



Meeting note

File reference	TR010019
Status	Final
Author	Hannah Dickson
Date	06 June 2014
Meeting with	The Highways Agency
Venue	Meeting Room 4/07, Temple Quay House
Attendees	<p>The Planning Inspectorate (the Inspectorate) – Jessica Powis (Infrastructure Planning Lead), Jackie Anderson (Case Manager), Hannah Dickson (Case Officer), Karen Jones (EIA Advisor), Lucy Hicks (EIA Advisor) and Dave Anthony (Legal)</p> <p>The Highways Agency (HA) - Lynne Stinson (Highways Agency Project Manager), Liz Sheerin (Project Manager – M4 Alliance), Andy Saunders (M4 Alliance Environmental Team), David Jones (M4 Alliance DCO Lead) and Howard Bassford (DLA Piper – Legal)</p>
Meeting objectives	Update meeting between the Planning Inspectorate and the Highways Agency to discuss the proposed M4 Junctions 3-12 Smart Motorway scheme.
Circulation	All attendees

Introductions

Introductions were made by everyone present, and individual roles were explained. The Highways Agency (HA) was made aware of the Planning Inspectorate's (the Inspectorate's) openness policy, and was informed that a note of the meeting would be published, together with any advice given in accordance with s51 the Planning Act 2008 (PA2008). Those present from the Highways Agency (**HA**) were different from

the last meeting with the Planning Inspectorate (the Inspectorate) the reason for this change was explained.

The **HA** has commissioned URS, Halcrow Hyder and Mouchel ('M4 Alliance') to prepare the Development Consent Order (DCO) application. Lynne Stinson confirmed that she is still the overall contact. The **HA** now have a legal advisor, Howard Bassford of DLA Piper.

Project Update

Since the last meeting on 14 February 2014 the **HA** have undertaken the first round of consultation, which included 7 exhibitions along the route. Exhibitions were generally well attended however some were better attended than others. This has assisted **HA** in identifying hard to reach areas. Questionnaires were distributed and approximately 140 questionnaires have been returned to the **HA** so far. The **HA** is responding to each one individually addressing any issues raised. Previews exhibitions were held for Local Authorities (LAs).

Since the exhibitions, the **HA** have been focusing on design work and traffic modelling, which they are due to complete in July. In addition to this there is ongoing air quality work which is predicted to continue into August. As well as exhibitions and previews, the **HA** have also been meeting separately with **LAs** to give them an overview of the scheme and discuss any concerns they have. **LAs** have been helpful in identifying groups and businesses that the **LAs** think that the **HA** should consult with. The **HA** have already written to 21,000 people.

The main issues raised from the stage 1 consultation process are road safety, operational noise and the effect of side road closures during the construction period. A report of the stage 1 consultation is being produced and will be published on the HA's website shortly.

Project Programme

Traffic forecasting and air quality, Noise and various surveys are ongoing and will feed into the next round of consultation. The Statement of Community Consultation (SoCC) is due to go to **LAs** on 7 July 2014. This has been delayed slightly by the traffic modelling. The aim is to be in a position to publish the SoCC by approximately 22 August 2014, start stage 2 consultation exhibitions in September 2014 and to submit the DCO application in January 2015.

A period of approximately 7 weeks will be allocated for the second round of consultation. The exhibitions will take up to 4 weeks of this time, allowing sufficient time for people to submit their comments to the **HA** after the exhibitions. The Inspectorate suggested that it would be helpful for statutory consultees to be alerted to the timing of the consultation ahead of the start date.

Screening and Scoping Opinions

HA stated that there is a lot of ongoing work, including air quality, Noise and traffic modelling. The likely effect on air quality is still being analysed therefore **HA** have not asked the Inspectorate for a screening opinion yet.

The **HA** stated that they will not be appointing a construction contractor at this stage and that the contractor is likely to be appointed after any application is submitted. This leads to a degree of uncertainty regarding the details of the construction methods that will be used.

There was some discussion about whether or not the **HA** would be requesting an EIA screening opinion in relation to the project. The Inspectorate advised that Regulation 6(1) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 states that:

A person who proposes to make an application for an order granting development consent must, before carrying out consultation under section 42 (duty to consult) either—

- (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates; or
- (b) notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.

Therefore **HA** was advised that they must do one of the two prior to commencing statutory consultation under s42.

In addition, the Inspectorate noted that Regulation 4 only determines what should be treated as EIA development for the purposes of these regulations, but the definition of what actually is EIA development remains the same – Schedule 1 development, or Schedule 2 development likely to have a significant impact on the environment.

The Inspectorate suggested that the **HA** look at the approach taken on other Nationally Significant Infrastructure Projects (NSIPs) including the Redditch Branch Line Enhancement Scheme which was submitted as non-EIA development. The Inspectorate suggested also looking at any s51 advice given by the Inspectorate on other similar projects, and also to look at ExA questions asked on similar projects such as A160 - A180 Port of Immingham Improvement.

In respect of a Preliminary Environmental Information Report (PEIR), the **HA** discussed the scenarios of what might be required should they deem that the scheme does or does not constitute EIA development. The Inspectorate highlighted that there may be risks to the HA's pre-application timetable should the applicant decide to proceed with statutory consultation on the basis that it does not constitute EIA development but subsequently find that it is indeed EIA development. This is due to the procedural steps that must be taken for EIA development, for example in relation to preparation of the Statement of Community Consultation (SoCC) under s47 of the Act and Regulation 10 of the Infrastructure Planning (EIA) Regulations 2009 (as amended). There could also be a risk during both acceptance and examination phases.

The Inspectorate further advised that the HA be prepared to explain in their application documents the reasons why the scheme is considered to be a highways 'alteration' as opposed to an 'improvement' under the definitions within the Act.

The scheme is an accelerated one so the **HA** wish to start work late summer/early autumn 2016. If work starts later than this there will be cost impacts to the project. Funding for the development of the scheme is in place. The **HA** enquired as to whether it would be possible for the Inspectorate to provide both a screening and scoping opinion on the application at the same time. The Inspectorate advised that this is unlikely, but that they would confirm the position with colleagues and come back to the HA. The Inspectorate suggested in the meantime that the **HA** assume that screening and scoping would need to be undertaken separately.

DCO Application

The **HA** talked through the matters to be included in the DCO application, and explained that the construction process would take approximately 5 years, with different parts of the route being worked on at different times. As well as submitting a copy of the draft DCO for the Inspectorate to review, the **HA** will also be submitting draft plans.

The **HA** provided the Inspectorate with a sheet describing the types of signage, CCTV, Roadside Telephones, Radars and Camera systems, also giving the locations and numbers expected of each one.

The **HA** confirmed that they expect to be able to provide the Inspectorate with a copy of the draft DCO by early Autumn 2014. The Inspectorate offer a service whereby they can review the draft DCO and provide comments to assist an applicant. The Inspectorate directed the **HA** to the recently published 'Pre-Application Prospectus', and suggested they refer to Annex 2. The **HA** will contact Jackie Anderson once they have considered which elements of the Inspectorate's pre-application service they wish to use and if they wish to have a 'Contact Plan'. The Inspectorate will look at any draft documents and given any advice they can to assist prior to submission.

The temporary works associated with the development are construction compounds. There is not anticipated to be a great deal of associated development as most of the work is integral to the authorised project. It is expected that the application will seek compulsory acquisition powers.

Red Line Boundary

The HA explained that the red line boundary for the project is currently being finalised. The Inspectorate advised that the **HA** should ensure that the order limits plan should show, if possible, the widest limits of deviation that could possibly be required and that had been assessed (should an Environmental Statement be required). The Inspectorate suggested that the **HA** look at other consented DCOs such as M1 Junction 10a Grade Separation - Luton and Heysham to M6 Link Road to look at their approach to limits of deviation.

Plans

The Inspectorate requested that all plans conform with the APFP Regulations, and explained how important it is that plans are sensibly coded and referenced, in particular the key plans. The level of detail required in the plans was discussed. The **HA** currently have a preliminary drainage plan, but there are changes that will be made to this. The Inspectorate suggested that the **HA** refer to the plans submitted with other applications, specifically A160 - A180 Port of Immingham Improvement, which may assist them in coding and referencing their own plans, as well as showing them what level of detail is required.

Draft SoCC

The Inspectorate queried whether the SoCC had changed due to the comments received in response to the first round of consultation. The **HA** confirmed that the comments received were very much as expected, although hard to reach groups such as the residents of Slough where there is a large mix of languages, have been identified as groups to target. The draft SoCC is already being reviewed internally by the **HA**, and once this review is complete it will be submitted to the Inspectorate to review. The Inspectorate advised that it would take them approximately two weeks to review the SoCC and provide comments, and that it would be best for this to be done

prior to sending it out to LAs for their comment. The Inspectorate requested that the **HA** provide them with a list of LAs as early as possible.

With regards to the Preliminary Environmental Information (PEI), the Inspectorate confirmed that if the project requires an Environmental Statement, the SoCC will need to say where the PEI can be found and when. The Inspectorate referred the **HA** to Advice Note 7.

PINS Advice/Guidance

The **HA** confirmed that they would contact the Inspectorate soon to discuss a possible Contact Plan and would also read the Inspectorate's Pre-Application Prospectus.

Given that the National Networks National Policy statement (NPS) is still in draft form, possibly until the end of the year, the **HA** should prepare for the eventuality that it is either designated or alternatively not by the point of application submission.

With regards to Advice Notes, the Inspectorate confirmed that they are constantly under review and that they welcome any feedback on the notes which may inform future iterations.

AOB

The HA advised that they are planning to meet with the Inspectorate's Consents Service Unit (CSU). The Inspectorate offered to hold joint meetings between the HA, Inspectorate case team and CSU if that was more efficient.