

**Deadline VI submissions**

<p>Referenced by ExA second round questions.</p>	<p>LBH Comments; Response to HE Deadline V comments</p>
<p><b><u>4. Environment</u></b></p>	
<p><b>Landscape and Visual Effects</b></p>	
<p>4.2.1</p>	<p>The council maintains that the impact on Cranford Park is significant and warrants appropriate mitigation.</p> <p>Drawing no. 514451-MUH-00-ZZ-RP-EN-300374 (Enhanced Mitigation Strategy) identifies in pink that 'existing replacement noise barriers' will be provided along the southern stretch of the M4 adjoining Cranford Park, however this plan provides no clarity on whether this 'pink line' refers to replacement noise barriers and if it is to be replaced, what the proposed height of this barrier is- this requires full clarification and explanation and until this received, it is maintained that this scheme has a detrimental impact on the heritage assets of Cranford Park in the absence of appropriate mitigation being in place. It is noted that the HE written submission at Deadline V does state that a 2metre acoustic fence is propose in this location, hwoever the plans, which are to be approved do not provide any such clarity.</p> <p>With regard to the photomontages provided at Deadline V, it is clear that the photo from Cranford walled garden shows that Gantry G1-02 will be visible in some views from this area, which is maintained as an objection due to the impact of the visual amenity of park users.</p> <p>An additional photomontage has been provided from the back of the stables, however this view is of no assistance in an assessment as it looks directly into a bush yet the gantry is likely to be visible in part from the yard at the rear of the stables.</p> <p>The applicants argue that the councils concerns about traffic being closer to the Park as a result of ALR is not agreed because traffic is already able to use the hard shoulder in emergency situations. This argument is obtuse, as that occurs all along the M4 motorway at present.</p>

	It is maintained that noise barriers of a sufficient height (to minimise views over the walled garden ergo greater than 2 metres) should be provided in order to minimise the impact on the Cranford Park and associated heritage asserts.
4.2.2	The Council welcome the proposed 2.5m high fencing (EM34), but it is requested that this fence line is extended to enclose the proposed refuge and police pull in E1-A1, this is also necessary in the event that the Frogditch is to be culverted, as additional vegetation is likely to be experienced in this instance and the existing vegetation which provides much necessary screening may be lost.
4.2.3	The HE comments are noted and the council maintain their position as per Deadline V, that S253 is not a feasible option to the substantial number of local residents effected by this scheme and therefore a Development consent Obligation would be an appropriate mechanism. See Deadline V comments for more details.
4.2.4	HE comments are noted and the increase in height of acoustic barriers are welcomed, however the council maintain that higher acoustic barriers with clear upper panels are viable options open to the HE and ExA and should be provided.
4.2.6	The Council welcome and support the provision of 3.5metre high fencing to the rear of Savoy Ave, Cleave Ave, Cranford Drive.
<b>Flooding</b>	
4.3.1	It is noted that a revised FRA has been submitted, the council are still reviewing the details of this document and therefore reserve their position in respect of the additional information submitted.  Initial comments on the revised FRA include:

	<p>The Council does not consider that a complete assessment has been undertaken as it does not include the potential impact of the works to culverting of the Frogs Ditch in the Drainage Strategy Section 1.3.20 which include a cantilevered concrete slab or gabion retaining wall over the Frogs Ditch. In Section 1.3.20 The Drainage Strategy, the document states it will not culvert, divert or realign the Frogs Ditch. Council do not object to the diversion or realignment of the Frogs Ditch and would support the exploration of these options rather than the cantilevered or gabion retaining wall order to preserve the Frogs Ditch.</p> <p>The area referred to in Section 2.10 Junctions 4b -3 Although this states that the scheme is not at risk from various sources of flood risk it is misleading as Section 3.1.12 of the Drainage Strategy it states that the area is at risk of groundwater flooding and is identified in Council records that residents on the Common, adjacent to Junction 4b suffer from flooding which could be attributed to the over flowing of a drainage channel along the edge of the M4. Section 4.12.2 Hillingdon have advised Highways England of recent reports of flooding on the Common. This should be included in the FRA. Highways England in the Drainage Strategy section 3.1.30 have committed to investigating and ensuring that the drainage system is maintained and functions appropriately. Any proposed solutions needed, should be be submitted to and approved by LBH.</p>
<p><b>Air Quality</b></p>	
<p>4.6.1</p>	<p>LBH is still of the view that <i>"it would not be inappropriate for the ExA to request a further sensitivity test based upon the recently issued EPUK/IAQM guidance"</i>. HE note in their para 2 that in their view <i>"little weight should be applied to (the EPUK/IAQM guidance) ..."</i>. This in LBHil's view does not mean 'no weight' should be applied. It is for the Secretary of State to decide what weight to give to it, but it is appropriate to present the results of the assessment in a way that allows the implications of the new guidance to be seen. This has not been done. LBH has carried out this exercise for the 78 receptors for which the modelling has been carried out by HE using the AURN to calibrate the results (as described in Question E4.6.6, para 8). Results are provided for 78 receptors, and applying the EPUK/IAQM guidance there would be 'negligible' impacts at 15 receptors, 'slight' at 60 receptors, 'moderate' at 2 receptors and substantial at 1 receptor. A spreadsheet is attached setting out LBHil's assessment of the results provided by HE. (Appendix A).</p>

4.6.4	<p>Various references are made in this section to the use of the LTTE6 results providing a more conservative assessment than the Defra projections. The basis of the LTTE6 results is illustrated in the graph presented by HE to the ExA at the November Hearings (Appendix E – Derivation of LTTE6 Used in the Environmental Statement). No further details have been provided by HE on the derivation of the curves in this Figure, despite requests. It is understood that the LTTE6 results have been arbitrarily chosen to lie half way between those of the original LTT approach (the trend from monitoring data) and the E6Only approach, which assumes that Euro 6/IV vehicles deliver as expected. In practice, it would be expected that the E6Only approach would equate to the use of Defra’s EFT which assumes Euro 6/IV vehicles deliver as expected. This expectation is not however borne out in the results presented by HE in the ES. To take an example based on the results for receptor X9 (all values presented are base values, without scheme, as presented in the ES, i.e. not calibrated against the AURN alone, which would give higher values): the nitrogen dioxide concentration in 2013 is 46.8 <math>\mu\text{g}/\text{m}^3</math>, in 2022 the concentration using the EFT becomes 34.4 <math>\mu\text{g}/\text{m}^3</math> and 36.2 <math>\mu\text{g}/\text{m}^3</math> with the LTTE6. Using the LTT approach the 2022 value would have been 43.8 <math>\mu\text{g}/\text{m}^3</math>. If the logic of the LTTE6 worst-case approach were to apply the value should fall halfway between 43.8 <math>\mu\text{g}/\text{m}^3</math> and 34.4 <math>\mu\text{g}/\text{m}^3</math>, i.e. 39.1 <math>\mu\text{g}/\text{m}^3</math>, not 36.2 <math>\mu\text{g}/\text{m}^3</math>. HE does not seem to be applying the logic underlying its recommendation to use LTTE6 as a worst case approach. It therefore appears to be underestimating the ‘worst-case’ concentrations, further emphasising the risk that future concentrations may be higher than assessed.</p>
4.6.6	<p>Para 3: This paragraph relates to HE’s concerns about the AURN and the suggestion by HE that the site is affected by school traffic on Cherry Lane. Professor Laxen made clear in his submission to the November Hearings (and subsequent written submissions) that the school traffic would have an inconsequential impact on the concentrations at the AURN site. It would appear that HE does not accept this. LBH stands by the evidence submitted by Professor Laxen. There are no grounds to question the data for Defra’s AURN site.</p> <p>Paras 6 and 7: HE cite the Defra’s Technical Guidance TG(09). Professor Laxen was closely involved with the preparation of this guidance. The guidance is aimed at typical situations. This is clear where it says: “<i>The use of one continuous monitor alone to derive the adjustment factor for a model is not recommended as the monitoring site may not be representative of other locations modelled</i>”. This would be appropriate if the result for the AURN site were being applied to a section of road well away from the AURN site (as often happens in</p>

	<p>air quality assessments). However, this is not the case here. The AURN site is fully representative of the location to the north of the M4 between junction 4 and 4b. The recommendation in TG(09) clearly does not apply in these circumstances.</p> <p>Para 11: In this section, HE set out that the PCM model does not include the section of the M4 between Junction 4 and 4b. HE appears to be arguing that the results along this section of the M4 can be ignored when considering compliance. This is wrong, as Defra reports compliance to the Commission based firstly on the results of its national network of monitoring sites (the AURN) and then on the PCM results. There is an AURN monitoring site alongside the M4 between Junction 4 and 4b and the results of this monitor are used by Defra to determine compliance. It is therefore entirely appropriate to assess future compliance by modelling future concentrations at the AURN monitoring site, i.e. determining what the concentration will be at this site in 2022. When doing this it is clear that the concentration at this compliance monitoring site will be above the limit value in 2022, and will be made worse by the scheme. It is LBHs view that this exceedence is sufficient to justify mitigation, regardless of whether the Greater London Zone is not compliant at other locations.</p>
E4.6.8	<p>In its question (i) the ExA invites HE to prepare in consultation with the relevant local planning authorities a monitoring strategy for nitrogen dioxide. Instead of following this invitation, HE has openly disregarded this invitation from the ExA, and has chosen not to prepare a monitoring strategy, arguing instead that one is not necessary. LBH is clearly concerned at HE's disregard of the invitation from the ExA. The monitoring strategy is required because there is a risk that the impacts will be more significant than set out in the ES, and monitoring is the best way to be establish whether or not this is the case.</p>
<b>Noise and Vibration</b>	<p>Outstanding matters relating to noise are set out in response to 4.2.1-4.2.6 above</p>
<b>Effects on travellers</b>	<p>LBH maintain their previous concerns that the impacts of the M4 on the local road network are not fully understood, due to the omission of information, including</p>

	<p>1) Impact of high traffic growth factors, considering the policies are gearing towards economic growth (TfL initial view is that the assessment will be not be significantly different. However its view is not supported by any assessment).</p> <p>2) Traffic impact due to additional development and induced traffic (this was not part of TfL's assessment).</p> <p>3) Sensitivity testing without traffic re-routing.</p> <p>4) Sensitivity testing of a different mix of traffic distribution.</p>
<p><b><u>Compulsory Acquisition/CEMP; Impact on Sipson Road Subway</u></b></p>	<p>We welcome the inclusion of specific details on the Sipson Road subway in the CEMP.</p> <p>The council would request that the following paragraph is added below 5.3.1 of the CEMP to ensure adequate protection is available to users of the subway:</p> <p>'Highways England/the Contractor to provide at all times, adequate advance notice of any closure(s) of the Sipson Road subway, roads and footpaths/Non Motorised User paths, including prominent signage advising the Public (including Cherry Lane Primary School/Cherry Lane Children's Centre) of ongoing dates and times of proposed closures with details of re routing directions and arrangements, as necessary. All notification and signage to clearly display 24 hour/7 day a week contact details of key personnel at HE/Contractor for benefit of the Public in case of enquiries or emergencies'.</p>
<p><b><u>dDCO</u></b></p>	<p>It is of note that the applicant has amended their dDCO substantially. In principle the Council is agreeable to the process detailed in the Discharge of DCO requirements - Explanatory Submission for the ExA dated 05 November 2015 ("Discharge Procedure") although shall set out the Council's remaining concerns that have not been addressed via the Discharge of DCO Requirements - Update Explanatory Note dated 08 January 2016.</p> <p><b>Consultation:</b></p> <ol style="list-style-type: none"> <li>1. The Council is pleased that a number of the Requirements include the Council as a consultee although the Council would request that they are also included as a consultee in the following Requirements:             <ol style="list-style-type: none"> <li>a. <b>Requirement 4: Gantry Design</b> - Given the close proximity of the M4 to sensitive receptors and the potential for visual impact the Council require, at the very least, to be a consultee to the Discharge Procedure.</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>b. <b>Requirement 6: Engineering drawings, sections and other information</b> - Given the close proximity of the M4 to sensitive receptors and the potential for visual impact the Council require, at the very least, to be a consultee to the Discharge Procedure.</li> <li>c. <b>Requirement 11: Ecological Mitigation</b> - The Local Planning Authorities ('LPA') have a full understanding of the local ecological networks and would therefore be best placed to advise in relation to the ecological mitigation. Furthermore, Requirement 11 is connected to the Construction Environmental Management Plan. For these reasons the LPAs should therefore, at the very least, be a consultee to the process.</li> <li>d. <b>Requirement 12: Contaminated land and ground water</b> - The scheme is located in close proximity to former landfill sites and whilst the scheme does not at present encroach into this area, the power to deviate (Article 6a of the DCO) has the potential to change the current position. The Council require, at the very least, to be a consultee to the Discharge Procedure.</li> <li>e. <b>Requirement 24: Biodiversity Management Strategy</b> - The Council must be a consultee in relation to the matters that affect its borough. Natural England has devolved the decision making on these types of planning application level strategies to LPAs. Furthermore, the Council is best placed to consider local networks and the interaction with other areas of biodiversity improvement.</li> </ul> <ol style="list-style-type: none"> <li>2. The Council is not convinced by the Applicant's reasons for not providing a prescriptive form of the consultation process within the DCO. A reflection of the process within the DCO shall provide clarity, consistency and is further likely to prevent unnecessary delay. If the consultation process is not confirmed in the DCO the Council would query where the Applicant intends to confirm the relevant process in order that all parties are informed as to the consultation process and can positively participate in such a process. Such an approach does not provide for a stable consultation process as the process can be amended at any time without recourse.</li> <li>3. The Discharge Procedure does require the Applicant to provide a summary report setting out the consultation undertaken by the Applicant and the Applicant's response to the consultation. The Applicant is not required to provide all the consultation responses where it is appropriate, reasonable and feasible taking into account the cost and engineering practicality (although not limited to these</li> </ol>
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implications). The caveat is very wide and the Council would suggest that an amendment is made to paragraph 4 (2) of Schedule 2 (Part 2) that requires the Applicant to set out the reasons for not providing a consultation response. There should be a further addition that enables the Secretary of State to request such consultation responses should they deem the reasons provided by the Applicant to be inadequate.

4. It is noted that the second round of consultation has now been removed in order to prevent undermining the autonomy and decision making of the Secretary of State. The Council does not agree with this finding. The second round of consultation would provide assistance to the decision making process as the consultation responses would provide specialist knowledge that the Applicant may not possess. The Inspectors were rightly concerned that the *'man on the street'* would not be involved in the consultation process and this has been further diminished by the removal of the second round of consultation as it is not formalised by the DCO. Furthermore, the Applicant has found that the 8 week determination period is sufficient making it much more difficult for the Secretary of State to adequately consult the *'man on the street'* and given that the second round of consultation is not to be formalised via the DCO makes it much easier for the Secretary of State to find it is not possible to consult the *'man on the street'* due to time constraints.

**Application Fee:**

5. The Council is disappointed to note that the Applicant is not willing to contribute to the costs that shall be incurred by the Council in participating in the consultation process given the limited resources of local authorities. Such refusal is therefore a burden upon the public purse. The Council's position on this point remains unchanged and given the specialist knowledge the Council possesses in relation to the borough it is of vital importance that the Council is able to positively participate in the consultation process, which may not be possible if the Council is not reimbursed the costs of such participation.

**Other issues relating to the Discharge Procedure:**

6. The Council has other concerns with the Discharge Procedure, once such concern relates to the accelerated process contained within schedule 12 of the DCO. The accelerated process places a more onerous burden under this process than that contained within Schedule 2 (Part 2). The Applicant has failed to provide adequate reasons as to why the two processes under Schedules 2 (Part 2) and 12 are distinguished in this manner.



7. The accelerated process requires a decision for the discharge applications within five weeks rather than the standard eight week period provided under the planning regime. The Council understands the Applicant's concern in relation to the potential for delay however such an onerous burden is not reasonable. The Secretary of State is provided with eight weeks to determine a discharge application as per the planning regime and the Council request that the same timescales as granted under the Discharge Procedure contained within Schedule 2 (Part 2).
8. Paragraph 1 (3) (c) refers to an application being accompanied by a report that shall consider whether it is likely that the subject matter of the discharge application is to give rise to any '*materially new*' or '*materially worse*' environmental effects in comparison with the authorised development. It is not clear what is meant by '*materially new*' or '*materially worse*' and the Council seeks clarification on this point. For clarity a definition should be provided.
9. Paragraph 4 of Schedule 12 sets out the appeal process however does not provide a time limit in which an appeal must be submitted. The Council requests that a reasonable time limit is inserted.

**Service Level Agreement:**

10. The Applicant is concerned that there would be a lack of consistency of design and standards across the Strategic Road Network unless there is sign-off by one body. The alternative approach suggested by the Inspectors would provide for that i.e. a joint planning body that would work together to ensure there was consistency. It is correct that the Department for Transport is the policy leader for national highway policy but the local authorities are more than competent to correctly interpret and apply such policy.
11. The Applicant's concern that the Council may be reluctant or unable to undertake a rigorous analysis required to discharge the requirements is without merit. The Council has component resources to discharge the requirements although those resources would be limited by the Applicant's reluctance to provide adequate lack of funding. Should adequate funding be provided by the Applicant in a similar manner to that provided for in the Thames Tideway Tunnel scheme the Council can dedicate officers who hold in-depth knowledge and expertise to determine such discharge applications ensuring

	<p>consistency of design and standards across the network. The Council is best placed to inform the discharge of requirements given the Council's invaluable local knowledge. The Council believes therefore that the Inspectors alternative approach is a viable alternative to the Discharge Procedure and that the reasons provided in the Discharge of DCO requirements - Update Explanatory Note do not prevent the alternative approach suggested by the Inspectors.</p>
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**Appendix A; AURN Verification Results**

Results provided by HE						Application of EPUK/IAQM Descriptors by LBHil		
Receptor n X(m)	Y(m)	DM	DS	Change		Summary		
			LTTE6					
B715	506464	178564	35.7	36.7	1.04	Slight Adverse	Negligible	15
B716	506459	178564	35.7	36.7	1.03	Slight Adverse	Slight Adverse	60
B717	506472	178565	35.7	36.7	1.05	Slight Adverse	Moderate Advers	2
B718	506476	178565	35.7	36.8	1.05	Slight Adverse	Substantial Adver	1
B719	506482	178566	35.7	36.8	1.05	Slight Adverse		
B720	506490	178568	35.6	36.6	1.04	Slight Adverse		
B721	506495	178568	35.6	36.6	1.04	Slight Adverse		
B722	506500	178569	35.6	36.7	1.04	Slight Adverse		
B723	506508	178569	35.7	36.7	1.04	Slight Adverse		
B724	506512	178570	35.7	36.7	1.03	Slight Adverse		
B746	506554	178579	35.3	36.2	0.92	Slight Adverse		
B747	506553	178584	34.5	35.4	0.87	Slight Adverse		
B780	506667	178589	36.6	37.3	0.69	Slight Adverse		
B781	506666	178594	35.8	36.4	0.65	Slight Adverse		
B794	506575	178581	35.5	36.4	0.89	Slight Adverse		
B795	506580	178581	35.5	36.4	0.87	Slight Adverse		
B796	506587	178582	35.6	36.5	0.86	Slight Adverse		
B797	506592	178582	35.7	36.5	0.85	Slight Adverse		
B798	506596	178583	35.7	36.6	0.84	Slight Adverse		
B799	506601	178583	35.8	36.6	0.83	Slight Adverse		
B800	506608	178585	35.7	36.5	0.81	Slight Adverse		
B801	506614	178585	35.8	36.6	0.80	Slight Adverse		
B802	506619	178586	35.8	36.6	0.78	Slight Adverse		
B803	506624	178586	35.9	36.7	0.77	Slight Adverse		
B804	506631	178587	36.0	36.7	0.76	Slight Adverse		
B805	506637	178587	36.1	36.8	0.75	Slight Adverse		
B843	506704	178592	37.3	37.9	0.63	Moderate Adverse		
B844	506704	178596	36.4	37.0	0.59	Negligible		
B865	506749	178602	36.6	37.1	0.49	Negligible		
B866	506750	178594	38.3	38.9	0.53	Slight Adverse		

B867	506751	178585	40.6	41.2	0.59	Moderate Adverse
B868	506794	178593	40.1	40.5	0.44	Slight Adverse
B869	506801	178594	40.1	40.5	0.42	Slight Adverse
B870	506810	178595	40.2	40.6	0.38	Slight Adverse
B871	506817	178596	40.2	40.5	0.34	Slight Adverse
B872	506832	178601	39.5	39.8	0.28	Slight Adverse
B873	506824	178600	39.4	39.8	0.32	Slight Adverse
B874	506841	178602	39.5	39.7	0.25	Slight Adverse
B875	506847	178603	39.5	39.7	0.23	Slight Adverse
B876	506857	178604	39.6	39.7	0.18	Negligible
B877	506863	178601	40.7	40.8	0.14	Negligible
B878	506871	178603	40.4	40.5	0.12	Negligible
B879	506878	178603	40.6	40.7	0.09	Negligible
B880	506887	178605	40.4	40.5	0.06	Negligible
B881	506893	178608	39.6	39.7	0.06	Negligible
B882	506901	178611	39.2	39.3	0.05	Negligible
B883	506908	178611	39.2	39.2	0.04	Negligible
B884	506916	178613	39.0	39.0	0.04	Negligible
B885	506925	178614	38.9	38.9	0.04	Negligible
B915	507207	178632	39.5	39.8	0.32	Slight Adverse
B916	507192	178631	39.0	39.4	0.33	Slight Adverse
B917	507186	178631	38.7	39.0	0.34	Slight Adverse
B918	507171	178628	38.8	39.2	0.36	Slight Adverse
B919	507162	178627	38.8	39.1	0.36	Slight Adverse
B920	507156	178628	38.6	39.0	0.36	Slight Adverse
B921	507147	178627	38.6	39.0	0.37	Slight Adverse
B922	507141	178627	38.4	38.8	0.36	Slight Adverse
B923	507132	178627	38.4	38.7	0.36	Slight Adverse
B924	507126	178627	38.2	38.6	0.36	Slight Adverse
B925	507118	178627	38.2	38.6	0.36	Slight Adverse
B926	507089	178626	38.0	38.4	0.35	Slight Adverse
B927	507080	178625	38.0	38.4	0.34	Slight Adverse
B928	507074	178626	37.8	38.2	0.33	Slight Adverse

B929	507065	178625	38.0	38.3	0.33	Slight Adverse
B930	507059	178626	37.8	38.1	0.33	Slight Adverse
B931	507050	178625	37.8	38.2	0.32	Slight Adverse
B932	507044	178625	37.7	38.0	0.31	Slight Adverse
B933	507035	178624	37.9	38.2	0.30	Slight Adverse
B934	507029	178624	37.7	38.0	0.29	Slight Adverse
B935	507020	178624	37.8	38.1	0.26	Slight Adverse
B936	507014	178624	37.7	37.9	0.24	Slight Adverse
B937	507004	178623	37.8	38.0	0.22	Slight Adverse
B938	506998	178624	37.7	37.9	0.21	Slight Adverse
B939	506989	178637	35.6	35.8	0.16	Negligible
B940	506979	178625	37.3	37.4	0.15	Negligible
B941	506966	178622	37.7	37.9	0.13	Negligible
X8	507177	178628	39.0	39.4	0.36	Slight Adverse
X9	506751	178577	43.6	44.3	0.70	Substantial Adverse