

**Application by Highways England for the M25 Junction 28 improvement scheme (the Proposed Development)
The Examining Authority's Written Questions and Requests for information (WQ1) Issued on Thursday 14 January 2021**

Response on behalf of Brentwood Borough Council

As requested, this document follows a table format based on the document referred to above.

Ref	Subject	Examining Authority's Questions	Brentwood Borough Council response
GQ 1.8	<i>Outline Construction Environmental Management Plan</i> All Relevant Planning Authorities	i) Comment on the adequacy of the outline CEMP.	<p>i) The CEMP identifies the management roles and responsibilities under the scheme. The key environmental issues have been covered in the outline CEMP and appear to be adequate.</p> <p>It confirms the requirement for the Principal Contractor to incorporate ecological and landscape protection and mitigation measures identified within the REAC into the CEMP.</p> <p>The need for appropriate Protected species licences is identified.</p> <p>The list of biodiversity and landscape sites within Table 9.1 – Sensitive Areas is considered appropriate.</p> <p>It is considered that the CEMP addresses the potential biodiversity and landscape effects that relate to Brentwood adequately.</p>

		<p>ii) Comment on those plans listed in Paragraph 4.4.3 of the outline CEMP [APP-096] which the Applicant has stated may or may not form part of the final CEMP to be submitted under Requirement 4 of the draft DCO [APP-015].</p> <p><i>[N.B – The ExA has asked specific questions elsewhere in respect to an Arboricultural Method Statement, the Archaeological Control Plan, the Dust, Noise and Nuisance Management Plan, the Surface Water Management Plan (SWMP) and the General Ecology Plan. Parties may wish to reserve responses to those questions].</i></p>	<p>ii) It is agreed that the ECP for each of the topics listed should be required to form part of the CEMP and not discretionary. In some cases the plans will be short documents but it will demonstrate that all issues have been considered.</p> <p>The plans listed in Paragraph 4.4.3 are considered to be relevant and sufficient. It is recommended that all of the identified ECPs will be necessary and shall be prepared unless there is an adequate reason that they are not required or there is a proposal to combine ECPs into a composite document, e.g. comprising Pollution Prevention, Dust, Noise and Nuisance Management, Contaminated Land, Soil Handling and Site Waste into a single document may be practicable.</p>
BHR 1.17	<p><i>Response to HRA NSER</i> Natural England Other Interested Parties</p>	<p>i) Provide a response to the HRA NSER [APP-093] having specific regard to:</p> <ul style="list-style-type: none"> - An adequate evidence plan was used at the Pre-application stage. - Whether the correct qualifying features have been identified for the two European sites considered. - The appropriateness of the methodology and conclusions of the Applicant's HRA in-combination effects assessment. - The appropriateness of the methodology used for the HRA and whether there is agreement with the 	<p>Although Brentwood Borough Council is not the competent authority to this application it has reviewed the HRA NSER. The Council considers that given the scale of the development and the distance from European site the HRA conclusions that the scheme would not have likely significant effects either alone or in-combination during construction or operation on qualifying habitats or species, are appropriate.</p>

		<p>conclusions in the HRA NSER of no LSE on any European site.</p> <p>ii) Confirm that a SoCG will be signed with the Applicant which will confirm the above.</p>	<p>(ii) For applicant and other parties to confirm.</p>
DCO 1.22	<p><i>Schedule 2, Part 1</i></p> <p>The Applicant All relevant Planning Authorities Transport for London</p>	<p>Requirements 3 through 12 requires the SoS to be the determining authority for the discharge of the said Requirements.</p> <p>Explain why the Local Authorities would not have responsibility for the discharge of these Requirements.</p>	<p>The reference to the SoS in requirements 3 to 12 is consistent with the similar references in requirements 14 and 15. S120(2) (b) of the 2008 Act allows requirements to obtain the approval of the Secretary of State. Given the scale of the proposal, that the development extends into two local authority areas, matters are complex, it would be more effective for the requirements to be discharged by the Secretary of State, following consultation with relevant parties.</p>
DCO 1.25	<p><i>Schedule 2, Requirements 4, 8, 9 and 10</i></p> <p>The Applicant All relevant planning authorities</p>	<p>Section 4.4 of the outline CEMP [APP-096] sets out those documents where “<i>it is expected that some or all of the following [Environmental Control Plans] ECPs will be prepared, as appropriate, for the Scheme as part of the final CEMP</i>”. The ExA considers this statement to be weak and non-committal and potentially allows for environmental plans to be avoided when discharging the Requirement 4. This is explored further in other questions.</p> <p>i) Explain why the HEMP does not form one of the listed documents in the outline CEMP yet is part of Requirement 4.</p> <p>ii) Explain why the SWMP is to be discharged against Requirement 4 and not Requirement 8.</p>	<p>The HEMP is referenced in Table 2.1 on the outline CEMP. Would expect the HEMP to be completed during the construction period however there should be a timetable for its production.</p> <p>Agree that the LEMP is a standalone document although it will draw on factors identified in the REAC and protected within the CEMP.</p>

		<p>iii) Explain why the Archaeological Control Plan (ACP) is to be discharged against Requirement 4 and not Requirement 9.</p> <p>iv) Explain why the LEMP is to be discharged against Requirement 4 when it forms its own Requirement (Requirement 5).</p> <p>v) Consider listing in Requirement 4 those other documents which will form part of the suite of documents in the CEMP to be approved.</p> <p>vi) Explain whether such documents should be added to the list of Certified Documents in Schedule 10.</p>	
FDW 1.14	<p><i>Surface Water Management Plan</i></p> <p>The Applicant All Relevant Planning Authorities</p>	<p>Although Chapters 8 [APP-030] and 16 [APP-038] of the ES and the REAC [APP-097] identify no significant effects from the Proposed Development on flooding and water, they nonetheless rely on the outline CEMP and in particular the submission of a SWMP to mitigate any potential effects caused from the construction of the Proposed Development. The Outline CEMP [APP-096] contains little details on how measures set out in the REAC would be achieved and the SWMP has not been submitted into the Examination. Moreover, paragraph 4.4.3 of the CEMP lists the SWMP as a document which may or may not be ultimately submitted as part of the CEMP and Requirement 4 of the draft DCO [APP-015]. The ExA is concerned that water management and drainage matters are not adequately addressed at this stage having regard to the concerns raised in RRs and that pre-commencement works as set out in the draft DCO [APP-015] would be uncontrolled. The</p>	<p>No comment, these are a specialist matter. Brentwood relies on Essex County Council (LLFA) with regard to advice on drainage matters.</p>

		<p>ExA considers the approach to surface water drainage should be known in this Examination.</p> <p>i) Comment on the approach not to submit an SWMP into the Examination.</p> <p>ii) Explain how the ExA can be satisfied that pre-commencement and uncontrolled works would have no significant effect on drainage matters and the discharge of Requirement 8 of the draft DCO and that mitigation would be adequate.</p>	
HE 1.1	<p><i>Archaeological Control Plan and Written Scheme of Investigation</i></p> <p>The Applicant</p> <p>All relevant planning authorities</p>	<p>Although Chapter 8 [APP-030] and the Summary [APP-038] of the ES and the REAC [APP-097] identify no significant effects from the Proposed Development on the historic environment, they nonetheless rely on the outline CEMP and in particular the submission of an ACP associated with a Written Scheme of Investigation (WSI) to mitigate any potential effects from archaeological finds.</p> <p>The Outline CEMP [APP-096] contains little details on how measures set out in the REAC would be achieved and the ACP / WSI has not been submitted into the Examination. Moreover, paragraph 4.4.3 of the CEMP lists the ACP as a document which may or may not be ultimately submitted as part of the CEMP and Requirement 4 of the draft DCO [APP-015].</p> <p>The ExA is concerned that archaeological matters are not adequately addressed at this stage having regard to the concerns raised in RRs and that pre-commencement works as set out in the draft DCO [APP-015] would be uncontrolled. The ExA considers</p>	<p>No comment, this is a specialist matter. Brentwood relies on Essex County Council with regard to advice on Archaeological matters.</p>

		<p>the approach to mitigation on archaeological matters should be known in this Examination.</p> <p>i) Comment on the approach not to submit an ACP and an associated WSI into the Examination.</p> <p>ii) Explain how the ExA can be satisfied that pre-commencement and uncontrolled works would have no significant effect on historic matters and the discharge of Requirement 9 of the draft DCO and that mitigation would be adequate. OR</p>	
HE 1.2	<p><i>SoCG Appraisal</i> The Applicant Essex County Council Brentwood Borough Council</p>	<p>At Preliminary Meeting part 1 held on Friday 11 December 2020 [EV-001], both the Applicant and the London Borough of Havering stated that matters concerning the historic environment would form part of a SoCG between the two; and that such an agreement would also include that of Historic England. No such arrangement appears to exist for the Essex side, and the ExA is concerned that historic matters would not be adequately assessed and appraised.</p> <p>Explain how an appraisal of historic matters are to be appraised on the Essex side of the Order limits and whether it will form part of a SoCG signed between the Applicant and Essex County Council and / or Brentwood Borough Council.</p>	<p>Reference to historic matters has been made in the SoCG between the applicant and Brentwood Borough Council, commensurate with the scale of works proposed in the borough. Furthermore, in the SoCG 8.1.1 it is stated “Brentwood Borough Council relies on Essex County Council for advice on archaeology and will look to the SoCG between Essex County Council and Highways England to cover any issues in relation to this matter.”</p>
NV 1.1	<p><i>Dust, Noise and Nuisance Management Plan</i> The Applicant</p>	<p>Although the Chapter 6 [APP-028] and the Summary [APP-38] of the ES and the REAC [APP-097] identify no significant effects from the Proposed Development from noise and vibration, they nonetheless rely on the CEMP and in particular the submission of a Dust, Noise and Nuisance Management Plan (DNNMP) to mitigate any harmful</p>	<p>i) It is agreed that the general approach to noise mitigation should be identified and outlined at this stage and that pre-commencement works may not be adequately controlled. It would be better to submit a DNNMP at this stage.</p>

		<p>effects caused by the construction and operation of the Proposed Development. The outline CEMP [APP-096] contains little details on how measures set out in the REAC would be achieved and the DNNMP has not been submitted into the Examination. Moreover, paragraph 4.4.3 of the CEMP lists the DNNMP as a document which may or may not be ultimately submitted as part of the CEMP and Requirement 4 of the draft DCO [APP-015]. The ExA is concerned that noise and vibration matters are not adequately addressed at this stage having regard to the concerns raised in RRs and that pre-commencement Works as set out in the draft DCO [APP-015] would be uncontrolled. The ExA considers the approach to mitigation on noise matters should be known in this Examination.</p> <p>i) Comment on the approach not to submit an DNNMP into the Examination.</p> <p>ii) Explain how the ExA can be satisfied that pre-commencement and uncontrolled works would have no significant effect on noise matters and the discharge of Requirement 4 of the draft DCO and that mitigation would be adequate.</p>	<p>It is considered that the noise and vibration impacts to receptors in the Brentwood Borough would be likely to be less than those within Havering LB however a preliminary noise and vibration assessment should be made prior to the pre-commencement works being undertaken to establish a baseline noise climate and appropriate noise control levels. The provision of such an assessment would enable the noise impact of works to be compared to the calculated effect on ambient noise levels.</p>
PC 1.11	<p><i>Community Engagement</i> All Interested Parties</p>	<p>The ExA is concerned that the REAC [APP-097] and CEMP [APP-096] do not provide adequate and clear instructions on how the Applicant intends to liaise with the local community during construction.</p> <p>i) Comment on the Applicant's approach to community engagement during construction of the Proposed Development, should the SoS decide to make the Order, and whether this is adequately secured in the draft DCO [APP-015].</p>	<p>NV2.1 "Keep local residents and other affected parties informed of the progress of the works, including when and where the noisiest activities will be taking place and how long they are expected to last." Methods unspecified.</p> <p>A website or phone contact should be established and provided for residents to</p>

			contact in case of emergency or for reporting incidents/complaints relating to noise, dust and nuisance and regular liaison continued with the two local authorities throughout pre-commencement and construction activities to enable liaison to take place.
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