

## Agenda Item 11

	<b>Report of the Head of Planning and Enforcement</b>
Address:	M4 motorway, Junctions 3-12
Development:	Development Consent Order application under the Planning Act 2008 to the Planning Inspectorate by Highways England for the construction of a smart motorway on the M4, junctions 3-12 (application accompanied by an Environmental Impact Assessment)
LBH Ref Nos:	71068/APP/2015/2700

### REASON FOR URGENCY

This Report relates to a Development Consent Order consultation with the LB Hillingdon, the deadline for submission of comments is the 8<sup>th</sup> October 2015. In the interests of effective planning, a Council ratified report is urgently required in order to inform the development procedure set out by the Planning Inspectorate.

#### **SUMMARY**

This project constitutes a Nationally Significant Infrastructure Project (NSIP), under Sections 14(1)(o) and 29(1A) of the Planning Act 2008 (the '2008 Act').

Instead of applying for planning permission to the individual Councils for these works, Highways England has made an application for development consent under the provisions of the 2008 Act seeking the consent and powers necessary for the construction, operation and maintenance of the project. This application is made to the Planning Inspectorate who will make a decision on the application (re: Hillingdon Council is not the determining authority and only has the status of a statutory consultee). The application is accompanied by an Environmental Statement.

As part of this process, the Council is required to provide a Local Impact Report which offers comments on the proposals. The Local Impact Report is provided as an Appendix to this committee report.

The actual proposals to create the Smart Motorway are considered by officers to give rise to a number of serious property, highways and environmental related concerns. The attached Local Impact Report outlines all of the concerns identified by officers. The property concerns relate to small parcels of land that we are now advised Highways England wish to compulsory purchase either on a temporary or permanent basis.

The Councils primary input into the determination process is the submission of this 'Local Impact Report'.

#### **RECOMMENDATION**

1. Committee note the contents of this report and grant authority to the Head of Planning and Enforcement for it to be issued to the Planning Inspectorate as the Council's formal consultation response (subject to any urgent minor amendments).

2. Agree the findings of the Council's officers that insufficient information is provided by Highways England (HE) to fully consider the impacts of the development and therefore request further information is provided to the Council.

3. The construction works will give rise to noise, dust, traffic and other environmental issues and therefore the Head of Planning and Enforcement seeks authority to negotiate and secure mitigation measures through a future legal agreement.

#### **· SUMMARY OF SCHEME PROPOSALS**

Highways England (Formerly Highways Agency) has submitted and had accepted an application to the Secretary of State for the creation of a smart motorway on the M4 from Junctions 3-12.

The scheme to create a smart motorway has a number of principal elements which are summarised below:

- Conversion of the hard shoulder into a permanent running lane with motorway widening in parts;
- Replacement of over-bridge structures that are too small to facilitate the 4th running lane;
- Extensions of under-bridges, subways and other structures to accommodate the 4th running lane;
- Necessary changes to junctions and slip roads to accommodate the 4th running lane;
- Installation of new gantries and signs on the motorway;
- Other works including CCTV installation, communications, creation of emergency refuge areas along the route etc.

The works are planned to take place in 2019 and construction is likely to take approximately 1 year to complete.

#### **· SUMMARY OF CONCERNS RAISED WITHIN THE ATTACHED REPORT**

Officers note that the attached Local Impact Report is lengthy and for this reason a summary of the principal concerns arising from the scheme, and set out in more detail within the report, are set out below:

- Borough wide Air Quality concerns;
- Noise concerns during the construction and end user phase;
- Restricted access due to potential closure of Sipson Road subway; this impacts on Cherry Lane and Heathrow Schools;
- Proposed temporary construction compound to be located on Stockley Road which is already heavily congested; and
- Environmental concerns relating to ecology and flood risk as a result of the works.

Attachments: Local Impact Report

Planning Act 2008 (as amended by the Localism Act 2011)

The M4 Junction 3 to 12 Smart motorway proposals

Development Consent Order Application

Local Impact Report

Prepared by LB Hillingdon

Pins Ref	TR010019
Council Ref	71068/APP/2015/2700
Date	October 2015

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## 1 INTRODUCTION

- 1.1 This report has been prepared by LB Hillingdon (LBH) as one of the local planning authorities for the development within Development Consent Order (DCO) application. In accordance with advice and requirements as set out in the Planning Act 2008, the Localism Act 2011 and Advice Note one: Local Impact Reports.
- 1.2 The advice note states that a Local Impact Report is a 'report in writing giving details of the likely impact of the proposed development on the authority's area'.
- 1.3 The Advice Note states that when the Examining Authority decides to accept an application it will ask the relevant local authorities to prepare a Local Impact Report (LIR) and this should be prioritised whether or not the local authority considers that the development would have a positive, negative or neutral effect on the area. The report may include any topics that they consider to be relevant to the impact of the development of their area as a means by which their existing body of knowledge and evidence on local issues can be fully and robustly reported to the Examining Authority.
- 1.4 The Advice note indicates that topics addressed in the LIR may include:
  - a) Site description and surroundings/location
  - b) Details of the proposal
  - c) Relevant planning history and any issues arising
  - d) Relevant document plan policies, supplementary planning guidance or documents, development briefs or approved master plans and an appraisal of their relationship and relevance to the proposals
  - e) Relevant development proposals under consideration or granted permission but not commenced or completed
  - f) Local area characteristics such as urban and landscape qualities and nature conservation sites
  - g) Local transport patterns and issues
  - h) Designated sites
  - i) Socio-economic and community matters
  - j) Consideration of the impact of the proposed provisions and requirements within the draft Order in respect of all of the above
  - k) Development consent obligations and their impact on the local authority's area.

- 1.5 The LIR may also comment on the development consent obligations and the requirements and also any relevant representations.
- 1.6 The LIR has been written so as to incorporate the subject areas suggested in the Advice Note (set out above), the subject areas in the Environmental Statement, and the obligations and proposed requirements submitted with the application for DCO.

## 2 SITE DESCRIPTION, SURROUNDINGS AND HISTORY

- 2.1 The application site comprises of the M4 motorway which runs through the south of the LB Hillingdon. The M4 motorway provides connectivity into Central London to the east and Swindon and Cardiff to the west. The M4 motorway already comprises two areas of 'smart' motorway between junctions 19 and 20 and junctions 24-29.
- 2.2 There are fourteen footpaths, including four Public Rights of Way (PRoW), which cross the M4 motorway within the borough. The PRoWs are numbered Y11 along the Wraysbury River at the western end of the M4 within Hillingdon, Y26 linking Little Bentey with Saxon Lake and Moor Lane / Harmondsworth Cemetery, H80 south of Fuller Way and H67 south of Roseville Road.
- 2.3 Six footpaths form part of three adopted highway roads which are aligned either over or under the M4, namely on both sides of A437 High Street (Harlington) Bridge, A3044 Holloway Lane and Harmondsworth Road.
- 2.4 The Sipson Road Subway provides pedestrian access under the M4, the subway constitutes an adopted highway. Further public subways connect St Peter's Way to the south with Shepiston Lane to the north and provide access to Cranford Park namely south of Fuller Way and south of Roseville Road.
- 2.5 The whole stretch of the M4 motorway within the borough is bound by Green Belt land to the north and south. The land use immediately to the north is predominantly residential (Hayes and West Drayton). The land to the south could be characterised as rural including the Heathrow Villages of Harmondsworth, Sipson and Harlington as well as Cranford Park, Saxon Lake, Harmondsworth Moor and pockets of private open land.
- 2.6 Adjoining the M4 motorway there are three Tree Preservation Orders, the first can be found to the east of Junction 4, a further TPO covers the northern part of Harlington village and stretched across the M4 motorway itself and the final TPO is located in Cranford Park, to the south of the motorway.
- 2.7 The Colne Valley Regional park stretches along the borough boundary with Slough to the west and the parklands cross the M4 motorway to the west of the borough. This area, which is also the Harmondsworth Moor, is a designated Nature Conservation site of Metropolitan Importance. Cranford Park to the east of the borough is a designated Nature Conservation site of borough grade importance and the designation runs along the south of the M4 motorway itself.
- 2.8 Land to the south of the M4 motorway comprising of Saxon Lake and Harmondsworth village is a designated archaeological priority area, and Harlington Village is also a designated archaeological priority area and runs through the site of the M4 motorway.



- 2.9 All land within the application site is within a designated Air Quality Management Area. A high pressure gas pipeline also runs along the south of the motorway for the entire stretch of the M4 motorway and is therefore within the consultation area for the gas pipeline.
- 2.10 There are two conservation areas which abut the M4 motorway; these comprise Harlington Village and Cranford Park. There are also two listed buildings and walls located adjacent to the M4 motorway, the Church of St Peters and St Paul comprises of a Grade I listed building and listed walls. Cranford House and its perimeter walls are Grade II listed and located to the south of the motorway. Both of these sites also contain war memorials.
- 2.11 There are numerous watercourses which cross the M4 however the impacts of the proposals most significantly impact upon the Frogs ditch.
- 2.12 There is no directly relevant planning history which relates to the M4 motorway itself.

**3 RELEVANT DEVELOPMENT PLAN POLICIES**

- 3.1 The submitted application is accompanied by a Planning Statement which identifies the following documents as being relevant to the DCO namely the Unitary Development Plan, Saved policies (2007), the Local Plan Part 1; November 2012, the Emerging Development management Policies document; 2014 and the Local Implementation Plan 2011. The Councils Emerging Development Management policies document 2014 is of relevance and is due to be issued for a further round of consultation in autumn 2015. At the time the DCO is determined, the document will be at submission/examination stage and should be afforded significant weight in the decision making process.
- 3.2 In addition to the policies identified, there are further policies which are relevant to the DCO application process which are not identified. These include three additional planning guidance documents, Planning Obligations Supplementary Planning Document (SPD) July 2014, Noise SPD adopted May 2006 and the Air Quality Action Plan. The mitigation details set out within the body of this report accord with national guidance and the two named local SPDs.
- 3.3 It is considered by LB Hillingdon that all of the relevant documents and relevant policies should be included as material considerations when considering this application in respect of its impacts at a local level. Details of the additional/missing relevant planning policies and material planning considerations are set out in further detail below.
- 3.4 The full wording of the policies or documents referred to below are contained in Appendix One.

Hillingdon Local Plan Part 1- Adopted November 2012

Policy	Policy Guidance
HE1: Heritage	<p>The Council will:</p> <ol style="list-style-type: none"> <li>1. Conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape, which includes.....</li> </ol> <p>Designated heritage assets such as statutorily Listed Buildings, Conservation Areas and Scheduled Ancient Monuments;.....</p> <p>; and</p> <p>Archaeologically significant areas, including Archaeological Priority Zones and Areas.</p> <ol style="list-style-type: none"> <li>2. Actively encourage the regeneration of heritage assets, particularly those which have been included in English Heritage's 'Heritage at Risk' register or are currently vacant.</li> </ol>

	<p>3. Promote increased public awareness, understanding of and access to the borough's heritage assets and wider historic environment, through Section 106 agreements and via community engagement and outreach activities.</p> <p>4. Encourage the reuse and modification of heritage assets, where appropriate, when considering proposals to mitigate or adapt to the effects of climate change. Where negative impact on a heritage asset is identified, seek alternative approaches to achieve similar climate change mitigation outcomes without damage to the asset.</p>
BE1: Built Environment	<p>"The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should:</p> <p>1. Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place;</p> <p>2. Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties;.....</p> <p>6. Incorporate a clear network of routes that are easy to understand, inclusive, safe, secure and connect positively with interchanges, public transport, community facilities and services;</p> <p>7. Improve the quality of the public realm and provide for public and private spaces that are attractive, safe, functional, diverse, sustainable, accessible to all, respect the local character and landscape, integrate with the development, enhance and protect biodiversity through the inclusion of living walls, roofs and areas for wildlife, encourage physical activity and where appropriate introduce public art;....."</p>
Policy EM1: Climate Change Adaptation and Mitigation	<p>The Council will ensure that climate change mitigation is addressed at every stage of the development process by: .....</p> <p>2. Promoting a modal shift away from private car use and requiring new development to include innovative initiatives to reduce car dependency.....</p> <p>6. Targeting areas with high carbon emissions for additional reductions through low carbon strategies. These strategies will also have an objective to minimise other pollutants that impact on local air quality. Targeting areas of poor air quality for additional emissions reductions.....</p> <p>8. Encouraging the installation of renewable energy for all new development in meeting the carbon reduction targets savings set out in the London Plan. Identify opportunities for new sources of electricity generation including anaerobic digestion, hydroelectricity</p>

	<p>and a greater use of waste as a resource.....</p> <p>The Borough will ensure that climate change adaptation is addressed at every stage of the development process by:</p> <p>10. Locating and designing development to minimise the probability and impacts of flooding.</p> <p>11. Requiring major development proposals to consider the whole water cycle impact which includes flood risk management, foul and surface water drainage and water consumption.</p> <p>12. Giving preference to development of previously developed land to avoid the loss of further green areas.</p> <p>13. Promoting the use of living walls and roofs, alongside sustainable forms of drainage to manage surface water run-off and increase the amount of carbon sinks.....</p>
<p>EM6: Flood Risk Management</p>	<p>The Council will require new development to be directed away from Flood Zones 2 and 3 in accordance with the principles of the National Planning Policy Framework (NPPF).</p> <p>The subsequent Hillingdon Local Plan: Part 2 -Site Specific Allocations LDD will be subjected to the Sequential Test in accordance with the NPPF . Sites will only be allocated within Flood Zones 2 or 3 where there are overriding issues that outweigh flood risk. In these instances, policy criteria will be set requiring future applicants of these sites to demonstrate that flood risk can be suitably mitigated.</p> <p>The Council will require all development across the borough to use sustainable urban drainage systems (SUDS) unless demonstrated that it is not viable. The Council will encourage SUDS to be linked to water efficiency methods. The Council may require developer contributions to guarantee the long term maintenance and performance of SUDS is to an appropriate standard.</p>
<p>EM7: Biodiversity and Geological Conservation</p>	<p>The Council will review all the Borough grade Sites of Importance for Nature Conservation (SINCs). Deletions, amendments and new designations will be made where appropriate within the Hillingdon Local Plan: Part 2- Site Specific Allocations Local Development Document. These designations will be based on previous recommendations made in discussions with the Greater London Authority .</p> <p>Hillingdon's biodiversity and geological conservation will be preserved and enhanced with particular attention given to:</p> <p>1. The conservation and enhancement of the natural state of:.....</p> <p>Colne Valley Regional Park....</p> <p>2. The protection and enhancement of all Sites of Importance for Nature Conservation. Sites with Metropolitan and Borough Grade 1 importance will be protected from any</p>

	<p>adverse impacts and loss. Borough Grade 2 and Sites of Local Importance will be protected from loss with harmful impacts mitigated through appropriate compensation.</p> <p>3. The protection and enhancement of populations of protected species as well as priority species and habitats identified within the UK, London and the Hillingdon Biodiversity Action Plans.</p> <p>4. Appropriate contributions from developers to help enhance Sites of Importance for Nature Conservation in close proximity to development and to deliver/ assist in the delivery of actions within the Biodiversity Action Plan.</p> <p>5. The provision of biodiversity improvements from all development, where feasible.....</p> <p>7. The use of sustainable drainage systems that promote ecological connectivity and natural habitats.</p>
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Hillingdon UDP Sep 1998 (Saved policies Sep 2007)

Policy	Policy Guidance
Policy BE4:Conservation Areas	New development within or on the fringes of conservation areas will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities; development should avoid the demolition or loss of such features. There will be a presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Applications for planning permission should contain full details, including siting and design, or replacement buildings. Applications for consent for demolition will depend upon the submission and approval of such details.
BE10: Listed Buildings	Planning permission or listed building consent will not normally be granted for proposals which are considered detrimental to the setting of a listed building.
BE19: Residential Amenity	The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area.
BE34: River Corridors	When considering proposals for development adjacent to or having a visual effect on rivers the Local Planning Authority will, where appropriate, seek: <ul style="list-style-type: none"> <li>(i) To ensure and where possible enhance the role of the river and its immediate surroundings as a wildlife corridor;</li> <li>(ii) Environmental improvements to waterside areas;</li> <li>(iii) Building designs which complement the visual qualities of the riverside;</li> </ul>

	<p>(iv) Public access to the waterside linked to the footpath network in the surrounding area;</p> <p>(v) A minimum 6 metres of land reserved and landscaped alongside rivers, suitable for public access; and</p> <p>(vi) To enhance or create views through and from the development, from and towards the watercourse.</p>
BE39: Tree Preservation Orders	The Local Planning Authority recognises the importance of tree preservation orders in protecting trees and woodlands in the landscape and will make orders where the possible loss of trees or woodlands would have a significant impact on their surroundings.
OE1: Environmental Considerations	<p>Planning permission will not normally be granted for uses and associated structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally, because of:</p> <p>(i) The siting or appearance;</p> <p>(ii) The storage or display of vehicles, goods, equipment or other merchandise;</p> <p>(iii) Traffic generation and congestion;</p> <p>(iv) Noise and vibration or the emission of dust, smell or other pollutants,</p> <p>Unless sufficient measures are taken to mitigate the environmental impact of the development and ensure that it remains acceptable.</p>
OE3: Noise	Buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact is mitigated within acceptable levels by engineering, lay-out or administrative measures.
AM3: Road Construction and Improvement	<p>Proposals for new roads or widening of existing roads will only be permitted if the primary justification is:</p> <p>a) To improve safety; or</p> <p>b) To promote pedestrian movement, cycling or public transport, or other improvement of the environment; or</p> <p>c) To reduce existing local congestion in a cost effective way, consistent with council objectives for safety, the environment, walking, cycling, public transport, accessibility and mobility; or</p> <p>d) To promote the economic regeneration of an area by improving its accessibility in a cost effective way, consistent with council objectives for safety, the environment,</p>

	<p>walking, cycling, public transport and mobility; or</p> <p>e)To accommodate vehicular trips likely to be generated by new development in areas where improvements to public transport cannot provide sufficient capacity to accommodate the increased demand and where the work, along with any complementary traffic calming measures and parking controls in nearby streets judged to be necessary by the local highway authority or the local planning authority, is funded by the development.</p>
AM7: Pedestrians and Wheelchair Users	The Council will accord priority to the needs and comfort of pedestrians in the design and implementation of road construction and traffic management schemes except where safety considerations dictate otherwise. In particular it will seek to minimise the diversion of pedestrian routes from pedestrian desire lines and the delays experience by pedestrians at signal controlled road crossings.
AM9: Cyclists	<p>The council will:</p> <p>(i)Provide a network of well signposted cycle routes throughout the borough to promote safer cycling and better conditions for cyclists, using predominantly either quiet roads or purpose built cycleways; particular attention will be paid to the provision of suitable routes to schools and contributing additions to the London-wide strategic cycle route network;</p> <p>(ii)Take account of the needs of cyclists in the design of highway improvement schemes;</p> <p>(iii)Promote secure, attractive and adequate cycle parking facilities in the boroughs town centres, public transport interchanges and at other major attractions, and will require development proposals to include clearly visible, well-designed, covered, secure and accessible bicycle parking for users of the development and where appropriate, for the general public.</p>

#### Planning Obligations SPD 2014

- 3.5 Following the adoption of the LB Hillingdon Community Infrastructure Levy (CIL), the Council revised the Planning Obligations SPD in 2014 to ensure planning obligation requests relate to site specific mitigation, in accordance with the Planning Act 2008. Chapters 5 and 8 are relevant to the current proposals with regard to ensuring appropriate mitigation is secured for the LB Hillingdon, both chapters are set out in full in Appendix 1.

#### Noise SPD 2006

- 3.6 Noise has a significant effect on the environment and on the quality of life enjoyed by individuals and communities. The DCO proposals raise a number of noise concerns, both during the construction phase and the operational phase of the works. All mitigation proposed within this LIR accords with the SPD and national tests for the imposition of

appropriate planning obligations and mitigation.

3.7 A full copy of the SPD is appended to this report- Appendix 1.

Air Quality Action Plan; 2004

3.8 The LB Hillingdon has declared an Air Quality Management Area (AQMA) for nitrogen dioxide that covers all of the borough to the south of the Chiltern-Marylebone railway line. The council developed an Air Quality Action Plan which was published in 2004. A full copy of this document is appended to this report at Appendix 1.



## 4 DEVELOPMENT IMPACTS

### 4.1 General Comments

The council have been liaising with the applicants through the pre-application process, and whilst 'undertakings' and 'commitments' to deliver certain works/mitigation have been expressed in writing to the council, there has been no detail of the mechanism by which this can and will be secured to the satisfaction of the council.

The council want to ensure all commitments and undertakings are secured and agreed via a legal agreement (in certain cases an appropriate condition) to ensure that adequate mitigation or further detailed design is delivered through the Order, post determination of the DCO.

### 4.2 Presentation of Information

The information made publicly available amounts to nearly 1000 documents arbitrarily uploaded to a website. This is highly inaccessible and makes the public consultation virtually redundant.

The consultation does not conform to the general principles of the Environmental Impact Assessment Directive and fails to engage adequately with the public.

### 4.3 Highways and Transportation

#### **Sipson Road Subway/Cherry Lane School & Children's Centre**

There are substantial concerns raised with regard to Work No 28; Sipson Road Subway.

The Sipson Road subway provides pedestrian access for residents located to the south of the M4 to gain access to the north of the borough, most significantly for children to travel to Cherry Lane School and Children's Centre. The planning submission does not adequately address how the proposed works will impact upon the free, unfettered access that residents currently have. The council has been advised that the works may take up to one year, that there will be a period of closure of the subway to undertake the works and a diversion is likely to take place via Holloway Lane.

The council wishes all options to be investigated to ensure minimum impact upon local residents, the works which require the closure of the subway should only take place over school holidays and this should be secured formally prior to DCO approval through a legal agreement. Concerns are raised to the use of Holloway Lane as a diversion route (for the Sipson Road subway temporary closure) as it is not considered to be a suitable and safe route for children to access Cherry Lane School. A diversion route should be agreed in consultation with the council and this should be secured by legal agreement.

There are substantial impacts upon the Cherry Lane School Travel Plan and significant

concerns are raised that inadequate consultation has taken place with Cherry Lane School who will be directly impacted upon by the proposed works. The applicant has advised that engagement with the school and other parties will be taking place at a later date. Given the significant impacts upon the School and Children's centre and other community groups, the engagement with these parties at a later date is considered to be an inadequate timeframe. Full engagement should take place now and inform the DCO application process.

There are also significant concerns about the impact of the works themselves on the Cherry Lane school by virtue of noise and environmental pollution given the proximity of the subway to the school and associated buildings. The land take which has been requested as part of the temporary CPO around the Sipson Road subway is extensive and has the ability to be used as a small subsidiary compound to which the council raises substantial objection. The council requires an undertaking about the extent of works which can take place in this area and they should be limited only to associated construction works for the subway extension and the necessary remediation works for the subway to be put back into use. At no time should the land be used for other works associated with the wider proposals.

The council understands that on completion of the works, the land at Sipson Road subway will be reinstated with the appointed contractors required to complete a post completion condition survey in association with the council. There would appear to be no means by which the council can monitor and record the works on council owned land and ensure that not only is land returned to us, is in a condition which meets highway standards, but any associated changes to re-model the subway are of an appropriate design and specification which the council can then continue to maintain. The council want to input into and agree the final design and specification for the subway and this should be secured through a legal agreement.

### **Public Rights of Way**

There are a number of PRoW, adopted and un-adopted highway routes which cross the M4 motorway. These routes serve a number of purposes, these in the main being connecting communities, providing connections to schools, providing access to countryside parks, providing access to the work place (Heathrow area in particular) and places of worship. These footpaths are fully utilised as they are the only crossing points over the M4 in the immediate vicinity.

It is noted that there is no planned permanent closure of any PRoW, adopted and un-adopted highway within the borough.

The council has been informed that the proposed works are likely to require temporary closure of numerous PRoW within the borough during the construction period which could be up to a year in duration.

It is essential that the Public Rights of Way network remains intact through linkage north to south to connect users to their destinations. Mitigation measures should avoid and reduce adverse affects wherever possible, taking into consideration the Equality Act 2010 which requires the least restrictive option to be implemented. This can only be achieved by discussion and planning to accommodate connectivity during construction or providing appropriate diversion routes. As with other development projects on PRoW, the affected footpaths should receive significant improvement to improve user experience and offset any inconvenience to the public.

The council wishes to secure by legal agreement that temporary closures do not all occur at the same time, this will have a substantial impact upon movement north and south of the M4 motorway.

The council wishes to secure by legal agreement that any works should consider accommodating access but if this is not considered practical or impossible due to health and safety considerations then a diversion route will need to be considered.

### **Transport Modelling**

On numerous occasions (February 2015, April 2015 and June 2015) the council's highways and transportation team have requested that the applicants simulate in collaboration with TfL (WeiHAM) the effect of the additional traffic over the area likely to be affected including the A312, A4020 and A40 both for the permanent solution and construction period.

On the 21<sup>st</sup> August 2015, the council received the requested information and the time with which it has taken the applicant to submit the details is considered to be unacceptable as it provides insufficient time for Officers to review and comment on the details submitted. We have nevertheless sought to review the details provided.

The traffic count figures shown on drawings submitted (ref: 400065 to 400070) are all on roads managed by either Highways England or Transport for London. There is no information of changes in traffic flows on roads managed by London Borough of Hillingdon.

It is noted that in the AM peak 07:00 to 08:00 hours eastbound traffic falls from 6,787 west of M4 junction 4 to 5,476 east of M4 junction 4, a reduction of 1,311 vehicles. It is not known whether these 1,311 vehicles are heading north to the A408 - and potentially on to Hillingdon roads (including the Heathrow Villages) or south towards Heathrow Airport. To clarify this, turning counts data are requested at M4 junction 3 and M4 junction 4 in order to fully assess the impact of the proposals on the local road network.

Subject to receipt and review of this information the council is unable to fully respond and comment upon the impact on the local highway network as a result of the proposals.

### **Cranford Park Access Improvements**

The proposed works are likely to have a significant impact on the views in and around Cranford Park as well as leading to an increase in noise in this area. The park itself is currently very difficult to access by any mode of transport. Given the proposed works will further detract from the park qualities and visitor attraction, it is considered necessary to request that enhancements are made to the park access for all modes of transport in order to encourage visitors to use and enjoy the park environs.

The council therefore wishes to request mitigation measures are provided to rationalise access into Cranford Park via a legal agreement to undertake the works. A plan indicating how access could be improved is shown at Appendix 2.

It is noted that Highways England have confirmed that they are not including any such works to improve access to Cranford Park as part of their development, but the Inspector is respectfully requested to consider such mitigation as necessary in order to ensure the vitality and viability of the park is not affected by the development proposals.

### **HGV Diversions**

The council wishes to secure through a legal agreement to ensure that HGVs associated with the construction works are directed to use the A4 via junctions 5 and 3 and avoid both the Heathrow Villages and the M4 Spur, which leads to a private road (undesirable for HGV use). It should be considered a pre-requisite that the construction vehicles do not travel through the Heathrow Villages.

At present, the applicant has only committed to discussing the possible HGV re-routing, however this commitment to enter into discussions is insufficient as provides no certainty that the construction impacts will not have a detrimental impact on the local road network. The council is keen to secure the necessary assurances that the Heathrow villages will be relieved from HGV traffic wherever possible.

### **Stockley Road Compound**

The council has been advised by the applicant (email dated 28<sup>th</sup> August 2015 from Chris Tooth) that the appointed contractor is of the preliminary view that Compound 11, situated on Stockley Road is likely to be required by the appointed contractor.

Throughout the pre-application process, the council has raised objection to the use of this compound. The council notes that Stockley Road is already a heavily trafficked distributor road which links the M4, Uxbridge and Heathrow and therefore concerns are raised about the potential impact of additional HGV traffic entering and leaving this compound.

The hours of operation of this compound are to be between 8am-7pm on weekdays and 7am-4pm on Saturdays (as stated in the outline Construction Environmental Management Plan). There is significant existing congestion on Stockley Road and the proposed peak hour movements will further exacerbate congestion and has the potential to lead to a severe impact on the local road network.

There has been only generic information provided about the anticipated use of this compound and further clarification is required as to the exact use and associated movements and activities for this site, in order to allow officers to assess if there is any potential to have appropriate mitigation in place to limit the impacts. Without this information, the council cannot support the use of Compound 11.

### **Subway Upgrade**

The council wish to see the M4 Smart Motorway programme incorporate works to upgrade all subways which cross the M4 and bring them up to a decent shared use standard to reduce the severance caused by the M4 motorway.

This would also encourage greater use of the subways by both foot and bike creating a more sustainable means of travelling around the borough.

## **4.4 Environmental Impact Assessment**

There are a number of concerns with the submission that will result in significant harm to residents and the environment. There is also a significant failing in the presentation of the material that renders it very difficult to understand and assimilate the relevant information.

The environmental impact assessment fails to meet the requirements of the Regulations due to the following:

### **Cumulative Assessment**

The Environmental Statement needs to incorporate:

*(4) A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and longterm, permanent and temporary, positive and negative effects of the development, resulting from—*

*(a) the existence of the development;*

*(b) the use of natural resources;*

*(c) the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicant or appellant of the forecasting methods used to assess the effects on the environment.*

Clarity about how to assess cumulative impacts was provided by the Infrastructure Planning Commission (IPC) which was then incorporated into Advice Note 9, *Using the Rochdale Envelope* (2012) for the Planning Inspectorate, this states:

*In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant*

*authorities on the basis of those that are:*

- *Under construction*
- *Permitted application(s), but not yet implemented*
- *Submitted application(s) not yet determined*
- *Projects on the IPC's Programme of Projects*
- *Identified in the relevant Development Plan (and emerging Development Plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited*
- *Identified in other plans and programmes (as appropriate) which set the framework for future development consents/approvals, where such development is reasonably likely to come forward*

The applicant wrote to the Local Authority on 12 December asking for applications that were covered by the factors set out in Advice Note 9.

Whilst the request for relevant developments was in accordance with advice note 9, this was not the same list used for the purposes of the Environmental Statement. The list is included within Appendix 16.2 and includes only two applications within the London Borough of Hillingdon. There is a considerable difference between the list of applications sent to the applicant, and those used in the ES.

Consequently, it is not clear that the ES has used all the relevant planning applications as required by Advice Note 9.

The proposed development will result in an increase in traffic on the M4 and by implication, will likely result in more traffic on the adjoining roads. These adjoining roads are already heavily constrained and congested with air quality that in most instances is either close to or in breach of EU limit values. Given the severity of local traffic issues and the associated air quality implications in the borough, this is potentially a significant omission.

### **Cumulative Assessment and Air Quality**

The methodology used in the EIA is also fundamentally flawed. The Council is concerned that the applicant will only report air quality impacts where there is a 0.4ugm increase in NO2 levels in areas exceeding EU limit values.

Any increase in an area already exceeding EU Limit values is significant and needs to be reported as such and mitigation appropriately proposed.

The EIA Regulations require screening decisions on EIA to consider:

*areas in which the environmental quality standards laid down in EU legislation have*

*already been exceeded;*

However, the applicant has scoped out impacts of 0.4ugm or less of NO2 in areas currently exceeding the EU limit values. This is fundamentally inappropriate and ignores a significant effect of the development.

Furthermore, the information contained within the ES is not comprehensive. The ES only considers the impacts along the motorway itself and does not consider the supporting roads and junctions. The map attached as appendix 3 shows the existing air quality exceedences which include the M4 spur road to and from Heathrow at junction 4 and also the A312 at junction 3.

The ES does not appear to include any assessment of the air quality impacts in these areas or of the associated traffic. It seems unlikely that there would be about a 7% increase in flows along the M4 yet no increase on these heavily polluted and heavily congested roads.

When combined with the lack of cumulative assessment it is evident the ES has failed to consider all the likely significant effects.

As such; the applicant needs to revise the assessment so that any increase in emissions in areas exceeding minimum EU limit values are considered significant and appropriate mitigation proposed.

The applicant also needs to revise the assessment to include all the relevant developments in the cumulative assessment as originally set out. This assessment should include those submitted and not yet approved, and also appropriate allowances for reasonably foreseeable development.

The applicant also needs to provide a breakdown of the additional traffic on the local network and the associated air quality impacts in accordance with the improved methodology as requested above.

### **Cumulative Assessment and Health Impacts**

A fundamental objective of the original EIA Directive was to protect human health. The air quality limit values are set in relation to public health. The ES reports increases in pollutants in areas already failing minimum standards for health but does not report the effects of these pollutants.

The applicant has stated that a health impact assessment is being prepared but will not form part of the application.

The Council is concerned that a scheme of this size has not been subjected to a robust and comprehensive health impact assessment (HIA). However, in terms of EIA, it is immaterial whether the impacts on health are reported in the ES or through a linked HIA. In this instance though, health is not considered in any detail in the ES and there is no HIA.

The development results in a worsening of pollution in heavily populated areas. This has not been adequately reported, presented or defined in the ES. No mitigation for the increased levels of pollution is provided.

#### 4.5 Climate Change

No assessment of the climate change impacts has been made. It would have been expected that a scheme of this magnitude would have considered the potential significant environmental effects on climate change.

Similarly, no assessment of the energy requirements of the scheme has been provided. Relatively small scale developments in London have to contribute more to energy reduction and renewable energy technology than this development. The proposals therefore do not meet the requirements of London Plan Policy 5.2.

The applicant should provide an energy assessment in line with London Plan Policy 5.2 and also include an assessment of the climate change impacts in accordance with the EIA Regulations.

#### 4.6 Air Quality

Whilst concerns are raised with regard to air quality above, further comments are provided below which relate to the results along the stretch between Junction 3 and 4b as this is of direct relevance to impacts on Hillingdon residents.

##### **Operation of London Hillingdon AURN monitoring station**

The temporary CPO of land adjacent to Cherry Lane School includes an important air quality monitoring station, the London Hillingdon AURN monitoring station. In theory air quality monitoring stations can be moved. However the council are concerned that the applicant does not appreciate the importance of this existing air quality monitoring station. It has been in place since 1996 and provides important data in terms of pollution trends at a site where there is relevant public exposure close to a busy motorway. It is also used by DEFRA in terms of reporting to Europe on the achievement of EU limit values. Highways England has not provided confirmation as to DEFRA's position as to whether there is an intention to relocate the station and if relocation is intended, details and arrangements that will be made for its immediate re-provision following construction. The council wish to be assured this will be addressed.

##### **Recommendation**

The promoter to ensure DEFRA is made aware of any intention to relocate the London Hillingdon AURN and the necessary arrangements that will be put in place to ensure this site is not compromised by the works.

##### **Overview of the air quality assessment**



The Scheme, as presented, is to increase the capacity of the M4 motorway within the existing boundary. This will be achieved within the Council's borough by permanently allowing traffic to use the current hard shoulder at junction's 4b-3. The traffic forecasting report indicates that, with the Scheme in place, by 2037 there will be increased volumes of traffic of 4-14% across all the time periods along this particular stretch of motorway. In relation to other areas of interest in the borough, the Scheme is anticipated to increase journey times by up to 3% in some directions along the A4. This suggests an increase in the level of congestion along this route.

The air quality assessment identifies current exceedences of the air quality objectives at nearby residential receptors in the baseline of 2013. The assessment concludes that by the opening year of 2022 these levels will be lower and all receptors will be within the national air quality objective limit level. This remains the case with the implementation of the Scheme with all receptors predicted to be below the national air quality objectives.

In terms of assessing EU Limit Value compliance, the assessment identifies the A4 as a currently non-compliant road and one that will still be non-compliant in 2022 both with and without the Scheme. The Scheme itself is predicted to add 0.3ug/m<sup>3</sup> to the concentrations at the highest point on the A4. The assessment concludes the Scheme is Low Risk in terms of EU limit value compliance.

### **Sensitivity of the area**

There are relevant sensitive receptors already detrimentally impacted in terms of poor air quality by the operation of both the M4 and the A4. The London Hillingdon AURN monitoring station north of the M4, registers levels of pollution above the air quality objectives set to protect human health (ref draft air quality plan, Defra 2015). Increases in traffic volumes, changes in traffic type such as more HGVs and increases in congestion all have the potential to impact detrimentally on the air pollution levels.

### **The local air quality assessment: Baseline**

The assessment provides pollution concentrations at nearby sensitive receptors in 2013. These are existing diffusion tube monitoring locations, supplemented with additional location data supplied by the promoter collected specifically for this assessment. Tables 6.12 and 6.13 give a series of locations which all exceed the air quality limit objectives.

It should be noted that although the London Hillingdon AURN monitoring station is identified as a site location, the actual annual mean result for 2013 of 52.8ug/m<sup>3</sup> has not been included. The inclusion of results from this station would have added a more accurate form of monitoring methodology in terms of assessing pollution levels. The station is close to residential housing and a school and therefore represents public exposure. It is not clear why these results have not been reported and presented within the air quality chapter and clarification is sought on this point.

A trend analysis of the data from the monitoring devices would have provided a more

robust picture of the pollution levels around the area and any levels of improvements that have been achieved to date in terms of meeting the air quality limits. It should be noted that the London Hillingdon AURN in 2014 registered concentrations of 57.5ug/m<sup>2</sup> (increase from 52.8ug/m<sup>3</sup> in 2013) and at the residential diffusion tube site in Cleave Road (site 214) there was an increase from 44.1ug/m<sup>3</sup> in 2013 to 50ug/m<sup>3</sup> in 2014.

### **Recommendation**

Highways England have been asked to include provision of all relevant monitoring data and trend analysis to provide a more robust baseline of the areas in question, which must inform the mitigation strategy.

### **Future assessment without Scheme**

The assessment indicates that all the receptors will be below the air quality objective levels by the opening year of 2022. The results of the actual levels predicted are not presented within the air quality chapter and clarification should be provided as to why this has not been presented.

### **Future assessment with Scheme**

The scheme has been assessed as causing an uplift in concentrations between -0.4-2.0ug/m<sup>3</sup> at relevant receptors however these changes are defined as imperceptible or small and do not lead to levels of pollution at the receptors above the air quality objectives. In this regard the air quality impacts are described as not significant. The results of the actual levels predicted are not presented within the air quality chapter, which should be provided.

It has been predicted that with the Scheme in operation there will be no air quality exceedences of the air quality objectives at any relevant receptors in 2022 and therefore, there are no recommended mitigation measures included within the air quality chapter. The assessment identifies that the predicted improvements in air quality are achieved by the assumptions made within the assessment of the future vehicle fleet i.e. the emission reductions achieved by new road vehicle technologies and the speed at which these enter the fleet.

### **EU Limit Value compliance**

The M4 is identified in the DEFRA 2012 analysis (Appendix 4; D Laxen's PoE App A1, Figure 4) as a non compliant road. The A4 is included and has been assessed as part of the process however, Highways England has provided no future analysis of the M4 despite the fact that the road is non-compliant, carries higher volumes of traffic than the A4 and has higher concentration levels than the A4. The Council therefore, require Highways England to provide an analysis of the M4 and if necessary request that the results inform the mitigation strategy. The A4 analysis shows it is predicted to be non-compliant in 2022 without the Scheme. It further shows that the operation of the Scheme adds a maximum of 0.3ug/m<sup>3</sup> at a receptor location along the A4. Despite knowledge of these facts, Highways

England have surprisingly found that the Scheme is Low Risk in terms of EU Limit Value compliance.

### **The Council's reasons for concern**

The details below set out the areas of concern the council has in terms of how the assessment has been carried out and the conclusions that have been drawn. The health of the nearby residential population is at risk should these concerns prove to be a reality. The council seeks an agreed mitigation strategy which can be invoked should the Scheme not deliver the expected reductions in emissions.

The council has sought expert advice in relation to its comments below. A full copy of the advice is provided at Appendix 5.

### **Methodology**

Omitting to use the result from the London Hillingdon AURN site has implications for the accuracy of the modelling process. The council have been advised that the model verification process should have been based upon the result from the automatic monitor as opposed to the less accurate diffusion tubes. Highways England is of the opinion that this monitoring station is atypical, this is not the council's or the Council's expert's belief.

### **Modelling has under-estimated concentrations**

The London Hillingdon automatic monitor is operated by DEFRA as part of the AURN. It is operated to a high standard of quality assurance that meets the requirements of the EU Directive (2008/50/EC) and is one of the sites used by Defra to report compliance (or lack of compliance) with the EU limit value for nitrogen dioxide. By not using the more robust data from the continuous monitoring station this may impact on the accuracy of the modelling process in terms of the modelling verification process. The consequence is that the modelled concentrations may thus be under-estimated. This is demonstrated in the advice note from Professor Laxen (Appendix 5) which demonstrates that if the results of the modelling are adjusted to meet the actual monitored data then the value at the monitoring station would be above the objective level and above the limit value in 2022.

Highways England has provided to the Council the guidance used for the assessment. Highways England indicates this represents a realistic worst case scenario. Whilst the guidance describes the assessment methodology (the actual assumptions used) for example the numbers of and types of vehicles anticipated to be Euro 6/V1 by 2022 have not been presented within the air quality chapter. Without this level of detail it is not currently possible to agree this is a worst case scenario approach.

### **Key input data not provided**

Highway England to provide further details in relation to the key assumptions in regard to the ingress of new vehicle technologies including type and % increases from current to 2022 and through to 2037 and the assumed emissions. This should include changes in any

other key parameters, which influence emissions such as speed.

The Council has obtained expert advice in relation to the use of the guidance and whether the long term gap analysis approach represents a realistic worst case scenario approach. The ES has followed the Highways England guidance in IAN 170/12 to allow for the fact that emissions have not been reducing as expected from new vehicles entering the fleet. This is referred to as the Long Term Trend Gap Analysis (LTT). However the current spreadsheet tool (v1.1) for assessing this, available only upon request to Highways England, shows little difference between the base case scenario and the LTT scenario as both cases assume that Euro V1 and Euro 6 vehicles will deliver substantial reductions in emissions. Until this is tested with measurements of emissions from vehicles on the road, there must be some uncertainty as to whether reductions will be fully achieved.

If the assumptions about Euro V1 and Euro 6 are over-optimistic, then the assessment will have exaggerated the improvement in air quality by 2022. The expected delivery of emission reductions from road vehicle technology in recent years has not been borne out in reality, as is fully recognised by Defra.

#### **No sensitivity testing to ensure worst case scenario approach**

It is not clear that the most recent assessment methodology does provide a worse- case scenario in terms of Euro V1 and Euro 6 emissions. The assumption is that the new technology will deliver substantial reduction in emissions. The Emission Factor Toolkit in, terms of London, assumes penetration by 2022 of 81% Euro V1 and 71% Euro 6. Given the recent history over the failure of road vehicle technologies to deliver the emissions reductions predicted, a more robust way to show a worst case scenario approach would have been to provide sensitivity tests around a level of anticipated Euro V1/Euro 6 failure and/or changes in the assumed levels of penetration.

#### **Over-optimistic predictions of the future reductions in emissions**

Historic trend analysis at the London Hillingdon AURN site close to the M4 (ref D Laxen's Review of Highways England Assessment, September 2015 Appendix 5) has shown a significant upward trend in terms of concentrations in the past 15 years. This trend has continued into 2014.

This trend does not support the modelling conclusion that by 2022 a significant reduction in emissions, and hence concentrations, will have been achieved and that this will remain the case despite the additional volume of traffic resulting from the implementation of the Scheme.

#### **The monitoring trends do not support such a significant reduction in concentrations**

Expert advice obtained by the Council has confirmed that a steep drop in emissions would be required from 2014 to reach the values presented in the ES. The plausibility of this is entirely dependent on Euro V1 and Euro 6 vehicles delivering the emissions reductions currently projected. The trend evidence from the London Hillingdon AURN monitoring site

must cast some doubt on this assumption being achieved.

### **Inclusion of local road analysis**

As raised in the Highways and Transportation section of this report, any under-estimation of the impact of the Scheme on local roads within the borough, or an under-estimation of the committed developments which may impact on the traffic levels throughout the borough, may have important detrimental consequences for air pollution levels. There are roads within the borough that are currently at saturation point in terms of congestion and in terms of contributing to current unacceptable levels of air pollution, for example the operation of the A4 and A312.

### **The EU Limit Value compliance test**

The council believe the identification of the Scheme as Low Risk in terms of EU limit value compliance is not a correct interpretation of the EU Air Quality Directive (2008/50/EC). Given the judgement handed down in R (Client Earth) v the Secretary of State for the Environment, Food and Rural Affairs (2013) UKSC (2014) EUCJ C-404/13 (2015) UKSC 28 the Council is clear that air quality must not be made worse where it is already non compliant and in breach of the legislation even where the increase in limit value is slight. No mitigation has been offered to address such an issue. The council are therefore concerned that Highways England's approach to the EU Limit Value compliance test is potentially unlawful.

### **Mitigation Strategy**

Given the concerns raised above the current trends in monitoring and the historic failure of road vehicle technology to date the council seek to ensure there is a robust mitigation strategy in place secured by legal agreement, which can be initiated should the situation predicted in the assessment not be achieved in reality. Any such mitigation strategy must extend to cover impacted local/regional roads which are subject to increases in pollution brought about by the operation of the Scheme.

### **Recommendation for mitigation strategy**

A robust mitigation strategy for the smart motorway should be developed. Automatic monitoring stations, operated to EU standards, should be put in locations with relevant exposure, along the M4 between junctions 3 and 4b. For each site a series of modelling predictions should be obtained for years in between current and opening year. If it becomes clear that the measured concentrations are not declining as projected by the model then appropriate mitigation should be instituted.

It is important that the monitoring stations are not impacted by construction works. Given the potential for the London Hillingdon AURN site to be compromised by construction, two further sites should be established, to start operating by 1 January 2016. The locations should be agreed with the London Borough of Hillingdon.

Should the Scheme cause predicted increases in traffic on local roads currently exceeding the air quality objectives, then the promoter must provide a mitigation strategy to address this issue.

#### 4.7 Noise and Vibration

Following site meetings with the applicant, it has been established that the noise assessment undertaken and submitted as part of this DCO is inaccurate and not based on actual site surveys. Generic assumptions have been made by the applicant that noise barriers exist along the M4 however the noise barriers that are identified by the applicant are in fact standard garden fences. In the first instance concern is raised that the applicants have made assumptions on not just this part of the assessment but also other areas of the application which has been submitted. There are also concerns that the noise assessment does not fully take into account change in levels around the boundary of the M4, for example in some places, residential properties are above that of the noise barriers, and it is unclear whether the noise assessment take this topography into account.

There is also significant damage to the fencing along the route and the council have been advised that these barriers will be replaced - not with like for like but with a new upgraded barrier that will significantly reduce the noise impact to nearby residents. This is not however shown in the report (appendix 12, tables A12.1.1 & A12.2.1).

The information submitted is also unclear as to whether all parts of the M4 will be re-surfaced as part of the proposals (with low noise surfacing) or if this is restricted to the hard shoulder only. I appreciate that some stretches already have low noise surfacing, as existing, but clarification on the extent of resurfacing is requested.

The submitted noise assessment for the construction phase of the development currently only takes into account community buildings. Given the proximity of the motorway to a number of residential properties, the noise assessment should take into account all noise sensitive receptors, in addition to the community buildings surveyed.

Taking into account that the information presented in the Environmental Statement is inaccurate, the council advises that as a minimum, the following mitigation is required:

- a) Increased height noise barriers to be provided E/B 14050-16000 (and where the existing noise barrier is in disrepair, this should be replaced with new increased height noise barriers);
- b) Increased height noise barriers to be provided E/B 11050-12350 (and where the existing noise barrier is in disrepair, this should be replaced with new increased height noise barriers);
- c) New increased height noise barriers to be provided W/B 12450-12650

All other noise barriers identified on drawing 12.2 should be surveyed and adequately appraised as to their need to be re-provided. A request has also been made to visit the

effected properties within the site visit itinerary given the close proximity of these properties to the development.

The council require this mitigation to be secured by legal agreement and the relevant reports updated to accurately reflect the onsite conditions.

The long term details provided with regard to the change in noise levels are simply modelled data as presented. The council wish to secure via legal agreement an undertaking to secure further impact surveys in the 'Important Areas' identified on drawing 12.1 and adequate mitigation secured in areas where results raise significant concerns.

Full details of the proposed acoustic barriers are not yet known by the applicant. The council therefore require that these details are submitted to and approved by the council prior to any installation.

The council wish to secure mitigation, via a legal agreement, against the impact of constriction noise and nuisance for all community buildings impacted upon by the development, including Cherry Lane School and Children's Centre. Noise mitigation should be delivered in accordance with national and local policy requirements and should accord with Building Regulation standards.

#### 4.8 Land Contamination

It is noted that no proposed works are located within adjacent 'closed' landfill sites and as such no mitigation is required. Should the proposals change or involve any adjacent potentially 'contaminated' land then site investigations would be necessary to find out what remediation is required.

The location of the proposed Compound 11 has the Heathrow Express running below the landfill and the railway tunnel is gas protected and covered in clean clay.

It has been indicated that Compound 11 on Stockley Road is likely to be necessary during the construction phase. Whilst there is an in principle objection to the use of this site, should the Order proceed to grant the use of this site, the council expect an environmental site investigation and risk assessment to be undertaken to make sure this land including any existing remediation measures are not affected if it is used for compound. This level of detail should be secured through the legal agreement.

Any associated works for the Sipson Road subway which fall within the old Holloway Lane landfill will also require investigation and risk assessment. This level of detail should be secured through the legal agreement.

#### 4.9 Conservation and Design

Between Junctions 3 and 4, the M4 runs directly north of the Cranford Park and the Harlington Village Conservation Areas. It lies adjacent to the proposed Heathrow Archaeological Priority Area and cuts through the existing Harlington Village

Archaeological Priority Area. Within Cranford Park and to the immediate south of the road are a number of listed buildings, including the grade II\* listed St Dunstan's Church. To the north west of junction 3 is the Cranford Archaeological Priority Area, which includes the site of a moated manor house and the northern section of Cranford Park, considered to be an historic asset, which was split in two when the motorway was constructed. Within Harlington there are a number of listed buildings located south of the motorway, including the grade I listed Church of St Peter and St Paul. The grade II listed war memorial, located in the Cherry Lane Cemetery, is located north of the motorway and east of Junction 4. To the east of the junction with the M25, the M4 lies adjacent to the West Drayton Village Archaeological Priority Area and cuts through the proposed Colne Valley Archaeological Priority Zone.

In terms of the historic environment, given the sensitivity of the areas adjacent to the existing M4 corridor, it is considered that the proposed work will impact on the borough's heritage. The magnitude of this impact will, however, be varied and seen against the intrusion of the existing road, which has already caused serious damage to the setting of many of the adjacent historic assets. The methods used to assess the impact of the proposal on the cultural heritage of the borough, as explained within the applicant's Environmental Statement, are considered appropriate, although we do not concur with some of the conclusions contained within this document.

In terms of impact on the setting of the adjacent conservation areas and listed buildings, it is noted that vegetation will not be removed along the western slip road adjacent to Cranford Park, which is welcomed, and that vegetation clearance appears minimal towards the eastern slip road that runs adjacent to the northern part of the park.

We note additional view points provided to the Council regarding the landscape impact assessment, however, these will vary according to the season and the screening provided by trees will be considerably less in winter months (no winter views have been prepared alongside this DCO application). They do, however, show the importance of retaining the existing vegetation along both sides of the road.

Provided vegetation is retained adjacent to Cranford Park, both to the north and south, it is unlikely that the new gantries adjacent to Junction 3 will be visible from the park. Winter views are therefore required in order to provide a full assessment of the development impacts.

The changes to the signage and gantries adjacent to the Harlington Village Conservation Area are noted, but the existing tree screening is likely to filter their visual impact on the setting of the historic assets in this area. Gantry G1.07, and to a lesser extent G1.08, will be visible from the boundary of the conservation area and it is important that existing tree planting is maintained in these locations and replanted if lost. The impact on the setting of the listed Cherry Lane memorial is considered to be negligible.

The main impact of the works is considered to be in terms of additional noise, particularly where the vegetation is sparse or missing, such as over the entrance to St Dunstan's



subway. In the case of the latter, the traffic will be closer to and clearly visible from the listed buildings. Whilst we note that para 17.3.17 of the Environmental Statement advised that there will not be any increase in noise levels, we would nevertheless, wish to see the existing sound barriers along this stretch of the road improved, currently these are little more than domestic fences, and the areas of the park adjacent to the road protected by new barriers and additional planting/screening where this can be provided.

Given the archaeological sensitivity of the area, we welcome the use of archaeological watching briefs for work in areas where the ground has not been disturbed and where they may impact on archaeological remains. The Greater London Archaeological Advisory Service (GLAAS) and Hillingdon Council should be involved with the drafting of these documents and advise on the assessment, recording and reporting of finds. Working arrangements with contractors will also need to be agreed with the relevant parties. We note the provision for these matters contained in Schedule 2 of the DCO.

#### 4.10 Ecology

The council have concerns about the loss of a considerable amount of vegetation as a result of the scheme. The National Planning Policy Framework suggests developers should aim for a net increase in biodiversity. The proposals seem to aspire only to a no net loss principle.

It is widely accepted that an increase in vegetation will aid in air quality improvements as well as resulting in a better landscape and biodiverse environment. The council have particular concerns about the loss of vegetation in the area surrounding Cherry Lane School although the loss of vegetation elsewhere needs mitigation.

Similarly, the Council was informed (25<sup>th</sup> September 2015) that ecological surveys of the proposed construction compound in Stockley Road have now taken place (these were undertaken recently and not at the pre-application stage) and this has identified the presence of slow worms on the construction compound site, which are a protected species in the UK under the Wildlife and Countryside Act, 1981, and classified as a Priority Species in the UK Biodiversity Action Plan. No further details have been provided to the council and we await further survey work. This will invariably impact upon the usable area of the Stockley Road compound which has been raised as a concern under the Highways and Transportation section of this LIR.

It is also unclear what ecological surveys have been undertaken and the extent of value of the areas of vegetation being lost.

#### 4.11 Landscape

The environmental objectives set out in the Environmental Masterplans (sheets 27-30), dwg Nos. 514451-MUH-ML-ZZ-DR-EM-300761, 762, 763 and 764, include landscape integration, visual screening, visual amenity, auditory amenity, nature conservation and ecology, and enhancing the built environment. These worthy objectives are acknowledged.

However, their effectiveness upon completion will depend on the detailed design and will require a high quality of implementation and maintenance. The concern remains that it is a stated intention to locate all mitigation measures within the existing motorway corridor where the space and opportunities for planting are extremely limited. A much more effective environmental masterplan could be secured if off-site planting can be negotiated and implemented on adjacent landscape holdings.

Within the applicants Planning Statement (ref. TR010019, Vol 7.1), the existing character of the M4 is described (at 2.1.8) as predominantly that of a 'transport corridor', with associated slip roads, lighting signage and apparatus. The M4 was built in the late 1960's when traffic volumes were lower and there would have been lower light levels and fewer / less substantial associated structures such as the large gantries which are currently specified. Some of the existing motorway boundary fencing is low height domestic- scale close board-timber providing little visual screening or acoustic screening (please refer above to Noise section of this report). The opportunity should be taken to replace ineffective boundary fencing with acoustic barriers. Where strips of land exist between the edge of the motorway and residential properties, off-site planting of woodland should be provided. This would have multiple benefits, addressing issues of visual amenity, screening, light pollution and air quality.

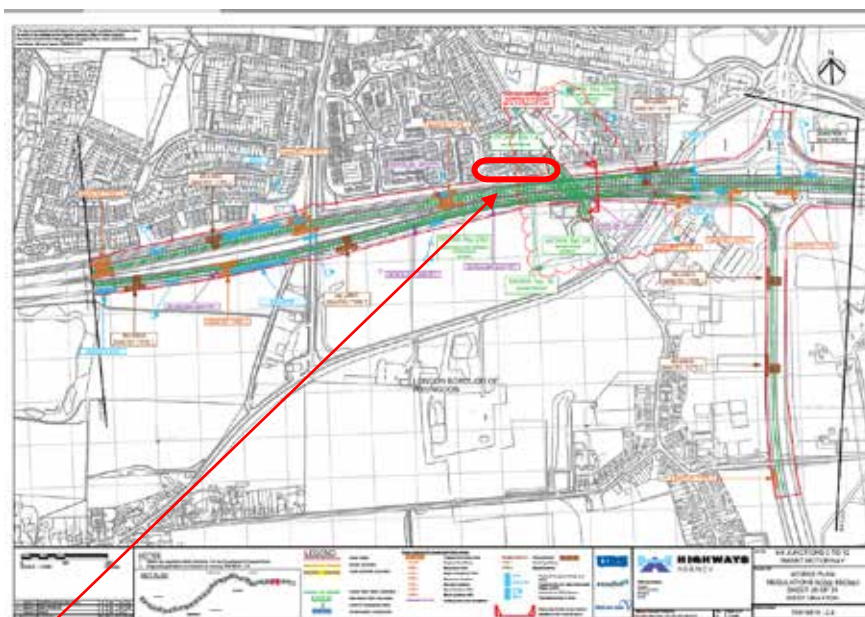
As noted in the Planning Statement, the scheme passes through designated Green Belt in Hillingdon, with the justification for 'very special circumstances' set out in Chapter 5. Woodland planting on site or, if this is not possible, off-site planting should be provided to mitigate the impact of the carriageway extensions and the impact on the designated Green Belt in accordance with local and national policy requirements.

The site also extends through a TPO area around the St Paul and St Peters subway. Objection is raised to the loss of any trees covered by this TPO and objection is raised to the terms of the Order which allow for the felling of any TPO trees.

The use of the proposed contractor's compound 11 site to the east of Stockley By-Pass, will be damaging to the existing landscape, including the removal of hedgerow, trees and grassland. Whilst an in principle objection is raised to the use of this site as a contractor's compound, should the Order proceed to allow this compound, the council would want a legal agreement to secure its re-instatement in the event that the use of the compound is agreed within the Order.

Proposed improvements to the pedestrian underpass at Sipson Road (sheet 28 of 31) involve the temporary use of land at the entrances to the north and south of the motorway. The land to the north will be disturbed and is very close to the neighbouring residents of Vine Close and Keats Way and to the entrance of Cherry Lane School. The land to the south of the motorway is less sensitive in terms of the impact on immediate neighbours. The longer term landscape impacts on these sites will depend on the quality of restoration and re-instatement. It is therefore necessary to secure details of the re-provision proposed at this and other locations prior to the determination of the DCO. A

plan of the properties likely to be substantially effected is provided below:



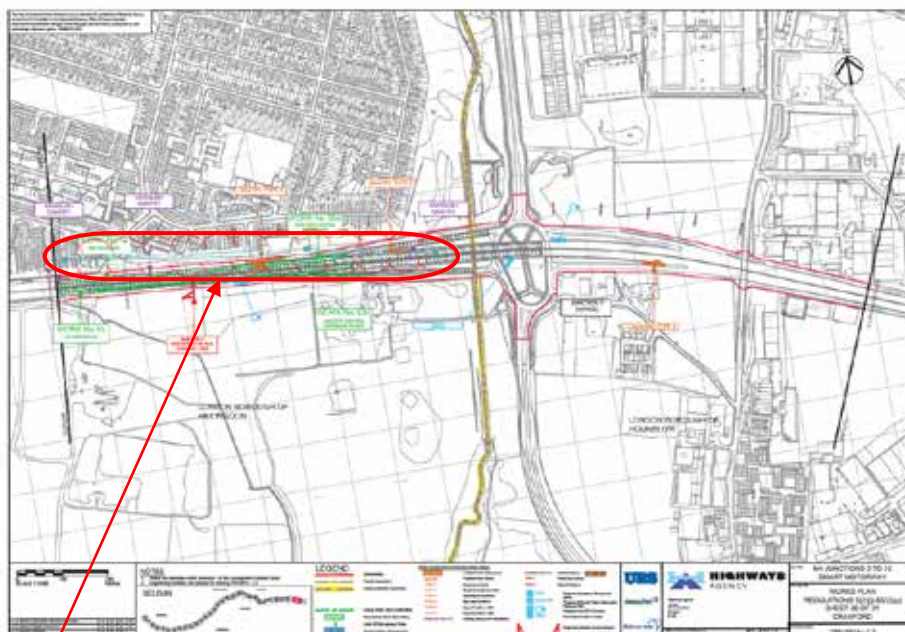
Keats Way outlined in red.

It has also been requested that this area forms part of the site visits itinerary.

Document ref. TR010019, Vol. 2.7 *Earthworks Standard Details* illustrates the range of options for creating the new outer carriageway within the existing motorway boundaries. The proposed earthworks will result in areas of vegetation removal as illustrated in the series of *Vegetation Clearance Plans*, sheets 27-30, dwg ref. 514451-MUH-ML-ZZ-DR-SC-3301251, 3301252, 3301253 and 3301254. The proposed carriageway construction will result in a reduced area of land between the edge of carriageway and the site boundary, which might otherwise be planted. The reduced area of land will result in steeper engineered slope profiles, which will reduce the potential for screen planting. In the worst case the extended level carriageway will extend to the edge of the site boundary supported by retaining walls with a 'proposed final (vertical) face' angle of 90 degrees to the horizontal.

Document ref. TR010019, Vol.2.8 *Gantry General Arrangements*, illustrates the generic gantry details, including the Type 1 'Superspan Portal Gantry', Type 2 Single Span Portal Gantry', Type 3 'Superspan Cantilever Gantry', Type 4 'Sign Only Cantilever Gantry', Type 5A and 5B 'MS4 Single Gantry (Options A and B) and Type 6 'MS3 Signal Gantry'. The proposed locations of the gantries are indicated on the series of *Environmental Masterplans*, sheets 27-30, dwg ref.514451-MUH-ML-ZZ-DR-EM-300761, 300762, 300763 and 3000764. These structures will be lit and have a height and mass above the carriageway which will be difficult, or impossible, to screen from views beyond the motorway corridor. They will be particularly visually intrusive in the landscape when viewed from public spaces and residential properties lining the route. (Vulnerable residential areas include, from east-west, Cranford Drive, Moston Close, Cleave Avenue, Savoy Avenue, Arlington Close, Vine

Close, Keats Way, Wordsworth Way, The Brambles, Little Benty and Verbena Close.). A plan of some of these areas referred to above is provided below and a request has been made that this area is visited as part of the site visit itinerary:



Area identified in red

The applicant should provide clearer information on the extent of vegetation lost, the interim proposals, and detailed long term plans. There is likely to be a significant time delay of some years between vegetation being removed and new planting maturing. It cannot be said therefore that a like for like landscaping plan results in no net loss. The applicant should consider offsite improvements. Adequate landscaping re-provision is essential as part of the proposed works and should be agreed in consultation with the council prior to the determination of the DCO.

#### 4.12 Flooding and Drainage

##### **Water Framework Directive**

The WFD assessment is held in 7 - 6 Appendix 1. This refers to 6 - 2 ES Drawing 15.1 Sheets 13-16 which identifies the watercourses which cross under the M4. This shows clearly the Frogs Ditch within Hillingdon. However this river is not included in the WFD assessment to understand the implications of the proposal on the WFD aims and objectives.

An ERA and gantries are proposed adjacent to the Frogs ditch which will result in a high vertical river bank with no vegetation, unless the Frogs Ditch is realigned further away from the M4, which although is referred to as an option there is no provision to do so. The council require confirmation of the applicants proposals and a legal undertaking to ensure the works are delivered to realign the Frogs Ditch.

## **Water Quality**

This is proposed to only be dealt with at the detailed design stage.

What is clear is that the water quality in the Frogs Ditch and contributing to the Cranes overall status is almost entirely down to the quality of the run off from the M4 which is poor. The current arrangement for pollution control is clearly not adequate. The council wishes to review and comment upon the detailed design as and when it is available.

## **Drainage**

There appears to be a number of contradictions in the aims of the drainage strategy for the work.

Road cross sections should contain all storm water for the 1 in 100 year event, however the additional hard standing areas only need to control the 1 in 5 year event.

So if a current stretch does not meet this aim to control surface water for the 1 in 100 year event the storage within the M4 should be improved to that level.

It is also repeated a number of times that there is to be no net discharge of water. However all new development within London should be reducing run off by a minimum of 50% in line with the London plan. This principle is being applied to all other development in the London Borough of Hillingdon. This is not mentioned in 6 - 3 ES Appendix 15.1 the Road Drainage and the Water Environment Local Regulatory and Policy Framework.

Development of this size and scale has the considerable opportunity to alleviate flooding in a wider area by the design of its drainage design. This is particularly so for ditches such as the Frogs ditch which are very responsive, because the flow is almost entirely formed from discharge from the M4 motorway.

The drainage proposals do not take into account the lack of ability for receptors to deal with the drainage as they are currently, maintaining the current discharge rates will maintain an likelihood of flooding which has increased since the M4 and its associated drainage was created.

In the Drainage Strategy 3.1.11, it is stated that the drainage will 'mimic the natural response of the catchment', however it will only mimic the response of the catchment as it is currently and not natural one as it has been altered by the M4, and the wording altered.

## **General organisation of information and drawings for consultation**

The key and general notes are not provided on each drainage page make it very difficult to interpret each page. The drainage both existing and proposed are also in black and white which makes different lines harder to distinguish to understand the proposals. There is also cross reference within all the parts of the document to drawings elsewhere which make it difficult to understand the whole picture and implications of all proposals.

## Conclusion

The proposals do not demonstrate that flood risk is suitably mitigated as required by Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012) Policy 5.12 Flood Risk Management of the London Plan (July 2011). National Planning Policy Framework or suitably ensure that the work does not affect rivers detrimentally against the requirements of the Water Framework Directive.

Further more detailed drainage work to design a suitable sustainable scheme which will reduce flood risk. This information should be submitted to the council for approval prior to commencement of any works to ensure that scheme complies with national and London Plan policies.

The WFD assessment should be revised to include the Frogs Ditch, and water quality improvements to be proposed provided to the council for consideration. This information should be submitted to the council for consideration.

The assessment currently undertaken raises substantial objections from the council as it fails to take into account the impact upon all watercourses effected by the development proposals.

### 4.13 Property/Compulsory Purchase

The Book of Reference (Doc Ref 4.3) and the Land Plans (Doc ref 2.2) set out the land plots which Highway England states is required. Hillingdon owns the freehold interest and rights of the following plot numbers 27-22b, 28-01, 28-02, 28-04, 28-05, 28-06, 28-08, 28-10, 28-14, 28-20, 29-05a and 29-06.

#### **Permanent Acquisitions**

In terms of the permanent compulsory acquisitions required (plots 27-22b, 28-01, 28-02, 28-08, 28-14, 28-20, 29-05a and 29-06) in principle Hillingdon do not raise any objections.

#### **Temporary Acquisitions**

In terms of the temporary compulsory acquisitions required (plots 28-04, 28-05, 28-06 and 28-10) the position is far less clear than that of the permanent acquisitions. Plots 28-06 and 28-05, directly abut the main vehicular entrance to Cherry Lane Primary School and Cherry Lane Children's Centre. Cherry Lane Primary School has approximately 635 pupils and 97 staff.

#### **Plot 28-04, 28-05 and 28-06**

Plot 28-08 comprises a sub-way which connects Harmondsworth Village to a large housing estate, Cherry Lane Primary School and the Children's Centre. Neither the DCO nor the Application documents adequately specify why Highways England requires plots 28-04, 28-05 or 28-06. Hillingdon have requested further details from Highways England and whilst a generic response has been received, stating that the land would be used to provide

working space, material storage and local welfare facilities associated with the development, as well as works associated with the subway extension, there has been no further clarity provided regarding duration of such a use and the duration of any potential closure of this subway.

In light of the lack of information currently available, Hillingdon wish to raise the following concerns/requests for clarification in respect of the temporary acquisition of plots 28-04, 28-05 and 28-06 (hereafter referred to as the plots):

- 1) Why it is necessary to specifically acquire plot 28-06 which falls within the boundary of the Cherry Lane Children's Centre and a wrought iron fence; the information provided in the statement of reasons is insufficient;
- 2) Confirmation of the predicted number of vehicular movements (and the size of vehicles) to and from the plots;
- 3) Whether enclosure fencing is proposed in order to protect the surrounding environment and the risk to the safety of nearby users;
- 4) Whether plant and materials will be stored on the plots and if so, will any hazardous materials be present on the plots;
- 5) Whether plant and materials will be visible to nearby users, including views of cranes or other construction machinery;
- 6) Whether physical works will be undertaken on the plots during the temporary acquisition;
- 7) Whether construction activity in this area is predicted to affect users of the School and Children's Centre both in terms of noise disturbance, dust and vehicular movements;
- 8) Whether crossing marshals/signage will be provided during peak traffic times to and from the School;
- 9) Whether these plots will cause severance through closure of the subway making it difficult for users to properly access and enjoy established walking routes;
- 10) At what stage will the council and school be consulted with regard to any diversion of the established walking routes;
- 11) Whether access to the School and Children's Centre, which is currently heavily used by visitors and staff can safely continue to function;
- 12) The hours of operation and whether any lighting will be required to illuminate the area during operation, it is noted that generic times are provided within the CMP how operational hours and lighting requirements, however more details are required in relation to these plots;

- 13) At what stage will the council be able to comment on the specification for the reinstatement of this area?;
- 14) What level of disruption is anticipated to the School/Children's Centre and the surrounding area
- 15) In respect of all of the above what mitigation measures, if any, are proposed.

In addition to the above, Hillingdon are concerned that limited engagement has taken place with Cherry Lane School or Cherry Lane Children's Centre prior to the issuing of the Application, for the purpose of discussing the proposals and the continued operation of the School/Children's Centre and the associated car park. It should not be the responsibility of the owners to seek out such relevant information, instead it should be readily available as part of the Application.

**Impact on the Community; Numerous Plots comprising Footpaths, Underbridges, Overbridges, Subways etc.**

The list below highlights the number of Hillingdon education and community resources that could be affected by reduced north-south pedestrian restrictions through temporary closures of footpaths, subways, bridges etc, along the M4 motorway.

Foundation & Academy Primary Schools :

- (i) Pinkwell School
- (ii) William Byrd (swimming pool is also located on site)
- (iii) Laurel Lane
- (iv) St. Martins CE

Community Primary Schools:

- (i) Cherry Lane Primary School
- (ii) Heathrow Primary School

Children's Centres

Cherry Lane

Pinkwell

Foundation Secondary School

Harlington Community School lies not far north of the St Pauls and St Peters Church subway connection and is the nearest Hillingdon secondary school for children from Heathrow Villages.



Libraries

Harlington (At Harlington Community School)

Adult Education Centre

Harlington

Young Peoples Centre

Harlington

Other

Various Green Spaces and sporting facilities, the largest of which are Harmondsworth Moor and Cranford Park.

All of the public accessible pedestrian routes crossing the M4 have alternative longer road routes that connect communities across the M4. In addition to inconvenience from any future diversions, safety issues will arise. Full engagement with the council and agreement of any future diversion routes should form part of the application consideration and should not be a matter which is left to the future formulation of the Construction Environmental Management Plan. The construction works have a long duration and have the potential to severely impact upon pedestrian connectivity for borough residents.

The extent to which school pupils would be affected would depend upon the availability of alternative safe walking routes for any children travelling across the M4 to attend schools. Increases in walking travel distances to schools would also occur. As stated elsewhere in this report, diversions and closures should be timetabled to occur outside of term time.

**Other Comments**

Within the Statement of Reasons (paragraph 7.1.13) it states that Highways England is satisfied that Table 2 of paragraph 7.1.12 and information elsewhere in the Application documents demonstrates that any interference with rights is for a legitimate purpose, both prima facie and under the Planning Act 2008.

On the basis of the limited information before Hillingdon and the Secretary of State it is submitted that this simply cannot be the case in respect of the plots. Officers are struggling to understand the need (i.e. why the land is required and what works are envisaged) and in turn the justification for compulsory purchase on a plot by plot basis. It is therefore very difficult to ascertain whether such acquisitions have a compelling case in the public interest in relation to the entirety of the Order lands.

In respect of any compulsory acquisition whether permanent or temporary, Hillingdon would require independent land valuations and payment of its reasonable costs and disbursements and that of its appointed advisors.

There is insufficient information provided to assess if the extent of the CPO's (permanent and temporary) accord with PA2008 with regard to the land being required, necessary and in the public interest. As such it is deemed that the extent of CPOs sought do not comply with the PA2008.

#### 4.14 Draft Development Consent Order

The Council makes the following observations in relation to the draft Development Consent Order. The Council has not sought to simply repeat the Inspector's observations or questions and therefore, only refers to those articles, requirements and schedules where the Inspector has not commented or questioned. The Council would make clear that they reserve their position to respond to Highways England's answers to the Inspector's observations or questions.

##### **Article 6: Power to deviate**

Article 6 (a) allows a lateral deviation in respect of linear work and non-linear work within the Non-Linear Work Boundary unless such deviations would give rise to any materially new or materially worse adverse environmental effects. Article 6 (b) and (c) provides a 0.5 metres maximum on vertical deviations however, this same limit is not applied to the Article 6 (a). The Council require an explanation as to why there is a difference?

##### **Article 9: Application of the 1991 Act**

Article 9 (3) does not make clear, which provisions will or will not apply. The Council require this to be clarified?

##### **Article 20: Compulsory Acquisition of land**

Article 20 enables Highways England to acquire compulsorily so much of the Order land as is required for the authorised development as per section 122 (2) of the Planning Act 2008 however, there is no reference to the second part of the test as set out in section 122 (3) of the Planning Act 2008 (that there is a compelling case in the public interest for land to be acquired compulsorily). The Council notes that this is as per the model conditions but the Council seeks clarification as to why the second part of the test is absent.

##### **Article 42: Defence in respect of statutory nuisance**

Article 42 essentially prevents the Council from prosecuting Highways England under section 80 of the Environmental Protection Act 1990 should Highways England be in a position to prove that the nuisance:

1. Relates to premises used by Highways England for the construction or maintenance of the development; and
2. Is attributable to the carrying out of authorised development in accordance with a notice served under section 60 or 61 of the Control of Pollution Act 1974 (a notice requiring your

client to undertake construction/maintenance in a particular way); or

3. The nuisance is a consequence of construction or maintenance of authorised development and cannot be reasonably avoided.

This defence is available to nuisances under section 79 (1) (g) and (ga) of the Environmental Protection Act 1990. It is noted that this Article extends the defence to nuisances under section 79 (1) (c) to (fb) and (h) of the Environmental Protection Act 1990, the exceptions being section 79 (1) (a) (any premises prejudicial to health or nuisance) and (b) (smoke emitted that is prejudicial to health or nuisance). This approach is not in line with the model provisions. The Council require an explanation and justification as to why this approach has been taken?

### **Schedule 1: Authorised Development**

The Council has a number of concerns in relation to the authorised development and these concerns have been detailed above.

### **Schedule 2: Requirements**

The Council notes that the requirement for 'Stages of authorised development' under the model provisions is missing. The Council require clarification as to why this has not been included.

### **Requirement 6: Engineering drawings, sections and other information**

It is noted that the Inspector has requested a number of changes, which would result in altered plan numbers. The council reserves its position to comment upon future drafts of this requirement subject to changes in drawing details.

### **Requirement 8: CEMP**

The Council has concerns in relation to the current version of the CEMP due to its limited detail. The Council is further concerned that Highways England are able to modify the CEMP '*at any time*' after the authorised development has commenced. The Council would request that any amendment to the CEMP is approved in writing by the Council.

### **Requirement 9: Implementation and maintenance of landscaping**

The Council are unable to adequately assess whether the landscaping scheme is sufficient due to the lack of information and detail provided in the current landscaping scheme. The Council are concerned that Requirement 9 (1) infers that should the Development Consent Order be made the landscaping scheme will have been approved by the Council, which is not currently possible. The Council therefore, require a more detailed landscaping scheme.

### **Requirement 13: Protected Species**

The Inspector has asked whether Requirement 13 (5) (b) would be more precise if a

protective distance from any protected species within which works could not take place was inserted. The Council agrees that a set distance should be specified within this requirement.

**Schedule 7: Land of which temporary possession may be taken**

Land Plans Sheet 28: 28-04, 28-05, 28-06, 28-07, 28-09, 28-10, 28-11, 28-12

The Council raises objection to the need to temporarily possess the land as identified in the above Land Plans Sheet as it is significantly more than is required for 'Temporary access and working space for extension of Sipson Road subway'. These concerns are detailed above.

Land Plans Sheet 29: 29-01, 29-02, 29-03

The Council raises objection to the insufficient ecological survey work undertaken on this site and the uncertainties which therefore surround the extent of usable land for the purposes of a construction compound. These concerns are detailed above.

**Schedule 11: Procedure for discharge of requirements**

The Council raises objection to Paragraph 1 of this schedule, which provides the Council with 5 weeks to decide upon a requirement discharge application. This is not in line with the DMPO and the Council's procedure for discharging conditions. This Schedule should reflect established statutory process to allow 8 weeks for the determination of conditions. The Council require an explanation and justification as to why this approach has been taken.

## 5 Summary

In summary the council have significant concerns in a number of areas identified within this Local Impact Report. Whilst additional information is required in some areas and some matters may be suitably conditioned/secured through legal agreement, it is not considered that this is the case in all areas.

The council wish to raise significant failings with the submitted application in the following areas:

1. Compliance with EIA directive
2. Air Quality Baseline/Assumptions
3. The use of Stockley Road Compound 11

On the three matters above it is considered that issue-specific hearings must be held in order for the council to put forward its case. It is acknowledged that the issue specific hearings are at the Inspectors discretion to be held, however, based on the information and evidence put forward in this report, it is considered that hearings on these matters should be held.

**(Not included in agenda pack, reference copy available)**

**Appendix One- Full wording of all relevant planning policies.**

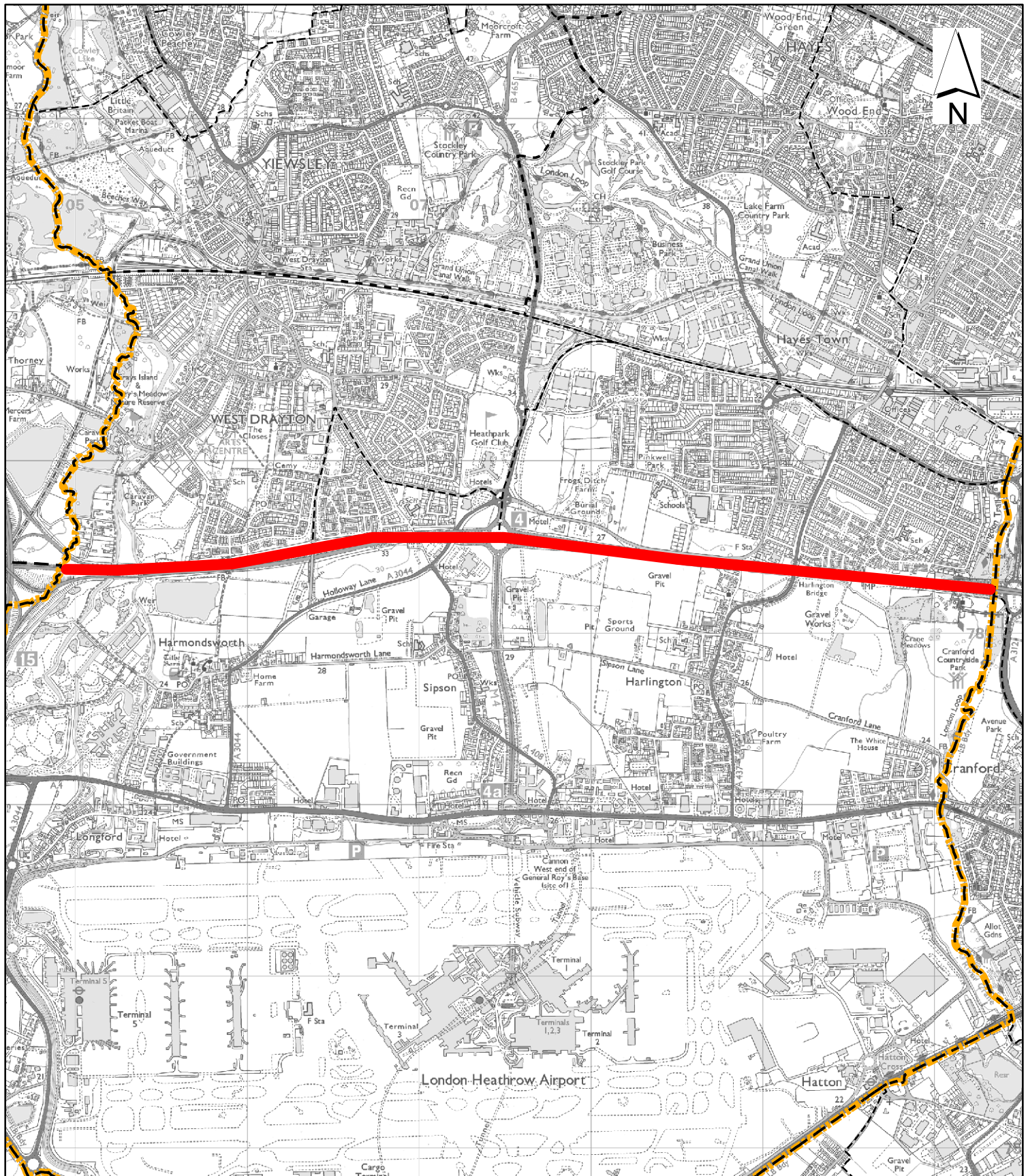
**Appendix Two- Cranford Park Access Drawings dated 2013**

**Appendix 3- Map of existing air quality exceedences**

**Appendix 4- Duncan Laxens Proof of Evidence (from the Cranford Public Inquiry)**

**Appendix 5- Air Quality Consultants Review**





**Notes:**

- Borough boundary
- Site boundary

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Site Address:

**M4 Motorway (Smart Motorway)  
 Hayes**

Planning Application Ref:

**71068/APP/2015/2700**

Planning Committee:

**Major**

Scale:

**1:30,000**

Date:

**October 2015**

**LONDON BOROUGH  
 OF HILLINGDON  
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 Planning Section**

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