



Meeting note

Project	M4 Junctions 3 to 12 Smart Motorway
Meeting	Evaluation and lessons learnt
Date	8 December 2016
Author	Richard Price
Status	Final
Attendees	Highways England: Lynne Stinson (Project Manager), Chris Tooth (Assistant Project Manager), Will Spencer (DCO and Statutory Process Team), Emma Harling-Phillips (Senior Associate - DLA Piper for Highways England). The Planning Inspectorate: Richard Price (National Infrastructure Case Manager), Susannah Guest (Infrastructure Planning Lead), Pauleen Lane (National Infrastructure Group Manager), Dave Anthony (Lawyer), Richard Kent (Environmental Services), Lucy Hicks (Environmental Services).
Circulation	All attendees

Summary of key points discussed

The Planning Inspectorate reminded Highways England (HE) about its duties under section 51 of the Planning Act 2008 (as amended) (PA2008). A note of the meeting would be taken recording the key points discussed and any advice issued by the Planning Inspectorate. The note would be published to the Planning Inspectorate's website. Any advice issued by the Planning Inspectorate to HE would not constitute legal advice upon which HE could rely.

1. Pre-application

The Planning Inspectorate observed that HE's submission of draft application documents had been unusually close to the formal submission of the application, and sought feedback from HE about whether the timing had hindered the value added by the service. HE summarised internal deadlines, in part driven by its transfer from Highways Agency to Highways England, which had affected the timing of the formal submission of the application. Notwithstanding this, HE considered the draft documents review had been very useful in making final improvements to the application documentation. The Planning Inspectorate advised that a draft documents review could take place iteratively ie with draft documents being provided for review earlier in the Pre-application stage of the process, as they reached an appropriate stage of development.

HE explained that a number of the local authorities affected by the proposed development had had no or limited knowledge of the PA2008 process, or how to

engage with it effectively. In that respect, outreach lead by the Planning Inspectorate at the Pre-application stage of the process could have added significant value. Attendees discussed the scope for joint outreach events to be held for future applications. HE summarised its contemporary focus on supply chain education to improve engagement from all bodies with a legitimate interest in its applications.

2. Acceptance

The Planning Inspectorate summarised how the application had performed against the Acceptance tests, and attendees discussed the post-Acceptance section 51 advice issued. It was agreed that there was further scope for HE to share learning with the Planning Inspectorate in respect of the relationship between its Project Control Framework (PCF), Design Manual for Roads and Bridges (DMRB) and the PA2008 process. Attendees discussed the articulation of the parameters of the proposed development in the Environmental Statement, in particular consideration of the relationship between flexibility and detailed design.

3. Pre-examination

The Planning Inspectorate explained the extension of the Examining Authority (ExA) from a single appointed person to a panel of three Examining Inspectors. HE stated that it had anticipated the extension in the light of the size and complexity of the proposed development.

4. Examination

The Planning Inspectorate welcomed DLA Piper's use of an online file-sharing platform for making submissions to Examination deadlines. This had made the preparation and publication of representations much easier for the Planning Inspectorate to administer. HE queried the delay in publication of submissions after some Examination deadlines. The Planning Inspectorate explained that any such delays had been a consequence of administering large volumes of representations; particularly those provided by HE.

HE stated that the Planning Inspectorate's website was still hindered by navigability issues. In spite of the introduction of a live Examination Library, specific Examination documents were still difficult to find and HE received recurrent complaints from Interested Parties. HE noted that submissions published within .zip files had been particularly difficult to identify and access. The Planning Inspectorate explained that the Examination Library facility had been improved, and that improvements to its website were ongoing.

The Planning Inspectorate discussed a concern the ExA had expressed during the Examination in respect of HE's reliance on the DMRB. Ways for HE to articulate in its application documentation why DMRB is relied upon, and to acknowledge the distinction between its status and the legal/ policy position were discussed. The Planning Inspectorate explained that ExAs need to demonstrate to the Secretary of State that the **statutory** tests can be satisfied, and to the extent that it is able to future-proof any recommendation that they make, and the decision that follows. The principal performance test in relation to the decision-making process under the PA2008 is the emergence of fair recommendations and decisions that are robust to challenge.

Attendees discussed the evidential complexities of the Examination, in particular in respect of traffic modelling, air quality and noise. With regards traffic modelling and air quality impacts, and the interrelationships between the two, the Planning Inspectorate explained that the ExA's identification of the Local Model Validation Report (LMVR) (an appendix to the Environmental Statement) mid-way through the Examination had provided much of the evidence it had been actively seeking from HE in its early questioning. The Planning Inspectorate requested for HE to make the content, context and location of the LMVR clearer in future applications. In respect of amendments/ additions to the Flood Risk Assessment late in the Examination, HE stated that consideration was being given to producing a Memorandum of Understanding with the Environment Agency.

Regarding the examination of the draft Development Consent Order, HE stated that the ExA's provision of detailed hearing agendas, including specific questions, had facilitated the Applicant's preparations for corresponding events. The Planning Inspectorate advised that this approach was now standard practice.

The Planning Inspectorate extended the thanks of the ExA to HE in respect of the preparation and execution of the Accompanied Site Inspections; the effective programming of which added considerable value to the Examination.

5. Recommendation/ Decision

Attendees discussed the recommendation and decision/ statements of reasons. The Planning Inspectorate explained that the length of the report in particular had been necessitated by the size and complexity of the proposed development, and the extensive evidence base. HE stated that the recommendation report and decision/ statement of reasons had contained no surprises.

6. AoB

No other business.

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