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Anthony Massingham
20 Mead Close
Slough
SL3 8HX

Your Ref: M4312-002

Our Ref: TR010019

Date: 27 August 2015

Dear Mr Massingham

Planning Act 2008 (as amended)

Application by the Highways Agency (now Highways England) for an Order Granting Development Consent for the proposed M4 Junctions 3 to 12 Smart Motorway

Preliminary Meeting etc.

Thank you for your letters dated 18, 20, 21, 22, and 25 August 2015.

We spoke by telephone in the week commencing 17 August 2015 and you confirmed to me your requirements in respect of interpretation at the forthcoming Preliminary Meeting. You made clear to me that it would be helpful for a member of the Planning Inspectorate's staff to sit with you for the duration of the hearing, principally in order to be able to repeat any dialogue that is exchanged between the Examining Authority (ExA) and other attendees that you are unable to hear clearly.

In response to your request, I have arranged to be accompanied by an additional staff member who will be happy to undertake the role described. In addition I will also ensure that appropriate seating is reserved for you in order to maximise your view of proceedings and therefore facilitate any lip-reading that may be possible. For your information, a written note of the meeting will be taken and published to our website as soon as practicable following its close.

Separately, I write to advise you more generally about the Planning Act 2008 (PA2008) process and to draw your attention to our suite of advice notes which explain how to become engaged. I enclose the following which should give you a better idea about examinations under the PA2008, and crucially about the timing and appropriate content of written representations:

- Advice note 8.1: How the process works.
- Advice note 8.4: Influencing how an application will be examined – the

Preliminary Meeting.

- Advice note 8.5: Participating in the examination.

To clarify the intention of the draft timetable appended to the ExA's letter to you and all other interested parties dated 7 August 2015, the first substantive deadline by which written representations may be received to the examination is Deadline II (8 October 2015).

The content of your recent correspondences comprises some detailed opinions about the merits of the proposed scheme. Assuming that you intend for these representations to be read by the ExA in conjunction with the examination of the application, it is my intention to consolidate your letters of 18, 20, 21, 22, and 25 August 2015¹, and any other appropriate correspondence received from you in the meantime, into a single written representation which will be treated as submission to Deadline II.

In your letters dated 21 and 22 August 2015, you firstly express, and then reiterate your opinion that the application should be examined by a panel of Examining Inspectors. As interested parties have already been notified, the Secretary of State has appointed a single Examining Inspector to examine this scheme based on his reading of the application documents and of the relevant representations received. In doing so, he has taken into consideration the complexity of issues and the level of apparent controversy associated with the application². Whilst the PA2008 does make provision for additional panel members to be introduced at a later date, such a decision would only be made in exceptional circumstances and is unlikely to be taken in the case of the M4 Junction 3 to 12 Smart Motorway examination.

Regarding the request in your letter to me dated 18 August 2015, I am unable to reproduce and provide copies of the attached plans to any other persons. However, for your convenience I enclose copies to allow you to distribute them as you see fit. You may also wish to bring to the attention of the intended recipients that your representations (including any attached plans/maps/sketches) will be published to the Planning Inspectorate's website shortly after 8 October 2015, and will be available to view on the M4 Junctions 3 to 12 Smart Motorway project webpage, here:

<http://infrastructure.planningportal.gov.uk/projects/South%20East/M4-Junctions-3-to-12-Smart-Motorway/>

Finally, I return the cheque attached to your letter of 21 August 2015. As explained in our aforementioned telephone conversation, you are an interested party for the purposes of the examination of the application by Highways England and are therefore afforded special status which enables you to engage with the examination. The PA2008 does not make any provision for the Secretary of State to apply charges in this respect.

If you require any clarification in relation to the content of this letter, please do not hesitate to contact me on the direct line provided below. Otherwise, we will look forward to seeing you at the Preliminary Meeting on 3 September.

¹ Save for the written reply to your private consultation appended to your letter of 20 August 2015

² In consideration of *CLG Guidance for the examination of applications for development consent for nationally significant infrastructure projects March 2015*, particularly paragraphs 12-14

Yours sincerely

Richard Price

Richard Price – Case Manager

Tel. 0303 444 5654

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.