



3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: M4Junction3to12@pins.gsi.gov.uk

To all interested parties and others

Your Ref:

Our Ref: TR010019

Date: 11 September 2015

Dear Sir/Madam

Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8

Application by Highways England for an Order Granting Development Consent for the proposed M4 Junctions 3 to 12 Smart Motorway

Examination timetable and procedure

I write to tell you about the procedural decisions I have made as the Examining Authority (ExA) following the Preliminary Meeting held on Thursday 3 September 2015 at the Desborough Suite, Maidenhead Town Hall. This letter provides you with the examination timetable, details of the publication of my first written questions and other matters.

A note of the Preliminary Meeting has been made available on our website. It is available to view here:

<http://infrastructure.planninginspectorate.gov.uk/document/3399660>

This note, along with an audio recording of the meeting, is also available for online inspection free of charge at the venues listed in **Annex A**.

Procedural decisions and timetable

My thanks go to all those who attended and for the views expressed at the Preliminary Meeting. These covered in particular the range of matters the examination should cover and the proposed timetable.

All matters raised at the Preliminary Meeting have been carefully considered and I have now made procedural decisions about the way in which the application is to be examined. The timetable setting this out is attached at **Annex B**. If I consider it necessary to vary the timetable at any time, full notification will be sent to all interested parties. I will also do this if the date, time and place of any hearing is

changed, except in the event of an adjournment.

Written representations

I now invite the applicant and any other interested parties to submit comments on the relevant representations already received by **2 October 2015**. Written representations and evidence on any matters concerning the application should be received by **8 October 2015**.

Please send your representations to the Planning Inspectorate using the email or postal address at the top of this letter. Representations should be made for the attention of the case manager, Richard Price, quoting reference TR010019 and your unique reference number, if one is quoted on this letter.

As I stressed at the Preliminary Meeting, written representations to us can deal with any relevant matter concerning the application. They are not restricted to the matters set out in my initial assessment of principal issues which was discussed at the Preliminary Meeting, nor are they restricted to the written questions published with this letter. Please note if you are submitting a written representation, you should identify those parts of the application or specific matters with which you agree and those parts with which you do not agree. You must state the reasons for your agreement or disagreement.

In addition, I now request notifications from interested parties regarding:

- any wish to speak at an open floor hearing;
- any wish to make oral representations at a compulsory acquisition hearing; and
- any wish to attend the accompanied site inspection between 10 and 12 November 2015.

Associated deadlines for notifications in relation to the above are set out in the examination timetable at **Annex B** of this letter.

In relation to the site inspection in the company of interested parties to be held between 10 and 12 November 2015, I invite any suggestions from interested parties recommending particular locations I should visit. Any suggestions should be made in conjunction with, and with reference to, the draft itinerary provided by the applicant. That draft itinerary is available to view on our website, here:

<http://infrastructure.planninginspectorate.gov.uk/document/3373264>

To allow for the visit to be effectively programmed, these recommendations must be received by **2 October 2015**. I will consider all recommendations and a finalised itinerary will be published to our website on or before 26 October 2015.

Guidance for the submission of written representations

There is no prescribed form for written representations. In accordance with DCLG 'Planning Act 2008: guidance for the examination of applications for development consent for nationally significant infrastructure projects' (April 2013), participants should normally provide with their written statements "the data, methodology and assumptions used to support their submissions".

Any written representation that exceeds 1500 words should also be accompanied by a summary. This summary should not exceed 10% of the original text. The summary should set out the key facts of the written representation and must be representative of the submission made.

To assist in the timely processing of written representations submitted by the deadline specified, I request that interested parties send, where practicable, electronic copies of their submissions as email attachments to:

M4Junction3to12@pins.gsi.gov.uk

Electronic attachments should be clearly labelled with their subject and title and should not exceed 12MB for each email. Should electronic submissions include documents of 300 pages or more, interested parties are advised to send to us, by post, five additional full paper copies of their submission.

Timely submissions in advance of the deadlines set in the timetable are encouraged and welcomed.

Examining Authority's first round of written questions

I am asking written questions and requesting information about important matters considered relevant to the application, as provided for and at the times set out in the examination timetable at **Annex B**.

The first round of questions has been issued simultaneously with this letter but is not annexed to it. The questions can be found on our website, here:

<http://infrastructure.planninginspectorate.gov.uk/document/3401385>

If you require a hard copy of the first round of questions, please contact a member of the case team who will post a copy to you immediately.

I have directed written questions at particular parties. If a question is directed to you or your organisation, please answer it. If a question is not directed to you or your organisation you may nevertheless opt to answer it if an answer would be relevant to the issues that concern you. Parties are asked to provide full and clear answers to all questions relevant to their circumstances. The timetable provides for me to issue a second round of written questions should it become necessary. In addition I may write to interested parties as the examination progresses with further questions or requests for more information.

The answers to the first round of written questions must be provided by **8 October 2015**, following which the timetable provides opportunities and deadlines for comments on answers to be submitted.

Other Procedural Decisions

Annex D contains my other procedural decisions in relation to matters discussed at the Preliminary Meeting including Statements of Common Ground (SoCGs), and Local Impact Reports (LIR).

SoCG and LIRs should be submitted to the examination by **8 October 2015**.

The timetable provides opportunities and deadlines for comments to be made on the submissions made to this deadline.

Availability and inspection of representations and documents

Written representations and documents sent to the Planning Inspectorate in the examination period will be made available to all interested parties and to anyone who requests an opportunity to inspect and take copies of them.

This information will be made available on our website. The Inspectorate also provides an opportunity for online inspection and copying at the locations in the vicinity of the application site as indicated at **Annex A**.

Deadlines for receipt of documents and requests for hearings

It is important to note that if:

- written representations;
- responses to relevant representations;
- responses to the first round of written questions;
- local impact reports;
- further information; or
- requests for hearings

are not received by the dates specified in the timetable, I may disregard them.

If no written requests are received by the identified deadline for open-floor hearings or compulsory acquisition hearings, I am not required to hold any such hearings; although I may choose to do so nonetheless. The time, date and place of any hearings will be notified in writing to all interested parties. Interested parties will be notified of any cancellations if I consider that a hearing is no longer necessary as soon as practicable in advance of the timetabled event. Agendas will be published on our website as early as practicable prior to any hearings.

Award of costs

Your attention is drawn to the possibility of the award of costs against interested parties who behave unreasonably. You should be aware of the relevant cost guidance that applies to National Infrastructure projects. The 'Awards of costs; examinations of applications for development consent orders' is available on our website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/211459/Awards_of_costs_-_examinations_of_applications_for_development_consent_orders_-_guidance.pdf

Future notifications

If you are an interested party you will continue to receive notifications from the Planning Inspectorate about the examination throughout the process.

If you have received this letter because you were invited to attend the Preliminary Meeting but you are not an interested party you will **not** receive any further communication from us relating to this application. You can, however, visit the National Infrastructure portal to stay informed of the progress of the examination of

the application.

As I explained at the Preliminary Meeting, if you are a statutory consultee who has not made a relevant representation but wishes to become an interested party, you should inform the Inspectorate by **2 October 2015**. Statutory consultees who have not made a relevant representation and do not notify us of their wish to become an interested party will not receive any further correspondence in relation to the examination of this application.

I look forward to working with all those who will be involved in the examination.

Yours faithfully

Wendy Burden

Wendy Burden
Examining Authority

Annexes:

- A.** Availability of relevant representations and examination documents
- B.** Timetable for examination of the application
- C.** Examining Authority's first round of written questions
- D.** Other Procedural Decisions made by the Examining Authority (ExA)

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.



Availability of relevant representations and examination documents

Anyone wishing to view documents in relation to the examination of the application, which are regularly updated, can do so on our website:

<http://infrastructure.planninginspectorate.gov.uk/projects/South%20East/M4-Junctions-3-to-12-Smart-Motorway/>

Free internet access has also been made available at the following places, where anybody can access and view the documents free of charge:

Reading Central Library

Abbey Square
Reading
RG1 3BQ

Opening hours:	Monday	9.00am to 5.30pm
	Tuesday	9.00am to 7.00pm
	Wednesday	9.00am to 5.00pm
	Thursday	9.00am to 7.00pm
	Friday	9.00am to 5.30pm
	Saturday	9.30am to 5.00pm
	Sunday	Closed

Facilities will be available for copying documents at a charge of:

15p per A4 black and white sheet
30p per A4 colour sheet

Maidenhead Library

St Ives Road
Maidenhead
SL6 1QU

Opening hours:	Monday	9.00am to 7.00pm
	Tuesday	9.00am to 7.00pm
	Wednesday	9.00am to 7.00pm
	Thursday	9.00am to 7.00pm
	Friday	9.00am to 7.00pm
	Saturday	9.00am to 5.00pm
	Sunday	11.00am to 2.00pm

Facilities will be available for copying documents at a charge of:

15p per A4 black and white sheet
30p per A4 colour sheet

Uxbridge Library

13-14 High Street
Uxbridge
Middlesex
UB8 1HD

Opening hours:	Monday	8.00am to 8.00pm
	Tuesday	8.00am to 8.00pm
	Wednesday	8.00am to 8.00pm
	Thursday	8.00am to 8.00pm
	Friday	9.00am to 5.30pm
	Saturday	9.00am to 5.30pm
	Sunday	11.00am to 5.00pm

Facilities will be available for copying documents at a charge of:

20p per A4 black and white sheet
40p per A4 colour sheet

Slough Library

85 High Street
Slough
SL1 1EA

Opening hours:	Monday	9.00am to 5.00pm
	Tuesday	9.00am to 7.00pm
	Wednesday	9.30am to 7.00pm
	Thursday	9.00am to 5.00pm
	Friday	9.00am to 7.00pm
	Saturday	9.00am to 4.00pm
	Sunday	Closed

Facilities will be available for copying documents at a charge of:

10p per A4 black and white sheet
20p per A3 black and white sheet

Datchet Library

Montagu House
8 Horton Road
Datchet
SL3 9ER

Opening hours:	Monday	Closed
	Tuesday	2.00pm to 7.00pm
	Wednesday	10.00am to 1.00pm & 2.00pm to 5.00pm
	Thursday	10.00am to 1.00pm
	Friday	10.00am to 1.00pm & 2.00pm to 5.00pm
	Saturday	10.00am to 1.00pm
	Sunday	11.00am to 2.00pm

Facilities will be available for copying documents at a charge of:

20p per A4 black and white sheet
30p per A3 black and white sheet
30p per A4 colour sheet
60p per A3 colour sheet

Timetable for examination of the application

The Examining Authority's (ExA) examination of the application takes the form of consideration of written representations about the application. The ExA will also consider any oral representations made at the hearings. The ExA is under a duty to **complete** the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Due Dates
1	Preliminary Meeting	3 September 2015
2	Issue by ExA: <ul style="list-style-type: none"> • Rule 8 letter (including examination timetable) Publication of: <ul style="list-style-type: none"> • ExA's first written questions 	11 September 2015
3	Deadline I Deadline for receipt by ExA of: <ul style="list-style-type: none"> • Notification of wish to speak at a compulsory acquisition hearing • Notification of wish to speak at an open floor hearing • Notification of wish to attend accompanied site inspection between 10 and 12 November 2015 • Comments on applicant's draft itinerary for accompanied site inspection to be held between 10 and 12 November 2015 • Written notification by statutory parties of wish to be considered as an interested party 	2 October 2015
	<ul style="list-style-type: none"> • Comments by the applicant and any other interested parties on relevant representations (RRs) already submitted • Summaries of all RRs exceeding 1500 words • Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rule 2010 (the Exam Rules) 	

4	<p>Deadline II</p> <ul style="list-style-type: none"> • Written representations (WRs) by all interested parties • Summaries of all WRs exceeding 1500 words • Responses to ExA's first written questions • Local Impact Reports (LIR) from any local authorities • Statements of Common Ground (SoCG) requested by ExA • Comments on any further information requested by the ExA and received to Deadline I • Any further information requested by the ExA under Rule 17 of the Exam Rules 	<p>8 October 2015</p>
5	<p>Issue by ExA of:</p> <ul style="list-style-type: none"> • Notification of date, time and place of hearings to be held in the week beginning 16 November 2015 • Notification of date, time and meeting place for site inspection to be held in the company of interested parties between 10 and 12 November 2015 <p>Publication of:</p> <ul style="list-style-type: none"> • Final version of itinerary for accompanied site inspection between 10 and 12 November 2015 	<p>On or before 26 October 2015</p>
6	<p>Deadline III</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs and responses to comments on RRs • Comments on Local Impact Reports • Comments on responses to ExA's first written questions • Comments on SoCG • Applicant's first revised draft Development 	<p>5 November 2015</p>

	<p>Consent Order (DCO)</p> <ul style="list-style-type: none"> • Applicant's table setting out progress on Compulsory Acquisition negotiations • Comments on any further information requested by the ExA and received to Deadline II • Any further information requested by the ExA under Rule 17 of the Exam Rules 	
7	<p>Dates for:</p> <ul style="list-style-type: none"> • Site inspection in the company of interested parties 	10–12 November 2015
8	<p>Dates reserved for:</p> <ul style="list-style-type: none"> • An issue specific hearing dealing with matters in relation to the draft DCO • Any issue specific hearing(s) on matters that may be required • Any open floor hearing(s) that may be requested (including evening sessions) • Any compulsory acquisition hearing(s) that may be requested or required 	Week beginning 16 November 2015
9	<p>Deadline IV</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Written summaries of oral submissions put at any hearings held between 17-19 November 2015 • Applicant's second revised draft DCO • Comments on any further information requested by the ExA and received to Deadline III • Any further information requested by the ExA under Rule 17 of the Exam Rules 	26 November 2015
10	<p>Publication of:</p> <ul style="list-style-type: none"> • ExA's second written questions (if required) 	11 December 2015
11	<p>Deadline V</p> <p>Deadline for receipt of:</p>	8 January 2016

	<ul style="list-style-type: none"> • Responses to ExA's second written questions (if issued) • Comments on any further information requested by the ExA and received to Deadline IV • Any further information requested by the ExA under Rule 17 of the Exam Rules 	
12	<p>Issue by ExA of:</p> <ul style="list-style-type: none"> • Notification of any further hearings to be held in the week beginning 8 February 2016 	On or before 19 January 2016
13	<p>Deadline VI</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on responses to ExA's second written questions • Comments on any further information requested by the ExA and received to Deadline V • Any further information requested by the ExA under Rule 17 of the Exam Rules 	29 January 2016
14	<p>Dates reserved for:</p> <ul style="list-style-type: none"> • Any further issue specific hearing(s) that may be required • Any further open floor hearing(s) that may be requested • Any further compulsory acquisition hearing(s) that may be requested or required • A second accompanied site inspection (if required) 	Week beginning 8 February 2016
15	<p>Deadline VII</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Written summaries of oral submissions put at any hearings held in week beginning 8 February 2015 • Comments on any further information requested by the ExA and received to Deadline VI 	17 February 2016

	<ul style="list-style-type: none"> Any further information requested by the ExA under Rule 17 of the Exam Rules <p>Issue of:</p> <ul style="list-style-type: none"> ExA's draft DCO (if required to facilitate examination) 	
16	<p>Deadline VIII</p> <ul style="list-style-type: none"> Comments on ExA's draft DCO (if issued) Comments on any further information requested by the ExA and received to Deadline VII Any further information requested by the ExA under Rule 17 of the Exam Rules 	29 February 2016
17	<p>Deadline IX</p> <p>The ExA is under a duty to complete the examination of the application by the end of the period of 6 months</p>	On or before 3 March 2016

Examining Authority's first round of written questions

The first round of written questions has been issued simultaneously with this letter but is not annexed to it. The questions can be found on our website, here:

<http://infrastructure.planninginspectorate.gov.uk/document/3401385>

If you require a hard copy of the first round of questions, please contact a member of the case team who will post a copy to you immediately.

Other Procedural Decisions made by the Examining Authority (ExA)

I have made the following procedural decisions under section 89(1) of the Planning Act 2008.

1 Principal Issues

In response to the Rule 6 letter, dated 7 August 2015, comments have been made about the range of topics set out in my initial assessment of principal issues contained in Annex B to the letter. As indicated under the heading to the list of issues, this was not intended to be a comprehensive or exclusive list. It represented an initial identification of the issues arising from the application documents and relevant representations which had been received.

Where the additional matters which have been raised in response to Annex B to the Rule 6 letter, and any other matters which are raised during the examination, are shown to be important and relevant to the application, they will be taken into account in the course of the examination and in writing the report and making my recommendation to the Secretary of State for Transport.

The applicant requested that the list of issues be revised to indicate what issues would be taken into account. However, key issues may change and new issues may arise in the course of the examination and as a result I do not propose to issue an amended or definitive list.

Nevertheless, I can confirm that the merits of Government Policy, as set out in the National Networks National Policy Statement (NNNPS), are not a matter for debate during the examination.

2 Accompanied Site Inspection (ASI)

Comments on the applicant's draft itinerary and requests to attend the ASI are due by Deadline I - 2 October 2015. Through the case team, the applicant is to liaise with interested parties in relation to the feasibility of including additional locations within the ASI, and in allowing interested parties to attend the inspection.

3 Library Locations

In response to a request for additional locations at which to be able to access the National Infrastructure Planning website and view the examination documents, Slough Library and Datchet Library have now agreed to provide the facility. Details for these additional locations are provided at Annex A.

4 Hearings

I confirm that written requests for an Open Floor Hearing (OFH) were received in response to the Rule 6 letter. A request was made at the Preliminary Meeting (PM) to hold a series of OFHs in different locations and to accommodate those who are not able to attend an OFH during the daytime. The number and location of OFHs will depend on the written requests which are received, but I can confirm that at least one evening OFH will be held. The deadline for notification of a wish to speak at an OFH is the 2 October 2015.

No written request for a Compulsory Acquisition Hearing (CAH) had been received in response to the Rule 6 letter. However, it was clear from the PM that persons affected by compulsory acquisition will wish to exercise their right to be heard. Nevertheless, anyone wishing to exercise their right to be heard at a CAH must notify the case team in writing by the 2 October 2015.

5 Statements of Common Ground (SoCG)

The applicant is taking the lead in the preparation of SoCG and it will aid the smooth running of the examination if all those who are participating in the preparation of SoCG liaise and co-operate in the production of SoCG. The deadline for the submission of SoCG is the 8 October 2015, and some local authorities have indicated their difficulty in meeting this target.

The content of the SoCG is necessary to help inform me as to the need to hold any Issue Specific Hearings (ISH) in November 2015, and enable me to give notice of such hearings 21 days in advance. In the event that agreement cannot be reached on a final SoCG, or in so far as any local authority position represents an officer level view only, I request SoCG to be submitted in draft by the 8 October 2015 with the position of the parties to be made firm in the course of the examination.

For the SoCG on the draft Development Consent Order (DCO), it was agreed that this should cover the Articles as well as the Requirements in the draft DCO. Any party seeking a rewording of an Article or Requirement should provide the form of words which is being sought, to be included in the SoCG. The parties may find it of assistance to progress the SoCG on the draft DCO as a separate document, but that is a matter for them.

In addition to the list of parties set out in Annex E to the Rule 6 letter, the applicant is seeking to agree SoCG with Transport for London, Earley Town Council, Wokingham Town Council and the London Borough of Hammersmith and Fulham.

At the Preliminary Meeting, Friends of the Earth (FoE) indicated that they may use expert witnesses to produce evidence for the examination on traffic forecasts and air quality. Whilst a SoCG was not requested at the PM, FoE and the applicant did agree to bring together their experts to discuss and agree technical evidence wherever possible.

6 Local Impact Reports (LIR)

LIRs are due to be submitted on the same date as the SoCG. Local authorities were advised by letter dated 16 March 2015 to make an early start on preparation and therefore there should be no reason why the LIR should not be ready by that date. The letter also advised that a system of delegation should be set up to deal with the examination in order to avoid delays for ratification by Council Members. Where such systems have not yet been established for a local authority, I would encourage a delegation system to be put in place as soon as possible. If the LIR has not been ratified by Members of the Council, then it should be submitted as an officer level document with an indication as to the date when it would be fully ratified.

The LIR should set out the Council's preliminary position in relation to the issues of concern in their area. That position may of course change following discussion on the SoCG. However, it will be of assistance to me to understand the basis for the Council's initial concerns as set out in the LIR, and in the event that those concerns change, the reasons for that change.

7 Compulsory Acquisition (CA)

It would be helpful to the examination if the applicant can prepare and submit a table to identify the position reached in relation to negotiations on each of the plots of land or the interests which are the subject of CA, by Deadline II of the timetable and to be updated in the course of the examination.

8 The Timetable

The timetable has been prepared to take into account the Christmas break so there is little potential to change the dates for events and deadlines. Concern was raised that there was inadequate time reserved for hearings. However, the examination is primarily a written process and parties should not rely on the holding of an issue specific hearing at which to put their case. Nevertheless, to provide for increased flexibility in the timetable, I have identified week beginning 16 November 2015 for hearings. Further time is reserved for hearings in February 2016 if it proves to be necessary.

The applicant and others requested that the deadlines for submissions should not be set at noon. There are advantages to a daytime deadline, but a deadline of midnight has been successfully applied in a number of cases and therefore the deadline will be amended to midnight for this examination.