

M25 junction 28 improvement scheme

TR010029

**9.10 Statement of Common Ground with
Essex County Council**

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Infrastructure Planning (Examination Procedure) Rules 2010

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9.10 Statement of Common Ground with Essex County Council

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Author:	M25 junction 28 scheme, Project Team, Highways England

Version	Date	Status of Version
0	21 January 2021	Deadline 1

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Essex County Council

Signed.....


Project Manager
on behalf of Highways England
Date: 21/01/21

Signed.....

[NAME]
[POSITION]
on behalf of Essex County Council
Date: [DATE]

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1. Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (“SoCG”) has been prepared in respect of the application (“the Application”) for the M25 junction 28 improvement scheme (“the Scheme”) submitted by Highways England Company Limited (“Highways England”) to the Secretary of State (“Secretary of State”) for a Development Consent Order (“the Order”) under section 37 of the Planning Act 2008 (“PA 2008”).
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Essex County Council (Essex CC).
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 Essex County Council are a ‘host authority’ for the Scheme and as such is a local authority under section 56A of the Planning Act 2008.

1.3 Terminology

- 1.3.1 In Table 3-1 of the Issues chapter of this SoCG:
- “Agreed” indicates area(s) of agreement
 - “Under discussion” indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue to determine whether they can reach agreement by the end of the examination
 - “Not Agreed” indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point.

- 1.3.2 It can be taken that any matters not specifically referred to in the Issues section of this SoCG are not of material interest or relevance to Essex CC and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Essex CC.

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2. Record of engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Essex County Council in relation to the Application is outlined in Table 2-1.

Table 2-1 – Record of engagement

Date	Form of correspondence	Key topics discussed and key outcomes
26.10.17	Email	Query from Essex CC on review of Statement of Community Consultation (SoCC).
13.11.17	Meeting	Collaborative workshop with local authorities (across programme).
05.12.17	Email	Discussion on meeting availability and proposed agenda on design work to date, programme, the scoping request for the environmental impact assessments, planned statutory consultation as well as the availability of town planning information.
07.12.17	Email	Confirmation of meeting on 11.01.18.
Dec 2017	Letter	Confirmation that the January 2018 consultation was postponed allowing further development work on the design, taking into account all the key considerations.
11.01.18	Meeting	Meeting to discuss M25 junction 28 improvements.
12.01.18	Email	Shared slides of meeting on 11.01.18.
05.10.18	Letter	Draft SoCC for comment.
10.10.18	Meeting	Meeting with Essex CC strategic transport board.
30.11.18	Letter	Notification of statutory consultation as a prescribed consultation body.
17.01.19	Email	Query from Essex CC on modelling outputs in the Technical Appraisal Report.
25.01.19	Response form	Essex CC statutory consultation online response form.
28.01.19	Letter	Essex CC response to statutory consultation.
12.03.19	Email	Shortlist of sites to be considered for the Cumulative Effects Assessment for Essex CC comment.
14.03.19	Email	Cumulative Effects shortlist reviewed, no further comments or suggestions for sites.
11.04.19	Email	Invitation to the M25 junction 28 meeting to agree engagement approach during pre-application stage.
15.04.19	Meeting	M25 junction 28 meeting to agree engagement approach during pre-application stage.
23.05.19	Email	Proposed agenda for the May 2019 monthly engagement meeting.
29.05.19	Conference call	Monthly engagement meeting.
06.06.19	Email	Minutes shared from engagement meeting held on 29.05.19.
25.06.19	Email	Proposed agenda for June 2019 monthly engagement meeting.
26.06.19	Conference call	Monthly engagement meeting – update on Environmental Statement, Ground Investigation,

Date	Form of correspondence	Key topics discussed and key outcomes
		scheme design, traffic modelling and Non-Motorised Users.
10.07.19	Email	Proposed agenda for Local Authority Forum quarterly meeting.
12.07.19	Meeting	Local Authority Forum quarterly meeting held in Romford.
26.07.19	Email	Request for comment on Transport Assessment scoping report.
20.08.19	Meeting	Monthly engagement meeting – update on Environmental Statement, Ground Investigation, scheme design and traffic modelling.
27.08.19	Email	Response to Transport Assessment Scoping report.
23.09.19	Meeting	Monthly engagement meeting.
12.01.21	Meeting	Discussion of the Statement of Common Ground

2.1.2 It is agreed that this is an accurate record of the key meetings and other forms of consultation and engagement undertaken between (1) Highways England and (2) Essex County Council in relation to the issues addressed in this SoCG.

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3. Issues

3.1 Introduction and general matters

3.1.1 This chapter sets out the 'issues' which are agreed, not agreed, or are under discussion between the Essex County Council and Highways England. On 12 November 2020, the Examining Authority issued a letter under Section 88 of the Planning Act 2008 and Rules 4, 6 and 9 of The Infrastructure Planning (Examination Procedure) Rules 2010 (known as the 'Rule 6 Letter'). Annex D sets out a request for Statements of Common Ground (SoCG) between Highways England and various parties, including Essex County Council. For the Essex County Council, the 'Rule 6 Letter' advises that the following issues should be in the SoCG:

- Planning policy
- The Need and Principle of the Proposed Development and Examination of Alternatives
- Development in the Green Belt
- Biodiversity
- People and communities
- Flooding and water
- Historic environment
- Landscape and visual impacts
- Traffic and access
- Air quality
- Noise and vibration
- Cumulative impacts
- The Draft Development Consent Order

3.1.2 The 'Rule 6 Letter' also advises that the SoCGs should cover where relevant:

- Methodology for environmental assessments including assessment of cumulative effects
- Data collection methods
- Baseline data
- Data/statistical analysis, approach to modelling and presentation of results
- Full expression of expert judgements and assumptions
- Identification and sensitivity of relevant features and quantification of potential impact
- Likely effects, including construction and operational effects

- Feasible and deliverable mitigation and method of securing such mitigation within the DCO.

3.1.3 Table 3-1 shows those matters which have been agreed or yet to be agreed by the parties, including a reference number for each matter, and the date and method by which it was agreed (if relevant). Given that there is only a small area under the remit of Essex County Council within the Order Limits, the discussion on some of these topics has been limited.

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Table 3-1 Table of issues and matters to be agreed – Version as at 21 January 2021

3.1.4 Table 3-1 has been discussed with Essex County Council and this Interim Statement is version 1 as at 21 January 2020.

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Essex County Council and reasons for any different in views	Matters to be addressed/agreed
1.0 PLANNING POLICY				
1.1 Statutory development plan				
1.1.1		<p>The relevant planning policy for the limited extent of the Scheme that falls within the administrative area of Essex County Council are set out in the National Policy Statement for National Networks (NPS NN) and the following Essex County Council documents:</p> <ul style="list-style-type: none"> • Essex Local Transport Plan (2011) • Essex Development Management Policies (2011) • Essex County Council & Southend-on-Sea Borough Council Waste Local Plan (2017) • East London Joint Waste Development Plan (2012). 	Agreed	
1.2 Accordance with planning policy				
1.2.1	APP-095	<p>Highway England's analysis contained in section 5 of the Case for the Scheme and the Schedule of Accordance with relevant policy tests in the NPS NN (APP-095) represents a fair assessment of compliance with relevant planning policies and transport plans.</p>	Agreed	

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1.3 Development land				
1.3.1	APP-035	<p>The relevant sites allocated for development, or sites with extant permissions, were assessed and are as set out in Table 13.20 (Development Land) of Environmental Statement (ES) Chapter 13 (APP-035). It is not expected that there will be any significant impacts on development land as a result of the Scheme.</p> <p>The Scheme would have a beneficial impact and support the delivery of development land.</p>		
2.0 THE NEED AND PRINCIPLE OF THE PROPOSED DEVELOPMENT AND EXAMINATION OF ALTERNATIVES				
2.1 Need for the Scheme and objectives				
2.1.1	APP-095	<p>There is a need for the Scheme as set out in section 3.5 of the Case for the Scheme and Schedule of Accordance with National Policy Statement (CftS) (APP-095). The Scheme meets the objectives as summarised in Table 3.1 of the CftS (APP-095), including relieving traffic congestion and improving safety.</p>	Agreed.	
2.2 Alternatives				
2.2.1	APP-095 and APP-023	<p>Essex County Council supports the selection of the preferred Scheme as set out in section 2.4.3 of the CftS (APP-095) and was supported by Essex County Council in its response to the options</p>	Agreed	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Essex County Council and reasons for any different in views	Matters to be addressed/agreed
		consultations (Annex B, Consultation Report (APP-023).		
3.0 DEVELOPMENT IN THE GREEN BELT				
3.1.1	APP-031	The Scheme minimises its visual impact on surrounding receptors and limits the impact on the openness of the green belt as set out within section 9.9 of Chapter 9 of the ES (APP-031).	Agreed	
3.1.2	APP-095	The Scheme constitutes 'very special circumstances' and also would not constitute inappropriate development in the green belt as set out in section 5.5 of the Case for the Scheme (APP-095) and is therefore acceptable in terms of its effect upon the green belt.	Agreed	
4.0 ENVIRONMENTAL IMPACT ASSESSMENT				
4.1 Methodology of assessment, baseline and robustness of assessment				
4.1.1	APP-027 to APP-037, APP-097, APP-050	The methodology for the environmental assessment for each technical discipline (APP-027 to APP-037) is robust, is predicated on appropriate baseline information and addresses a suitable study area.	Agreed	
4.2 Cumulative impacts				
4.2.1	APP-037, APP-090, APP-091,	The ES (Tables 15.7 – 15.10 of Chapter 15 (APP-037)), the Water Framework Directive Assessment Report (section 4.8 (APP-091)), the Flood Risk Assessment	Agreed	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Essex County Council and reasons for any different in views	Matters to be addressed/agreed
	APP-096 and APP-098.	<p>(section 2.8 (APP-090) and the Transport Assessment Report (TAR) (Table 5-3 (APP-098)) appropriately assess the effects of the Scheme in combination with other planned and committed developments known at the time of the assessment as being likely to take place in the study area.</p> <p>Suitable provision is made to mitigate the identified significant effects (as outlined in paragraph 15.11.1 of ES Chapter 15 (APP-037) and in the REAC (APP-097).</p>		
4.3 Adequacy of environmental mitigation and compensation measures and proposed management and monitoring				
4.3.1	APP-097 and APP-072	The package of environmental mitigation and compensation measures for the Scheme outlined in the REAC (APP-097) (including the Outline Landscape and Ecological Management and Monitoring Plan (APP-072) appropriately address the Scheme's likely significant effects.	Agreed	
5.0 BIODIVERSITY				
5.1.1	APP-097 and APP-015	<p>The Scheme has been designed as far as possible to avoid and minimise the impacts and effects on biodiversity features.</p> <p>The Scheme incorporates carefully considered mitigation measures set out in the REAC (APP-097) and secured by Requirements 4 and 5 of the draft Development Consent Order (dDCO)</p>	Agreed	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Essex County Council and reasons for any different in views	Matters to be addressed/agreed
		(APP-015). These mitigation measures have been discussed and agreed as appropriate with officers from Essex County Council.		
6.0 PEOPLE AND COMMUNITIES				
6.1 Effects on living condition of surrounding residents both from construction and operations activities				
6.1.1	APP-047 and APP-035	Figure 13.1 of ES Chapter 13 (APP-047) identifies all the sensitive receptors within the administrative area of Essex County Council. The conclusions reached within ES Chapter 13 (APP-035) on the assessment of the effects of the Scheme on human health and that there are no significant effects are accepted.	Agreed	
6.2 Effects on public rights of way/non-motorised user routes and other footpaths				
6.2.1		The users of non-motorised routes within Essex County Council would still be able to use existing facilities.	Agreed	
7.0 FLOODING AND WATER				
7.1.1	APP-028	The design of the Scheme is in line with the Design Manual for Roads and Bridges (DMRB). Section 8.3 of ES Chapter 6 (APP-028) indicates the legislative and policy framework for the flooding and drainage assessment and the Scheme accords with the requirements of the Sustainable Drainage Systems Design Guide.	Agreed	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Essex County Council and reasons for any different in views	Matters to be addressed/agreed
8.0 HISTORIC ENVIRONMENT				
8.1.1	APP-013 and APPAPP-096	There are no designated heritage assets identified within Essex County Council which would be impacted by the Scheme.	Agreed	
9.0 LANDSCAPE AND VISUAL IMPACTS				
9.1.1	AS-001 to AS-008	In July 2020 Essex County Council agreed with the approach taken to the photomontages submitted in support of the application (AS-001 to AS-008).	Agreed.	
9.1.2	APP-031 and APP-039	The Scheme limits as far as practicable the impact on the surrounding landscape, including the provision of large areas of mitigation planting, as detailed in section 9.9 of Chapter 9 of the ES (APP-031) and shown in the ES Figure 2.2 Preliminary environmental design (APP-039).	Agreed	
10.0 TRAFFIC AND ACCESS				
10.1 Traffic Modelling and Transport Assessment				
10.1.1	APP-098	The methodology and scope of the traffic modelling carried out for the Scheme is robust and appropriate in respect of: <ul style="list-style-type: none"> • Baseline monitoring (Chapter 3 of the Transport Assessment Report (TAR) (APP-098)) • Demand forecasting (section 5.3 of the TAR (APP-098)) 	Agreed	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Essex County Council and reasons for any different in views	Matters to be addressed/agreed
		<ul style="list-style-type: none"> Future year modelling (Chapter 5 of the TAR (APP-098). 		
10.1.2	APP-098	The 2015 base flows used in the traffic modelling and reported in Chapter 3 of the TAR (APP-098) are robust and derived from reliable sources.	Agreed	
10.1.3	APP-098	The list of proposed developments contained in Table 5.2 and shown on figure 5.2 of the TAR (APP-098) correctly reflect the scale and type and location of planned growth within the modelled network area and are suitable for use in the traffic modelling/transport assessment.	Agreed	
10.1.4	APP-098	At present, motorists experience congestion and delays on the A1023 Brook Street when travelling towards the M25 junction 28 roundabout during peak hours and this is likely to get worse in the future without intervention. In the future year scenario with the Scheme, that includes an extended inter-green at junction 28, traffic congestion and delays on Brook Street are reduced compared to without the Scheme as reported in Section 2 of the Transport Assessment Supplementary Information Report.	Agreed	
10.2 Impact on Strategic Road Network (including Brook Street)				
10.2.1	APP-098 PDB-003	The Scheme will reduce delays on Brook Street compared to without the Scheme. Nonetheless,	Under discussion Essex County Council have raised concerns about the affect the Scheme	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Essex County Council and reasons for any different in views	Matters to be addressed/agreed
		<p>Optimising signal timings at the Nags Head Lane and Mascalls Lane junctions would further reduce delays on Brook Street (Note; Highways England is endeavoring to secure separate funds through its designated funding programme for this purpose)</p>	<p>will have on traffic trying to access the junction from Brook Street and a lack of proposed mitigation.</p> <p>Highways England has undertaken updated traffic modelling which shows that journey times in both directions on Brook Street improve with the Scheme (Do-something) compared to without the Scheme (Do-minimum), especially westbound towards junction 28.</p> <p>The results of the traffic modelling that demonstrate this are presented in the Transport Assessment Supplementary Information Report (PDB-003) submitted at DCO Procedural Deadline B and supersedes the traffic modelling results presented in Section 5 of the Transport Assessment Report (APP-098).</p> <p>Highways England is also seeking to secure separate funding for the optimisation of traffic signals at the junctions of both Nags Head Lane and Mascalls Lane with Brook Street to further reduce delays along Brook Street through their designated funding programme. If funding is secured, it would be used to support Essex County Council to implement the optimisation of the traffic signals at both junctions if deemed necessary and appropriate. However, this would</p>	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Essex County Council and reasons for any different in views	Matters to be addressed/agreed
			be a separate scheme to the M25 junction 28 DCO Scheme.	
10.3 Impact on local road network / local communities				
10.3.1	APP-098	The Scheme will result in additional local benefits due to less congestion on the junction 28 roundabout.	Agreed	
10.4 Displaced traffic during construction, including highways safety				
10.4.1	APP-096 and APP-015	The impact of the Scheme on traffic during the construction phase would be managed satisfactorily through the Traffic Management Plan that is secured in the dDCO through Requirement 10 and would involve consultation with the relevant highway authority. The proposed traffic management of the Scheme during construction would ensure the free flow and safety of traffic.	Agreed	
11.0 AIR QUALITY				
11.1.1	APP-027	The methodology, including the study area, for carrying out the air quality modelling is robust and appropriate.	Agreed	
11.1.2	APP-027	The conclusion of the air quality assessment (outlined in section 5.10 of ES Chapter 5 (APP-027)) that there would be no overall significant adverse air quality effect on receptors within Essex County Council during operation are accepted.	Agreed	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Essex County Council and reasons for any different in views	Matters to be addressed/agreed
12.0 NOISE AND VIBRATION				
12.1.1	APP-028	The methodology for the assessment of noise and vibration as set out in sections 6.4 to 6.7 of ES Chapter 6 (APP-028) is robust and appropriate.	Agreed	
12.1.2	APP-028	The noise and vibration assessment is robust and concludes that there would be no significant adverse effects or perceptible noise increases at sensitive receptors located in the Noise Important Areas within Essex County Council (section 6.14.3 of ES Chapter 6 (APP-028)).	Agreed	
13.0 DRAFT DOC (dDCO)				
13.1 dDCO articles and associated schedules				
13.1.1	APP-015	The dDCO was shared with Essex County Council and no comments were received. Accordingly, the articles and schedules in the dDCO are appropriate for the Scheme.	Agreed	
13.2 dDCO requirements				
13.2.1	APP-015	The requirements set out in Part 1 of Schedule 2 of the dDCO are appropriate and provide an appropriate framework for securing the necessary and relevant environmental mitigation measures and other environmental control measures.	Agreed	
13.2.2	APP-015	The procedures for discharging requirements as set out in Part 2 of	Agreed	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Essex County Council and reasons for any different in views	Matters to be addressed/agreed
		Schedule 2 of the dDCO are appropriate and satisfactorily involve Essex County Council.		
13.3 Protective provisions				
13.3.1	APP-015	The disapplication of sections 23, 30 and 32 of the Land Drainage Act 1991 is appropriate and the provisions as set out in Part 4 of Schedule 9 of the dDCO are appropriate as regards to the protection of the ordinary watercourses.	Under discussion – awaiting comment from Essex County Council.	
13.3.2	APP-015	The draft dDCO does not need to include protective provisions for the benefit of Essex County Council as local highway authority.	Under discussion – awaiting comment from Essex County Council.	
14.0 CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN AND CONSTRUCTION IMPACTS				
14.1.1	APP-096, APP-097 and APP-015	The Outline CEMP (APP-096) provides a satisfactory framework that will ensure the acceptable environmental mitigation measures outlined in the REAC (APP-097) are identified and implemented. The CEMP and the measures within it will be secured by requirement 4 of the dDCO (APP-015).	Agreed	
15.0 PROPOSED SCHEME CHANGES				
15.1.1		The proposed scheme changes comprise no physical changes within the administrative area of Essex County Council.	Agreed	

3.1.5 The list below sets out the relevant examination documents used in Table 3-2.

Table 3-2 Examination documents

Reference	Title
APP-015	Draft Development Consent Order
APP-023	5.1 Consultation Report - Annex A - Scoping Request to the Inspectorate and Annex B - Options Consultation
APP-027	6.1 Environmental Statement – Chapter 5 – Air Quality
APP-028	6.1 Environmental Statement – Chapter 6 – Noise and Vibration
APP-031	6.1 Environmental Statement - Chapter 9 - Landscape and Visual
APP-035	6.1 Environmental Statement - Chapter 13 - People and Communities
APP-037	6.1 Environmental Statement - Chapter 15 - Assessment of Cumulative Effects
APP-039	6.2 Environmental Statement - Chapters 1-4 - Introductory Chapters Figures
APP-047	6.2 Environmental Statement - Chapter 13 - People and Communities Figures
APP-072	6.3 Environmental Statement - Appendix 7.16 - Outline Landscape and Ecological Management and Monitoring Plan
APP-090	6.6 Flood Risk Assessment
APP-091	6.7 Water Framework Directive Compliance Assessment Report
APP-095	7.1 Case for the Scheme and Schedule of Accordance with National Policy Statement
APP-096	7.2 Outline Construction Environmental Management Plan
APP-097	7.3 Register of Environmental Actions and Commitments
APP-098	7.4 Transport Assessment Report
AS-001 – AS-008	Photomontages
RR-010	Relevant Representation made by Essex County Council
PDB-003	9.5 Transport Assessment Supplementary Information Report

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