

TRANSPORT FOR LONDON

M25 JUNCTION 28 IMPROVEMENTS – COMMENTS ON RESPONSES MADE AT DEADLINE 1

4 FEBRUARY 2021

I. Introduction

- 1.1 This document sets out TfL's comments on responses made at Deadline 1. Only specific issues that are not covered in either TfL's Written Representation or in TfL's responses to Written Questions being submitted at Deadline 2 are included in this document.
- 1.2 Each section of this document refers to a specific document submitted by the Applicant or an Interested Party at Deadline 1.

2. Highways England – 9.7 Applicant's Comments on Relevant Representations

Ownership and maintenance responsibilities

- 2.1 In RR-028-3, TfL stated: "Assuming any part of the new roads are to become "GLA Roads", we are considering the proposed mechanism for this to happen as set out under Article 16 (b) of the draft DCO. The proposed mechanism lacks any documentary evidence of how a road would become a GLA Road at the necessary time, unlike an order issued under section 14B of the Highways Act 1980."
- 2.2 The Applicant has responded: "The drafting in Article 16 of the draft DCO (APP-015) designating the new A12 eastbound off-slip as a GLA road has followed the precedent set by TfL in the Silvertown Tunnel DCO 2018 for designating roads as GLA roads (see Art 50 of that Order). It is unclear what documentary evidence TfL consider is lacking as the made DCO would offer the necessary documentary evidence".
- 2.3 TfL notes this response and confirms that, alongside the DCO, TfL is seeking that a plan be agreed showing the extent of highway which is proposed to become a GLA road to ensure that the exact split in ownership and maintenance responsibilities is clearly known.

Approvals and consultation

- 2.4 In RR-028-8, TfL requested that the authorised development should not commence until TfL's approval of the detailed design is given
- 2.5 The Applicant responded: "With regards to detailed design, Highways England agrees in principle that TfL should be consulted on matters of detailed design in so far as these relate to assets that are to be inherited by TfL or which will interface with TfL's assets or functions. Highways England does not agree that the authorised development should not commence until TfL has given its approval."
- 2.6 TfL notes the Applicant's response but maintains that TfL should have the right to approve the design of works for which it will become responsible and would welcome further dialogue with the Applicant on this issue.
- 2.7 In RR-028-11, TfL requested longer timescales for consultation and/or approval of various matters.
- 2.8 The Applicant cites various precedents for the shorter timescales.

- 2.9 TfL notes the Applicant's response but maintains that longer periods for consultation and approval are appropriate in this case to ensure that TfL can effectively respond with enough clarity and robustness having considered all the issues. The reasons why longer timescales are necessary include the need to safely plan and inform road users of temporary changes to the highway layout, the need for proposals put forward to be adequately assessed by the relevant teams including internal consultation between departments, and to enable access to TfL's land to be planned safely with appropriate measures in place to reduce risks for those accessing the land. TfL would welcome further discussion with the Applicant on this issue.

Land ownership and rights

- 2.10 In RR-028-18, TfL raised concerns about the need and justification for some of the rights sought over TfL land/highway.
- 2.11 In response, the Applicant has stated that these reasons are provided in Appendix A to the Statement of Reasons. However, this document just explains which DCO work numbers are relevant to the plots of land concerned. It does not explain why some of the plots are affected to deliver the works and therefore why the acquisition of rights is required. TfL therefore still requires further information on why the rights are sought to inform whether TfL considers these rights are justified.

Assessment of traffic impacts

- 2.12 In RR-028-24, TfL indicated its concerns about whether the new layout for M25 Junction 28 will operate satisfactorily once the Lower Thames Crossing scheme is open.
- 2.13 The Applicant has explained that it is reviewing the potential need to address "future traffic matters", which TfL assumes refers to capacity constraints and forecast congestion, between Junctions 27 and 29 of the M25. TfL considers that it would be appropriate for the Applicant to demonstrate that the proposed Junction 28 scheme would operate satisfactorily with any likely conceptual solutions to address congestion between Junctions 27 and 29 of the M25.
- 2.14 Regarding RR-028-26, TfL welcomes the additional information about the traffic impacts of the scheme set out in the Transport Assessment Supplementary Information Report. This has provided reassurance about the traffic impacts of the scheme on some matters, but TfL considers that further assessment is required on other matters, as set out in TfL's Written Representation. Without this further assessment and based on the evidence presented to date, TfL still considers that once the scheme has been delivered, there may still be traffic impacts arising that require mitigation. It is therefore appropriate for a traffic monitoring and mitigation strategy to be put in place to ensure there is a mechanism for any adverse impacts arising from the scheme to be addressed. TfL recommends that the monitoring should be required for a five-year period after opening to ensure that the monitoring period includes the likely timescale for the Lower Thames Crossing opening and the changes in traffic patterns that result.

Transfer of benefit

- 2.15 In RR-028-30, TfL raised concerns about the scope of the power under Article 9 of the draft DCO to transfer the benefit of the provisions under the DCO to Cadent Gas in relation to Work No. 29 without the consent of the Secretary of State. TfL notes the Applicant's response and that there is precedent for such a provision. However, while Cadent Gas will be subject to the same restrictions, liabilities and obligations under the draft DCO as would apply to HE, the draft DCO currently has no protective provisions for the benefit of TfL that would provide it with a design and construction approval process for the diverted

pipeline. As such the draft DCO is currently not sufficient in providing TfL with adequate assurance arising from these works.

- 2.16 TfL would welcome further discussion with the Applicant and Cadent Gas about who will undertake the gas diversion work and when and how such works will be undertaken as part of the overall scheme.

3. Highways England – 9.11 Draft Statement of Common Ground with Transport for London

- 3.1 The first draft of the SoCG between Highways England and TfL has been shared with TfL and comments have been provided. Highways England is considering these, and they were not included in the version of the SoCG submitted by Highways England at Deadline 1. TfL has not yet received a response to its comments, so we do not expect any changes to the draft SoCG to have been made at Deadline 2. TfL will continue to work with Highways England to progress the SoCG.

4. Highways England – 9.18 Statement of Commonality

- 4.1 In TfL's comments on the first draft SoCG between Highways England and TfL, additional issues were requested for inclusion in the SoCG which are of material interest or relevance to TfL. These comments are currently being considered by Highways England. TfL therefore considers that additional issues of relevance to TfL may need to be included in the Table of Commonality (Table 6.1).