



HILLINGDON

LONDON

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Case Officer: Mandip Malhotra
Tel: 01895 230250
Email address: mmalhotra@hillington.gov.uk

Date: 9th April 2015
Your Ref: TR010019

Sent via email to:
M4Junction3to12@pins.gsi.gov.uk

Dear Mr Price

RE: M4 smart Motorway-Adequacy of consultation representation report to be submitted to the Planning Inspectorate in accordance with Section 55 of the Planning Act 2008

SITE: M4 Junctions 3 to 12

The Planning Inspectorate (PINS) has received an application from the Highways Agency for the proposed Development Consent Order of the M4 smart motorway.

The Council has been given until Monday 13th April 2015 to respond to PINS under this consultation. As part of its duty under this consultation, PINS has provided the Council with a copy of the developers 'Consultation Report' which details how the Highways Agency has complied with the procedures of the Planning Act 2008 relating to consultation and publicity. The content of the report has been assessed and is detailed below. This report will form the Councils response to PINS.

It is noted however that future consultations should be managed more effectively by the Highways Agency and PINS. The current 14 day consultation period has taken place over the Easter holidays and therefore taken in 2 holidays. This is a time period when many people take extended leave and the short consultation period is considered unreasonable and should at the very least have been extended to take into account the holiday period.

Duty to consult (Section 42 of the Act)

The applicant is considered to have complied with its duty under Section 42 of the Act. Sub section (d) of section 42 requires the Highways Agency to consult each person set out in section 44. These would include amongst others owners, lesses, tenants or occupiers of land. The Highways Agency has provided details of how they have complied with subsection (d) and the council considers that they have accorded with the provision. However the list of those consulted has not been provided and the Council is unable to comment as to whether all persons covered in section 44 have been included.

In view of the above it is considered in the Council's opinion that the developer's duty to consult under Section 42 has been carried out.

Duty to consult the local community (Section 47 of the Act)

In accordance with Section 47 of the Act, the Highways Agency prepared a statement of how it proposes to consult about the proposed application with the people living in the vicinity of the land. This Statement of Community Consultation (SOCC) provided details of the consultation methodology.

The council was consulted on the content of the SOCC in October 2014. An initial response was sent via email and is recorded at Appendix 22 of the Consultation Report. A further response was sent dated 6th November (see Appendix A of this letter) which has not been recorded. As part of this formal response, a request for unmanned exhibition boards to be placed in local community facilities was made, however this was not actioned during the formal public consultation. It is also noted that the Consultation Report does not refer to the council's request and as such provides no justification for why this request was not taken forward.

The SOCC was printed in numerous national newspapers and therefore has complied with Section (6)(a) of Section 47 of the Act.

On balance the Council considers that the consultation has been carried out in accordance with the SOCC, albeit account has not been taken of the request for unmanned exhibits to be placed in local community facilities.

Duty to publicise (Section 48 of the Act)

Section 9.4 of the Consultation Report details how the Highways Agency has complied with Section 48 of the Act. A copy of the S48 notice is referenced in Appendix 26 of the Consultation Report which clearly sets out the deadline for issuing responses. Albeit there was a prescribed period for responding, further extensions to this consultation period were also given once the Highways Agency had become aware of shortfalls in their initial consultations.

In principle the applicants are considered to have complied with Section 48 of the Act.

Duty to take account of responses to consultation and publicity (Section 49 of the Act)

Whilst it is noted that the letter received from PINS dated 30th March 2015 requests the local authority views on compliance with Section 42, 47 and 48 of the Act, it is considered that Section 49 of the Act is also relevant at this stage, in order to consider whether the applicant has taken due account of the responses received. Section 49 of the Act states:

Duty to take account of responses to consultation and publicity

(1) Subsection (2) applies where the applicant—

(a) has complied with sections 42, 47 and 48, and

(b)proposes to go ahead with making an application for an order granting development consent (whether or not in the same terms as the proposed application).

(2)The applicant must, when deciding whether the application that the applicant is actually to make should be in the same terms as the proposed application, have regard to any relevant responses.

(3)In subsection (2) “relevant response” means—

(a)a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person's case,

(b)a response to consultation under section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or

(c)a response to publicity under section 48 that is received by the applicant before the deadline imposed in accordance with section 48(2) in relation to that publicity.

The Highways Agency consultation Report has provided details of all responses received and how it has taken account of these. In response to Section 49 of the Act, the following paragraphs contain a breakdown of the issues the Council has regarding the adequacy of the Highways Agency response to the Councils comments:

Public Exhibition Attendance

During initial discussions held between the Highways Agency and LB Hillingdon (1st October 2014), Senior staff indicated that the Stockley Pines Golf Course was not the most suitable location to hold the public exhibition and it should be located at the Hayes Leisure Centre which was a more accessible and positioned within a town centre location. This was not taken forward and albeit the public exhibition was held in accordance with the Act, the attendance of this event, and the exhibition at Hillingdon Baptist Church was poor due to the poor location chosen.

Highways and Transport

It is noted that the proposals include the lengthening of the Sipson Road subway, however the local authority require confirmation that the works accord with the Mayors Quietway project aspirations to encourage both walking and cycling. Improvement works to this subway should incorporate both projects (Smart motorway and the Quietway) to prevent the need for further disruption and works in the future.

LB Hillingdon requested that HGV direction signing (Section 10.5.61 of the Consultation Report) be concentrated on junction 5 and junction 3 to minimise pressures on Heathrow airport via the M4 Spur and the Heathrow Villages. The Consultation Report does not address the aspiration to relieve the Heathrow villages from HGV traffic and to declassify the A roads. The council therefore wishes to reassert its aspiration and take the issue further.

Heritage and Conservation

Significant concerns were raised by LB Hillingdon with regard to conservation and heritage impacts, including archaeology, but it is noted that the Council's proposed APA and APZs are not recognised and that the Greater London Archaeological Advisory Service, the Council's advisers on these matters, do not seem to have been consulted on the scheme and proposed mitigation measures. Consultation with GLAAS should be undertaken as a matter of urgency to take into account the heritage assets of this significant stretch of land.

With regard to Cultural Heritage consultation, the Historic England South East Office seem to have been consulted/responded, however it is not clear if the London Regional Office, who would be responsible for the LB Hillingdon, have been consulted. Confirmation of whether the appropriate teams have been consulted is required in order to ensure that the appropriate comments are received.

The Consultation Report format and response to LBH comments assumes that the analysis undertaken as part of the Environmental Impact Report was adequate, however the Council's initial concerns were that the information is unclear and insufficient to make an appropriate analysis, therefore it is not considered that the Council's concerns have been adequately addressed. The PEI comprises a lack of a clear and sufficiently detailed set of proposal drawings.

One of the Council's main concerns is the impact of the works on the setting of the Cranford Park Conservation Area and the numerous historic buildings within the park. The supporting documentation notes the impact on these as "Slight and Moderate Adverse", however it is considered that there is potential for a significant adverse impact on these heritage assets. The level of the impact will depend in part on the amount of vegetation to be cleared from the embankment, and the form of any replacement and the additional planting. The timescales for this work will also be a consideration. With regards to this, the consultation document refers to the proposals contained in the Environmental Masterplan (EH re 7.4 Annex A). This document cannot be located and it is not clear if it is still being drafted.

The Council have been advised by the Highways Agency consultants that additional views are being considered with regard to the impact on the setting of Cranford Park and the Harlington Village Conservation Areas, but these have not been made available to date. In addition to views from the open spaces, shorter range views from the rear of the listed buildings have been requested.

The Council note and welcome the proposed use of noise reducing surfacing to all the lanes of the motorway, but remain concerned that there will be no additional noise barriers between junctions 3 and 4.

Air Quality

The Council do not consider that previously submitted comments in regard to air quality have been addressed. The response has not addressed any of the issues raised it simply re-states the results of the modelling.

For the avoidance of doubt, the Council is concerned that the modelling is over optimistic. The HA assessment for the portion of the M4 through Hillingdon, indicates that the air quality concentrations, with the addition of another lane of through-running traffic, operating in closer proximity to the existing residential areas, will all be below the air quality limit value by 2022. Given the current high concentration levels it is unclear what assumptions have been made which allows for the increases in traffic volumes with corresponding decreases of over 10ug/m³ as the annual mean in 7 years. There needs to be more scrutiny given to the assessment, supported by sensitivity tests around the key assumptions such as projections for cleaner vehicle technology. In addition it is unclear whether the impacts of another full lane of traffic, which will include the majority of the HGV movements, has been appropriately modelled in terms of ensuring the impacts on the nearby residential areas have been properly identified. A further, more detailed modelling exercise, at locations where the residents are in close proximity would give a more robust approach.

The ensuing traffic impacts of other committed developments, as well as the proposed construction compounds, which will impact on the traffic flows to and from the M4 through the borough need to be taken into account and subjected to a further air quality assessment.

The Council also note the following comments made by GLA/TfL:

10.4.49 TfL - request the need to understand how conclusion is reached that there are no air quality impacts.

10.5.32 The GLA advised that it was unable to support the principle of the Scheme and requested further discussions regarding the traffic, air quality and noise implications of the Scheme.

10.5.35 Further meetings are proposed to be held with the GLA (and TfL) to discuss traffic assessment and noise (and air quality) issues.

Hillingdon officers request inclusion in any arranged meeting along with the GLA/TfL.

Land Contamination

Whilst land contamination was raised in the Councils formal response to the consultation, it does not appear to have been addressed in the consultation Report. As such, the Council wishes to receive further information with regard to any motorway embankment or 'road / subway work which will cut into adjacent contaminated land including landfill sites at the boundary to the motorway. Where this occurs, the applicant will need to follow environmental best practice to mitigate any risks in carrying out the remediation work. Confirmation that this will take place is requested in any future documentation.

Noise

The Consultation Report is not considered to give any indication or clarification on the extent of noise mitigation, nor any detailed noise mapping of residential areas affected by the M4. There is no indication of how the conclusion was reached that there are minimal noise impacts (less than a 3dB increase) given that the levels of traffic will increase over time.

The following comments by the GLA are also noted:

10.5.32 The GLA advised that it was unable to support the principle of the Scheme and requested further discussions regarding the traffic, air quality and noise implications of the Scheme.

In light on the above, it is not considered that due account has been taken of the comments raised.

Flooding/Water Management

Substantial concerns were raised at pre-application stage which have not been addressed/responded to. It is considered that this is principally because the detail of the scheme has not yet been undertaken. Comments made within the consultation Report indicate that the detail of the scheme will only be provided alongside the application; therefore all initial concerns raised remain.

Comments within the consultation Report state that flood risk will be no worse because the scheme maintains the existing run off, not complying with current guidance to reduce risk - and in a number of cases the scheme is altering the central reservation drainage which gives considerable opportunity to comply with guidance and reduce risk.

There is no information on the Water Framework Directive in terms of culverting of watercourses and water quality as the receptors are not detailed and if proposals and water quality controls stated in 10. 5.72 are sufficient and therefore the impact on the Blue Ribbon Network managed appropriately. 10.3.9

Landscaping

The HA response to LBH landscape and visual impact comments is that 'the effects of the Scheme on the receptors are addressed in Chapter 8, Landscape of the ES' - and there are 'no proposed changes'.

The issue seems to be that there is insufficient detail in Chapter 8, or on plan, at this stage to be sure what the extent of the landscape /visual impacts may be. For example, vegetation clearance, changes of levels/ embankment profiles and boundary treatments (including loss of / replacement of visual / acoustic barriers) close to sensitive receptors are unknown.

Summary

It is for the consideration of the Planning Inspectorate to determine whether the application submitted by the Highways Agency meets the requirements of the Planning Act 2008 for the purposes of acceptance. However the Council advises PINS to take into account the contents of this report before making its decision

The Council considers that the Highways Agency has complied with the requirements of Section 42, 47 and 48 of the Planning Act 2008.

Concern is however expressed that further assessment has not been undertaken or explained adequately in a number of areas and therefore due account of the responses issued by the LB Hillingdon has been taken.

Due to the short timeframe which the Council has had to prepare this report the Council intends to provide further details at the next stage of consultation.

Should you have any queries regarding the information provided above, please contact myself or James Rodger, Head of Planning Services.

Yours sincerely

Mandip Malhotra

London Borough of Hillingdon

Appendix A- Formal Response to SOCC dated 6th November 2014



HILLINGDON

LONDON

Lynne Stinson
Smart Motorways Programme
Highways Agency
The cube
199 Wharfside Street
Birmingham
B1 1RN

Tel: 01895 230250
Case Officer: Mandip Malhotra
Email address:
mmalhotra@hillingdon.gov.uk

Date: 6th November 2014
Our Ref:

Sent via email to:
lynne.stinson@highways.gsi.gov.uk

Dear Ms Stinson

RE: Response to Statement of Community Consultation (SoCC)
SITE: M4 JUNCTIONS 3 to 12 SMART MOTORWAY

I am responding on behalf of the London Borough of Hillingdon to your letter dated 3rd October 2014 and following our telephone discussion regarding the above.

Having regard to section 47 of the 2008 Planning Act, in principle there is no objection to the proposed consultation programme. The LBH would like to raise the following points in order to ensure the most effective consultation is undertaken for this project:

1) List of Consultees

Given the extent of works proposed, consultation with local residents, the local community and businesses in the local area is imperative. A list of these relevant parties as identified by the councils local mapping system was issued via email on 21st October 2014. Please ensure that all parties identified are formally notified of the proposals and invited to comment (formal written notification).

2) Public Exhibition Boards

It is noted that documents will be available for inspection at West Drayton Library. It is also recommended that public exhibition boards and documents are made available at the following locations:

Harlington Library and Learning Services
Pinkwell Lane
Hayes
Middlesex
UB3 1PB

Major Applications Team
Resident's Services
T.01895 250 230

www.hillingdon.gov.uk

Planning Applications Team, London Borough of Hillingdon,
Civic Centre, High Street, Uxbridge, UB8 1UW



INVESTOR IN PEOPLE

Opening hours: Monday, Wednesday-Friday: 0900-1730
Tuesday: 0900-1900
Saturday: 0930-1600

Botwell Green Library

Botwell Green Sports and Leisure Centre
East Avenue
Hayes
Middlesex
UB3 2HW

Opening hours: Monday-Wednesday, Friday: 0900-1900
Thursday: 0900-2000
Saturday: 0900-1700
Sunday: 1000-1300

Yiewsley Library

High Street
Yiewsley
Middlesex
UB7 7BE

Opening hours: Monday, Thursday: 0930-1900
Tuesday-Wednesday, Friday: 0930-1800
Saturday: 0900-1600

Hayes End Library

Uxbridge Road
Hayes End
Middlesex
UB4 8JQ

Opening hours: Monday, Thursday: 0930-1900
Tuesday-Wednesday, Friday: 0930-1730
Saturday: 0930-1600

Yeading Library

Yeading Lane
Hayes
Middlesex
UB4 0EW

Opening hours: Monday-Wednesday, Friday: 0900-1800
Thursday: 0900-1900
Saturday: 0900-1700

London Borough of Hillingdon,

Civic Centre,
High Street,
Uxbridge,
Middlesex UB8 1UW

Opening hours: Monday to Friday 08:30 to 17:30

Public notices in local newspapers is highly advised as the distribution of these newspapers will extend to the whole borough.

You may also wish to consider extending the publicity to local radio stations and social media websites.

3) Inclusive Consultation

Please ensure, in the material produced for the public consultation, that the distinction the determining body and local planning authority is made clear, including the extent of influence that the LB Hillingdon has on the project itself. Please ensure that in addition to using clear language in the documentation produced that you take account of the councils Statement of Community Involvement and consultation techniques contained therein.

4) Environmental Impacts

Ensure sufficient information is available during consultation for the public to understand the potential environmental impacts. This should also take into account the advice previously provided by the councils Principal Sustainability Officer.

Should you have any queries regarding the information provided above, please contact myself or James Rodger, Head of Planning Services.

Yours sincerely

Mandip Malhotra
London Borough of Hillingdon