

M4 Junction 3-12 Smart Motorway (TR 010019) – Deadline VIII submission – Comments on the Examining Authority’s Draft DCO and active travel provision

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1. Air pollution

1.1 Introduction

The inclusion within the Draft DCO by the Examining Authority of a requirement for the monitoring of air pollution is welcome and is an appropriate response to the large number of concerns that have been expressed on this topic at the Examination by a wide range of participants.

It is important though that any monitoring is fit for purpose and able to respond quite quickly to any identified problems or exceedances. Beyond that, it is essential that processes to tackle any identified issues are efficient and allow the issues to be addressed quickly.

1.2 Monitoring concerns

We are concerned that there is no specification of the type of monitoring that should be carried out within the draft DCO, which means that it is likely that diffusion tubes will be used with the delays that these will entail in providing accurate results. Given the experience of the M25 monitoring¹ we believe that the draft DCO should specify that at least two continuous monitoring stations should be used, in agreement with the relevant and most affected local authorities, to monitor the air pollution. If necessary these should be commissioned by Highways England in the interests of safeguarding public health.

This would allow a much faster reaction period than the one proposed in the Draft DCO as these monitors would provide accurate results sooner.

As currently worded the process to address a situation of worsened air pollution in the current Draft DCO could take:

- Six months before any data is reviewed
- A subsequent further six months before any mitigation scheme is agreed
- A further one month for the Secretary of State to agree the mitigation scheme
- A further six months before any scheme has to be up and running.

Therefore, in total, it could take up to 19 months for any pollution exceedances to be addressed. We feel that that is far too long and goes against the legal requirement to reduce air pollution to below legal limits “as soon as possible”².

We believe that both the monitoring and timetable for action both need to be enhanced to allow a much faster reaction time.

The latest report on air pollution, produced by the Royal College of Physicians and the Royal College of Paediatrics and Child Health, estimates that outdoor air pollution is responsible for 40,000 premature deaths a year and that current government limits are not safe for the whole population³. Much of that pollution is down to traffic and therefore schemes such as for the M4 need to be doing all that is possible to reduce air pollution levels.

¹ Paragraph 5.1.2, page 31, [SM-ALR Monitoring, M25 J23-27 Twelve Month Evaluation Report](#) – Highways England, January 2016, states that there are no continuous monitoring sites near this section of the M25. As a consequence diffusion tubes were used to monitor nitrogen dioxide and while 2014 data had been adjusted as appropriate following guidelines at the end of the monitoring period, 2015 data remained unadjusted.

Paragraph 5.1.3, page 33 of the same report states that the “results were less conclusive” for junctions 25 – 27 where there had only been 6 months monitoring and levels remained unadjusted.

² Court of Justice of the European Union, [Judgment in Case C-404/13 The Queen, on the application of ClientEarth v The Secretary of State for the Environment, Food and Rural Affairs](#), November 2014, and as outlined in Section 2.2, [Campaign for Better Transport Written Representation](#), October 2015

³ Executive Summary, page xii, [Every Breath We Take: The lifelong impact of air pollution](#), Royal College of Physicians and the Royal College of Paediatrics and Child Health, February 2016

In addition to strengthening the case for taking tougher action on air pollution, the report also argues for more to be done to promote active travel, particularly walking and cycling⁴, strengthening the case we made in our Deadline VI submission⁵ on the need for improved pedestrian and cycle facilities as part of this development.

1.3 New proposed monitoring regime

In addition to the specification of continuous air pollution monitors in the Draft DCO, we would also like to see a much shorter timetable for implementing a mitigation scheme so that if air pollution is found to be above legal limits, it can be in place in just over six months.

Continuous monitors would allow a potential problem to be flagged up much more quickly than diffusion tubes. This should allow, over the first 12 – 18 months at least, for a bi-monthly review to take place with local authorities, instead of the currently proposed six month review. This need not be onerous, not least as if air pollution levels are not raised, there is likely to be little to discuss or review. If they are raised and above legal limits then action needs to be taken in any case and urgently. After 18 months, if all the indications were that there were unlikely to be any issues, the frequency of the reviews could be reduced as appropriate.

We also feel that six months is an overly long time for an agreement on a mitigation scheme to be reached. This should be feasible within three months. If it is necessary for this agreement to go through the Council decision making processes, and cannot be delegated to officers, then local authorities should look to fast-track the decision with extra meetings if necessary to allow for earlier approval.

Finally, we believe that once the scheme has been approved, it should be implemented as soon as possible and certainly within three months, not six.

This would result in the following timetable:

- two months for data to be reviewed
- three months for a mitigation scheme to be agreed
- one month for the Secretary of State to approve
- one – three months to implement any agreed scheme, with the emphasis on it happening as soon as practicable

This would give a total time to implementation of 7 – 9 months, a much more reasonable timescale which would minimise the impact on people's health.

2. Active travel

Highways England's statements on pedestrian and cycle provision in their rebuttals to our written representations, not only misunderstand our position but also fail to understand how the provision of walking and cycling infrastructure to a higher standard than seen at present, could increase usage substantially in some areas. It has continued to claim that raising the parapets on a number of road bridges is somehow of real benefit to non-motorised users without providing any proof of this⁶. It then hints that it's not possible to do anything further on the grounds of cost, without providing any evidence that the sorts of measures we have suggested would require anything more than a minuscule amount of the overall budget for this development⁷.

⁴ Recommendations for action and research, page xiv, [Every Breath We Take: The lifelong impact of air pollution](#), Royal College of Physicians and the Royal College of Paediatrics and Child Health, February 2016

⁵ Section 2, [Campaign for Better Transport Deadline VI submission](#), 1 February 2016

⁶ Paragraphs 24 & 25, [Highways England response to Campaign for Better Transport Written Representation](#), Deadline VII, February 2016

⁷ Paragraph 18, [Highways England response to Campaign for Better Transport Written Representation](#), Deadline VII, February 2016

Highways England has also claimed that we have requested dedicated facilities for separate usages which it then dismisses as too expensive to implement⁸. However, we have generally not asked for a separation of usages, and mostly talk about linkages and the necessary widths of shared paths, which Highways England has ignored. This would not necessarily require substantial changes and may not require any change in bridge width if an appropriately sized shared path could be accommodated by altering the road dimensions or a better design was brought forward. Most of these shared paths, it should be noted, are already present across the M4, but some are sub-standard or not of particularly high quality.

We are perfectly well aware that cyclists and horse-riders cannot use the motorway network but we also realise that roads like the M4 sever many local communities from important destinations. Therefore the links across the M4 are important and if we, as a society, are to promote active travel, as this new air pollution report is saying we should be, we need to make sure that the crossings over the M4 are not holding back a growth in walking and cycling. Highways England seems to be in denial that it should be considering these issues despite the impact that this could have on the growth of active travel⁹.

Unfortunately, Highways England's refusal to consider the pedestrian and cycle network beyond the order limits, even if a shared path ends only a few metres away from the boundary¹⁰, doesn't sound like a body that is taking its newly adopted Cycling Strategy very seriously. Our proposal in any case was for the Lake End Road bridge to be able to continue the shared path (to the south) over the M4 to extend the cycle network for the future¹¹. Given the closeness of the surrounding cycle network to the south and local residential areas to the north of the M4 it does seem somewhat remiss that this has not been considered as a possible upgrade within this scheme. It could be that the only requirement is for a higher parapet height, although a slightly wider path might be required for shared use. However, it would be cheaper, and therefore better use of public money, to make either or both of these changes now than to try and retrofit such a facility in the future.

⁸ Paragraph 28, [Highways England response to Campaign for Better Transport Written Representation](#), Deadline VII, February 2016

⁹ Paragraph 22, [Highways England response to Campaign for Better Transport Written Representation](#), Deadline VII, February 2016

¹⁰ Paragraph 37, [Highways England response to Campaign for Better Transport Written Representation](#), Deadline VII, February 2016

¹¹ Section 2.2, pages 5 & 6, [Campaign for Better Transport Deadline VI submission](#), 1 February 2016

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Campaign for Better Transport

Campaign for Better Transport's vision is a country where communities have affordable transport that improves quality of life and protects the environment. Achieving our vision requires substantial changes to UK transport policy which we aim to achieve by providing well-researched, practical solutions that gain support from both decision-makers and the public.

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