

THE PLANNING ACT 2008

M4 (JUNCTIONS 3 TO 12) (SMART MOTORWAY) DEVELOPMENT CONSENT ORDER APPLICATION

PINS REFERENCE NO: TR010019

Position Paper on Statements of Common Ground Deadline II - 8 October 2015

Introduction

1. As part of the submission for Deadline II, Highways England has been asked to provide Statements of Common Ground ("SoCG") that have been concluded between Highways England and various parties, which are identified below. This document explains the current status of each SoCG.
2. The SoCG have been drafted based upon the concerns of interested parties as raised in the relevant representations and other consultation responses, and reflect on-going discussions between Highways England and the parties throughout the post-application and Examination process. As the SoCG explain in each case, the SoCG have 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 the party with whom the SoCG is being agreed are addressed in the SoCG. Any of the principal issues identified, which are not specifically referenced in the SoCG, are to be taken to be agreed between the parties.
3. Where possible, Highways England has sought to agree matters in the SoCG. However, in certain cases there are issues which remain to be agreed between the parties. Where there are issues in the SoCG which have not yet been agreed between the parties, Highways England will continue to liaise and negotiate with the interested parties throughout the Examination to resolve those remaining concerns, and will update the Examining Authority accordingly.
4. An explanation is provided below as to the status of the SoCG. In some cases, signed SoCG have been concluded. In certain cases, the SoCG that are the subject of this submission are still in draft form. Where that is the case, Highways England will provide the Examining Authority with signed versions when these have been concluded with local authorities and

statutory nature conservation and other bodies in due course. However, at this staged drafts are not provided.

Statements of Common Ground

Local Authorities

5. **Slough Borough Council** - A draft SoCG was submitted to Slough Borough Council on 14 September 2015. Following receipt of the draft SoCG, Slough Borough Council sought additional information from Highways England, which was provided. Highways England sought a response from Slough Borough Council on the draft SoCG and was told by the Council on 8 October 2015 that it was working on completing its Local Impact Report ("**LIR**") in respect of the Scheme and would provide comments on the SoCG once the LIR had been submitted. Highways England will keep the Examining Authority updated on the progress with the SoCG with Slough Borough Council and hopes to be able to provide the Examining Authority with a signed SoCG shortly. Highways England will update the ExA on its progress in this respect by Deadline III.
6. **Buckinghamshire County Council ("**BCC**")** - A draft SoCG was submitted to BCC for its review on 13 September 2015. No immediate response was received from BCC, so an email chasing a response was sent by Highways England on 24 September 2015. A response was received from BCC on 25 September 2015 confirming that it had received the draft SoCG and intended to issue a revised draft on 2 October 2015, that revised draft was subsequently provided on that same date. Highways England is currently considering the amendments proposed by BCC with a view to submitting a revised draft SoCG for BCC's approval. Highways England will keep the Examining Authority updated on the progress with the SoCG with BCC and hopes to be able to provide the Examining Authority with a signed SoCG shortly. Highways England will update the ExA on its progress in this respect by Deadline III.
7. **The London Borough of Hillingdon** - A draft SoCG was sent to the London Borough of Hillingdon on 14 September 2015. A subsequent meeting to progress this SoCG was held between Highways England and the London Borough of Hillingdon on 21 September 2015. Prior to and following this meeting, Highways England continued to engage with the London Borough of Hillingdon, providing information which seeks to address the Council's concerns. The London Borough of Hillingdon provided an amended version of the SoCG at 14:30 on 8 October 2015, being the date for submission of the SoCG as part of Deadline II. The changes to the draft SoCG are extensive and include revisions to the original wording, which also

purports to amend Highways England's own position. It is not possible in the time available to review the amendments made by the London Borough of Hillingdon or provide a response to both the Council and the ExA on the updated draft. Highways England notes that the London Borough of Hillingdon will be submitting its LIR on 8 October 2015 as part of Deadline II, which is assumed will detail its concerns further. Highways England will review the amendments proposed by the London Borough of Hillingdon and will continue to work with the London Borough of Hillingdon to produce a signed SoCG. Highways England will update the ExA on its progress in this respect by Deadline III.

8. **South Bucks District Council** - A SoCG signed by both parties on 8 October 2015 is provided.
9. **West Berkshire District Council** - A SoCG signed by both parties on 8 October 2015 is provided.
10. **The London Borough of Hounslow** - A SoCG signed by both parties on 8 October 2015 is provided.
11. **Wokingham Town Council** - A SoCG signed by both parties on 8 October 2015 is provided.
12. **Wokingham Borough Council** - A draft SoCG was provided to Wokingham Borough Council on 13 September 2015. Additional information was requested by Wokingham Borough Council, which was provided to the Council by Highways England. Initial comments were received from Wokingham Borough Council on 25 September and 1 October 2015. A revised draft of the SoCG was sent to Wokingham Borough Council on 1 and 2 October 2015. Further comments were provided by Wokingham Borough Council on 5 and 6 October 2015. Highways England is currently considering the amendments proposed by Wokingham Borough Council with a view to submitting a revised draft SoCG for the Council's approval. However, Highways England notes that comments have not been received from Wokingham Borough Council on all matters addressed in the SoCG. A meeting is proposed between the parties in the coming weeks to discuss the Council's concerns in relation to archaeology. Highways England will keep the Examining Authority updated on the progress with the SoCG with BCC and hopes to be able to provide the Examining Authority with a signed SoCG shortly. Highways England will update the ExA on its progress in this respect by Deadline III.
13. **Royal Borough of Windsor and Maidenhead ("RBWM")** - The SoCG was drafted based upon the relevant representations submitted by RBWM and provided for its consideration on 11 September 2015. Following a subsequent follow up email, a response note was received

from RBWM on 29 September 2015. The status of the note is not clear and whether those matters that are not addressed in the response note, are now agreed between the parties. Highways England has sought an explanation from RBWM on multiple occasions, but has received no response. Highways England will keep the Examining Authority updated on the progress with the SoCG with RBWM and hopes to be able to provide the Examining Authority with a signed SoCG shortly.

14. **Earley Town Council** - A signed version of the SoCG is provided. This shows tracked changed text requested by Earley Town Council, in relation to one matter which is not agreed. Earley Town Council returned the signed SoCG to Highways England on 8 October 2015. However, this draft did not have the words 'Without Prejudice' removed. An email from Earley Town Council is provided with the SoCG that confirms that it has agreed the draft as submitted. A clean, signed version of the SoCG will be provided in due course.
15. **Bracknell Forest Council** - A SoCG signed by Highways England on 18 September 2015 and Bracknell Forest Council on 19 September 2015 is provided.
16. **The London Borough of Hammersmith and Fulham ("LBHF")** - A draft SoCG was sent to LBHF on 11 September 2015. LBHF wrote to Highways England by email dated 30 September 2015 confirming that it was content with the draft SoCG provided. Despite numerous attempts by Highways England to obtain a signed version of the draft SoCG from LBHF, no response has been received. Highways England will continue to seek a signed version of the draft SoCG, and will provided it to the Examination in due course. Highways England will update the ExA on its progress in this respect by Deadline III.
17. **Transport for London ("TfL") and the Greater London Authority ("GLA")** - A draft SoCG was sent to the GLA and TfL on 11 September 2015. The GLA and TfL Wrote to Highways England by email dated 8 October 2015 agreeing the draft SoCG. However, a signed SoCG was not provided with that email. Highways England will continue to seek a signed version of the draft SoCG, and will provided it to the Examination in due course. Highways England will update the ExA on its progress in this respect by Deadline III.
18. **Reading Borough Council** - A SoCG signed by both parties on 8 October 2015 is provided. Reading Borough Council returned the signed SoCG to Highways England on 8 October 2015. However, this draft did not have the 'Draft' watermark or the words 'Without Prejudice' removed. An email from Reading Borough Council is provided with the SoCG that confirms that it has agreed the draft as submitted. A clean, signed version of the SoCG will be provided in due course.

Statutory Nature Conservation and Other Bodies

19. **Environment Agency ("EA")** - Highways England provided the EA with a draft SoCG on 13 September 2015. Highways England wrote to the EA on 16 September 2015 requesting a meeting to discuss the draft SoCG. That meeting took place on 25 September 2015. Prior to, and following, that meeting, various pieces of information were provided to the EA to inform its consideration of the draft SoCG. Initial comments on the draft SoCG were provided by the EA on 2 October 2015. Further information was provided by Highways England in response to those comments, which led to a revised draft of the SoCG being provided by the EA on 8 October 2015. It is not possible in the timeframe provided to fully review the amendments made by the EA or provide a response to both the EA and the Examining Authority on the updated draft SoCG. Highways England will keep the Examining Authority updated on the progress with the SoCG with the EA and hopes to be able to provide the Examining Authority with a signed SoCG shortly. Highways England will update the ExA on its progress in this respect by Deadline III.
20. **Historic England** - A signed SoCG between Highways England and Historic England is provided. Please note that Historic England has mistakenly dated the document 9 October 2015.
21. **Natural England** - A signed SoCG between Highways England and Natural England, dated 7 October 2015 is provided.
22. **Public Health England** - A draft SoCG was sent to Public Health England on 13 September 2015. However, Public Health England have responded by letter dated 8 October 2015, to state that it prefers to provide comments in the form of a letter rather than a SoCG. That letter is provided.

DLA Piper UK LLP

On behalf of Highways England

8 October 2015