



Application by Highways England for an Order Granting Development Consent for the M4 Junctions 3 to 12 Smart Motorway (Case ref. TR010019)

Agenda for compulsory acquisition hearing

On 23 October 2015 affected persons and others were notified that a compulsory acquisition hearing would take place on **Thursday 19 November 2015** at the **Radisson Blu Edwardian Heathrow Hotel, 140 Bath Road, Hayes, Middlesex, UB3 5AW**.

The hearing room will be available from 1.30pm and the hearing will commence at 2.00pm. It is expected to close by about 5.00pm. In order to ensure that those attending the hearing can make the best use of the time, we have prepared an agenda as attached.

All interested parties are welcome to attend the hearing. However, affected persons whose land interests are affected under compulsory acquisition proposals are specifically invited to attend.

Administrative arrangements

If you did not do so by the pre-notified deadline, it is now vital for parties wishing to attend to give prior notice to the case team of who will attend, who will speak and which points they wish to address. In accordance with Rule 14(3) of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended), any oral representations should be based on representations previously made in writing by the particular participant.

Please provide your interested party reference number in any communication and mark it for the attention of the M4 Junctions 3 to 12 Smart Motorway case team.

Agenda for compulsory acquisition hearing

2.00pm, 19 November 2015

A. WELCOME AND INTRODUCTIONS

1. Introductions and purpose of the hearing.

B. UPDATES FROM THE APPLICANT

2. Update from the applicant on progress in assembly of Order lands through private treaty.

3. Clarification of the Land Plans and current Book of Reference (BoR), including:

- i. amendments to reflect transfer of Crown land to Highways England (HE);
- ii. updates to the BoR pursuant to the ExA's first written questions and any new information in respect of land interests which has arisen since the submission of the application (including additional submission from Thames Water regarding interest in plots 26-12 and 26-13_{AS-021}).

4. Questions arising from the applicant's response to the ExA's first written questions REP2-003.

- a. **Question 9.3:** Clarification in respect of the scope of powers sought at Construction Compound 3.
 - i. *Can HE explain how any reduction in temporary possession (TP) power is intended to be agreed with the landowner (Wokingham Borough Council (WBC)) and how impacts on the park and ride operator have been considered? When is it expected for the extent of the reduction in TP power ('assumed to be 1 ha') to be confirmed/agreed?*
 - ii. *Can WBC confirm whether a specific objection to compulsory acquisition (CA) is made in its relevant representation (RR)? (HE's response to the Council's RR states 'HE notes no specific objection made here by WBC').*
- b. **Questions 9.9 and 9.10:** Update from the applicant in respect of Crown land consent.
 - i. *Can HE provide an update on progress with consent sought from the Secretary of State for Transport (SoST) and the Secretary of State for the Environment, Food and Rural Affairs (SoSEFRA) (or any transferee Secretary of State)?*

HE's response to question 9.9 states that a team within HE is currently tasked with putting title into the name of HE.

- ii. *How can the ExA be assured that all lands transferred from SoST to HE will be correctly titled at Land Registry before the expiry of the examination?*

In HE's response to question 9.9 it is stated that 'One Land Registry title within the limits of the scheme [...] has not been transferred to Highways England and remains in the name of Secretary of State for Transport [SoST]. The plots associated with this title are part of plots 27-12 and 27-13'.

- iii. *These lands are therefore Crown land and the tests in s135 PA2008 apply. Can HE provide an update in relation to achieving Crown land consent from the SoST?*

In the applicant's response to question 9.10, and in respect of lands recorded in the BoR as in the interest of the SoSEFRA, HE state that it 'is currently checking with the Government Clearing House to establish the ownership of the parcels of land identified above, and will update the ExA as soon as possible'.

- iv. *Can HE provide an update in respect of these parcels of land? To what extent can the ExA be comforted that Crown land consent from the SoSEFRA (or any transferee Secretary of State) will be achieved before the expiry of the examination?*

- c. **Question 9.12:** Update from the applicant in respect of common land at plots 10-01a and 10-01b.

Can HE provide an update on progress with WBC in respect of its application to deregister these plots? What is the lead time for a decision on such an application to be produced?

C. REPRESENTATIONS BY AFFECTED PERSONS AND OTHER INTERESTED PARTIES

In particular consideration of:

- the applicant's response to RRs submitted to Deadline I (2 October 2015) REP1-003;
- the applicant's response to the ExA's first written questions submitted to Deadline II (8 October 2015) REP2-002 and REP2-003; and
- the applicant's comments on written representations (WR) submitted to Deadline III (5 November 2015),

5. Representations from local authority interests.

- a. **London Borough of Hillingdon** (LBHill) object to the need for HE to temporarily possess specific lands [plots 28-04, 28-05, 28-06, 28-07, 28-09, 28-10, 28-11 and 281-12] as it is 'significantly more than is required for temporary access and working space for extension to Sipson Road subway' REP2-060. Further concern is expressed in respect

of public rights of way (PRoW) closures and engagement with neighbouring occupiers.

- i. Can HE respond to the objection raised by LBHill in respect of the extent and duration of TP power sought at Sipson Road?*
- ii. Can HE respond to the concern raised by LBHill in respect of PRoW closures and engagement?*
- iii. Can HE respond to the statement in LBHill's Local Impact Report (LIR) that there is 'insufficient information provided to assess if the extent of the CPO's [compulsory purchase orders] (permanent and temporary) accord with the PA2008 with regard to the land being required, necessary and in the public interest'?*
REP2-060
- iv. When can a Statement of Common Ground (SoCG) between the parties be expected to be submitted to the examination?*

- b. **South Bucks District Council's** (SBDC) LIR expresses outstanding concern in relation to the TP of lands in the Council's interest ^{REP2-050}. The LIR contradicts the SoCG agreed with HE in respect of the SBDC's satisfaction with retained access arrangements at Dorney Village Hall ^{REP2-009}.

For the avoidance of doubt, can SBDC confirm which document represents the current position of the Council?

- c. In its WR, the **Royal Borough of Windsor and Maidenhead** seek assurance in respect of the treatment of PRoW at River Thames Bridge, Thames Path National Trail and Datchet Footpath 1 (Bridge 11) ^{REP2-030}.

- i. Can HE clarify and confirm its intended treatment of these PRoW?*
- ii. When can a SoCG between the parties be expected to be submitted to the examination?*

- d. The LIR submitted by **Slough Borough Council** (SBC) states that 'matters relating to land acquisition are still under discussion' ^{REP2-047}.

Can HE update the examination on the progress of discussions with SBC and indicate when a SoCG between parties can be expected to be submitted to the examination?

6. Representations from statutory undertaker interests.

- a. **Network Rail Infrastructure** (NRI) sustain objection until such time as protective provisions (PP) are agreed with HE. A suite of concerns are set out in respect of its interests as recorded in the BoR ^{REP2-038}.
- i. Can HE provide an update to the examination on the progress with NRI in respect of agreeing PPs?*
 - ii. Can HE respond to the concern expressed by NRI in its WR in respect of the BoR?*

- iii. *To mitigate NRI's omission from Table 1 (appended to the ExA's first written questions), can HE please provide a written response to NRI's pre-examination submissions AS-002 and AS009?*
- b. Representations have been made by a number of other statutory undertakers, and not withdrawn.
- i. *Can HE provide an update on progress in respect of agreeing PPs with relevant statutory undertakers, including:*
- *National Grid* RR-303, REP2-028, REP2-042;
 - *Affinity Water* RR-208;
 - *South East Water* RR-149, REP2-040, REP2-058; and
 - *British Pipeline Agency* RR-045?
- ii. *To what extent can the ExA be comforted that all representations made by statutory undertakers' will be withdrawn before the expiry of the examination?*

7. Representations from commercial interests.

- a. **European Property Ventures Ltd** are affected persons and have requested to make oral representations at a compulsory acquisition hearing (CAH).
- Representations from European Property Ventures Ltd.*
- b. **CEMEX** express concern that Work no. 22a in the Order appears to overlap with lands subject to temporary planning permission 13/01667 (for extraction by CEMEX of sand and gravel) RR-277 and REP2-046.
- i. *Can HE clarify why the lands at Riding Court Road/James Meadow Roundabout, and in the interest of CEMEX, are required for the scheme?*
- ii. *Has CEMEX read HE's response to its RR REP1-003? To what extent is CEMEX satisfied in the light of the assurances provided by HE in the response to its RR?*
- iii. *Beyond its response to RRs, what further comfort can HE provide to CEMEX that the delivery of temporary planning permission 13/01667 will not be jeopardised by the HE scheme?*
- c. The WR from **Dunelm Estates Ltd and Dunelm Soft Furnishings Ltd** sustains concern in respect of the location of Construction Compound 2 (plot 02-12, 02-08) REP2-020.
- i. *Has Dunelm read HE's response to its RR REP1-003? To what extent is NFER satisfied in the light of the assurances provided by HE in this response?*
- ii. *Beyond its response to RRs, what further comfort can HE provide to Dunelm that the store's trading ability will not be negatively impacted?*

- d. The **University of Reading** is interested in a number of plots on Sheet 7 and Sheet 8 of the Land Plans REP2-033.
- i. *To what extent is the University satisfied in the light of the assurances provided by HE in the response to its RR and in the light of HE's response to written question 9.19 REP1-003 and REP2-003?*
 - ii. *Can HE provide an update on liaison with the University?*
 - iii. *Can HE confirm, or otherwise, whether it intends to include the Shinfield Eastern Relief Road in any updated versioning of the Works Plans, as requested in the University's WR?*
- e. The **National Foundation for Educational Research** (NFER) did not make submissions to Deadline I or II.
- i. *Has NFER read HE's response to its RR REP1-003? To what extent is NFER satisfied in the light of the assurances provided by HE in the response to its RR?*
 - ii. *Beyond its response to RRs, what further comfort can HE provide to NFER that the normal day-to-day activities will not be adversely impacted?*
- f. **Anita Thomas** has a land promotional agreement with **Bloor Homes Southern** at Construction Compound 5 (plot 18-02) RR-294 and RR-300.
- Ms Thomas sustains objection to the inclusion of the whole of Construction Compound 5 within the Order. A holding objection to the relocation of the A330 Ascot Road Bridge is also sustained.
- In its response to RRs, HE state that the appointment of the scheme contractor has allowed discussion with Ms Thomas/Bloor Homes to progress in respect of frontage and access to the A330, and also in respect of the potential reduction in extent of Construction Compound 5 after scheme opening.
- i. *Can HE provide an update on discussions with Ms Thomas/Bloor Homes?*
 - ii. *To what extent are Ms Thomas/Bloor Homes satisfied with HE's response to their RRs REP1-003? Do these responses provide the necessary assurances for Ms Thomas/Bloor Homes to withdraw their objections to the scheme?*
- g. **Railway Pension Nominees** (RPN) object to the inclusion of land in their interest in the Order (plot 18-07, 18-08) RR-297.
- i. *HE's response to RRs states negotiations in respect of agreeing private treaty are ongoing. Can an update be provided?*
 - ii. *To what extent is RPN satisfied with HE's response to its RR REP1-003?*

8. Representations from community and individual private interests.

- a. **Stewart and Beverley Hakesley** and **SMXP Motocross** are affected persons and have requested to make oral representations at a CAH.
- i. Representations from Stewart and Beverley Hakesley.*
 - ii. Representations from SMXP Motocross.*

- b. Carrie Darby for the **Slough Allotment Federation** (SAF) refers to a proposal to reduce the extent of TP at plot 20-33 REP2-024.
- i. Can HE confirm, or otherwise, the occurrence/progress of discussion with SAF in respect of reducing the extent of CA at plot 20-33?*
 - ii. Can HE respond to the implication that Thames Water has expressed a preference to access culvert works directly from the M4?*
 - iii. What consideration has been given to this preference and how might it impact the scheme as proposed? Is it intended for TP powers to be reduced at plot 20-33? How and when will any amendment be brought before the examination?*

- c. The **Burnham Abbey Conservation Group** (BACG) is chaired by Mohinder Jaswal (an affected person), and supported by David Springbett.

The ExA understand that outside of the examination HE has confirmed that no lands in the interest of Mr Springbett (Abbey House) are included in the Order.

- i. As purported at the Preliminary Meeting, can the proposed acquisition of lands in the interest of Mr Springbett be confirmed, or otherwise, to the examination?*
 - ii. Beyond matters relating to Mr Springbett's land interests, have HE responded to the concerns set out in the additional submission made by BACG AS-014?*
 - iii. To what extent are BACG satisfied in the light of the assurances provided by HE in any response?*
 - iv. To what extent is Mr Jaswal satisfied in the light of the assurances provided by HE in the response to his RR REP1-003?*
- d. RRs from **Ted Plenty, Colnbrook Parish Council** and the **Colnbrook Community Association** express concern in respect of the location of Construction Compound 9 (plots 25-32, 25-33 and 25-34), which is within an air quality management area (AQMA) RR-269, RR-304, RR-201.
- i. Can HE respond to the request for Construction Compound 9 to be replaced by the London Concrete site (formerly Construction Compound 10)?*
 - ii. Why is Construction Compound 9 more appropriate than former Construction Compound 10?*

- iii. *To what extent are the interested parties satisfied with HE's response to their RRs in respect of the mitigation measures proposed at Construction Compound 9 through the Outline Construction Environmental Management Plan (CEMP) (in its current form)* REP1-003?
- e. **Jeannine Cooper** and **J A Harris** sustain concern in respect of land acquisition matters, despite clarification being provided in HE's response to the interested parties' RRs REP2-032 and REP2-021.
- Have Ms Cooper and Mr Harris read HE's response to their RRs REP1-003? To what extent are they satisfied in the light of the assurances provided by HE in the response to their RRs, particularly in respect of confirmation that no lands in Ms Cooper or Mr Harris's interest are intended to be acquired, and in respect of the measures included in the Outline CEMP (in its current form)?*
- f. WRs from **J A Harris** and **Malcolm Hunt** sustain objection to the location of Construction Compound 8 (plot 23-29), as it is too close to existing residences REP2-022 and REP2-021.
- i. *To what extent are Mr Harris and Mr Hunt satisfied with HE's response to their RRs, particularly in respect of the measures included in the Outline CEMP (in its current form)* REP1-003?
- ii. *Can HE explain why Construction Compound 8 is considered to be the most appropriate of any rejected alternatives?*
- g. **Louisa Maxwell-Watters** and **John Watters** are interested in plots 19-53 and 19-54. Their objection to the scheme is sustained in their WRs REP2-025.
- Have Ms Maxwell-Watters/Mr Watters read HE's response to their RRs REP1-003? To what extent are the Ms Maxwell-Watters/Mr Watters satisfied in the light of the assurances provided by HE in the response to their RRs, particularly in respect of the measures included in the Outline CEMP (in its current form)?*

D. ANY OTHER MATTERS