

Wiltshire Council

Cabinet

17 June 2014

Public Participation – Item 9: Improvements at M4 Junction 16 From Charmian Spickernell, CPRE Wiltshire

Question 1

M4 J16

Taking into account that in 2007 the decision to refuse the proposed layout for Junction 16 was taken by Full Council and the Cabinet decision to agree it was revoked and this position still stands,

- a) Is Cabinet able now to overturn Full Council's decision and grant permission or does it have to go back to Full Council?

Response

Agenda Item 37 of the 8th May County Council considered a notice of motion from Cllr Groom, asking full Council to acknowledge and agree a number of concerns relating to the proposed changes at Junction 16.

Following consideration of options allowed under the constitution, full Council resolved:

That the Leader of the Council be asked to refer the matter back to Cabinet at the appropriate time.

The appropriate time was Cabinet on 30th October 2007.

It is not therefore the case that either the decision to not accept the Junction 16 layout was made by Council, nor that Cabinet is being asked to overturn a Council decision.

- b) Were the correct advertising procedures followed for the application 14/01746/SCR for M4 Junction 16 Improvements to consider (i) the need for an EIA and (ii) to consider the application?

Response

Requirements relating to the provision of a screening opinion as to whether development is EIA development is covered by Regulation 4 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Regulation 4 carries no requirement for the Local Planning Authority to locally advertise or publicise the receipt of a screening opinion request or the eventual

opinion given. The requirements for making adopted screening opinions available to the public are set out in regulation 23 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Specifically, Regulation 23(2) requires that where a screening opinion has been adopted, the Local Planning Authority shall keep a copy of that opinion available for public inspection at “all reasonable hours” for a period of 2 years from the date of adoption. It can be confirmed that the opinion remains a public document and may be inspected at any time.

Background information.

The application re the need for an EIA appeared momentarily on the planning lists and was seen by one person before it was removed. The officer found that an EIA is not needed - he found “there is no evidence that the development is likely to have significant long-term irreversible impacts on humans or on the environment and the development is not considered to have trans-boundary effects or to be of more than local significance.” The application was then delegated and no one, not even the local Councillor was able to see or comment on it. However:

- a) Wiltshire’s consultants Halcrows found in 2007 and at a public meeting in Wootton Bassett, that increasing the flow of traffic at the junction would cause severe congestion on the feeder roads (which are not trunk roads) particularly in Wootton Bassett High Street in Wiltshire and along Wharf Road in Swindon.
- b) Consultants Scott Wilson for CPRE found safety issues with the proposed layout because of the shortage of space on the circulatory road.
- c) In his Judgement of June 2009, His Honour Mr Justice Hickinbottom at paragraph 95 found that:

“First an assessment (EIA) is only required by the 1985 Directive in respect of a “project” which is defined in terms of operational development, ie some physical change to the land. Condition 99 does not relate to a project so defined: it relates to the occupation of properties already built. Condition 99 is not a ‘development consent’ and it does not permit or relate to the construction of any alterations to Junction 16 or any other part of the development. If and when the junction alterations need planning permission in the future, then, if they are likely to have significant effects on the environment, an environmental impact assessment will be required. Indeed, planning permission and the need to have an assessment go hand in hand, because, if there is likely to be a significant environmental impact, planning permission will be required that will trigger an assessment: so, in relation to this submission, although it fails on this ground, if the proposed alterations to Junction 16 are likely to have a significant environmental impact, that will have to be considered by the relevant planning authority Wiltshire in due course.”

Question 2

As this appears to be the first time there has been any report back to Wiltshire about the decisions taken by the SWLTB, and

- (i) The SWLTB has put forward J16 Improvements to the DfT for Government funding because they are needed generally, and not just for Wichelstowe.
- (ii) Swindon Council gave planning permission for the Southern Development Area now known as Wichelstowe to itself as the landowner of Middle and West Wichel – there was no appeal – so it could change the route of the Western Access to cross the railway and connect with Swindon rather than tunnel under the Motorway and add local traffic to Junction 16.
- (iii) The recently retired LEP Chairman, Paul Johnson requested the SWLTB should look at transport corridors and rail rather than single schemes as this could provide a much better solution to the traffic problems. Stations could be opened at Wootton Bassett and Blagrove or Mannington (space is left for a station on the Wichelstowe plans), and at Moredon
- (iv) During the Judicial Review hearing, it was established that Condition 99 is about the number of houses than can be built before the western access for Wichelstowe is achieved; the planning issues would need to be determined separately by Wiltshire Council.

The question is

- a) What is the point of spending £8 million of public money on a scheme where traffic might go faster round the Junction but would come to a halt on the feeder roads?

Response

Evidence and assessments relating to the scheme have been considered by the Local Transport Body, who are satisfied that the scheme is a priority for funding, having beneficial outcomes for both the local and national road networks.

- b) Why does there seem to be such haste? Is it because the improvements to J16 have already been forwarded to the DfT for funding?

Response

The SWLTB programme submitted to the Department for Transport in July 2013 indicated a start date for the scheme of April 2016. A number of matters centred around the development and approval of the Outline Business Case and Full Business Case need to be completed before this time.

- c) If there are accidents at the junction in future, given the warnings, where will accountability lie?

Response

The completed scheme will ultimately be the responsibility of Wiltshire Council and the Highways Agency.