

MRS J COOPER

WRITTEN REPRESENTATION

HIGHWAYS ENGLAND'S

1. Mrs J Cooper

Dear Wendy Burden/Richard Price,

1.1 *I recently attended the meeting at Maidenhead Town Hall, on Thursday 3 September 2015, and received a follow-up letter dated 11 September 2015 (your reference: TR010019).*

1.2 *A.S.I As an interested party and in accordance with Deadline 1 - 2 October 2015 - I am requesting that provision be made for a small number of Myrke residents to be in attendance at any visit to the Myrke site. Please let me know the date of the Myrke site inspection. We are still struggling with the stress of coming to terms with the considerable threat posed by this scheme.*

Highways England Comment

1.2.1 Highways England can confirm that the date of the Myrke site inspection is Thursday 12th November. On that day the Examining Authority ("ExA") will be visiting various sites along including the Myrke.

2. **REQUEST FOR INFORMATION REGARDING MY LAND**

2.1 *Despite having had to twice submit details of my land ownership at the rear of my property, a narrow strip of land immediately adjacent to the road bridge embankment owned by Highways England - formerly "Agency", land ownership parcel 22263) I have had no response yet to my requests concerning possible land take etc (see enclosures - 11/12/14 and June 2015). This is causing me great concern. I would be glad if you could let me know my situation in this matter a.s.a.p.*

Highways England Comment

2.1.1 As part of the Land Referencing exercise, Mrs Cooper was requested to provide information about land ownership at Datchet Road, in order to inform scheme design. A Land Interest Questionnaire was sent on 25 April 2014, to which Mrs Cooper provided a response on 12 May 2014, and a confirmation of that

information was sent on 17 October 2014, to which Mrs Cooper responded on 18 October 2014.

2.1.2 The only land required for the Scheme is detailed on sheet 23 of the Land Plans (Application Document Reference 2-2) and does not include land that is owned by Mrs Cooper. Highways England wrote to Mrs. Cooper on 13 May 2014 confirming that her land will not be subject to compulsory acquisition as part of the Scheme.

2.1.3 With regard to Mrs Cooper's requests for information in relation to possible land take. The enclosure dated 11/12/14 was responded to in the Consultation Report (Application Document Reference Number 5-1), and a letter was sent on 6 May 2015 to inform as such. The enclosure dated June 2015 was responded to by Highways England in its Comments on Relevant Representations submitted for Deadline I on 2 October 2015.

2.1.4 A full record of our communications with Mrs. Cooper to date is set out in the table below.

| Subject | Direction/Type | Date |
|--|--------------------------|-------------|
| Land Interest Questionnaire – request for land information from Highways England | Outgoing Request Letter | 25/04/2014 |
| Concerns Raised – Mrs Cooper provided a standard letter from The Myrke requesting information | Incoming Letter | 01/05/2014 |
| Land Interest Questionnaire – Mrs Cooper provided land interest information in response to the Land Interest Questionnaire | Incoming Response Letter | 12/05/2014 |
| Concerns Raised Response – Highways England provided a response to Mrs Cooper, confirming that “we do not require any land from the residential properties in The Myrke as our proposal is to build a new bridge away from The Myrke, to the East of the existing bridge.” | Outgoing Letter | 13/05/2014 |
| Confirmation Schedule request – request for confirmation of land information | Outgoing Request Letter | 17/10/2014 |
| Confirmation Schedule response – Mrs Cooper provided a | Incoming Response | 18/10/2014 |

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| response to the request for confirmation | Letter | |
| Section 42 Notification | Outgoing Letter | 10/11/2014 |
| Section 47 Notification | Outgoing Letter | 10/11/2014 |
| Consultation response – Mrs Cooper raised concerns in response to section 42/47 consultation | Incoming Letter: Consultation Questionnaire | 11/12/2014 |
| Consultation Response Acknowledgment - Highways England acknowledged the consultation response | Outgoing Letter | 16/02/2015 |
| Highways England response to Consultation Response – Highways England sent a letter to Mrs Cooper advising that responses to the consultation issues raised in Mrs Cooper’s consultation response were provided in the Consultation Report. | Outgoing Letter | 06/05/2015 |
| Relevant Representation raised – Mrs Cooper raised concerns in a relevant representation to PINS (number 326) | Document sent to PINS | 01/07/2015 |
| Response to Relevant Representation – Highways England provided responses to each of the points raised in Mrs Cooper’s Relevant Representation | Document sent to PINS | 02/10/2015 |

3. **WRITTEN REPRESENTATION (DEADLINE II 08/10/15)**

3.1 *Please find enclosed copies of my 2 written representations already submitted:*

- i. to HA (Dec 2014)*
- ii. to Planning Inspectorate (June 2015)*

which cover most of my concerns. However, there are 2 other matters which I wish to raise:

Highways England Comment

3.1.1 Highways England notes that Mrs. Cooper's response to the questionnaire in December 2014 was taken into account in the final Scheme submitted with the Application on 30 March 2015, as set out in the Consultation Report (Application Document Reference 5-1). A response to Mrs. Cooper's relevant representation submitted in June 2015 was provided at Deadline I.

3.2 ***Increased risk of toxic air pollution***

I am not convinced that the figures quoted for the Air Quality Assessment will still be relevant today, first because these figures are not recent, and secondly in view of the new information concerning the dangers posed by NO₂ in particular, which has come to light as a result of the recently exposed scandal and cover up by V.W. in relation to diesel fuel (September 2015). Further tests need to be carried out as soon as possible to provide up-to-date information regarding the very serious threat to our health in this neighbourhood (see enclosed copy Times article Sept 27 2015).

Highways England Comment

- 3.2.1 The model verification process uses measurement data collected across the air quality study area, both by local authorities and additional scheme specific data collection commissioned by Highways England. Concentrations of NO₂ are predicted at the monitoring locations for the Baseline Year (2013) and compared against the concentrations measured in those locations. Where the modelling under predicts pollutant concentrations, an adjustment factor is derived which is then applied to the future modelling predictions to correct for any systematic under predictions. This approach is intended to address gaps between real world rates of emissions (i.e. emission underestimates referred to in the Times article referenced by Mrs Cooper above) and other modelling variables.
- 3.2.2 The vehicle emission rates used by Highways England in the air quality assessment for the Scheme were calculated using the Emission Factor Toolkit ("EFT v6.0.1") (<http://laqm.defra.gov.uk/review-and-assessment/tools/emissions-factors-toolkit.html>). As outlined in the Environmental Statement ("ES") paragraph 6.2.72 (Application Document Reference 6-1). The EFT is the emissions toolkit published by the Department for Environment, Food and Rural Affairs ("Defra") for use in air quality assessments in the UK.
- 3.2.3 The latest version of the EFT is version 6.0.2. The EFT spreadsheet has been updated from version 6.0.1 to 6.0.2 to adjust an advanced input function. However, as this revised function was not used in the air quality assessment for the Scheme as detailed in the ES, this update to the EFT does not affect the air quality predictions previously calculated. Therefore, it is the opinion of Highways England that the results of the air quality assessment remain valid.

- 3.2.4 No new Defra EFT has been published for use since the dates of the publications listed above concerning laboratory testing compared to real world driving cycles (i.e. since the date of the Times article on the 27th September 2015 referenced by Mrs Cooper above).
- 3.2.5 In addition to using the most up to date vehicle emission rates at the time the assessment was conducted, the air quality assessment incorporates two elements within its methodology to correct for gaps between laboratory testing and real world driving cycles. These are air quality model verification and a precautionary approach to the assumed rate of improvement in air quality over time.
- 3.2.6 In relation to future air quality, Highways England has taken a conservative approach to the Air Quality Assessment undertaken for the Scheme. This is because over the last few years the rates of improvement in vehicle emission rates anticipated by the Defra have not been realised as quickly as anticipated. This is due to the dieselisation of the vehicle fleet to a greater extent than previously anticipated, with the associated higher emissions of NO_x and NO₂, and also because of the gap between the anticipated laboratory based rates of NO_x emissions compared with real world rates of NO_x emissions.
- 3.2.7 The approach utilised in the assessment of future air quality recognises this and therefore Highways England has not assumed that in the future all improvements in air quality (i.e. rates of improvement in vehicle emissions etc.) will occur at the rate anticipated by Defra. In particular, the treatment of future air quality has been considered through the updated air quality advice on the assessment of future NO_x and NO₂ projections known as long term trend (“LTT”) analysis (Interim Advice Note 170/12 v3. Updated air quality advice on the assessment of future NO_x and NO₂ projections for users of Design Manual for Roads and Bridges (“DMRB”) Volume 11, Section 3, Part 1 ‘Air Quality’), which assumes only a portion of the improvements in air quality assumed by Defra will occur. This is described in paragraphs 6.2.57 to 6.2.60 of the ES (Application Document Reference 6-1).
- 3.2.8 In the approach used when carrying out the air quality assessment for the Scheme, all modelling undertaken is consistent with Defra emission rates and associated local air quality management tools. The LTT rates of improvement are

applied to post-processed Defra based predictions to produce a more conservative set of results.

- 3.2.9 Consequently, Highways England maintains that the air quality assessment undertaken is relevant, up to date and appropriately precautionary. The conclusions of the assessment are therefore not undermined by events such as those relating to VW.

3.3 ***Land take, construction, road pollution and noise***

Compensation arrangements to finance household insulation, double glazing and ultimately house purchase and disturbance allowance need to be clearly and separately communicated to those householders, and residents whose properties will be affected by the works of this Smart motorway, and road widening scheme, and resultant added traffic levels.

Highways England Comment

- 3.3.1 The first point to note is that the Scheme is not a road widening scheme. The Scheme proposes the permanent conversion of the hard shoulder to a running lane and other associated works. Further, the daily traffic levels as a result of the Scheme are only anticipated to increase between junctions 5 and 6 by 13% in the opening year 2022 and 17% by 2037.
- 3.3.2 In relation to traffic noise, the noise and vibration assessment, as reported in Chapter 12 of the ES, concluded that the magnitude of impact for the Scheme is minor beneficial in the short term and negligible in the long term. It also concluded that the significance of effect during the operation of the Scheme is slight beneficial in the short term and neutral in the long term, with the vast majority of the Scheme corridor experiencing negligible or minor reductions in noise levels with the Scheme in operation (see paragraph 12.4.110 of the ES). On this basis no properties would qualify for noise insulation due to the operation of the Scheme.
- 3.3.3 As confirmed in the above response to paragraph 2.1, Mrs. Cooper's property is not subject to compulsory acquisition as part of the Scheme. Therefore, compensation arrangements for land take will not be required in relation to Mrs Cooper's property.

- 3.3.4 Highways England does not anticipate that compensation will be payable under the Compensation Code in relation to the impacts from the Scheme as no properties are anticipated to be injuriously affected, blighted or subject to depreciation in value as a result of the Scheme, given the conclusions of the Environmental Impact Assessment for the Scheme, as set out below.
- 3.3.5 During the construction of the Scheme the Highways England contractor will be required to maintain three narrow lanes during peak periods to minimise traffic diversions and to minimise use of the local road network. The effects of the proposed traffic management regime and phasing of the works during the construction of the Scheme on road users is described in paragraphs 8.3.1 to 8.3.6 of the Engineering and Design Report (EDR) (Application Document Reference 7-3). Therefore, Highways England consider that there will not be significant disturbance to local residents and as such compensation arrangements for disturbance allowance will not be required.
- 3.3.6 Access routes for construction traffic will predominantly be via the M4 motorway and main roads on the local road network unless it is necessary for other local roads to be used. Where the local road network is to be utilised, for example to access proposed construction compounds and for bridge construction sites, this will be kept to a minimum and access routes will be defined in each local authority area. Details of the traffic management proposals and construction traffic routing for the Scheme will be provided in the Construction Traffic Management Plan (“CTMP”), an outline version of which was provided with the Application in Annex E of Construction Environmental Management Plan (“CEMP”) Appendix 4.2A of the ES) (Application Document Reference 6-3). The final CTMP will be developed in consultation with local authorities to ensure impact to the local network is minimised. This is secured by Requirement 18 of Schedule 2 of the Development Consent Order (“DCO”) (Application Document Reference 3-1). Therefore, Highways England consider that there will not be significant disturbance to local residents and as such compensation arrangements for disturbance allowance will not be required
- 3.3.7 In relation to noise and vibration from construction, the construction noise and vibration assessment, as reported in Chapter 12 of the ES ((paragraphs 12.4.32 to 12.4.87 (Application Document Reference 6-1) and Appendix 12.3 of the ES (Application Document Reference 6-3)), assessed that for the Myrke area

construction noise and vibration effects will generally be slight adverse for daytime, evening and night-time works. In addition, procedures for managing noise and vibration during construction, including a protocol for compliance monitoring, will be documented in the CEMP and secured under Requirement 8, Schedule 2 of the draft Development Consent Order (“DCO”) (Application Document Reference 3-1). An outline CEMP was submitted in the supported of the DCO Application (Appendix 4.2A of the ES) (Application Document Reference 6-3) and this will be finalised by the contractor, and agreed with relevant Local Authorities, prior to commencement of construction works.

3.3.8 In relation to vegetation clearance and visual impact, the landscape and visual impact assessment for the Scheme (provided in Chapter 8 of the ES (Application Document Reference 6-1), along with Appendices 8.1 to 8.4 of the ES (Application Document Reference 6-3) and Drawings 8.1 to 8.4 of the ES (Application Document Reference 6-2)) concluded that the residual visual effects of the Scheme would initially at worst be moderate adverse, reducing over time to slight adverse by Design Year 2037 (fifteen years after opening) as the landscape planting becomes more established..

3.3.9 With regards to air quality, the Scheme is assessed to result in no significant increase on air quality during operation, as summarised in Table 6.23 of the ES (Application Document Reference 6-1). The Air Quality assessment for the Scheme is provided in Chapter 6 of the ES and took into account increases in traffic along the motorway network, such as the Scheme route and local roads. Construction impacts could adversely affect air quality through elevated dust concentrations, and therefore proposals to control dust generation are set out in the outline CEMP and secured under Requirement 8, Schedule 2 of the draft Development Consent Order (“DCO”) (Application Document Reference 3-1). The mitigation measures included in the CEMP, which will be implemented by the contractor, will minimise adverse dust impacts to a level where they are not anticipated to be significant.