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STATUTORY INSTRUMENTS

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**2016 No. 863**

**INFRASTRUCTURE PLANNING**

**The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016**

*Made* - - - - *2nd September 2016*  
*23rd September*  
*Coming into force* - - *2016*

An application has been made to the Secretary of State under section 37 of the Planning Act 2008<sup>(1)</sup> (“the 2008 Act”) in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009<sup>(2)</sup> for an Order granting development consent.

The application was examined by a Panel of three members (“the Panel”) (appointed by the Secretary of State) in accordance with Chapter 3 of Part 6 of the 2008 Act, and the Infrastructure Planning (Examination Procedure) Rules 2010<sup>(3)</sup>.

The Panel, having examined the application with the documents that accompanied the application, and the representations made and not withdrawn, has, in accordance with section 83(1) of the 2008 Act, submitted a report and recommendation to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the Panel, has decided to make an Order granting development consent for the development described in the application with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application.

The Secretary of State has considered the effect of the following Order upon land which is open space in accordance with section 131 of the 2008 Act and is satisfied that subsection (4B) of that section applies to such land.

The Secretary of State has considered the effect of the following Order upon land which is common land in plot 20-03 identified in the book of reference and on the land plans in accordance with section 131 of the 2008 Act and is satisfied that subsection (5) of that section applies to such land.

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 117, 120 and 122 of, and paragraphs 1 to 3, 10 to 17, 24, 26, 33, 36 and 37 of Part 1 of Schedule 5 to, the 2008 Act, makes the following Order—

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(1) 2008 c. 29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c. 20).  
(2) S.I. 2009/2264 as amended by S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522 and S.I. 2013/755.  
(3) S.I. 2010/103 as amended by S.I. 2012/635.