

TONY MASSINGHAM

WRITTEN REPRESENTATION

HIGHWAYS ENGLAND'S RESPONSE

General

1. Mr Massingham has written a series of letters, which are addressed in this single written representation.

Highways England Comment

- 1.1 Highways England has reviewed each of Mr Massingham's letters. He raises a number of points in each of the letters, many of which do not require a direct response from Highways England.
- 1.2 Highways England has noted all of Mr Massingham's comments, and a response to each letter is provided here. Highways England assumes that the Secretary of State will have regard and give appropriate weight to Mr Massingham. In this response to Mr Massingham's written representation, Highways England has extracted and responded only to the issues raised which Highways England considers require a specific response in respect of the Scheme.

Letter dated 11 August 2015

2. *Mr Massingham states that the “applicant does not appear to have been apprised of a major shift in what may be necessary between junctions 3 to 5 on the M4 and the M4/M25 junctions by the Examining Authority”*

Highways England Comment

- 2.1 Highways England assumes that this is a reference to the proposed project for the upgrade of the section of the M25 from J10 to 16 which was announced in December 2014 and is detailed in the Highways England Delivery Plan 2015 to 2020 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/424467/DSP2036-184_Highways_England_Delivery_Plan_FINAL_low_res_280415.pdf).
- 2.2 Highways England will be the applicant for the M25 project. That project is currently at an early stage in the design process, during which the options for the project are being evaluated.
- 2.3 At the time the Scheme's traffic modelling and environmental assessment was prepared, the M25 J10 to 16 project had not been confirmed by the Government, and it so was not considered as part of the assessment of the Scheme (a list of schemes considered in the traffic modelling is contained in table 3.1 of section 3.2 of the Traffic Forecasting Report (Appendix 1 of Highways England's Response to Relevant Representations provided for Deadline I).
- 2.4 If the M25 J10-16 project proceeds, that project will need to take account of the Scheme in its modelling and assessment appraisal.

Letter dated 18th August 2015

3. *Mr Massingham encloses a Cassini map of the location plan and questions the legal status of the B470 Major Park Road and Riding Court Road.*
4. *Mr Massingham states that the B470 land ownership is vested in the Crown whilst the Crown, as abutting owner, owns the land to the centre of Riding Court Road. He also states that although the Queen Mother Reservoir abuts the B470, the middle of the highway situation does not apply in the case.*

Highways England Comment

- 4.1 Highways England has assumed that the reference to "B470 Majors Park Road" is a reference to Majors "Farm" Road. The current layout of Majors Farm Road consists of a single lane in each direction with a wide area of approximately one lane hatched out between the two lanes. The current layout of Riding Court Road is a single lane in each direction with no hatched central area.
- 4.2 Details of the land ownership in the Majors Farm Road and Riding Court Road area are shown on drawing TR010019 – 2.2 sheets 24 and 25, and in the Book of Reference (Application document reference 4.3). Majors Farm Road and Riding Court Road are both recorded with the Royal Borough of Windsor and Maidenhead, and Slough Borough Council (for their sections of the roads respectively) as highway maintainable at public expense with their details summarised below:

Majors Farm Road

Description	Plot No	BoR Freehold Interests	Comments
Public road, footway and verges (Major's Farm Road, B470) and cycle path and public footpath (no DATC/7/2) and footbridge carrying public footpath (no DATC/7/1) over same and gas governor	24-37	Highways England Company Limited	
		The Royal Borough of Windsor and Maidenhead	As highway authority for the B470 and owner of footbridge
Public road, footway, verges and drain (Major's Farm Road, B470)	25-11	Highways England Company Limited	

and cycle path and public footpath (no DATC/7/2)		The Royal Borough of Windsor and Maidenhead	As highway authority for the B470
Public road and verge (Major's Farm Road, B470)	25-15	Highways England Company Limited	
		Slough Borough Council	As highway authority for the B470
Public road, footway, verges, cycle path, public footpath (no 9) woodland and drains (Major's Farm Road, B470)	25-19	Highways England Company Limited	
		Slough Borough Council	As highway authority for the B470

Riding Court Road

Description	Plot No	BoR Freehold Interests	Comments
Public road, footway and verges (Riding Court Road)	24-27	Highways England Company Limited	
		The Royal Borough of Windsor and Maidenhead	As highway authority
Public road, footway, verges and drains (Riding Court Road)	24-34a	Highways England Company Limited	
		The Royal Borough of Windsor and Maidenhead	As highway authority
Public road, footway, verges and drains (Riding Court Road) and public footpath (no DATC/7/1)	24-34	Highways England Company Limited	
		The Royal Borough of Windsor and Maidenhead	As highway authority and owner of footbridge
Public road, footway and verges	25-01	Highways England Company	

(Riding Court Road)		Limited	
		The Royal Borough of Windsor and Maidenhead	As highway authority
Public road, roundabout and hardstanding (Riding Court Road)	25-02	Taylor Wimpey Developments Limited	
		The Royal Borough of Windsor and Maidenhead	As highway authority

5. *Mr Massingham states "On Saturday 15th August, I visited Windsor Public Library to inspect Heathrow's consultation documentation which was not available and at the same time I was told that all the M4 material had been removed on Friday 14th August 2015".*

5.1 As detailed in the Section 56 notice dated 28 May 2015 (copy attached in Appendix A), a copy of the Application form and its accompanying documents, plans and maps (including the draft development consent order and the Environmental Statement) were made available at various locations, including Windsor Library, until 10 July 2015. During this time the Application documents were also available on line via the Planning Inspectorate's website.

5.2 The documents were deposited on 26 May 2015 and checked on 10 June, 23 June and 10 July 2015 during which all the documents that accompanied the notice were confirmed to be complete. There was no requirement to have documentation in place on the 15 August as this is over a month after the date detailed in the Section 56 notice.

5.3 Even after the documents had ceased to be on deposit they remained available via the Planning Inspectorate's website. They were also available via the address detailed on the section 56 notice which stated *"Copies of all the Application documents may be purchased using the contact details at the end of this notice. An electronic copy of the full suite of Application documents on DVD can be obtained free of charge, and a paper copy can be obtained for a charge of £4,088.00. Postal charges will also apply. Paper copies of individual documents are also available on request and a charge may apply."*

5.4 The current availability of examination documents is as set out at Annex A to the Examining Authority's Rule 8 letter dated 11 September 2015 (a copy of which is

provided at Appendix B to this response).

6. *Mr Massingham states that it is necessary to stop up the east bound entry slip at junction 5 by Langley. He also suggests that the existing M4 should be changed to make the B470 into the westbound carriageway. Mr Massingham continues, and suggests building a bridge or a tunnel to allow vehicles travelling along the B470 at present to enter the M4 eastbound, noting that while the bridge or tunnel is being constructed M4 traffic can be temporarily diverted onto the widened B470 to allow the underpass or bridge to be completed*

Highways England Comment

- 6.1 Highways England has considered the various suggestions regarding use of the B470.
- 6.2 The use of the B470 as the westbound carriageway of the M4 would introduce an unnecessary curve into a currently straight alignment and would require potentially significant additional new carriageway construction to move over the carriageway in this area until the point it connected back into the existing alignment (increasing costs, disruption and environmental impact). The proposed realignment may also affect one of the support pillars to the existing footbridge above the M4/B470 and therefore require the provision of a replacement footbridge (again increasing cost and disruption).
- 6.3 The provision of a tunnel from the B470 to the M4 eastbound carriageway may assist eastbound traffic on the B470 wishing to join the Eastbound M4. However, it would require significant additional cost, greater traffic disruption and increased HGV movements to remove the resulting spoil. Whatever alternative construction sequence was chosen would require multiple phases and associated major temporary works (leading to significant additional cost, disruption and environmental impact).
- 6.4 The suggested alternative of a bridge from the B470 to the M4 eastbound carriageway has similar problems to the tunnel but would cause additional visual impact issues and additional cost.
- 6.5 The suggested closure of the current eastbound entry slip road with a connection only provided for eastbound B470 traffic makes no facility for traffic from the A4 (London Road) which is the major route at this interchange. This would cause deterioration in the current available links for A4 traffic and deteriorate route options for local

businesses.

- 6.6 In summary, the proposed alternatives are all unsuitable as they would increase cost, environmental impact, disruption during construction and not serve the existing key traffic movements in the area.

Letter dated 20 August 2015:

7. *Mr Massingham refers to the landing path of Heathrow's 3rd runway, which passes directly over the M4 where the footbridge needs to be extended over the B470.*

Highways England Comment

- 7.1 Highways England confirms that there are no proposals to extend the footbridge that passes over the M4 and B470. Details of the other works in the area of the footbridge are shown on work plan sheet 24 of drawing TR010019-2.3.
- 7.2 Highways England notes the reference to Heathrow Airport. The recommendations of the Airports Commission concerning a possible third runway at Heathrow are under consideration by the Government, and no application for consent to construct the proposed third runway has been made. Heathrow is one of two locations where additional airport capacity was considered and as such, pending a decision by the Government, it cannot be regarded as committed. Accordingly, the proposal is not considered to be reasonably foreseeable and so was not included within the cumulative impact assessment for the Scheme. Any application for the construction of the third runway will be required to take the Scheme into account when assessing the impact of their proposals.
8. *Mr Massingham suggests that the footbridges should become toll booth stations (which are not part of London Congestion Charge) as part of the low emission zone, and states that the primary purpose of introducing 2 way toll booths is to reduce traffic speeds and possibly air pollution especially of toxic chemicals.*

Highways England Comment

- 8.1 Highways England notes the suggestion to convert the footbridge into toll booths. There are no plans to introduce tolls on existing Highways England roads generally, or the M4 in particular. Therefore, this funding stream is not available to the Scheme, and has not been considered. However, it should be noted that one of the key benefits of smart motorways is the ability to smooth traffic flows by enforcing lower speed limits during busy periods to reduce the chance of a breakdown in traffic flow and the consequential increased emissions during congestion. Tolling using barrier technology has the opposite tendency.

Letter dated 21 August 2015:

9. *Mr Massingham suggests that the centreline of the landing path to the 3rd runway passes over the M4 / B470 footbridge.*

Highways England Comment

- 9.1 Highways England confirms that there are no proposals to extend the footbridge that passes over the M4 and B470. Details of the other works in the area of the footbridge are shown on work plan sheet 24 of drawing TR010019-2.3.
10. *Mr Massingham suggests that the Piccadilly Line could be extended under the M25 at ground level, skirting the bottom of the Queen Mother Reservoir. Similarly, Network Rail lines could be moved to the western skirt of the Queen Mother Reservoir at the M4/B470 footbridge. He also describes a plan whereby National Express coaches from the west pass through tolls and go around Junction 5 to go through the tolls to the platform. Mr Massingham suggests that if a link is created to Windsor as a shuttle, the level crossing will become obsolete.*

Highways England Comment

- 10.1 Highways England notes the suggestions regarding future alternative public transport schemes, although without further information it is not possible to comment in detail.
- 10.2 However, even with public transport improvements, improvements to the M4 motorway are still required to address the level of demand and the resulting congestion problems in this area. The most effective means of addressing current and future transport-related problems in the Thames Valley were considered in the Thames Valley Multi Modal Study ("TVMMS") (see the Planning Statement (Application Document Reference 7.1, paragraph 3.1.3). The Planning Statement (paragraph 3.1.11) records that "consideration was given to a range of potential multi-modal interventions (as set out in Government transport policy) to address the transport problems within the Thames Valley". It also notes (paragraph 3.1.13) that the proposed "strategy recognised that even with travel demand management and public transport enhancements in place, the overall magnitude of car-based demand would remain higher than now" and that "congestion will remain and, in specific areas, may intensify significantly, eroding some of the wider benefits delivered by a wider strategy".
- 10.3 Rail developments, including Crossrail and improvements to train capacity and frequency and other improvements to public transport are taken into account within

the traffic model for the Scheme, as described in section 3.1.2 of the Traffic Forecasting Report (Appendix 1 of Highways England's Response to Relevant Representations provided for Deadline I). Consideration of transport demand across modes within the forecasts has enabled the optimum transport solution to be developed which will address congestion on this section of motorway.

- 10.4 As noted above there are no plans to introduce tolls on existing Highways England roads and therefore this funding stream is not available to the Scheme, and has not been considered.

Letter dated 22 August 2015:

Highways England Comment

11. This letter concerns a planning application for 13 new houseboats under the landing path of the potential third runway at Heathrow. The issues raised concern that potential application, and it would not be appropriate for Highways England to comment on the issues raised.

Letter dated 25 August 2015:

Highways England Comment

12. This letter concerns the High Speed Rail (London to West Midlands) Bill (Additional Provisions) Petition. It does not appear relevant to the Scheme, and so Highways England does not propose to comment.

Letter dated 1 September 2015:

Highways England Comment

13. This letter concerns procedural matters raised by Mr Massingham and addressed to the Planning Inspectorate. As such, it would not be appropriate for Highways England to comment.

Letter dated 7 September 2015:

14. *Mr Massingham asks that consideration be given to a physically separate motorway for M25 traffic, and suggests using the A4 for this. He proposes a number of design solutions.*

Highways England Comment

- 14.1 Highways England notes the various suggestions of diverting the Colnbrook bypass in order to create a separate route from the Junction 4b (the junction of the M4 and M25) subject to the congestion charge for traffic heading towards Chiswick.
- 14.2 The modifications suggested appear to relate to the development of a third runway at Heathrow. The recommendations of the Airports Commission concerning a possible third runway at Heathrow are under consideration by the Government, and no application for consent to construct the proposals has been made. Heathrow is one of two locations where additional airport capacity was considered and so, pending a decision by the Government, it cannot be regarded as committed. As such, the proposal is not considered to be reasonably foreseeable and so was not included within the cumulative impact assessment for the Scheme. Any application for the construction of the third runway will be required to take the M4 improvement Scheme into account when assessing the impact of their proposals.
15. *Mr Massingham also recommends a number of Transport and Works Orders, including a canal, a tramway and a railway. Further, he recommends the relocation of RAF Northholt, the extension of HSI, moving the Central Line depot from West Ruslip to North Pole, the extension of tunnels under the Chilterns for HS2 and the extension of airport operations at Marsdon, Prestwick and Shannon.*

Highways England Comment

- 15.1 The suggested projects appear to relate to the proposed third runway at Heathrow rather than to the Scheme. However, even with public transport improvements, improvements to the M4 motorway are still required to address the level of demand and the resulting congestion problems in this area.
- 15.2 The most effective means of addressing current and future transport-related problems in the Thames Valley were considered in the Thames Valley Multi Modal Study ("TVMMS") (see the Planning Statement (Application Document Reference 7.1, paragraph 3.1.3). The Planning Statement (paragraph 3.1.11) states "that consideration was given to a range of potential multi-modal interventions (as set out

in Government transport policy) to address the transport problems within the Thames Valley". It also records (paragraph 3.1.13) that the proposed "strategy recognised that even with travel demand management and public transport enhancements in place, the overall magnitude of car-based demand would remain higher than now" and that "congestion will remain and, in specific areas, may intensify significantly, eroding some of the wider benefits delivered by a wider strategy".

15.3 Rail developments, including Crossrail and improvements to train capacity and frequency and other improvements to public transport are taken into account within the traffic model for the Scheme, as described in section 3.1.2 of the Traffic Forecasting Report (Appendix 1 of Highways England's Response to Relevant Representations provided for Deadline I). Consideration of transport demand across modes within the forecasts has enabled the optimum transport solution to be developed which will address congestion on this section of motorway.

16. *Mr Massingham requests written permission from Highways England to make use of the detailed drawings provided with the Application.*

Highways England Comment

16.1 Highways England confirms that Mr Massingham has permission to make use of Highways England's drawings for purposes related to the Examination.

First Letter dated 8 September 2015:

Highways England Comment

17. This letter concerns HS1 and HS2. It does not appear relevant to the Scheme, and so Highways England does not propose to comment.

Second Letter dated 8 September 2015:

Highways England Comment

18. This letter concerns HS2. It does not appear relevant to the Scheme, and so Highways England does not propose to comment.

Letter dated 9 September 2015:

Highways England Comment

19. This letter concerns a tramway between the train stations in Windsor. It does not appear relevant to the Scheme, and so Highways England does not propose to comment.

Letter dated 10 September 2015:

Highways England Comment

20. This letter concerns a proposed Transport and Works Order occasioned by the relocation of the Heathrow Express depot in relation to inland waterways. It does not appear relevant to the Scheme, and so Highways England does not propose to comment.

Letter dated 11 September 2015:

Highways England Comment

21. This letter concerns procedural issues and is directed to the Examining Authority. Highways England does not propose to comment.

Letter dated 16 September 2015:

22. The text of Mr Massingham's letter makes no reference to any matter which Highways England considers to be relevant to the Scheme, and details an exposition of the Construction (Design & Management) Regulations 2015.
23. The enclosures with the letter appear to be a hand drawn map of the M4 Junction 5, and detailed design drawings relating to the Heathrow Express.

Highways England Comment

- 23.1 Highways England proposed to address the drawing of M4 Junction 5, but this was difficult in the absence of explanatory text. The drawing appears to relate to the letter of 18 August 2015, to which Highways England has provided a response above. Highways England reiterates that the recommendations of the Airports Commission concerning a possible third runway at Heathrow are under consideration by the Government, and no application for consent to construct the proposed third runway has been made. Heathrow is one of two locations where additional airport capacity was considered and as such, pending a decision by the Government, it cannot be regarded as committed. As such, the proposal is not considered to be reasonably foreseeable and so was not included within the cumulative impact assessment for the Scheme. Any application for the construction of the third runway will be required to take the Scheme into account when assessing the impact of their proposals.

Letter dated 17 September 2015:

24. *Mr Massingham's letter concerns the M4/M25 interchange. He notes that his main concern is "the construction period and the detested 50 mph average speed which is totally ignored by HGVs tailgating". A further concern is raised that "[a]ny breakdown or frequent accidents are almost inaccessible by the emergency services.*

Highways England Comment

- 24.1 An overview of the access arrangements for the Scheme are contained in section 7.13 of the Engineering and Design Report (Application Document Reference 7.3) As detailed in paragraph 7.13.3, Traffic Management ("TM") will be required along the Scheme to provide the necessary work space required for the contractor, while maintaining safe conditions for drivers and construction workers. An Outline Construction Traffic Management Plan ("CTMP") is included in Annex E of the Construction Environmental Management Plan (Appendix 04-2A of the Environmental Statement).
- 24.2 Typically, TM would comprise narrow lanes with a speed restriction of 50mph separated from the working areas by a temporary barrier and a safety zone. For most of the construction period for each link, three lanes in each direction will be kept open for traffic. During the verge work phase the three lanes will be positioned over existing lanes 3, 2 and part of lane 1. During the central reserve works phase, the three lanes will be positioned over the existing hard-shoulder, lane 1 and part of lane 2. Similar arrangements will be used to maintain four lanes during works between junction 4b and junction 4. It is anticipated that speed enforcement measures will be required to ensure road user and road worker safety. This is likely to be in the form of temporary CCTV and average speed check ("SPECS"). The SPECS cameras will be required in each TM section, whilst temporary CCTV cameras will be installed approximately every 500m to ensure the efficient identification of breakdowns and management of incidents (reference paragraph 7.13.7, Engineering and Design Report).
- 24.3 Tailgating of HGVs is a recognised issue both in and out of roadworks and the contractor appointed to deliver the Scheme will work closely with the Police to determine methods to discourage this issue (eg signage, increased Police presence etc, (see paragraphs 2.2.1 and 2.4.1 of the CTMP)).
- 24.4 With regard to safety, The Scheme will deliver the additional capacity required,

without compromising safety. The Hazard Log report, Annex E of the Engineering and Design Report (Application Document Reference 7.4), outlines the hazard analysis work undertaken and leads to the conclusion that, the All Lane Running design of the Scheme is likely to be no worse in terms of safety performance (than the baseline). Annex E concludes that the Scheme can expect “A reduction in risk for 13 of the 17 highest scoring existing motorway hazards (i.e. those with a risk score of E08/S08 and above), due to a controlled environment being provided through a combination of regularly spaced [variable] mandatory speed signals, speed enforcement, and full CCTV coverage.”

- 24.5 In addition the Hazard Log Report states that “Calculations show that the total score for ‘after’ represents approximately a reduction of risk of 18% when compared with the safety baseline (no motorway incident detection and automatic signalling (MIDAS) queue protection).” It is noted that when comparing the predicted reduction in risk with the actual M4 J3-12 motorway with MIDAS (10% safety benefit compared to the baseline) the Scheme would still expect to see a reduction in risk of approximately 8%.
- 24.6 It is expected that the frequency of breakdowns in live lanes will be substantially less than the existing frequency of breakdowns on the hard shoulder, as a significant proportion of breakdowns will be able to get to an emergency refuge area ("ERA"). Discretionary (illegal stops) will be significantly reduced as road users are more likely to only stop in an emergency. The M42 Pilot found breakdowns approximately halved, as detailed in 9.4.4 of the Engineering and Design Report (Application Document Reference 7.3).
- 24.7 Although the risk of live lane stoppages increases, Highways England will introduce control measures to mitigate against this risk e.g. implementation of a controlled environment through Variable Mandatory Speed Limits and Closed Circuit Television (CCTV). Further, when incidents do occur, the extra controls provided through smart motorway features will be able to support the identification of vehicles in a live lane during peak times.
- 24.8 The use of full CCTV coverage will allow incidents to be verified and emergency resources to be dispatched in a timely manner. The management of an incident including access by emergency vehicles is outlined in paragraphs 9.4.1 to 9.4.5 of the Engineering and Design Report (Application Document Reference 7.3). Within a smart motorway all lane running environment, vehicles will be moved to an ERA or

off the network where possible, thereby allowing traffic to use all available lanes. Should it not be possible to move the vehicle from a running lane, then appropriate signs and signals will be set to protect the vehicle and allow other vehicles to move into another lane in order to pass the stationary vehicle.

- 24.9 Incidents will also be managed to minimise the impact on road users. Emergency lane(s) (which could be any lane on the motorway) can be created on the Scheme by managing traffic with signs and signals. This will provide access for the emergency services or traffic officers. If an incident cannot be reached on the same carriageway, safe operating procedures will be adopted so that access can be provided from the opposite carriageway if necessary (paragraph 10.3.1 of the Engineering and Design Report),

Letter dated 6 October 2015:

Highways England Comment

3. This letter concerns the potential third runway at Heathrow. It does not appear relevant to the Scheme, As Mr Massingham himself notes in the letter "the following written representation may be outside the remit of this examination". Highways England agrees, and so does not propose to comment further.