

Our ref: DMB/EiP/102020

Your ref:

K. Ford  
The Planning Inspector  
Development Management in Birmingham (DMB)  
Via - Email

**Ben Simm**

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14 October 2020

Dear Madam,

### **Development Management in Birmingham (DMB) Plan Examination in Public – Highways England Hearing Statement on Matter 4.**

Thank you for forwarding the details in the Examination in Public for the Development Management in Birmingham (DMB) Development Plan Document.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015, and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.

The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. The SRN within and near to the area of Birmingham includes the M5, M6 and M42 Motorways.

We have reviewed the supporting documents including the Matters, Issues and Questions. Based on this review we note under Matter 4: Economy and Network of Centres Policies and Issue 'Are the individual policies clear, justified and consistent with national policy and will they be effective?' a series of questions relating to Policy DM7 Advertisements.

Therefore, we will be present at the examination for Matter 4 on the 10<sup>th</sup> November 2020 and Mr Ben Simm, Spatial Planner for the Birmingham 'Motorway Box' and Coventry & Warwickshire will represent us, to aid discussion and provide clarification where required.

Based on our review of the questions relation to DM7 Advertisements we provide the following response.

Q. 49 – Should point 3 of the Policy refer to roads other than the M6 and A38(M)?

We support the policy as it is currently written within the submission document, and are concerned that applying it to the wider highway network in Birmingham could lose the required benefit of restricting adverts along the M6 in the interests of highway safety, especially if the policy were to be successfully challenged.

Department for Transport Circular 02/2013, The Strategic Road network and the Delivery of Sustainable Development, sets out our policy in regard to advertisements in Annex A: Special Types of Development. This policy in paragraph A2 states;

*'The Highways Agency will not object to proposals for advertising consent for displays outside of the highway boundary of the strategic road network unless it has specific reason to consider that a hazard to road safety would be a direct consequence of the development. This would include advertisements that are located where particular attention should be given to the driving task, or where they unlawfully incorporate elements of traffic sign design, such as directional arrows. Advertisements within the highway boundary are not permitted. The Highways Agency will remove any unauthorised adverts placed within the highway boundary.'*

Whilst it is acknowledged that in general we will not object to advertisement consents outside the highway boundary, we have continually voiced our concerns regarding the impact that advertisements and advert totems have on the safe operation of the SRN at this location. We therefore consider that the M6 and A38(M) should be considered separately from the Local Highway Network. The justification for this position is set out below.

The section of the M6 between Junction 4 and Junction 8 is controlled by smart motorways and is in part elevated between Junction 5 and Junction 6. This section of motorway is the busiest across the Midlands region especially Junction 6 Gravelly Hill Interchange, locally known as Spaghetti Junction, where the M6 interchanges with the A38(M) and is the principle motorway junction for Birmingham City Centre. In addition, the junction is subject to a 'double lane drop' where the usual 4 lane Smart Motorway, drops down to two lanes (on either side), through the junction. As a result, there is a considerable amount of weaving on the approach to this junction as drivers either exit the junction onto the A38 (and A38M), or continue southbound on the M6.

This section of the M6 is also operated as Smart Motorway and as such the gantries, in addition to ADS (Advanced Directional Signing), carry important live-time information relating to the variable speed limit and any lane closures. Notably, as this is a DHS (Dynamic Hard-shoulder Running) section of Smart Motorway, they also inform drivers as to when the hard-shoulder may or may not be used as a live lane. As such, failure to digest this information, poses a significant safety hazard, should drivers inadvertently use the hard-shoulder when it is closed. Moving forward this section of Smart Motorway will

be upgraded further to ALR (All Lane Running) and therefore motorist concentration with minimal distraction is paramount to the safe operation of the SRN.

In addition, if a proposed advert is to be illuminated this presents an added complexity, especially at night where illuminated or digital adverts can cause glare on the motorway carriageway or can even be 'dazzling' to drivers from a distance. Highways England have received several reports from concerned members of the public and our Traffic Officers that existing digital adverts on the M5 and M6 are particularly dazzling at night. In addition, the illumination of the advert could out-shine the digital screens on the gantries which set the speed limits or notifications of lane closures. This may result in motorists not observing important information about the operation of the SRN ahead and undermine its safe operation.

Finally, there are substantial differences between local roads and the Strategic Road Network, not least the higher speeds on the latter, as well as being an elevated section of motorway, which further increases the need for drivers to pay particular attention to the driving task. Therefore, we consider that the M6 should be kept separate to the local highway network when this policy is considered due to the circumstances set out above.

*– Should criteria a of the Policy include reference to crime, anti-social behaviour, or fear of crime?*

We have no comment on this question.

*- Should specific reference be made in the Policy to the impact of advertisements on the waterway network?*

We have no comment on this question.

I you require any further information then please do not hesitate to contact me on the details provided.

Yours sincerely



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cc: