

THE PLANNING ACT 2008

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

TR010019

Written Summary of Issue Specific Hearing Dealing With Matters Relating to Other Matters

Date: Thursday 11 February 2016

**Venue: Holiday Inn Maidenhead/Windsor, Manor Lane, Maidenhead, West Berkshire, SL6
2RA**

G. OTHER MATTERS

1. *HE in response to question 4.10 REP5-004 states that it is still trying to establish with DfT if DfT is happy for HE to share its response with the examination concerning carbon figures.*

- *Can the applicant please provide this information as evidence for the examination?*

Highways England's response

1.1. Highways England noted that it was unable to provide the information, although it had spent considerable time trying to get it. Highways England did however confirm that the Department for Transport (“DfT”) has stated that, in order to provide this information, it needs a direct request from the Examining Authority. The requisite contact details were provided directly to the Examining Authority on 17 February 2016.

2. *HE was also seeking advice from DfT to identify any circumstances in which the CO₂ attributable to the scheme would need to be re-assessed.*

- *Can the applicant please provide an update?*

Highways England's response

2.1. Highways England noted that it was unable to provide the information, although it had spent considerable time trying to get it. Highways England did however confirm that DfT has stated that, in order to provide this information, it needs a direct request from the Examining Authority. The requisite contact details were provided directly to the Examining Authority on 17 February 2016.

3. BCC has raised an issue re. the effect of the scheme on the historic parkland of Richings Park in view of the location of a new gantry at the south end of the canal and the detrimental impact this may have (Deadline V, additional comments³).

- Has this been assessed by the applicant?

Highways England's response

- 3.1. Highways England confirmed that it had seen the Richings Park Assessment of Key Significances and Effects of M4 Upgrading Proposals (January 2016) prepared by the Buckinghamshire Gardens Trust on behalf of Buckinghamshire County Council.
- 3.2. Highways England confirmed that the views from the privately owned Richings Park golf course were not assessed within the Environmental Statement ("ES"). However, with reference to paragraph 8.11.2 and 8.11.17 of the ES (Application Document Reference 6-1, APP-148), Highways England confirmed that the effects of the M4 Junctions 3 to 12 Smart Motorway scheme (the "Scheme") on the landscape character of Richings Park golf course had been considered. With reference to Drawing 8.2, Sheet 13 of the ES (Application Document 6-2, APP-221), a proxy high sensitivity Public Right of Way ("PRoW") (Receptor 13.3.10) located approximately 130m to the east of Richings Park with a view to Gantry G3-03 was assessed within the ES. The visual effects on this receptor were considered to be slight adverse during construction and in Opening Year 2022, reducing to neutral by Design year 2037. The conclusion reached in the ES is that the Scheme would have a limited effect on the golf course.
- 3.3. Based on the fact that the Scheme would have a limited effect on the character of the golf course because of the intervening vegetation, the low sensitivity of the receptor i.e. people playing golf (Design Manual for Roads and Bridges ("DMRB") Interim Advice Note ("IAN") 135/10, Annex 2, Table 1, users of recreational facilities, where the purpose of that recreation is not related to the view (e.g. sports facilities), are classed as low sensitivity) and the assessed minor visual change reported for the adjacent high sensitivity receptor, Highways England considered that no further investigation or visual assessment for users of the golf course was necessary.
- 3.4. Highways England confirmed that the effects of the Scheme with regard to the historic environment have not been assessed as the Riching Park golf course, which occupies the parkland, is not a designated heritage asset.

- 3.5. On that basis, Highways England stated that it did not consider that the Richings Park Assessment of Key Significances and Effects of M4 Upgrading Proposals (January 2016) prepared by Buckinghamshire Gardens Trust changes the assessment in the ES.
- 3.6. A more detailed response to the report prepared by Buckinghamshire Gardens Trust is provided in the Deadline VII submission.
- 3.7. Highways England noted that although Buckinghamshire County Council stated that the evidence from the Buckinghamshire Gardens Trust shows that the site is of significant cultural value and will be put forward to be registered as a registered park and garden, on further investigation by the Examining Authority, Buckinghamshire County Council confirmed that the registration process for this site had not been started.
- 3.8. The Examining Authority requested that Highways England investigate the feasibility of moving gantry G3-05. Highways England confirmed that it would do so within the response to Buckinghamshire Gardens Trust's report, which is provided with the Deadline VII submission.
4. *BCC has asked for the applicant to update its Materials Management Plan to reflect discussions with BCC.*
- *Would the applicant and BCC please state what progress has been made on the matter?*

Highways England's response

- 4.1. Highways England stated that a meeting was held on 21 December 2015 at Buckinghamshire County Council's office to discuss Mineral and Waste matters associated with the Scheme. A further telephone conference was held on 09 February 2016 to further discuss the minerals and waste strategy for the Scheme. As a result of these discussions, Highways England confirmed that it had updated the Outline Materials Management Plan ("MMP") to reflect these discussions. The final MMP is to be prepared by Highways England's contractor, and will now cover, where appropriate, two additional matters:
- i. types and quantities of waste arisings will be recorded in the Site Waste Management Plan ("SWMP") with appropriate references to the end Local Authority destination; and

- ii. methods for generating and managing the aggregate from recycling of inert construction, demolition and excavation ("CDE") waste from the demolition of the existing motorway infrastructure will be outlined in the MMP, with appropriate reference to the effects on the total aggregate requirement from each affected Local Authority.
- 4.2. Further, Highways England noted that, where practicable, it intends to generate a percentage of aggregate from recycling of inert CDE waste from demolition of the existing motorway infrastructure and site won material. As more specific information becomes available during detailed design, Highways England committed to providing further details of where and how aggregates will be generated and managed to Buckinghamshire County Council.
- 4.3. Highways England confirmed that it has reviewed, and updated where necessary, the waste capacity records for landfill and waste management facilities capacity within Buckinghamshire, and the capacity of waste infrastructure sites that could potentially receive CDE waste arisings from the Scheme. This revised landfill capacity table was provided to Buckinghamshire County Council on 09 February 2016.
- 4.4. Highways England noted that Buckingham County Council had raised concerns over the relationships between the various management plans, the requirement for obtaining planning permission for the disposal of materials not to be recycled and the importance of gaining a realistic picture of the available landfill capacity in Buckinghamshire considering the presence of other major schemes ongoing in the area at the same time.
- 4.5. In response to the inter-relationships of the plans, Highways England confirmed that the main purpose of the SWMP will be to assess and record how waste is reduced, reused, recycled and disposed of by the Scheme. The MMP is the master document providing a framework for, and setting out how, the materials associated with the Scheme will be procured, handled and managed in the most efficient and sustainable manner. Highways England stressed that the MMP and SWMP are live documents which will be reviewed and updated regularly as further and more detailed information becomes available.
- 4.6. On the question of landfill capacity, Highways England reiterated the point (in line with the ES) that every effort would be made to recycle and retain all suitable material on site hence minimising the waste material that needs to be disposed of at suitably licensed waste facilities. This has been included in the Outline Construction Environmental Management Plan ("CEMP") at Section 11.8. Highways England agreed with the Examining Authority

that there is an economic case for using recycling, as recycling is both sustainable and cost effective. Highways England also noted that, from its discussions with Buckinghamshire County Council, it had agreed to send examples of recent Highways England schemes to Buckinghamshire County Council to show the expected percentages of materials which could be recycled.

4.7. In relation to questions regarding planning permissions, Highways England confirmed that the SWMP would set out how it will monitor and record waste that needed to be disposed off-site and in fact, the outline MMP '*Site Records*' already deals with the particular issues of licences, permits and planning approvals. Further, reference to the need to obtain planning permission has been added to the Outline CEMP at paragraph 11.4.12, as requested by Buckinghamshire County Council.

4.8. Highways England and Buckinghamshire County Council agreed to keep the Examining Authority informed on the progress made on this topic through to the end of the Examination period.

5. *Has progress been made in discussions between the applicant and BCC in respect of Old Slade Lane mitigation?*

Highways England's response

5.1. Highways England confirmed that a detailed written response to the submission from Buckinghamshire County Council at Deadline V (REP5-009) regarding Old Slade Lane was provided by Highways England at Deadline VI (REP6-19). Given the low levels of current usage and the availability of alternatives, Highways England does not consider that any further mitigation in addition to that detailed in the ES is considered proportionate or appropriate. In the response, Highways England also raised concerns as to the suitability of the suggested mitigation works and noted that the further mitigation proposed by Buckinghamshire County Council was located outside the Order limits of the Scheme.

5.2. It was noted that Highways England and Buckinghamshire County Council discussed the matter further on 05 February and 08 February 2016 and further potential mitigation was discussed, including the funding of alternate route upgrades and reductions in the period of closure.

5.3. The outcome of these discussions is that Highways England does not consider that funding of upgrades to alternate routes is proportionate or appropriate. However, Highways England's contractor is investigating the feasibility of reducing the period of closure of Old Slade Lane from the 12 months that is detailed in paragraph 13.7.21 of Chapter 13 of the ES (Application Document Reference 6.1, APP-153).

5.4. Highways England and Buckinghamshire County Council agreed to keep the Examining Authority informed on the progress made on this topic through to the end of the Examination period.

6. *In its response to summaries of oral hearing submissions REP5-005, the applicant advised that the SoCGs with LB Hill and Slough BC are still not agreed.*

- *Would the applicant and the Councils please state whether they intend to submit the SoCGs before the close of the examination, and if so by which dates?*

Highways England's response

6.1. Highways England confirmed that it was continuing to work with London Borough of Hillingdon and Slough Borough Council with the intention of submitting Statements of Common Ground ("SoCG") before the close of the Examination. Highways England noted that the most recent activity with the relevant local authorities was as follows:

- a. Highways England met with Slough Borough Council on 05 February 2016 to discuss the latest document. Highways England amended the SoCG to reflect the outcomes from this meeting and returned the document to Slough Borough Council on 15 February 2016. The amended draft will be discussed at a further meeting on 22 February 2016 with further revisions programmed for completion by 26 February 2016. Signing and submission will occur on the 29 February 2016.
- b. Highways England met with the London Borough of Hillingdon again on 21 December 2015 and provided them with a revised draft on 04 January 2016. London Borough of Hillingdon is currently reviewing the revised document and provided the following update to the Examining Authority on 19 January 2016:

"All Officers are reviewing the SoCG and providing their input, however this is taking much longer than envisaged, especially as some matters need to go back to

elected representatives. This is therefore the reason for the delay, but we will keep you updated of the likely submission date (in consultation with HE [Highways England]).”

6.2. Highways England therefore noted that it was awaiting comments from the London Borough of Hillingdon in order to progress the SoCG. The London Borough of Hillingdon confirmed that it is aiming to deliver these comments for Deadline VIII.

Additional Questions

7. *There are some cross references in the Revised Table of Mitigation to the CEMP which are not accurate. Please take these away and correct them.*

Highways England's response

7.1. Highways England confirmed that it has updated these references. The updated Table of Mitigation is provided with the Deadline VII submission.

8. *Can you please create a table showing those plans that need to be certified with the DCO?*

Highways England's response

8.1. Highways England notes that this information is already provided for in the draft Development Consent Order at Article 44 and Schedule 11.