



The Planning
Inspectorate



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Preliminary Meeting Note

Application: M25 Junction 28 Improvements

Reference: TR010029

Time and date: 10:00am on Friday 11 December 2020

Venue: Virtual Meeting via Microsoft Teams

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed.

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-junction-28-improvements/>

1. Welcome and Introduction

Richard Allen (RA) welcomed those present and introduced himself as the lead member of the Panel of Examining Inspectors and Rod MacArthur (RM) as the other panel member that formed the Examining Authority (ExA) appointed to examine the M25 Junction 28 Improvements scheme.

RA explained the appointment was made by delegation from the Secretary of State (SoS) for the Department of Transport on 25 June 2020.

RA explained that the ExA would be examining the application made by Highways England (the Applicant) before making a recommendation to the Secretary of State who will decide whether an Order granting Development Consent for the Proposed Development, which is a Nationally Significant Infrastructure Project (NSIP), should be made.

RA introduced the representatives present for the Applicant, London Borough of Havering (LBH), Essex County Council (ECC), Transport for London (TfL) as well as members of the public representing themselves and noted where requests to speak at specific agenda items had been received by those persons for Procedural Deadline A (PDA).

RA explained the purpose of the Preliminary Meeting (PM) and noted that the Examination will commence after the PM closes.

RA confirmed that all documents and submissions received and accepted during the Examination will be published on the [project-specific page](#) of the National Infrastructure Planning website.

RA reminded any parties following on the livestream or recording that comments on any of the procedural matters raised during the PM can be submitted in writing for Procedural Deadline B (PDB), Monday 21 December 2020.

2. Audio recording

The video recording of the PM part 1 is available on the project page on the National Infrastructure Planning website and can be accessed [here](#).

3. General Data Protection Regulation

RA explained the Planning Inspectorate's duties under General Data Protection Regulation (GDPR).

Further info relating to the GDPR can be found in the Planning Inspectorate's [Privacy Note](#).

4. Examination Process

RA briefly explained the Examination process under the Planning Act 2008 (PA2008), further info can be found in the [Advice Note 8.4](#)

RA explained that due to the current COVID-19 restrictions in place, the ExA has made the difficult decision to discourage the occurrence of an Accompanied Site Inspection (ASI) and as such, has not planned for or relied upon one in the Examination. RA noted provision for an ASI within its draft timetable at [Annex E](#) of the [Rule 6 letter of 12 November 2020](#), which would be held only if it is safe to do so and the ExA feels it necessary to conduct one having undertaken its Unaccompanied Site Inspection (USI).

RA advised the ExA intends to undertake at least one USI and requested suggested locations for inclusion of the USI itinerary should be provided in writing for PDB, Monday 21 December 2020. The Applicant noted it will be providing a list of locations as part of its PDB submission.

Jane Allan (JA) acknowledged the local communities' concerns on potential impacts on the wider road network as a result of the Proposed Development and asked whether drone footage could be prepared in the event an ASI could not be undertaken. RA advised that although helpful, drone footage may comprise the Planning Inspectorate's responsibilities in respect of GDPR and encouraged JA to provide the locations she wants included in the USI itinerary.

5. Initial Assessment of Principal Issues

RM explained the purpose of the Initial Assessment of Principal Issues (IAPIs) (section 88 of the PA2008), which can be found in [Annex C of the Rule 6 letter](#) and asked for any observations on them.

The Applicant concurred with the IAPIs. JA highlighted an error within the IAPIs with regards to the spelling of 'Woodstock Avenue' and requested that Woodstock Avenue and its postcode are added to the IAPIs under 'People and Communities'.

JA referred to LBH's Relevant Representation (RR) which had raised concerns regarding the panoramic photographs within the Applicant's Landscape and Visual

Impact Assessment. RM acknowledged it was aware of the issue and explained it was a matter for Examination.

RM concluded that any further comments on the IAPIs can be submitted in writing for Procedural Deadline B (PDB), Monday 21 December 2020.

6. Procedural decisions

RA clarified that the Procedural Decisions made under section 89(3) of the PA2008 were fully set out in in [Annex D of the Rule 6 letter](#) and encouraged participants to read it. In addition, RA requested that two copies of the Land Plans at A1 are included in the Applicant's submission for Deadline 1 (D1).

RA acknowledged LBH's submission for PDA [PDA-002] and invited LBH for comments. LBH explained that as Historic England (HiE) provides the Local Authority's advice in respect of archaeology and heritage, HiE had approached LBH to request that historic matters pertinent to the Authority are captured within the Statement of Common Ground (SoCG) with LBH and not within a SoCG between the Applicant and HiE. RA noted that when reporting to the Secretary of State (SoS), it would confirm that the SoCG with LBH would also include the views of HiE.

RA noted the majority of the Proposed Development was located within LBH's administrative boundary and queried how heritage matters on the Essex side would be assessed. The Applicant explained that only heritage assets within LBH's boundary were subject to likely effects by the Proposed Development but agreed it would speak with HiE and respond in writing for D1. RA asked as ECC was present if it would be covering historic matters within its SoCG. ECC confirmed it would.

RA invited the Applicant to address its submission for PDA [PDA-001] which, amongst other matters, outlined that SoCGs with the Greater London Authority (GLA) and Forestry Commission (FC) would not be required and that there weren't any affected internal drainage boards to warrant a SoCG; flooding matters would be covered within each of the Lead Local Flood Authorities (LBH and ECC) SoCGs.

RA queried whether releasing the four Crown Land plots that are subject to Compulsory Acquisition would warrant agreement through a SoCG with FC. The Applicant explained that it anticipated providing a letter of no impediment from the FC on the matter but would look into whether a SoCG would be more appropriate.

JA noted concerns on flooding matters. RA advised that the ExA will be examining the Applicant's approach to flood mitigation appropriately once the Examination has commenced.

7. Examination Timetable

RM acknowledged the draft Examination Timetable contained in [Annex E of Rule 6 letter](#) and provided an overview of the various deadlines contained within it. RM advised the ExA had not yet fixed a date for the USI but anticipates doing so early in the new year. RM set out that, as a minimum, the ExA will require access to Grove Farm, the Gardens of Peace site and Maylands Golf Course during USI and requested that the Applicant to make the appropriate arrangements to do so. RM emphasized that suggested locations for the USI should be set out in writing for PDB.

RM clarified the purpose of the various hearings that are held during Examination and explained that at this stage, the ExA anticipated conducting all hearings virtually. If Government guidance and Public Health advice relaxed sufficiently before the end of the Examination, the ExA may make a decision to hold some or all subsequent events in the more traditional face-to-face manner. RA explained that the ExA will aim to provide appropriate notice in the event face-to-face hearings replace any scheduled virtual events and recommended that Interested Parties (IPs) keep updated by visiting the project page of the National Infrastructure Planning website regularly in light of such announcements.

RM advised all comments received for PDA and PDB will be duly noted by the ExA and considerations will be reflected in the confirmed Examination Timetable set out in the ExA's Rule 8 letter, which will be issued as soon as practicable after the start of the Examination.

LBH addressed two concerns that it had set out in its submission for PDA [PDA-002], outlining resourcing implications as a result of being a host Local Authority for the Lower Thames Crossing scheme and the potential for overlapping Examinations. LBH also acknowledged the Mayoral and GLA elections on 6 May 2021 and the pre-election Purdah period that proceeds it. RM noted the concerns and suggested the Applicant looks at whether the Proposed Development is politically sensitive or if it constitutes political business and to respond in writing with any concerns for the ExA to consider. The Applicant confirmed it will respond for PDB, Monday 21 December 2020.

RM highlighted the importance of ensuring that information is submitted in accordance with the deadlines set in the Examination Timetable; whilst the ExA has the ability to accept late submissions into the Examination, this is only at the ExA's discretion and should not be relied upon.

JA emphasised the level of engagement and time she and other members of the community had committed to date and raised concerns relating to the scale of the application documents in respect of the quick succession of deadlines within the Examination Timetable. RM acknowledged the scale of the application documents and explained the deadlines are set to ensure the ExA can complete its examination within the statutory six-month timeframe.

JA queried whether the responses to Pre-application consultation will be considered by the ExA or whether they need to be resubmitted during Examination. RM explained that the response to the Applicant's Pre-application consultation was considered by the Applicant when shaping its application, prior to submission, whilst the ExA will be examining the evidence independently throughout the six-month Examination via testing and probing through written and oral questioning to ensure likely impacts are appropriately considered and mitigated. JA was encouraged to look at published deadline submissions to ascertain whether there are outstanding matters she believes the ExA had yet to examine appropriately.

JA highlighted that concerned members of the community may not engage appropriately during Examination due to consultation fatigue and suggested the ExA corresponds with all local residents to ensure they are fully engaged and understand the process. The ExA noted the request.

RM concluded that examinations under the PA2008 regime are inquisitorial and the ExA's examination of the application will be rigorous. The ExA will test the evidence

via robust questioning through its Written Questions and orally at hearings; if it is dissatisfied with the responses to concerns raised by the close of Examination, it can decide not to recommend consent to the SoS.

Further information relating to hearings and site inspections can be found in the Inspectorate's [Advice Note 8.5](#).

8. Any other matters

RA acknowledged the Applicant had raised two further matters it wished to discuss in its submission for PDA [PDA-001] which included a notification of an intention to submit a change request and submission of a Transport Assessment Supplementary Information Report.

The Applicant clarified that it intended to formally submit its change request no later than Deadline 3 (D3) following a non-statutory targeted consultation and queried whether its intended consultation would be adequate. RA explained it could not comment on the Applicant's consultation until the change request was formally submitted and requested appropriate detail is included within the documentation that supports the change application. This includes statements and evidence particularly in regard to whether such changes have any bearing on the scope and assessment in the Environmental Statement.

The Applicant acknowledged that it would be interested in understanding, if the ExA was willing to do so, feedback on how it proposed to conduct its non-statutory targeted consultation on the proposed changes, which it was planning to run from early January 2021. The ExA noted the request.

RA also noted it would expect evidence of discussion with and an agreement to the request for additional land of plot 1/11 from Category 1 and 2 persons – those being: Glebelands Estate Limited; Thames Water; and Cadent Gas.

RA requested that the Applicant provides the Transport Assessment Supplementary Information Report for PDB to allow time for the ExA to review the evidence and ask further questions as part of its first tranche of Written Questions that will be issued alongside its Rule 8 letter. The Applicant confirmed it would.

RA explained that a note of the PM will be placed on the project page of the National Infrastructure Planning website and requested any written submissions in response to matters discussed at Part 1 of the PM should be provided for PDB, Monday 21 December 2020.

RA thanked all attendees and viewers for their patience and participation and adjourned the PM Part 1 at 11:29am until 10:00am on Thursday 7 January 2021.

Note of the resumed Preliminary Meeting

Application: M25 Junction 28 Improvements

Reference: TR010029

Time and date: 10:00am on Thursday 7 January 2021

Venue: Virtual Meeting via Microsoft Teams

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed and responses given.

1. Welcome and Introduction

RM welcomed those present at the PM part 2 and introduced himself as a member of the Panel of Examining Inspectors. RA introduced himself as the lead member of the panel that formed the ExA appointed to examine the M25 Junction 28 Improvements application.

RM introduced the representatives present for the Applicant, LBH, ECC, TfL as well as representatives for members of the public and members of the public who were representing themselves.

2. Audio recording

The video recording of the PM part 1 is available on the project page on the National Infrastructure Planning website and can be accessed [here](#).

3. General Data Protection Regulation

RM explained the Planning Inspectorate's duties under the GDPR.

Further information relating to the GDPR can be found in the Planning Inspectorate's [Privacy Note](#).

4. Procedural Deadline B Submissions

RA confirmed the ExA had received seven responses at PDB on Monday 21 December 2020 and thanked those IPs who had contributed. RA confirmed the ExA had received seven responses at PDB on Monday 21 December 2020 and thanked those IPs who had contributed. RA summarised that most responses were in relation to the USI and confirmed that the ExA had noted the suggested locations for the USI.

RA confirmed that the Applicant's Additional Submissions will be referenced in the Rule 8 letter that they have been accepted into Examination. In response to LBH's Additional Submission, in relation to a potential change request for the Proposed Development, RA stated that the ExA will firstly determine whether the change request amounted to a

material change to the application and if so, would issue a Rule 17 letter setting out any comments or questions relating to it as well as any consultations responses required.

RA explained that the ExA have interpreted JA comments as a request from an IP to hold an Open Floor Hearing (OFH). RA confirmed that the ExA's will hold the OFH during the first week of March.

5. Any procedural representation on matters that could not be raised during PM part 1

The Applicant confirmed it was their intention to submit further documents. This included the following:

- Additional photo montages from a winter view at Deadline 2; and
- Updated Book of Reference at Deadline 3 and Deadline 8.

6. Any other matters.

JA enquired as to whether the ExA will be writing to local residents to inform them of the commencement of Examination. RM confirmed to JA that a member of the case team will contact her following the closing of the PM to outline the next stages of the Examination process.

The Applicant stated that the comments made in PM part 1 regarding HiE SoCG, that HiE have since confirmed they do not wish to formally participate in Examination and heritage matters will be considered by the Local Authorities. The Applicant stated that this would be confirmed in writing also.

7. Close of preliminary meeting

RM confirmed that a Rule 8 letter will be published as soon as practicable but no later than the 14 January 2021 following the close of the PM. RM stated that D1 will follow on 21 January 2021. RM highlighted that at D1 the ExA would like receipt of Local Impact Reports, Written Representations and any requests from IPs for OFH and Compulsory Acquisition Hearings.

RM thanked all attendees for their participation and formally closed the PM at 10:20 am.

Post meeting note

The ExA note that the Applicant and ECC raised comments after the formal close of PM part 2. The Applicant advised that they had begun the non-statutory consultation ending 4 February 2021 for the intention to submit a change request [AS-029]. ECC raised resourcing concerns surrounding COVID-19.

Both statements were acknowledged and noted.