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Lynne Stinson
Midlands Programme Manager
Smart Motorways Programme
National Highways
Floor 5
2 Colmore Square
Birmingham B4 6BN

Our Ref: NH/M4/NMC/1

14 April 2022

Dear Fergus,

Proposed non-material change to the M4 Motorway Junctions 3 to 12 Smart Motorway Development Consent Order 2016 (S.I. 2016/863)

The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations: Regulation 4 – application for a non-material change to a Development Consent Order

On behalf of National Highways, please find attached an application for a proposed non-material change to the M4 Motorway Junctions 3 to 12 Smart Motorway Development Consent Order 2016. This application has been prepared in accordance with the Planning Act 2008 and Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (the “**2011 Regulations**”).

National Highways has prepared an application for a non-material change. The amendments seek to achieve the following:

- a) No-Through Junction Running (No-TJR) is proposed at Junctions 5, 6, 8/9 and 11 where previously Through Junction Running had been proposed;
- b) To facilitate the detailed design of three bridges where the height of these new bridges (Huntercombe Spur, Oldway Lane and Wood Lane) is outside of the limits of deviation provided for by the DCO;
- c) The asymmetric widening of Sipson Subway to the north instead of the previously proposed widening to the south, due to site constraints;
- d) To amend the “principles set out in the engineering and design report” to facilitate the detailed design of the Scheme which are not consistent with the principles previously approved. This will facilitate changes such as to the number of spans, footway locations and extensions to culverts required; and
- e) Changes to acoustic barriers.

The Application Statement demonstrates that the application is for a non-material change as per the ‘Guidance on Changes to Development Consent Orders’ (DCLG Guidance, December 2015). The Application Statement also assesses the potential impact of the proposed non-material change proposals. It concludes that the proposed changes will have a minor and/or a very small impact which is not materially different to those in the original DCO application.

To support the review of the application and Secretary of State’s decision making, the cover letter is accompanied by the following documents comprising the application:

- Application Statement incorporating assessment of materiality and the following appendices:
 - Summary of Materiality Assessment

- Plans and EDR References for each Change Table
- Traffic Modelling Verification Technical Note
- No-TJR at Junction 5 Technical Note
- No-TJR at Junction 6 Technical Note
- No-TJR at Junction 8/9 Technical Note
- No-TJR at Junction 11 Technical Note
- Sipson Road Subway Widening North Technical Note
- Huntercombe Spur Technical Note
- Oldway Lane Overbridge Technical Note
- Wood Lane Overbridge Technical Note
- Acoustic Barriers Changes Technical Note
- Draft Amendment Order and Validation Report
- Tracked Changes versions of Article 40 and Schedules 1, 2, 10 and 12
- Clean and Track Changed (of the front end only) versions of the EDR
- Updated plan sets:
 - the Works Plans (Volume 2, Section 2.3). Please note that this set does not include a Key Plan as it involves the replacement of specific sheets, rather than full sets, of plans.
 - Engineering Sections (Volume 2, Section 2.5)
 - Side Roads Plans & Profiles (Volume 2, Section 2.6)
 - Earthworks Standard Details (Volume 2, Section 2.7)
 - EDR Appendices: Environmental Masterplan Drawings (Annex A1), Vegetation Clearance Drawings (Annex A2), General Arrangement Drawings (Annex F1), Underbridges General Arrangement (Annex F2) and Overbridges General Arrangement (Annex F3).
 - A new sub-set of the Drainage Strategy Report Appendix H Combined Drainage Drawings
 - A new plan set known as 'Earthworks Layout Drawings' (Volume 2, Section 2.9).
- Application Notice

A Consultation and Publicity Statement, as required by Regulation 7A of the 2011 Regulations, will be submitted following consultation on the application for the proposed change. This Statement will confirm that National Highways has complied with the consultation and publicity requirements of the 2011 Regulations.

In relation to that consultation, I confirm that National Highways has not sought to limit the extent of its consultation and so will be consulting all parties as required by Regulation 7 of the 2011 Regulations.

We confirm that the application fee of £6,891 has been paid as required by Regulation 5 of the 2011 Regulations.

We would be grateful if you would please acknowledge safe receipt of this application.

If you have any questions or require further information please contact me on

[REDACTED]

Yours sincerely,

[REDACTED]

Lynne Stinson
Programme Manager, M4 Junctions 3 to 12 Smart Motorway

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Regulation 4(2) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 – Compliance Checklist

Regulation 4(2)	Response
(a) Name and address of the applicant;	National Highways Limited of Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ
(b) Name and address of an agent, if appointed;	None
(c) The Secretary of State's reference for the development consent order to which the application relates;	M4 Motorway Junctions 3 to 12 Smart Motorway Development Consent Order 2016 (S.I. 2016/863)
(d) Details of the change being applied for;	<ul style="list-style-type: none"> a) No-Through Junction Running (No-TJR) is proposed at Junctions 5, 6, 8/9 and 11 where previously Through Junction Running had been proposed; b) To facilitate the detailed design of three bridges where the height of these new bridges (Huntercombe Spur, Oldway Lane and Wood Lane) is outside of the limits of deviation provided for by the DCO; c) The asymmetric widening of Sipson Subway to the north instead of the previously proposed widening to the south, due to site constraints; d) To amend the “principles set out in the engineering and design report” to facilitate the detailed design of the Scheme which are not consistent with the principles previously approved. This will facilitate changes such as to the number of spans, footway locations and extensions to culverts required; and e) Changes to acoustic barriers.
(e) Any documents and plans considered necessary to support the application;	<ul style="list-style-type: none"> • Application Statement incorporating assessment of materiality and the following appendices: <ul style="list-style-type: none"> ○ Summary of Materiality Assessment ○ Plans and EDR References for each Change Table ○ Traffic Modelling Verification Technical Note ○ No-TJR at Junction 5 Technical Note ○ No-TJR at Junction 6 Technical Note ○ No-TJR at Junction 8/9 Technical Note ○ No-TJR at Junction 11 Technical Note

	<ul style="list-style-type: none"> ○ Sipson Road Subway Widening North Technical Note ○ Huntercombe Spur Technical Note ○ Oldway Lane Overbridge Technical Note ○ Wood Lane Overbridge Technical Note ○ Acoustic Barriers Changes Technical Note ● Draft Amendment Order ● Tracked Changes versions of Article 40 and Schedules 1, 2, 10 and 12 ● Clean and Track Changed (of the front end only) versions of the EDR ● Updated plan sets: <ul style="list-style-type: none"> ○ the Works Plans (Volume 2, Section 2.3). Please note that this set does not include a Key Plan as it involves the replacement of specific sheets, rather than full sets, of plans. ○ Engineering Sections (Volume 2, Section 2.5) ○ Side Roads Plans & Profiles (Volume 2, Section 2.6) ○ Earthworks Standard Details (Volume 2, Section 2.7) ○ EDR Appendices: Environmental Masterplan Drawings (Annex A1), Vegetation Clearance Drawings (Annex A2), General Arrangement Drawings (Annex F1), Underbridges General Arrangement (Annex F2) and Overbridges General Arrangement (Annex F3). ○ A new sub-set of the Drainage Strategy Report Appendix H Combined Drainage Drawings <ul style="list-style-type: none"> ○ A new plan set known as 'Earthworks Layout Drawings' (Volume 2, Section 2.9). <p>Application Notice</p>
<p>(f) A statement that the applicant is either—</p> <ul style="list-style-type: none"> (i) the person who applied for the development consent order to which the application relates or a successor in title; (ii) a person with an interest in the land to which the development consent order relates; or 	<p>(f)(i) The applicant is the person who applied for the Development Consent Order to which this non-material application relates.</p>

(iii) any other person for whose benefit the development consent order has effect;	
(ff) The consultation and publicity statement referred to in regulation 7A;	This will be submitted shortly after consultation of the application. Please see the enclosed Application Notice for a copy of the Notice that is to be published in the relevant newspapers.
(g) Details of the applicant's interest in the land; and	The applicant owns the land.
(h) If requested by the Secretary of State, 3 paper copies of the application and other supporting documents and plans.	n/a