

M4 JUNCTIONS 3 TO 12 SMART MOTORWAY

**The M4 Motorway (Junctions 3 to 12)(Smart Motorway)
Development Consent Order 201[]**

Planning Inspectorate Scheme Reference: TR010019

STATEMENT OF COMMON GROUND

between

(1) HIGHWAYS ENGLAND

and

(2) LONDON BOROUGH OF HOUNSLOW

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) London Borough of Hounslow.

Signed



Lynne Stinson
Project Manager

on behalf of Highways England

Date: 8 October 2015

Signed



Aled Richards
Director of Community Safety,
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on behalf of London Borough of
Hounslow

Date: 8th October 2015

CONTENTS

1	Introduction	3
2	Overview of Previous Engagement	7
3	Matters Agreed	17
4	Matters Not Agreed	18

1 Introduction

Purpose of Statement of Common Ground

- 1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of an application ("Application") made by the Highways Agency (which has now become the "Highways England Company Limited", known as "Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("DCO") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.2 The draft DCO is referred to as The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 201[*] (the "Order"). The Order would grant powers to improve the M4 motorway ("M4") to a smart motorway between junction 3 (Hayes) in west London and junction 12 (Theale), which is near Reading (the "Scheme").
- 1.3 Guidance on the purpose and possible content of SoCGs is given in paragraphs 58 - 65 of the Department for Communities and Local Government's "Planning Act 2008: Guidance for the examination of applications for development consent" (March 2015).
- 1.4 Paragraph 58 confirms the basic function of SoCGs:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."

Parties to this Statement of Common Ground

- 1.5 This SoCG has been prepared by (1) Highways England as the Applicant and (2) London Borough of Hounslow.
- 1.6 The Application was made by the Highways Agency. On 1 April 2015, the Highways Agency became a government-owned Strategic Highways Company, limited by shares, with the Secretary of State as sole shareholder. Highways England is the new company. It is established as the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the

Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.

- 1.7 London Borough of Hounslow is the local planning authority and council responsible for the area of Hounslow within Greater London.

Summary of the Scheme

- 1.8 The M4 is the main strategic route between London and the west of England, and on to South Wales. Major towns and cities along the M4 include London, Reading, Swindon, Bristol, Newport, Cardiff and Swansea.
- 1.9 The M4 between junctions 3 and 12 carries over 130,000 vehicles per day, and more in places. At peak times, traffic flows on many links are close to or exceed the total flow that the link is designed to handle. This causes heavy congestion on the M4, which can lead to unpredictable journey times.
- 1.10 The Scheme will help to relieve congestion by permanently converting the hard shoulder of the M4 to a running lane and using technology to vary speed limits and manage traffic. Signs and signals will be used to inform drivers of conditions on the highway network, when and where variable speed limits are in place, and when lanes are closed.
- 1.11 The Scheme is some 51 km (32 miles) in length and will have a number of principal elements:
 - 1.11.1 conversion of the hard shoulder to a permanent running lane and, where no hard shoulder is in place at present, the construction of a new lane. This will mainly take place between junction 4b and junction 8/9;
 - 1.11.2 replacement of overbridge structures where portals are too narrow to accommodate the improved motorway;
 - 1.11.3 extension of underbridges and other structures such as culverts and subways to accommodate the improved motorway;
 - 1.11.4 changes to junctions and slip roads needed to accommodate traffic joining and leaving the improved motorway, and to allow use of the hard shoulder as a running lane, as well as allowing "through junction running" ("TJR");

1.11.5 provision of new gantries and signs to allow the motorway to function as a smart motorway with a variable speed limit, and to provide messages to road users; and

1.11.6 other infrastructure needed for the improved motorway, such as Emergency Refuge Areas (“ERAs”), enhanced communication systems, closed circuit television (“CCTV”) and electrical supplies, as well as works to accommodate statutory undertakers' apparatus and other parties who may be affected by the Scheme.

1.12 The works are more particularly described in Part 1 of Schedule 1 of the Draft DCO (Application Document Reference 3.1).

1.13 The Application was submitted to the Planning Inspectorate on 30 March 2015, and the Planning Inspectorate, on behalf of the Secretary of State, accepted the Application on 27 April 2015.

Structure of this Statement of Common Ground

1.14 This SoCG has been prepared for the purposes of the Examination to be held by the Secretary of State in accordance with PA 2008. In this SoCG, Highways England has provided a summary of its assessment for each issue addressed, as recorded in the Application documentation and subsequent reports.

1.15 Throughout this SoCG the phrase “It is agreed.....” is used as a precursor to any point of agreement that has been specifically stated to be agreed between (1) the Applicant and (2) London Borough of Hounslow. The phrase “It is not agreed...” is used as a precursor to any point that (1) the Applicant and (2) London Borough of Hounslow, wish to state as clearly not yet agreed. Points that are “not agreed” will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

1.16 This SoCG considers the items raised by London Borough of Hounslow in their Planning Act 2008 Section 42 consultation response on the Application (in the absence of a relevant representation). The SoCG has also been drafted having regard to the list of principal issues set out at Annex B of the Examining Authority's Rule 6 letter dated 7 August 2015. However, only the principal issues of concern to London Borough of Hounslow are addressed in this SoCG. Any of the principal issues identified which are not specifically referenced in this SoCG are to be taken to be agreed between the

parties.

1.17 This SoCG considers the following items:

1.17.1 Air quality impacts during construction; and

1.17.2 Local operational air quality impacts (Opening Year, 2022).

1.18 This SoCG considers data and assesses them in respect of the above topics and the methodologies set out in:

1.18.1 The Environmental Statement ("ES") (Application Document Reference 6.1).

1.19 Where items in the ES (Application Document Reference 6.1) and/or the accompanying technical reports are agreed, this is stated with the relevant document reference. [Where items of data are new or represent an agreed variation presented in a technical report or other document, then a list of those documents is provided in Appendix 1 to this SoCG.]

1.20 The assessments include a combination of desk based studies, site investigations and technical assessment work. The ES (Application Document Reference 6.1) sets out mitigation and remedial measures where appropriate, concluding with a summary of the residual effects following mitigation. The mitigation referred to in the ES (Application Document Reference 6.1) has been refined and enhanced during the course of the Examination as set out in this SoCG and Highways England's submissions to the Examining Authority.

2 Overview of Previous Engagement

2.1 A summary of key meetings, workshops and consultation undertaken between (1) Highways England and (2) London Borough of Hounslow can be found in the following tables:

Table 2.1.1: Pre-application Engagement

Date	Form of Contact	Summary
10 March 2014	Invitation to attend a Preview Public Information Exhibition, to be held on 18 March 2014	Invitation to a Preview Public Information Exhibition as part of initial stakeholder engagement and information exercise
18 March 2014	Preview Public Information Exhibition	London Borough of Hounslow did not attend
29 April 2014	Email from Highways Agency to arrange a pre-application meeting with London Borough of Hounslow	Meeting proposed to discuss the current progress of the Scheme and the Statement of Community Consultation
12 June 2014	Pre-application meeting between Highways Agency and London Borough of Hounslow	Purpose of meeting was to provide an outline of the Scheme scope, design and operational features, timelines for the DCO and planned commencement of construction, including the issuing of the draft Statement of Community Consultation and public consultation exhibitions prior to submitting the DCO. Request for CD containing Public Information Exhibition Materials
8 July 2014	Email response from Highways Agency to request for information made by London Borough of Hounslow at pre-application meeting held on 12 June 2014	CD containing public information exhibition display boards and plans
9 July 2014	Letter from Highways Agency requesting	Request for suitable dates when Highways Agency

Date	Form of Contact	Summary
	suitable dates for a pre-application notification meeting to discuss the Scheme proposals	could meet with London Borough of Hounslow during July and August 2014 to discuss the Scheme proposals and the local planning authority's involvement in the DCO process
8 August 2014	Invitation to attend an Environmental Information Workshop – Scoping (1), to be held on 20 August 2014	Invitation to an information meeting to discuss the Environmental Impact Assessment (“EIA”) Scoping Report
20 August 2014	Environmental Information Workshop – Scoping (1)	London Borough of Hounslow did not attend
1 September 2014	Invitation to attend an Environmental Information Workshop – Scoping (2), to be held on 12 September 2014	Invitation to an information meeting to discuss the EIA Scoping Report
5 September 2014	Scoping Opinion Response	<p>Noted that the London Borough of Hounslow was scoped out of the air quality assessment. However, as the whole borough is declared an Air Quality Management Area, it was requested that the parts of the Scheme within the borough be included in all air quality assessments. Similarly, London Borough of Hounslow believed it necessary to include the relevant parts of the borough in the other assessments that are to be undertaken, particularly in relation to noise and vibration.</p> <p>In addition to the use of the proposed air quality significance criteria, London Borough of Hounslow requested that the criteria outlined within “London Councils’ Air</p>

Date	Form of Contact	Summary
		quality and Planning Guidance” is also applied and reported within the Environmental Impact Assessment.
12 September 2014	Environmental Information Workshop – Scoping (2)	London Borough of Hounslow did not attend
3 October 2014	Formal Issue of Draft Statement of Community Consultation for review under Section 47 of the Planning Act 2008	<p>Formal consultation on Draft Statement of Community Consultation.</p> <p>No formal response received, although the draft Statement of Community Consultation was discussed during the pre-application meeting held on 29 October 2014 (see below). At this meeting, a public exhibition and deposit point location in Hounslow were suggested. In response, an additional public exhibition was held at Heston Imperial Sports Ground, and an additional deposit point location was agreed at Cranford Library, Hounslow.</p>
17 October 2014	Letter from Highways Agency requesting completion of land ownership confirmation questionnaire	Questionnaire to obtain confirmation that the details previously provided regarding the Scheme are still valid and to offer the opportunity to provide any updates
29 October 2014	Pre-application planning meeting between Highways Agency and London Borough of Hounslow	Meeting held to discuss Scheme proposals, public consultation and planning support
30 October 2014	Email from London Borough of Hounslow to Highways Agency	Follow up email from the meeting held on 29 October 2014 regarding pre-application planning

Date	Form of Contact	Summary
		meeting and Statement of Community Consultation
10 November 2014	Planning Act 2008 Section 47 Notification Letter	Details of the pre-application consultation to be held between 10 November and 21 December 2014
10 November 2014	Planning Act 2008 Section 42: Notice of statutory Pre-application consultation period	Notification of the formal pre-application consultation between 10 November and 21 December 2014 about the Scheme in accordance with Section 42 of the Planning Act 2008. Delivery of the Preliminary Environmental Information Report and Non-Technical Summary
1 December 2014	Email from Highways Agency to London Borough of Hounslow regarding a proposed construction compound	Discussions regarding the proposed construction compound within London Borough of Hounslow's land for inclusion in the DCO Application
3 December 2014	Letter requesting information on cumulative developments	Request for details on relevant developments within 1km of the Scheme
8 December 2014	Email request for Local Plan information	Request for information on allocated sites within the Local Plan within 1km of the Scheme.
10 December 2014	Response to request for Local Plan information	Link provided to Local Plan
12 December 2014	Letter requesting planning history of land	Request for planning history of the land within or immediately adjoining the Order limits
12 December 2014	Repeat letter requesting information on cumulative developments (originally requested 3 December 2014)	Request for details on relevant developments within 1km of the Scheme

Date	Form of Contact	Summary
15 December 2014	Planning Act 2008 Section 42 Consultation Response	London Borough of Hounslow reserved their position in relation to air quality pending further consultation. It was noted that the magnitude of change in NO ₂ concentrations at sensitive receptors between junctions 3 to 1 of the M4 was predicted to be small at one receptor (X617) which was predicted to be above the annual mean objective value with the Scheme in place. Further time was requested to consider the impacts in relation to receptor X617 and to talk again to the team who undertook this work. London Borough of Hounslow sought assurances regarding the nature of the increase in nitrogen dioxide concentration and possible mitigating steps if necessary
6 January 2015	Invitation to attend an Environmental Information Workshop – Preliminary Environmental Information Report, to be held on 20 January 2015	Invitation to an information meeting to discuss the Preliminary Environmental Information Report
7 January 2015	Repeat email from Highways Agency regarding a proposed construction compound and planning history (originally requested 1 December 2014)	Repeat email and email response from London Borough of Hounslow providing location of suggested compound
15 January 2015	Email query from London Borough of Hounslow regarding the request for information on cumulative developments (originally requested 3 December 2014)	London Borough of Hounslow requested confirmation of the study area required

Date	Form of Contact	Summary
20 January 2015	Environmental Information Workshop – Preliminary Environmental Information Report	London Borough of Hounslow did not attend
3 February 2015	Email response to London Borough of Hounslow's email of 15 January 2015	Confirmation of study area required for information on cumulative developments
11 February 2015	Email requesting confirmation of viewpoints proposed for the ES	Clarification requested that the viewpoints selected for the Preliminary Environmental Information Report are acceptable, and therefore can be used for the purposes of the ES. No response received
19 February 2015	Letter from Highways Agency requesting confirmation of Interests	Request for confirmation that the information about the London Borough of Hounslow held by Highways Agency was correct at the time of writing as outlined in the Book of Reference. Request for confirmation of information by 27 February 2015. No response received

Table 2.1.2: Post-application Engagement

Date	Form of Contact	Summary
1 April 2015	Email from London Borough of Hounslow	Confirmation that the local consultation has been adequate given the apparent limited impact arising from the Scheme on London Borough of Hounslow's area
1 May 2015	Repeat email request for planning history of land (originally requested 12 December 2014)	Request for planning history of the land within or immediately adjoining the Order limits

Date	Form of Contact	Summary
3 May 2015	Email response from London Borough of Hounslow to email of 1 May 2015	Provision of an alternative contact for obtaining planning history of land
14 May 2015	Repeat email request for planning history of land (originally requested 12 December 2014)	Request for planning history of the land within or immediately adjoining the Order limits
14 May 2014	Email response from London Borough of Hounslow to email of 14 May 2015	Confirmation from London Borough of Hounslow that this request will be looked into soon
22 May 2015	Email request from Highways England for Statement of Common Ground ("SoCG") meeting dates	Requested availability for a number of potential meeting dates in June 2015 to discuss the draft SoCG
26 May 2015	Repeat email request for planning history of land (originally requested 12 December 2014)	Request for planning history of the land within or immediately adjoining the Order limits
27 May 2015	Email from Highways England providing preview of Section 56 notice template to landowners	Copy of the Section 56 letter sent to the relevant local planning authorities for information and advising where application documents are available for inspection
27 May 2015	Email from Highways England to London Borough of Hounslow	Request to establish if further information is required to progress communication in relation to the Scheme and in reaching a SoCG
28 May 2015	Section 56 notice of acceptance of an application for a Development Consent Order	Copy of the Section 56 letter sent to the relevant local planning authorities for information
29 May 2015	Telephone call requesting planning history of land (originally requested 12 December 2014)	Request for planning history of the land within or immediately adjoining the Order limits.

Date	Form of Contact	Summary
		London Borough of Hounslow advised that a timescale for responding would be given by close of play 29 May 2015.
3 June 2015	Telephone call requesting planning history of land (originally requested 12 December 2014)	Request for planning history of the land within or immediately adjoining the Order limits. London Borough of Hounslow advised the request was still to be actioned and would be actioned as soon as possible.
5 June 2015	Repeat email request from Highways England for SoCG meeting dates (originally requested 22 May 2015)	Requested availability for a number of potential meeting dates in June 2015 to discuss the draft SoCG
8 June 2015	Letter from Highways England regarding freehold land interests – property negotiation	Requesting confirmation whether London Borough of Hounslow is willing to enter into negotiating terms relating to the purchase of land
9 June 2015	Email response from London Borough of Hounslow to the request from Highways England for SoCG meeting dates	London Borough of Hounslow feel they have a good understanding of the Scheme and its implications for Hounslow, so do not feel a SoCG meeting is required
16 June 2015	Repeat email from Highways England to enquire if any additional information is required (originally requested 27 May 2015)	Request to establish if further information is required to progress communication in relation to the Scheme and in reaching a SoCG. Confirmation from London Borough of Hounslow that no SoCG meeting is required
29 July 2015	Repeat letter from Highways England regarding freehold land	Requesting confirmation whether London Borough of Hounslow is willing to

Date	Form of Contact	Summary
	interests – property negotiation (originally requested 8 June 2015)	enter into negotiating terms relating to the purchase of land
29 July 2015	Letter from Highways England regarding leasehold land interests – property negotiation	Requesting confirmation whether London Borough of Hounslow is willing to enter into negotiating terms relating to the purchase of land
11 September 2015	Email from Highways England to London Borough of Hounslow	Issue of the draft SoCG
24 September 2015	Email from Highways England to London Borough of Hounslow	Seeking progress up date from London Borough of Hounslow on their review of the draft SoCG
24 September 2015	Email from London Borough of Hounslow to Highways England	Confirmed that London Borough of Hounslow are happy with the draft SoCG and have no comments to make
25 September 2015	Email from Highways England to London Borough of Hounslow	Issue of amended SoCG and request regarding potential for addressing outstanding air quality issues in ‘matters not agreed’
25 September 2015	Email from London Borough of Hounslow to Highways England	Confirmed that London Borough of Hounslow’s environmental strategy team retain concerns on air quality
30 September 2015	Email from Highways England to London Borough of Hounslow	Seeking confirmation of air quality issues from London Borough of Hounslow’s environmental strategy team
1 October 2015	Email from London Borough of Hounslow to Highways England	London Borough of Hounslow’s environmental strategy team provided details of their outstanding concerns and desire to hold a meeting to discuss

Date	Form of Contact	Summary
5 and 6 October 2015	Email discussion between Highways England to London Borough of Hounslow	Arrangements to hold a meeting at London Borough of Hounslow's offices on 7 September 2015 to discuss air quality issues
7 October 2015	Meeting between Highways England to London Borough of Hounslow	Meeting held to discuss the specific air quality issues raised by London Borough of Hounslow's environmental strategy team
7 October 2015	Email from Highways England to London Borough of Hounslow	Issue of amended SoCG

2.2 It is agreed that this is an accurate record of the key meetings, workshops and consultation undertaken between (1) Highways England and (2) London Borough of Hounslow, in relation to the issues addressed in this SoCG.

3 Matters Agreed

3.1 Air Quality Impacts during Construction

3.2 The London Borough of Hounslow previously raised concerns about the effects of construction works on air quality within its boundaries.

3.3 Following consultation between the parties, it is now agreed that as there are very few construction works to be undertaken as part of the Scheme within the London Borough of Hounslow, there will be only *de minimis* or imperceptible impacts (if any) on air quality within the borough during the construction period (refer to paragraphs 6.13.8 - 6.13.9 of the ES) (Application Document Reference 6.1) and the London Borough of Hounslow is content to withdraw those earlier concerns.

3.4 The relevant construction works are two signs and one gantry which are to be constructed near to Junction 3 within the London Borough of Hounslow's boundary.

3.5 Air Quality Impacts during Operation

3.6 The London Borough of Hounslow previously raised concerns about the effects of increased traffic flows as a result of the Scheme on air quality within its boundaries.

3.7 Following discussion between the parties, it is now agreed that the traffic flows have been appropriately assessed and further that the air quality assessment undertaken by Highways England based on those traffic flows has been undertaken in full accordance with the standards and guidance required and as reported in the Environmental Statement.

3.8 DCO Requirements

3.9 The London Borough of Hounslow has reviewed the draft requirements in Schedule 2 to the draft DCO and agrees that they are appropriate to secure the mitigation and other matters to be addressed in that Schedule.

4 Matters Not Agreed

- 4.1 The following matters are not yet agreed and are subject to on-going discussion between Highways England and London Borough of Hounslow.
- 4.2 Local Operational Air Quality Impacts (Opening Year, 2022)
- 4.3 The London Borough of Hounslow has raised some concerns regarding the assessment for receptor X617 ('Wallis House', part of the 'Great Western Quarter' development).
- 4.4 The Highways England position is that following the air quality modelling undertaken for the Preliminary Environmental Information Report, issued in November 2014, Wallis House (receptor X617) was anticipated to experience a small worsening in air quality and to have annual mean concentrations of NO₂ that were above the objective value in the Opening Year (2022). Further air quality modelling of Wallis House (receptor X617), utilising up-to-date plans of the building, has been undertaken to inform the ES, and these updated results are presented in paragraphs 6.14.16 and 6.14.25 of the ES (Application Document Reference 6.1). However, the modelling point representing Wallis House (receptor X617) has not been subject to further modelling as the up-to-date plans of the building show that this section of Wallis House (receptor X617) is not sensitive to changes in air quality. Additional receptor points were modelled on areas of Wallis House that are sensitive to changes in air quality (e.g. residential units).
- 4.5 Highways England therefore considers that this further air quality modelling has concluded that all air quality sensitive receptors in the Brentford area, including those in Wallis House (receptor X617) and the Great Western Quarter, are predicted to experience imperceptible increases in annual mean NO₂ concentrations (0.4 µg/m³ or less) (refer to paragraph 6.14.25 of the ES (Application Document Reference 6.1) and Appendix 6.6 (Application Document Reference 6.3)). Further details and an explanation of the approach taken at these locations were also provided to the London Borough of Hounslow at a meeting held on 7 October 2015.
- 4.6 Further information concerning the Design Manual for Roads and Bridges (DMRB) air quality assessment approach utilised in the air quality assessment and the evaluation of significance for air quality was provided in a presentation to the London Borough of Hounslow on 7 October 2015. Highways England confirmed that air quality mitigation measures and monitoring are not required for the Scheme, as there is no significant effect predicted for air quality due to the Scheme (see paragraph 6.2.44 of the ES) (Application Document Reference 6.1). The London Borough of Hounslow do not agree

that overall air quality effects of the Scheme are not significant based on London Council's Air Quality and Planning Guidance (Revised version – dated January 2007) and Policy EQ4 – 'Air Quality' contained within the Adopted Hounslow Local Plan (adopted 15 September 2015). The London Borough of Hounslow request that air quality mitigation measures and monitoring measures are considered. Whilst Highways England do not agree that air quality mitigation or monitoring measures are required, it is agreed that Highways England will explore the possibility of a trial using innovative air quality mitigation solutions (e.g. planting) and consider a provision to monitor potential increase in nitrogen dioxide (NO₂) concentrations.