parties must satisfy in order for the Scheme to progress.

7.4 Scheme Cost

7.4.1 The cost estimate for the Scheme is updated at the completion of each PCF stage. At the end of PCF Stage 3 (Preliminary Design) the Scheme had a most likely cost of £75.176m based on the programme assumption that no Public Local Inquiry (“PLI”) is required. This rises to £78.001m if the programme is adjusted to make provision for a PLI.

7.4.2 The cost estimate has been prepared by HE, but independent of the project team and in line with the HE Commercial Services Division, Major Projects Cost Estimation Manual (Version 3.2 issued May 2107). This is a robust estimating process approved by the DfT that is used across all HE major projects.

7.5 Funding

7.5.1 The approved total budget for the Scheme matches the most likely cost estimate for the programme scenario with a Local Public Inquiry i.e. the more costly Scheme scenario. If the updated cost estimate at the end of PCF Stage 4 exceeds the approved budget, the Partners have agreed, subject to satisfying the Permission granted, that:-

7.5.1.1 either or both Parties may seek additional funding for the Scheme;

7.5.1.2 the Parties may agree to amend the Minimum Scheme Specification in order to try and reduce the Scheme cost to within the approved budget; and/or

7.5.1.3 Highways England may undertake ‘value engineering’ or reduce the scope of the current design of the Scheme in order to try and reduce the Scheme cost to within the approved budget.

7.5.2 This process will ensure that the Scheme can be delivered in line with the maximum approved budget, or additional budget provision secured to reflect any cost increase.

7.5.3 LEP funding has to be utilised by March 2021. This is a condition of the Growth Deal the LEP has negotiated with Government departments.

7.5.4 To access HE funding via the RIS Period 1 development of the Scheme must have commenced by March 2020.

7.6 Programme

- 7.6.1 The Scheme is currently scheduled to start construction during January 2020 and will take approximately 26 months to complete, thus completing in March 2022.

8 THE COMPULSORY PURCHASE ORDERS

8.1 Introduction

The Scheme requires the acquisition of land for which WCPO and HECPO have been made. WMBC, on behalf of the Partner, will be negotiating with the owners of affected land to arrange for transfer by agreement, but it is necessary to seek authority for compulsory purchase to ensure that all land required for the Scheme is available at the appropriate time. A significant area of land (18.29ha) within the HECPO and WCPO is land that is either already in the freehold ownership of either WMBC or HE, or land where the identity of the freehold owner is unknown or unregistered but where either WMBC or HE is in occupation of land as highway authority. This land is included within the WCPO and HECPO in order to obtain satisfactory title to all land required to deliver the Scheme.

8.2 Consultation with Land Interests

- 8.2.1 On 22 January 2018, Land Referencing Services (“**LRS**”) wrote to affected landowners seeking further information as to their interest in the land included within the WCPO and HECPO (“**Order Land**”). Enclosed with that letter was an Rfl, being a statutory notice, served under powers contained in section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and a Land Interest Questionnaire which the affected landowner was asked to complete and return to LRS. Affected landowners were given 21 days to respond, 7 days more than the statutory minimum 14 day period.
- 8.2.2 LRS visited the Order Land on 15 February 2018 and spoke with affected landowners. A reminder letter was sent out by LRS on 13 February 2018, 14 days into the 21 day response period. The reminder asked affected landowners to respond to the Rfl as soon as possible and in any event within the 21 day period.
- 8.2.3 WMBC received responses to 50% of the Rfls sent out. A further letter was sent by LRS to parties yet to respond enclosing another copy of the Rfl and Land Interest Questionnaire and giving parties an additional window within which to respond within and allowing them until 14 March 2018 to return the Rfl. LRS carried out a further site visit to the Order Land on 13 March 2018 at 3.00pm onwards, a different time to the scheduling of their previous site visit.
- 8.2.4 Since January LRS and Lambert Smith Hampton (“**LSH**”) (the Partners’ valuation consultants) have been in contact with affected landowners and other affected interests. They have discussed the possibility of acquisition by agreement with a number of affected parties and, where possible, have worked up heads of terms for those acquisitions. Initial contact with some affected interests was made following receipt of the letter from LRS on 22 January 2018.
- 8.2.5 On 22 March 2018, in order to assist in making further contact with affected parties an initial letter from LSH was sent subsequently once a greater degree of certainty had been reached in relation to the identity of affected parties. All relevant landowners have been contacted and meetings have been arranged with some affected parties.

- 8.2.6 Statutory Utilities companies are known to be impacted in various ways by the Scheme. Only two of the utilities companies have property interests that are required to be included within the schedules to the HECPO and WCPO. Those two utilities companies are Severn Trent Water and Western Power Distribution. Severn Trent Water have sub-surface infrastructure within the boundary of the Scheme. Western Power Distribution have both sub-surface infrastructure and large-scale infrastructure in the shape of three electricity pylons and associate overhead cables within the boundary of the Scheme's orders.
- 8.2.7 National Grid Gas /Cadent Gas have no known property interests detailed within the schedules however like Western Power Distribution they too also have both sub-surface infrastructure and large-scale infrastructure within the boundary of the Scheme's orders in the shape of a high pressure gas main that runs beneath the Black Country Route. BT Openreach and Virgin Media do not have any known property interests but do have sub-surface infrastructure within the Scheme's boundary. With the exception of Severn Trent Water the above utilities companies have been engaged by the Partners for over 2 years, since February 2016. Severn Trent Water were first engaged slightly later during July 2016. The majority of the engagement to date has been via the C2, C3 and C4 estimating processes. These processes have developed mitigation and diversion proposals for any of the above infrastructure that is affected by the Scheme. No meetings have taken place to discuss affected property interests however attempts are being made to coordinate these based on the availability of key individuals from both the Partners and the statutory undertaker on an ongoing basis.
- 8.2.8 Canal & Rivers Trust owns land which runs through the Junction. This watercourse is non-navigable and does not provide a route for canal boats, reflecting the old route of the canal which was severed prior to the construction of the M6. The majority of the freehold title of Canal & Rivers Trust therefore runs beneath the M6. The only exception is the small grassed area adjacent the canal to the north east of the Scheme which is leased for grazing a small number of animals. No meetings have taken place to discuss affected property interests however attempts are being made to coordinate these based on the availability of key individuals from both the Partners and the statutory undertaker on an ongoing basis.
- 8.2.9 WMBC are currently negotiating with private landowners. Meetings have taken place with all parties with areas of freehold or leasehold that are significant in either extent or proposed end use. Meetings have taken place in respect of the intended temporary use of an entrance road and a number of parking spaces within the freehold of Aviva Life & Pensions UK Limited and the leasehold of Libra Textiles Limited at the Boundary Mill Store immediately south west of the Junction. Meetings have also taken place in respect of the intended permanent acquisition of an area of private road and the temporary use of an area of the same private road and a landscaped area within the freehold of Tempus Ten (Management) Limited and within the freehold of Oakus Developments Limited and the leasehold of Advantage Hotels (Walsall) Limited. Meetings or multiple telephone conversations have taken place with the freeholders of both of the two wholly separate areas of land highlighted within the Scheme's application for planning consent, namely John Hill & Sons (Walsall) Limited and L & C Investments Limited. Both of these sites and the interests of all parties known to have an interest in these two sites have now been removed from the schedules and plans published within the Scheme's orders.
- 8.2.10 All residential interests have been offered face to face meetings and a number of those have accepted, with meetings taking place in early June 2018. All other interests beyond the above

have been written to by the Partners or their agents to discuss the Scheme and the associated property impact.

- 8.2.11 There are a number of parties with whom neither the Partners nor their agents have met but these are parties upon whom the Scheme will have a smaller property impact. All parties with property interests that were known to the Partners as of early August 2017 were contacted with respect to the Scheme's Application prior to its submission to the Local Planning Authority in August 2017.
- 8.2.12 Beyond the above specific contact and discussion local stakeholders have been actively engaged by the Partners on two separate occasions. Firstly via public consultation which took place during December 2015 and January 2016 and secondly via a series of public information events which took place during February 2017. Alongside these periods of specific publicity. This information has continued to be publicly available outside of the consultation periods.
- 8.2.13 The Partners will be holding a series of Orders exhibitions open to all members of the public including any parties with property interests affected by the Scheme, following the making and publication of all Orders.

8.3 The Orders

- 8.3.1 The HECPO and the WCPO have been made and are about to be submitted to the Secretary of State for confirmation pursuant to the 1980 Act (sections 239, 240, 246 and 250) and the Acquisition of Land Act 1981.
- 8.3.2 The full title to the HECPO is: The Highways England Company Limited (M6 Junction 10) (Slip Roads, Special Roads) Compulsory Purchase Order 2018
- 8.3.3 The full title of the WCPO is: The Walsall Metropolitan Borough Council (M6 Junction 10) Compulsory Purchase Order 2018

8.4 The Need for the Order Land

- 8.4.1 The need for the Scheme and the Scheme objectives are set out in Chapter 3.
- 8.4.2 A description of the Scheme proposals, the effects of the Scheme and how it addresses the established objectives are detailed in Chapter 4.
- 8.4.3 Under the powers contained in section 239, 240, 246 and 250 of the 1980 Act, HE and WMBC are acquiring land and rights for the purposes set out in Chapter 1 above.

8.5 The Order Land

- 8.5.1 The Order Land has a total area of approximately 20.39ha. This comprises 18.29ha for which title to the land is required and 2.10ha for which Rights over land for access and maintenance purposes are required. The Order Plans detail the specific plots within area for Title shaded pink and areas for Rights shaded blue.
- 8.5.2 The majority of land required for the Scheme is existing highway or highway verge.

8.5.3 The approximate breakdown of land by existing use is as follows:

Existing Highway	-	8.69ha
Highway Verge	-	9.38ha
Commercial	-	0.86ha
Residential (garden only)	-	0.01ha

8.6 Special Consideration affecting the Order Land

8.6.1 Protected Assets Certificates can be found at Appendices 4 and 5, giving details of buildings, monuments or areas of historical significance within the Order Land.

8.6.2 There are no buildings in a conservation area that will be demolished as a result of the Scheme being delivered.

8.6.3 The Scheme does not require any common land, open space or fuel or field garden allotments.

8.7 Property Demolition

8.7.1 There are no residential or commercial properties to be demolished in order to deliver the Scheme.

8.7.2 Demolition of the following structures will be required to deliver the Scheme:

8.7.2.1 both bridges that currently carry the Junction gyratory above the M6; and

8.7.2.2 the retaining wall which currently supports the south west side of the Junction and which is currently situated on the south west corner of the junction, on land owned by the Partners adjacent Boundary Mill.

8.8 Mining Code

8.8.1 The HECPO and WCPO incorporate the mining code, contained in Schedule 2 of the Acquisition of Land Act 1981 and applied by section 3 of that Act. Paragraphs 159 and 160 of the CPO Guidance provide advice on the code and its application in a compulsory purchase order. The CPO Guidance states that the code should not be incorporated automatically or indiscriminately, as this may lead to the sterilisation of minerals, including coal reserves. The definition of mines and minerals includes coal, ironstone, slate and other minerals. Acquiring authorities are asked to consider the matter carefully before including the code having regard to the existence of statutory rights of compensation or whether repair of damage might provide an adequate remedy in the event of damage to land, buildings or works occasioned by mining subsidence. If the code is not applied by an order, mines and minerals within the land will be acquired by the acquiring authority upon acquisition.

8.8.2 Incorporation of the code within an order can provide for the purchase of the surface land subject of the order without the underlying minerals, avoiding sterilisation of the minerals whilst providing a degree of protection for the authority and the development to be taken forward. Acquiring authorities are also advised, in areas of coal working notified to the local planning

authority by the Coal Authority, to advise the Coal Authority and any relevant licensed mine operator if an order is made which incorporates the code.

8.8.3 Under Part II of the Acquisition of Land Act 1981, the code enables an acquiring authority to purchase the surface land without purchase of the underlying mines and minerals, other than those necessarily extracted or used for the purposes of construction of the Scheme. Incorporation of the Code does not of itself prevent the working of mines and minerals within a specified distance of the Order Land but Part III of the code enables the Partners, if the HECPO and WCPO are confirmed, to take steps to prevent the working of minerals within a specified distance of the surface, provided compensation is paid.

8.8.4 The Partners have had regard to the advice contained in the CPO Guidance in preparing the HECPO and WCPO and consider that in the circumstances of this case it is appropriate to incorporate the mining code.

8.9 Related Orders

8.9.1 Other than the SpRS and SiRO, which are being submitted to the Secretary of State for confirmation at the same time as the WCPO and HECPO there are no other orders associated with these proposals.

8.10 CPO Summary

8.10.1 This document demonstrates how the Partners justify their proposals for the compulsory acquisition of land required to deliver the Scheme.

8.10.2 The Partners have had full regard to the CPO Guidance and the Highways CPO Circular, which explains the use of compulsory purchase powers, and have taken that into account in determining to make the HECPO and WCPO. The overriding principle, which also reflects the requirements of the law to justify the HECPO and WCPO and the requirement of the Convention, is found at paragraph 12 of the CPO Guidance, namely:

“A compulsory purchase order should only be made where there is a compelling case in the public interest.

An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.”

8.10.3 Sections 2, 3, and 4 have demonstrated that there is a compelling case in the public interest for the compulsory purchase to be made, and regard has been had to the provisions of Article 1 of the First Protocol to the Convention.

8.10.4 The document has also demonstrated that, subject to confirmation of the Orders, all land required in order to construct the Scheme will be available to the Partners.

8.10.5 The funding and planning approvals are also in place and there are no other impediments to the progression of the Scheme.

8.10.6 Accordingly, on confirmation of the Orders all elements will be in place to enable the Scheme to proceed to be delivered.

9 FURTHER INFORMATION

9.1 Supporting Documents

9.1.1 The Supporting Documents are available at:

Walsall Council
The Civic Centre,
Walsall, WS1 1DG

9.1.2 In the event of a PLI being held considering the making of the Orders, the Partners intend to refer to or put in evidence the documents listed in Appendix 2. The Partners reserve the right to add other documents to this list.

9.2 Access to Documents

9.2.1 The Order documents can also be inspected at the above address.

9.3 Compensation

9.3.1 Provision is made by statute with regard to compensation for the compulsory purchase of land and depreciation in value of affected properties. More information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation". These Booklets are listed below:

- Booklet No.1 – Compulsory Purchase Procedure;
- Booklet No.2 – Compensation to Business Owners and Occupiers;
- Booklet No.3 – Compensation to Agricultural Owners and Occupiers;
- Booklet No.4 – Compensation to Residential Owners and Occupiers; and
- Booklet No.5 – Reducing the Effect of Public Development : Mitigation Works

Copies of these booklets are available free of charge online and also from:

Communities and Local Government Publications
Cambertown House
Goldthorpe Industrial Estate
Rotherham
S63 9BL

Tel: 0300 123 1124

The Booklets can be downloaded directly from:

<http://www.communities.gov.uk/publications/planningandbuilding/compulsorypurchase>

APPENDIX 1

Scheme Plan

APPENDIX 2

List of Supporting Documents

- National Planning Policy Framework
- National Planning Practice Guidance
- The Black Country Core Strategy (February 2011);
- Walsall Council Unitary Development Plan 2005 Saved Policies;
- Walsall Council Unitary Development Plan 2005 Policies Map;
- Emerging Walsall Site Allocation Document and Proposals Map (April 2017);
- Black Country Air Quality Supplementary Planning Document (October 2016);
- Designing Walsall Supplementary Planning Document (July 2013);
- Highways England Road Investment Strategy 2015–2020;
- Highways England Delivery plan 2015–2020;
- West Midlands Local Transport Plan 2011–2026;
- Black Country Local Enterprise Partnership Strategic Economic Plan 'Made in the Black Country: Sold Around the World';
- Environmental Statement;
- Application for Original Permission, including Application Form, Supporting Information and Scheme Layout plans;
- Transport Assessment; and
- Statement of Community Involvement

APPENDIX 3

Schedule of responses to Consultation on Application

APPENDIX 4

Protected Assets Certificate for HECPO

APPENDIX 5

Protected Assets Certificate for WCPO