

M25 junction 28 improvement scheme

TR010029

9.36 Applicant's Responses to Written Representations

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9.36 Applicant's Responses to Written Representations

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1. Purpose and Structure of Responses to Written Representations

- 1.1.1 This document provides the comments of the applicant, Highways England, in response to the written representations submitted to the Planning Inspectorate (PINS) on or before deadline 2 (4 February 2021).
- 1.1.2 This document is structured in three parts:
- Part 1 provides Highways England's comments in response to written representations submitted by Interested Parties with statutory functions;
 - Part 2 – provides Highways England's comments in response to written representations submitted by Interested Parties with an interest in land (PILs) other than those who have statutory functions; and
 - Part 3 provides Highways England's comments in response to written representations submitted by members of, or representatives of, local communities within the vicinity of the Scheme and non-interested parties.
- 1.1.3 Highways England has sought to provide comments where it is helpful to the Examination to do so, for instance where a written representation includes a request for further information or clarification from Highways England or where Highways England considers that it would be appropriate for the Examining Authority to have Highways England's views in response to a matter raised by an Interested Party in its representations. Where issues raised within a representation have been dealt with previously by Highways England, for instance in response to a question posed by the Examining Authority in its first round of written questions or within one of the application documents submitted to the Examination, a cross reference to that response or document is provided to avoid unnecessary duplication. The information provided in this document should, therefore, be read in conjunction with the material to which cross references are provided.
- 1.1.4 Highways England has not provided comments on every point made within the written representations (for instance, Highways England has not responded to comments made about the adequacy of its pre-application consultation given that Highways England has already provided a full report of the consultation it has undertaken as part of its application for the Development Consent Order (DCO)) and the Planning Inspectorate has already confirmed the adequacy of the pre-application consultation undertaken when the application was accepted for Examination. In some cases no comments have been provided, for instance, because the written representation was very short, or because it expressed objections in principle to the Scheme or expressions of opinion without supporting evidence.
- 1.1.5 For the avoidance of doubt, where Highways England has chosen not to comment on matters raised by Interested Parties this is not an indication Highways England agrees with the point or comment raised or opinion expressed.

Part 1 - Interested parties with statutory functions

REP2-022 London Borough of Havering

Reference	Written Representation Issue	Highways England Response
REP2-022-5	<p><u>Non – Motorised User Routes</u></p> <p>The Council has raised concerns that the scheme as currently proposed does not adequately support users of other modes of transport, particularly for those travelling by foot or by bike. A widened shared use path on the A12 eastbound off-slip is welcome, however navigating the Brook Street roundabout by foot or by bike beyond this path is extremely challenging and dangerous at present and will remain so under the proposed scheme.</p> <p>The Council has set out in section 17 of the Local Impact Report (REP-031) its concerns about severance in more detail, and the need for improvements to be made to the Brook Street roundabout to facilitate safe navigation for pedestrians and cyclists.</p>	<p>Please refer to the response to paragraphs 17.1.4 to 17.1.5 and 17.5.2 to 17.5.4 within Table 2-1 of Highways England's response to the Local Impact Report from the London Borough of Havering submitted at Deadline 3a (TR010029/EXAM/9.34).</p>
REP2-022-6	<p><u>Gardens of Peace Cemetery</u></p> <p>The Council has concerns over whether the relocation of the Cadent gas pipeline will result in an impact and loss of burial plots at the Gardens of Peace Cemetery. The Council is aware from the Relevant Representation (RR-024) and Procedural Deadline B submission (PDB-009) by Savills on behalf of the Trustees of the Cemetery site, that they have such concerns.</p> <p>The Trustees are concerned that the construction of the gas main will cause a delay to the opening date raising concerns that they will not be able to meet the needs and demands of the Muslim community.</p> <p>The Trustees have also indicated that burial plots would be impacted by the gas pipeline diversion and there are concerns that the easement strip will be sterilised from its intended use (burials). Further, the representations indicate that due to the service entrance having to be relocated, this will result in the soil storage area being moved which will further impact on burial plots.</p> <p>The Council sets out its obligations with regards to burial space and burial capacity within the borough, in sections 10.13 to 10.14.3 of the Local Impact Report (REP-031).</p> <p>Such an issue being unresolved creates anxiety for both the Trustees of the Cemetery who are clearly very concerned about the financial impact this would have on them (they operate on a non for profit charity basis) but also for the local Muslim community. They will understandably be concerned whether this will have an impact on if they are able to bury their loved ones in the manner that they wish to, in the future.</p> <p>This outstanding matter remains an important issue that the Council would request the ExA seek clarity from the Applicant on.</p>	<p>Highways England is mindful of the potential impact on the burial ground and has undertaken ongoing engagement with the Trustees and their representatives and with Cadent Gas Limited with the aim of reaching a mutually satisfactory position. The current position is set out in Highways England's response to the Written Representations received from the Trustees' representative is set out in section REP2-029 below.</p> <p>A formal request for a change to plot 1/8 to reduce the amount of land sought for permanent acquisition of rights is submitted at deadline 3a. This change results in no loss of burial plots at the Gardens of Peace Cemetery.</p> <p>Please refer to Written Representation on behalf of the Trustees (REP2-029-35) which notes that the proposed changes are welcomed.</p> <p>With regard to the opening of the Gardens of Peace, at a meeting on 29 January 2021, the Trustees' representative advised that the cemetery would be open by April 2022. Works on the gas pipeline diversion will not prevent the cemetery from operating, there will be interfaces that need to be managed between Cadent Gas and the Trustees of the Garden of Peace during the construction including the location of the soil storage, vehicle interaction within the site but it will not prevent it from operating and this has been communicated to Trustees' representative.</p> <p>Please refer to Section 4 of Highways England's response to the Written Representation on behalf of the Trustees (REP2-029) which sets out Highways England's response to the effects on the scheme on the burial ground development namely REP2-029-10 on the issue of loss of service entrance, REP2-029-11 on the issue of soil storage, REP1-029-12 on the issue of loss of overflow car parking spaces, REP2-29-13 on the issue of loss of internal road and REP2-029-14 on the impact of the diversion on utilities and site infrastructure.</p>
REP2-022-7	<p><u>Impacts during construction and operation</u></p> <p>The Council is concerned with regards to the impact that the construction of the scheme will have on the local road network. This is an important issue as many Havering residents and businesses use the A12 and the surrounding roads on a daily basis and delays to the network could impact on livelihoods.</p>	<p>Please refer to the response to sections 22 and 23 within Table 2-1 of Highways England's response to the Local Impact Report from the London Borough of Havering submitted at Deadline 3a (TR010029/EXAM/9.34) for comments relating to the construction and operational traffic impacts.</p>

Reference	Written Representation Issue	Highways England Response
	<p>Whilst the Council welcomes the further work that has been carried out by Highways England to assess the impact during construction (Transport Assessment Supplementary Information Report PDB-003), the Council remains concerned about the impact the scheme will have on some borough roads and some of the proposed constructions routes put forward by the applicant. Further information on the Council's concerns can be found in Havering's response to the Transport Assessment Supplementary Information Report (REP1-034).</p> <p>Furthermore, the Council remains concerned that the applicant has not fully taken into account sub regional growth as part of its Traffic Modelling and therefore it is not possible to fully appreciate the impact the scheme will have on the Havering road network and Strategic Road Network operated by Transport for London (the TLRN). Further information on the Council's concerns can be found in Havering's response to the Transport Assessment Supplementary Information Report (REP1-034).</p>	<p>A response to the London Borough of Havering's comments on the Transport Assessment Supplementary Information Report (REP1-034) is set out in Table 3 of Highways England's response to the Local Impact Report from the London Borough of Havering submitted at Deadline 3a (TR010029/EXAM/9.34). A response to the specific comment regarding sub-regional growth considerations is contained within paragraph 3-4 of Table 3-1 of the document.</p>
REP2-022-8	<p><u>Woodstock Avenue</u></p> <p>A number of local residents who live in Woodstock Avenue have raised concerns about the impact the scheme will have on the ability to travel westbound along the A12. Currently residents who which to travel westbound on the A12 have to exit Woodstock Avenue and travel east along the A12, navigate the Brook Street roundabout before heading westbound.</p> <p>Local residents are understandably very concerned about the potential implications for their ability to travel this journey during construction. These concerns are very real and the Council supports the request made by a local resident at Procedural Deadline B (PDB-008) for the Applicant to undertake feasibility work to assess whether installing traffic signals at this junction would be appropriate. Further information on the Council's views on the implications for Woodstock Avenue can be found in section 22.2 of the Local Impact Report (REP-031) and in the response to Relevant Representations (REP1-034).</p>	<p>Please refer to the response to paragraph 22.2.5 within Table 2-1 of Highways England's response to the Local Impact Report from the London Borough of Havering submitted at Deadline 3a (TR010029/EXAM/9.34).</p>
REP2-022-9	<p><u>Draft DCO</u></p> <p>The Council has raised a number of concerns in relation to Clauses and Requirements set out within the draft DCO. These matters remain outstanding at time of submission of this Written Representation. Further details can be found in section 24 of the Local Impact Report.</p> <p><u>Production of documentation following DCO being granted</u></p> <p>The Council is very concerned that critical documents such as the CEMP, Traffic Management Plan and Contaminated Land Plan will only be produced by the appointed contractor post consent being granted for the DCO. This is extremely concerning for Havering as the Council will have little opportunity at that stage to influence their content and a local authority such as Havering would only be considered as a consultee at that stage in the process.</p> <p>The Council has similar concerns that the implementation of the REAC will be the responsibility of the appointed contractor following consent being granted.</p> <p>Further details of LB Havering's concerns can be found in sections, 10.6.2, 10.6.3, 11.4.11, 12.1.6, and 22.2.1 of the Local Impact Report (REP-031).</p>	<p>Please refer to the response to section 24 within Table 2-1 of Highways England's response to the Local Impact Report from the London Borough of Havering submitted at Deadline 3a (TR010029/EXAM/9.34).</p> <p>Please refer to the response to paragraphs 10.6.3, 12.1.3 to 12.1.5 and 22.2.1 within Table 2-1 of Highways England's response to the Local Impact Report from the London Borough of Havering submitted at Deadline 3a (TR010029/EXAM/9.34).</p> <p>In regard to paragraph 11.4.11 of the Local Impact Report (REP1-031), Highways England acknowledges the summary provided by London Borough of Havering at paragraph 11.4.20 which states:</p> <p><i>"LBH acknowledges that the design has embedded measures to minimise ecological impacts, so subject to mitigation and compensation being secured by Requirements of the DCO when issued, the proposal is considered to be acceptable from an ecology point of view".</i></p>
REP2-022-10	<p><u>Planning Obligations</u></p> <p>The Council has set out a number of mitigation measures that should form Planning Obligations or a Legal Agreement with Highways England. This includes contributions to</p>	<p>Please refer to the paragraphs 25.2.7, 25.3.1 to 25.3.6, 25.4.1, 25.5.1 to 25.5.2 and 25.6.3 within Table 2-1 of Highways England's response to the Local Impact Report from the London Borough of Havering submitted at Deadline 3a (TR010029/EXAM/9.34).</p>

Reference	Written Representation Issue	Highways England Response
	<p>support the vital work carried out by the Council on improving local air quality through its Adopted Air Quality Action Plan and the provisions of staffing resource to support this work. A further contribution is also sought to support local skills and training for recruitment for construction staff in the borough.</p> <p>Additional contributions are sought from the applicant to support the Council's sustainable travel agenda. This is to support the Council's work in encourage people to travel by foot or by bike as an alternative use to the car, and Road Safety Education in schools.</p> <p>This is considered appropriate to mitigate the impact the scheme will have in terms of traffic reassignment during construction which will impact roads with a number of schools in the area, and also would support the Council's sustainable travel policies as the scheme as it currently stands does not comply with these policy requirements. Further information on Planning Obligations can be found in section 25 of the Local Impact Report (REP-031).</p>	

REP2-025 Environment Agency

Reference	Written Representation Issue	Highways England Response
REP2-025-3	<p><u>Ongoing engagement with the applicant</u></p> <p>Since we provided our relevant representation response to you on 9 September 2020, the applicant has sought our advice in relation to the outstanding issue on 'waste deposits' and the requirement for an Environmental Permit. In this regard, we have held meetings with the applicant's agents during September and November 2020.</p>	Please see responses to these points below in section 2.
REP2-025-4	<p>We have also provided our initial comments on the form of protective provisions provided within the draft Development Consent Order (APP-015) and the agreement which deals with the offsite mitigation for the impacts on the River Ingrebourne. We are continuing to discuss both these elements with legal representatives of the applicant. Please see Appendix A and Appendix B/C for further detail.</p> <p>Please do not hesitate to contact me if you require any further information. We look forward to continuing to work with the applicant to resolve any ongoing matters and to ensure the best environmental outcome for this project.</p>	With regards to the protective provisions please see Highways England's position in response to CA 1.21 of Highways England's response to ExA WQs (REP2-011).
REP2-025-5	<p><u>Appendix A Written Representations on behalf of the Environment Agency</u></p> <p><u>1.0 Draft Order</u></p> <p>As stated in our relevant representation RR-009, the protective provisions for the Environment Agency (Schedule 9, Part 3) within the draft Order (APP-015) deviate from our standard protective provisions and have yet to be agreed. Our answer to Examining Authority's Written Question CA1.2 in Appendix B provides further detail. We will continue to engage with the applicant on this matter.</p>	As noted above, with regards to the protective provisions please see Highways England's position in response to CA 1.21 of Highways England's response to ExA WQs (REP2-011).
REP2-025-6	<p><u>2.0 Waste deposits</u></p> <p>2.1 To recap we raised the concern that the only mechanism referenced in ES Chapter 12 'Materials and Waste' (APP-034) for dealing with the re-use of waste materials through the construction process is a Materials Management Plan (MMP). MMPs are normally used as part of a CL:AIRE Definition of Waste Code of Practice (DoWCoP) to permit the re-use of both natural soils and made-ground without the need to apply for an Environmental Permit. As the materials previously deposited on site within the historical landfill and the unauthorised recently deposited waste are considered controlled waste, the recovery of them will require an Environmental Permit from the Environment Agency. An Environmental Permit will ensure that these materials are dealt with in a manner that minimises any harmful impacts to the local environment.</p>	<p>Please see Highways England's response to Relevant Representation RR-009-2 (REP1-002).</p> <p>The waste deposits matters are addressed in section 3.3 of the Statement of Common Ground (SoCG) with the Environment Agency (REP1-003). Highways England intends to apply for an Environmental Permit for the reuse of controlled wastes excavated from the historical landfill and recently deposited material. A pre-application submission to the Environment Agency National Permitting Team was submitted in December 2020 to define the type of environmental permit required to be obtained.</p> <p>The Materials and Waste Chapter of the ES (Chapter 12), the Outline CEMP and the REAC have been updated to take into consideration the updated materials strategy and these documents are submitted as part of the Change Report (application document TR010029/EXAM/10.1) submitted at Deadline 3a.</p>
REP2-025-7	<p>2.2 Since our relevant representation the applicant has sought further advice from us on this matter. This has been in the form of written feedback from us, as well as discussion during meetings held 30 September 2020 and 3 November 2020. During those meetings we gave advice on applying for an Environmental Permit based on a range of options to manage the disposal or reuse of the existing controlled waste deposits and the deposit of construction wastes. Following our advice, it is the applicant's intention to reuse the controlled wastes once excavated for construction works (e.g. construction of the loop road and an environmental bund) and apply for a Waste Recovery for Deposit Permit. The applicant intends to re-use naturally occurring materials through an MMP where feasible. We are aware this has resulted</p>	Highways England has issued a change request at Deadline 3a for Changes 1 to 4 that includes the proposed environmental bund (application document TR010029/EXAM/10.1).

Reference	Written Representation Issue	Highways England Response
	in changes to the scheme design captured within the non-statutory targeted consultation by the applicant.	
REP2-025-9	2.4 We also require (as stated within RR-009) the Register of Environmental Actions and Commitments (APP-097) is updated to reference the requirement for an Environmental Permit in respect of the 'waste deposits.' On 28 October 2020, we provided written feedback to the applicant's agent directly on ES Chapter 12 'Materials and Waste' (APP-034) and the Outline Construction Environmental Management Plan (APP-096), to ensure that the Environmental Permitting requirements are appropriately incorporated within these documents. The applicant's agent submitted an updated ES Chapter 12 'Materials and Waste' on 18 December 2020, which we have provided positive feedback on. We look forward to receiving the updated REAC and Outline CEMP.	Highways England has submitted a change request at Deadline 3a on Changes 1 to 4 which includes an updated ES Chapter 12 Materials and Waste (TR010029/APP/10.8). The changes required to the Outline CEMP and the REAC, as a result of the proposed changes, are summarised in Appendix F of the Change Report (TR010029/APP/10.1). Subject to the ExA accepting the changes, Highways England will update the Outline CEMP and REAC, as outlined in Appendix F of the Change Report, which addresses the Environment Agency's comments from 28 October 2020.

REP2-034 Bryan Cave Leighton Paisner LLP National Grid

Reference	Written Representation Issue	Highways England Response
REP2-034-1	<p>1.0 Introduction</p> <p>1.1 National Grid Plc have made a relevant representation in this matter on 7th September 2020 in order to protect its position in relation to infrastructure and land which is within or in close proximity to the proposed Order Limits. National Grid's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order Limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted.</p>	As noted in the SoCG with National Grid (REP1-008), Highways England and National Grid have been discussing outstanding issues between the parties, in particular ensuring compliance with relevant National Grid standards and guidance during works, access arrangements during works, acquisition of appropriate land rights for National Grid for inspection and maintenance purposes, and a form of protective provisions. Meetings have been productive, and Highways England considers these negotiations to be well-advanced.
REP2-034-2	<p>1.2 National Grid Plc does not object in principle to the development proposed by the Promoter. National Grid does however, object to the Authorised Works being carried out in close proximity to their apparatus in the area unless and until suitable protective provisions and related agreements have been secured to their satisfaction, to which see further at paragraph 6. They also object to any compulsory acquisition powers for land or rights or other related powers to acquire land temporarily, override or otherwise interfere with easements or rights or stop up public or private rights of access being invoked which would affect their land interests, rights, apparatus, or right to access and maintain their apparatus. This is unless and until suitable protective provisions and any necessary related amendments to the wording of the DCO have been agreed and included in the Order.</p>	See the response at REP2-034-1 above.
REP2-034-5	<p>2.0 NGET And NGG Assets</p> <p>2.1 NGET has a high voltage electricity overhead transmission line within and in close proximity to the Order Limits. Namely ZB (275kV) overhead line route – Elstree to Warley.</p>	Highways England has taken this overhead transmission line fully into account in its preliminary scheme design.
REP2-034-7	<p>2.3 NGG has a high pressure gas transmission pipeline located within and in close proximity to the proposed Order Limits. Namely Feeder Main 18 (Stapleford Tawney to Horndon 'A').</p>	Highways England has taken this gas transmission pipeline fully into account in its preliminary scheme design.
REP2-034-9	<p>2.5 In respect of all NGET and NGG infrastructure located within the DCO boundary, or in close proximity to the proposed project and associated works, NGET will require protective provisions to be put in place to ensure (i) that all NGET interests and rights including rights of access to their Overhead Power Lines and other apparatus are unaffected by the power of compulsory acquisition, grant and extinguishment of rights and temporary use powers and (ii) to ensure that appropriate protection for the retained apparatus is maintained during and after construction of the project in accordance with the Protective Provisions and the relevant safety standards as set out in paragraph 3 and 4.</p>	See the response at REP2-034-1 above.
REP2-034-10	<p>3.0 NGET – Regulatory Protection Framework</p> <p>3.1 NGET have issued guidance in respect of standards and protocols for working near to Electricity Transmission equipment in the form of:</p>	See the response at REP2-034-14 below.
REP2-034-11	<p>3.1.1 Third Party Working near National Grid Electricity Transmission equipment - Technical Guidance Note 287. This document gives guidance and information to third parties working close to National Grid Electricity Transmission assets. This cross refers to statutory electrical safety clearances which are used as the basis for ENA (TA) 43-8, which must be observed to ensure safe distance is kept between exposed conductors and those working in the vicinity of electrical assets, and</p>	See the response at REP2-034-14 below.

Reference	Written Representation Issue	Highways England Response
REP2-034-12	3.1.2 Energy Network Associations Development near Overhead Lines ENA (TS) 43-8. This sets out the derivation and applicability of safe clearance distances in various circumstances including crossings of OHL and working in close proximity.	See the response at REP2-034-14 below.
REP2-034-13	3.1.3 Additionally HSE's guidance note 6 "Avoidance of Danger of Overhead Lines", summarises advice to minimise risk to life/personal injury and provide guidance to those planning and engaging in construction activity in close proximity to Overhead Lines.	See the response at REP2-034-14 below.
REP2-034-14	3.2 National Grid requires specific protection provisions in place to provide for an appropriate level of control and protection for retained assets and assurance that industry standards will be complied with in connection with works to and in the vicinity of their electricity assets.	Highways England is aware of the relevant industry standards that will be relevant to the protective provisions that Highways England anticipates being settled with National Grid in the near future.
REP2-034-15	<u>4.0 NGG – Regulatory Protection Framework</u> 4.1 Relevant guidance in respect of standards and protocols for working in the vicinity of high pressure gas pipelines applies in the form of:	See the response at REP2-034-18 below.
REP2-034-16	4.1.1 National Grid Guidance for Safe Working in the vicinity of High Pressure Pipelines T/SP/SSW/22 which is aimed at parties carrying out work in the vicinity of high pressure gas pipelines and associated installations and is provided to ensure that those planning and undertaking work take appropriate measures to prevent damage.	See the response at REP2-034-18 below.
REP2-034-17	4.1.2 The requirements in T/SP/SSW/22 are also in line with the IGE (Institution of Gas Engineers) recommendations in IGE/SE/18 Edition 2 – Safe Working Practices to Ensure the Integrity of Gas Pipelines and Associated Installations and HSE's guidance document HS (G) 47 Avoiding Danger from Underground Services.	See the response at REP2-034-18 below.
REP2-034-18	4.2 National Grid requires specific protective provision in place to provide for an appropriate level of control and protection for retained assets and assurance that industry standards will be complied with in connection with works to and in the vicinity of their Gas Assets.	Highways England is aware of the relevant industry standards that will be relevant to the protective provisions that Highways England anticipates being settled with National Grid in the near future.
REP2-034-19	<u>5.0 PROPERTY ISSUES</u> 5.1 NGET assert that maintaining appropriate property rights to support their assets and protecting these from Compulsory Acquisition and related powers in the DCO is a fundamental safety issue. Insufficient property rights would have the following safety implications:	The dDCO (REP2-002) makes provision in article 28 and Schedule 6 for Highways England to acquire property rights for the benefit of statutory undertakers, including National Grid. The detail of these matters is a matter for the on-going discussions with National Grid.
REP2-034-20	5.1.1 Inability for qualified personnel to access apparatus for its maintenance, repair and inspection.	See the response at REP2-034-19 above.
REP2-034-21	5.1.2 Risk of strike to buried assets/cable/overhead lines if development occurs within the easement zone which seeks to protect the cable/overhead lines from development.	See the response at REP2-034-19 above.
REP2-034-22	5.1.3 Risk of inappropriate development within the vicinity of the assets increasing the risk of damage to the asset and integrity of the system.	See the response at REP2-034-19 above.
REP2-034-23	5.2 In light of the extent of compulsory acquisition proposed within the DCO in the vicinity of the NGET apparatus and the alterations to NGET's access, NGET require a new easement from the Applicant. NGET and the Applicants are also in liaison over (i) clearances, (ii) compliance with relevant standards in respect of the location of respective assets and (iii) maintenance of NGET and HE assets in future given close proximity. NGET are liaising with	See the response at REP2-034-19 above.

Reference	Written Representation Issue	Highways England Response
	the Applicant to resolve these issues between the parties before the conclusion of the examination and the withdrawal of National Grid's relevant representation.	
REP2-034-24	<p><u>6.0 Protective Provisions</u></p> <p>6.1 National Grid seeks to protect its statutory undertaking, and insists that in respect of connections and work in close proximity to their Apparatus as part of the authorised development the following procedures are complied with by the Applicant:</p> <p>(a) National Grid is in control of the plans, methodology and specification for works within 15 metres of any retained Apparatus; and</p> <p>(b) DCO works in the vicinity of NGET apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of National Grid's land or rights or the overriding or interference of the same. Any acquisition of rights must be subject to NGET's existing interests and rights and not contradict with or cut across such rights; and</p> <p>(c) Appropriate surety and insurance provisions are in place to back up an uncapped indemnity to protect National Grid from any damage, losses or claims arising from the Authorised Development.</p>	See the response at REP2-034-1 above.

REP2-036 Transport for London

Reference	Written Representation Issue	Highways England Response
REP2-036-3	1.3 TfL is also discussing a draft Statement of Common Ground (SoCG) with HE and we refer to issues we expect to be covered in the SoCG throughout this Written Representation.	Highways England is continuing to have discussions with TfL to address the matters raised in the Written Representation and a revised SoCG with TfL is submitted at Deadline 3a (TR010029/EXAM/9.11) to provide an update to the ExA on status of discussions with TfL
	2.2 TfL's position is summarised below, including references to the relevant sections of this document where more information is provided:	
REP2-036-6	<p>Ownership and maintenance responsibilities (Section 3) – The draft DCO provides that the replacement A12 eastbound off slip road will form part of the TLRN and that TfL will be responsible for its management and maintenance. We have raised concerns over the appropriateness of this approach given the scale and complexity of the new infrastructure proposed and have had extensive discussions with HE on this matter. With HE unwilling to consider maintaining the new slip road itself, we have reluctantly concluded that we will accept the proposal for TfL to maintain the new A12 eastbound off slip road subject to the conditions set out in paragraph 3.5 below. This includes approval of the works and an agreement being reached for payment by HE to TfL of an appropriate commuted sum to cover the increase in TfL's ongoing maintenance and renewal costs, and the additional costs associated with renegotiating TfL's highways maintenance contract covering this area. If TfL and HE are unable to agree terms to satisfy these conditions, then TfL would have no alternative but to object to the DCO on the grounds of the allocation of maintenance responsibilities. TfL will require modifications to the DCO where necessary to document the responsibilities of each organisation in respect of the altered road network (on terms acceptable to us), together with an agreement with HE if appropriate. We also consider that these matters should be addressed by the inclusion in the DCO of protective provisions in favour of TfL.</p>	Highways England is currently in ongoing discussions with TfL regarding proposed ownership and maintenance responsibilities for the replacement A12 eastbound off slip road. Highways England will update the Examining Authority on progress as regards these discussions in due course. A revised SoCG with TfL is submitted at Deadline 3a (TR010029/EXAM/9.11) to provide an update to the ExA on status of discussions with TfL.
REP2-036-7	<p>Approvals and consultation (Section 4) – TfL's approval ought to be sought (as part of the DCO) in respect of the design and construction of infrastructure delivered by HE to the extent it may affect TfL's assets and in respect of those assets which TfL may inherit. In addition to the need to consult TfL on such matters, we also consider that for such consultation to be meaningful, the timescales for consultation by the undertaker and/or the local authority (as detailed in paragraph 4.6 below) ought to be extended. Given the potential impact on TfL's assets, Requirement 3 (detailed design), Requirement 4 (Construction Environmental Management Plan), Requirement 5 (Landscaping), Requirement 6 (Contaminated Land and Groundwater) and Requirement 8 (Surface and Foul Water Drainage) of the DCO ought to be amended (having regard to the justification in paragraphs 4.3 and 4.4 below) so as to require TfL's approval to be given to relevant details and documents prior to commencement of the authorised development. TfL also considers that an outline Traffic Management Plan should form part of the application documents and be subject to examination.</p>	<p>As set out in Highways England's response to TfL's Relevant Representation RR-028-8 (REP1-002), and to the Examining Authority's Written Question GQ1.10 (REP2-011) 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. The requisite approvals are for the Secretary to State to give.</p> <p>As also set out in Highways England's response to TfL's Relevant Representation RR-028-8 (REP1-002), and to the Examining Authority's Written Question TA1.1 (REP2-011) a traffic management plan will be produced and this will be submitted for approval to the Secretary of State following consultation with the relevant highway authority, which would include TfL. Accordingly, TfL would be involved in the approval process for this document and this is secured by Requirement 10 of the draft DCO (REP2-002). Please refer to Highways England's response to TA1.1 of the Examining Authority's Written Questions (REP2-011).</p> <p>As regards to the issue of timescales relating to consultation, please refer to Highways England's response to REP2-036-26 below.</p>

Reference	Written Representation Issue	Highways England Response
REP2-036-8	<p>Scope of works and design information (Section 5) – TfL requires further detail about the scope and design of works on TfL’s land (and those works not on TfL’s land but that have the potential to impact on TfL’s land/highway), both permanent and temporary, to understand the future implications for maintenance and operation of the TLRN. TfL also requires an approval role for the design and construction of infrastructure TfL will inherit, or which directly affects TfL’s assets. Further information is required to assure TfL that the scheme can be constructed alongside other road improvement schemes, including those promoted by TfL and local highway authorities, without the potential for conflict.</p>	<p>As set out in Highways England’s response to TfL’s Relevant Representation RR-028-9 (REP1-002), Highways England is currently engaged in ongoing discussions with TfL regarding the proposed responsibilities of both organisations, in particular regarding ownership and maintenance responsibilities, with a view to entering into an agreement to document these matters. The outcome of these discussions will inform whether any changes are needed to the dDCO.</p> <p>Highways England will update the Examining Authority on progress as regards these discussions in due course.</p> <p>In relation to the point raised in relation to construction issues, please refer Highways England’s response to REP2-036-21 and RR-028-28 (REP1-002) below.</p>
REP2-036-9	<p>Land ownership and rights (Section 6) – TfL requires further detail about the justification for and extent of the interests required by HE to deliver the scheme. New land ownership boundaries resulting from the land acquisition proposed by HE to deliver the scheme should be aligned with the boundaries agreed for highway maintenance responsibilities.</p>	<p>Highways England has been in discussions with TfL regarding its comments on the extent and justification for rights sought in the dDCO (APP-015) over TfL land. At Deadline 3a, an Addendum to the Book of Reference (TR010029/EXAM/10.4), Schedule of Changes (TR010029/EXAM/10.5) and Land Plans Addendum (TR010029/EXAM/10.2) is submitted by Highways England to reflect the discussions with TfL with regard to rights. TfL has confirmed their acceptance to the changes to the rights put forward by Highways England with the exception of Plot 1/6.</p> <p>For Plot 1/6, investigations are continuing to clarify whether Plot 1/6 is private land or is adopted highways, as the Book of Reference (APP-021) includes third parties as having rights over this plot. The ExA will be updated on this during the examination.</p>
REP2-036-10	<p>Assessment of traffic impacts (Section 7) – TfL welcomes the additional information provided in the Transport Assessment Supplementary Information Report which, alongside detailed engagement with HE, has resolved some of the issues raised by TfL. We continue to have reservations about the lack of sensitivity testing of the signage strategy for the scheme, which will impact the proportion of traffic using the new loop road, and the potentially substantial impacts of the Lower Thames Crossing (LTC) scheme on traffic patterns which could affect the robustness of the assessment of the Junction 28 scheme. TfL’s position on the junction between the A12 and Woodstock Avenue is also set out in this section.</p>	<p>See Highways England’s response to REP2-036-54 below regarding sensitivity testing of the signage strategy for the Scheme.</p>
REP2-036-11	<p>Environmental impacts (Section 8) – Despite the scheme being partly within London, for some environmental topics there has been limited demonstration of how the scheme is consistent with environmental policy in London. TfL notes the assurance that has been provided by HE on these matters.</p>	<p>See Highways England’s response to RR-028-28 (REP1-002).</p>
REP2-036-12	<p>Transfer of Benefit (Section 9) – The powers under the DCO could be used widely by other parties with the consent of the Secretary of State. This gives rise to an unacceptable risk that someone other than HE or its contractor could be working on TfL land/highway. TfL is particularly concerned that the draft DCO does not provide a design and construction approval process for the diverted gas pipeline under the A12.</p>	<p>See Highways England’s response to RR-028-30 (REP1-002).</p>
	<p>2.3 The remainder of this Written Representation provides more details on these and related issues.</p>	

Reference	Written Representation Issue	Highways England Response
REP2-036-13	<p><u>3.0 Ownership and maintenance responsibilities</u></p> <p>3.1 It is imperative that there is clarity as to the ownership, management and maintenance of the infrastructure proposed and that the necessary commitments are secured from HE so that the DCO does not unduly add to and/or prejudice TfL's ability to carry out its maintenance functions. While some aspects of future ownership and maintenance are clear from the draft DCO and ongoing discussions with HE, further clarity is required in several areas. These issues are set out in this section of our Written Representation.</p>	<p>Highways England welcomes ongoing discussions regarding future ownership and maintenance. See Highways England's response to REP2-036-6.</p>
REP2-036-14	<p>TfL's concerns over the proposed split of responsibilities</p> <p>3.2 Article 16 and Schedule 4 Part 2 of the draft DCO specifies that the new A12 eastbound off slip road will become a Greater London Authority (GLA) road and therefore part of the TLRN (save for the new bridge over the new loop road in accordance with Article 11 (4) of the draft DCO), with TfL becoming the highway authority. We have raised significant concerns about the impact of this responsibility on TfL's operations and costs. The new A12 eastbound off slip road is both substantially longer than the existing slip road and incorporates a more complex engineering solution, with a substantial new bridge over the new loop road (Maylands Bridge), a large embankment and support structure either side, and a drainage pond. This is clearly demonstrated by the photomontages submitted by HE as part of an additional submission in July 2020 (viewpoint A – examination reference AS002).</p> <p>3.3 The primary concerns TfL has raised are:</p> <ul style="list-style-type: none"> the infrastructure that the draft DCO proposes TfL should maintain includes assets that TfL's contractors do not currently maintain in this part of London, such as one of the three new drainage attenuation ponds delivered by the scheme; the much more substantial time and resource input required by TfL, HE and its contractor to enable TfL to assure the design and construction of assets it is proposed TfL take responsibility for; the more complex maintenance interfaces in the long term, for example where the surface of the new Maylands Bridge is to be maintained by TfL and the structure below the waterproofing membrane is to be maintained by HE; and <p>the cost implications for TfL in the context of the lack of sustained funding for highways maintenance in London, and the need for HE to compensate TfL for both TfL's long-term increase in maintenance and renewal costs and the short-term costs associated with renegotiating the contract with TfL's highway maintenance contractor.</p>	<p>See Highways England's response to REP2-036-8.</p>
REP2-036-15	<p>3.4 TfL consequently remains of the view that it is wholly unreasonable for the burden of the responsibility for the new A12 eastbound off slip road to be imposed on TfL without adequate protections and assurances in place. As a strategic highway authority, HE has the capability and resources to maintain the new off slip road should it choose to and, as the authority promoting the scheme, is arguably in a better position to undertake such maintenance. TfL further remains concerned that failure to resolve these issues may result in increased costs for the public purse. Maintenance responsibility arrangements should seek to achieve the most cost-efficient solution overall and should not seek to reduce ongoing costs for a particular authority.</p>	<p>See Highways England's response to REP2-036-6.</p>

Reference	Written Representation Issue	Highways England Response
REP2-036-16	<p>Agreement required with HE</p> <p>3.5 Notwithstanding the concerns set out above, we recognise that the historic approach for junctions between the TLRN and the Strategic Road Network (SRN) maintained by HE is for slip roads off the TLRN to be maintained by TfL. Therefore, despite our concerns, TfL is prepared to accept the proposal for TfL to maintain the new A12 eastbound off slip road subject to agreement between TfL and HE to address the following issues. However, if TfL and HE are unable to agree terms to satisfy these conditions then TfL would have no alternative but to object to the DCO on the grounds of the allocation of maintenance responsibilities.</p> <ul style="list-style-type: none"> • An appropriate commuted sum to cover the increase in TfL's ongoing maintenance and renewal costs, and the additional costs associated with renegotiating TfL's highways maintenance contract covering this area. A new maintenance contract covering London's north area has already been let, with a commencement date of April 2021, and does not include the new infrastructure proposed at M25 Junction 28. • Details of the proposed property ownership for land and assets that TfL will maintain. TfL will need to have ownership of the land and assets that it is being asked to maintain and the draft DCO does not provide for the transfer to TfL of that land and assets. • The necessary rights of access to enable TfL to undertake its maintenance responsibilities. In particular, we will require access rights along the new private road accessed from the eastbound A12 to maintain the embankment of the new eastbound off slip and the drainage pond proposed to be maintained by TfL. • TfL's need to be consulted upon, and approve, the design and construction of the scheme to the extent that it impacts on TfL's assets – or assets that are to become TfL's responsibility (see Section 4 below). • TfL's reasonable requirements for the standard and specification for completion of works in respect of those assets TfL will inherit. Any infrastructure for which TfL is to be responsible will need to be designed in line with TfL's highway standards and policies, including TfL's Vision Zero approach¹ and the London Environment Strategy. • TfL will need to be actively involved in inspecting and signing off works as complete before they are open for public use and the expiry of any defect period. • A commitment from HE not to obstruct or otherwise impact upon the TLRN (and the operation and maintenance of the same) without TfL's consent and subject to the reasonable terms TfL prescribe. • Indemnification for any damage to TfL's assets which HE's works may cause. • The timescales and terms on which HE will remain liable for any necessary repairs and issues associated with defects (for example for aftercare of landscaping) arising out of the works. <p>Other matters described in the remaining sections of this Written Representation or that may arise as discussions with HE continues.</p>	See Highways England's response to REP2-036-6.

Reference	Written Representation Issue	Highways England Response
REP2-036-17	<p>Maylands Bridge and adjacent structures</p> <p>3.6 Article 11 (4) of the draft DCO states that where a bridge is constructed using the powers granted by the DCO to carry a highway (other than a trunk road or special road) over a trunk road or special road, the highway surface (being the elements over the waterproofing membrane) is to be maintained by and at the expense of the local highway authority, i.e. TfL. HE is stated to be responsible for the remainder of the bridge structure. This is stated to be “unless otherwise agreed”.</p>	See Highways England’s response to REP2-036-6.
REP2-036-18	<p>3.7 From discussions with HE, we understand that the requirements of Article 11 (4) are proposed to apply to the new Maylands Bridge forming part of the new off slip road. However, the position regarding responsibility for the maintenance of the new embankment on one side of the bridge and support structure on the other side of the bridge, is uncertain. Further discussions between HE and TfL are needed to clarify the ownership and maintenance responsibility split of the new infrastructure as the draft DCO is unclear on this. To avoid any confusion in the future, a plan showing the maintenance split should form part of either the DCO or an agreement between TfL and HE.</p>	See Highways England’s response to REP2-036-6.
REP2-036-19	<p>3.8 TfL considers that the above matters should be addressed by inclusion in the DCO of protective provisions in favour of TfL. TfL is aware of and is reviewing the recent decision on the A303 Sparkford to Ilchester Dualling DCO which establishes the appropriateness of including within a DCO protective provisions in favour of a local highway authority. TfL would welcome the opportunity to agree with HE a suitable set of protective provisions to incorporate the necessary protections and safeguards for TfL’s infrastructure.</p>	See Highways England’s response to REP2-036-6.
REP2-036-20	<p>4.0 Approvals and Consultation</p> <p>4.1 TfL’s role in approvals</p> <p>TfL needs to have a substantive role in assuring both the design and construction of those parts of the scheme which affect TfL’s assets or those assets that will become TfL’s responsibility. TfL notes that HE has agreed in principle in its draft SoCG with TfL that TfL should be consulted on matters of detailed design in so far as these relate to assets that are to be inherited by us or which will interface with our assets and functions. However, this must be extended to TfL having an approval role for infrastructure that is to be handed over to TfL, covering both the detailed design phase and during the construction of the scheme. This will enable TfL to ensure that assets TfL inherits are both designed and constructed to TfL’s reasonable satisfaction and in accordance with TfL’s standards and requirements.</p>	As set out in Highways England’s response to TfL’s Relevant Representation RR-028-8 (REP1-002), and to the Examining Authority’s Written Question GQ1.10 (REP2-011) Highways England agrees 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. but Highways England does not agree that the authorised development should not commence until TfL has given its approval.
REP2-036-21	<p>4.2 TfL also expects to have a substantive role in informing the construction programme and agreeing the traffic management arrangements during the construction period given the impact the construction will have on the A12 and the wider TLRN. As an example of the importance of this, major works are likely to be required at Gallows Corner (the junction between the A12 and A127 which is the next major junction towards central London on the A12 from M25 Junction 28) in the next few years. There may be an overlap between the construction programmes for these two schemes so close working will be required between HE and TfL to ensure traffic management is co-ordinated to minimise any disruption.</p>	Regarding TfL’s role in informing the construction programme and agreeing the traffic management arrangements during construction of the Scheme, provision is already included within Requirement 4 and Requirement 10 of the dDCO (REP2-002) for TfL, as a relevant highway authority, to be consulted on the CEMP and Traffic Management Plan. As such Highways England considers adequate provision has already been made in relation to this matter.
REP2-036-22	<p>4.3 TfL notes Requirement 10 in the draft DCO and the requirement to consult with the relevant highway authority on the Traffic Management Plan before its approval by the Secretary of State. However, TfL would expect any final Traffic Management Plan to be</p>	See also Highways England’s responses to REP2-036-7

Reference	Written Representation Issue	Highways England Response
	<p>substantially in accordance with an outline Traffic Management Plan that formed part of the application documents and which had been subject to examination. In addition, given the substantial impact on traffic management around the A12 resulting from the works, consultation with TfL on the Traffic Management Plan is insufficient. No protective provisions are currently in the draft DCO in favour of TfL which would offer TfL further reassurance on traffic management.</p>	
<p>REP2-036-23</p>	<p>Amendments to DCO Requirements</p> <p>4.4 The authorised development should not commence until TfL's approval of design details and construction management has been secured. The scope of TfL's role in this regard needs to be agreed with HE but we must be able to meaningfully comment on the information and proposals worked up by HE and subsequently submitted in order to discharge the Requirements under Schedule 2 of the DCO. This should be reflected in the draft DCO. We note further that only planning authorities, not highway authorities, are specified in the draft DCO as being consulted on detailed design (Requirement 3); we also need to be consulted on detailed design in our role as highway authority and an amendment to this Requirement is needed. As mentioned in paragraph 4.1, HE has agreed in principle that this would be appropriate so the draft DCO should be amended accordingly.</p>	<p>See Highways England's responses to REP2 -036-7 and REP2-036-22.</p>
<p>REP2-036-24</p>	<p>4.5 In addition to Requirement 3, we are seeking for the following other Requirements of the DCO to be amended so that TfL is required to be consulted on matters related to TfL's functions, in the same way as the draft DCO specifies the local planning authority should be consulted. This will ensure that TfL's assets are adequately protected and TfL's role as highway authority is not adversely affected by the carrying out of the scheme.</p> <ul style="list-style-type: none"> • The Construction Environmental Management Plan (CEMP): TfL should be consulted on the development of the CEMP (and, insofar as TfL may inherit matters addressed in it, the Handover Environmental Management Plan) (Requirement 4). In addition, TfL will require some ongoing monitoring and controls in the CEMP in relation to the impacts of the scheme where relevant to TfL's highway operations. TfL therefore needs to be consulted on the environmental control plans specified in the CEMP. There may be further monitoring and controls that TfL wishes to request, and TfL reserves its position in this respect. • Landscaping: where there may be implications for TfL's maintenance responsibilities where the landscaping area is adjacent to the highway boundary or other infrastructure which TfL will be responsible for maintaining (Requirement 5). • Contaminated land and groundwater: given that TfL is being asked to take responsibility for land and some drainage assets and where discharge from TfL roads may therefore have an impact (Requirement 6). <p>Surface and foul water drainage: given that TfL is being asked to take responsibility for some drainage assets (Requirement 8).</p>	<p>Please see response to REP2-036-7.</p> <p>In the version of the dDCO submitted at Deadline 2 (REP2-017), TfL was added as a consultee to the CEMP under Requirement 4 as the local highway authority. Generally, Highways England is content for TfL to be a consultee under Requirements, in so far as they are relevant to TfL's obligations. This is a matter Highways England will continue to discuss with TfL.</p>
<p>REP2-036-25</p>	<p>4.6 Article 11 of the draft DCO provides that the works to streets are to be undertaken to the reasonable satisfaction of the local highway authority. However, the effect of the draft DCO is to provide consent for the works set out in Schedule 1 without any requirement for HE to secure a section 4, section 6 or section 278 agreement under the Highways Act 1980. This being so, TfL's ability to control and oversee the works is significantly curtailed</p>	<p>The Planning Act 2008 process is designed to enable thorough scrutiny of an application during the examination and allows for the dDCO to include appropriate requirements for NSIPs. Notwithstanding this, Highways England is currently in ongoing discussions with TfL regarding the proposed responsibilities of both organisations, in particular regarding ownership and maintenance responsibilities, as set out in Highways England's response to</p>

Reference	Written Representation Issue	Highways England Response
	<p>notwithstanding that such works may become TfL's responsibility as part of the TLRN. It is therefore crucial that protections are built into the DCO to secure for TfL greater involvement in consideration of not only the above matters but the design, site supervision of TfL's assets and progression of the scheme more generally.</p>	<p>TfL's Relevant Representation RR-028-9 (REP1-002), and to the Examining Authority's Written Question GQ1.10 (REP2-011).</p>
<p>REP2-036-26</p>	<p>Consultation timescales</p> <p>4.7 The timescales specified in the draft DCO within which TfL is to respond to requests for consent or approval are in some cases too short for TfL to be able to effectively respond with enough clarity and robustness having considered all the issues. There is precedent for longer timescales being necessary in other DCOs, for example in the Silvertown Tunnel DCO. Materials submitted by HE should also be required to be of sufficient substance before the time limit for responding commences. Our concerns relate in particular to the following timescales where, in general, it is currently proposed that TfL's deemed consent would be assumed if no response had been received:</p> <ul style="list-style-type: none"> • A minimum of ten business days for consultation on discharge of any requirements where details need to be submitted to the Secretary of State for approval (Schedule 2 paragraph 17) – TfL considers that eight weeks is more appropriate to ensure there is time to properly review and respond adequately, particularly as some requirements will involve a major impact on TfL assets or, if a shorter timescale must be set, deemed refusal in the event of no response being provided. • A minimum of 14 days' notice to access TfL's land to undertake surveys (Article 22 (2)) – we consider that 28 days would be more appropriate to ensure access can be provided safely and so risks to staff undertaking such surveys are reduced. • A minimum of 14 days' notice to take temporary possession of TfL's land (Article 35 (2)) – we consider that 28 days would be more appropriate (recognising that much of the land is crucial to operation of the highway and any impacts will need to be planned safely with road users given sufficient information in advance). • 12 weeks' notice to be given in the event of a proposed order to permanently prohibit, restrict or otherwise affect traffic – TfL considers that more notice may be required (up to six months) to plan any closures that result in a major change to traffic patterns, including consultation with road users where necessary (Article 18 (5)). • 28 days are proposed to provide TfL's consent on traffic regulation affecting our roads (when the impact of works on traffic may be particularly complex) (Article 18 (11)), after which our consent is deemed to have been given – we consider that 56 days would be more appropriate. That deemed consent applies after such a short period is prejudicial to traffic management and is punitive; and • 28 days for approvals of applications regarding drainage proposals (Article 19 (9)) – TfL considers that 56 days would be more appropriate. Article 19 provides HE with wide powers to use and alter drainage such that additional time is required for us to consider the impact of the works on any drainage infrastructure for which TfL is responsible. Again, deemed consent fetters TfL's ability to effectively manage its drainage infrastructure and is punitive. <p>4.8 TfL considers that longer timescales are required in each of these cases to ensure that it can assess the implications of the proposals sufficiently robustly. In all these cases there are</p>	<p>TfL raised, in its RR, that the timescales were not sufficient, Highways England has provided a response to each of these in turn within its response to the Relevant Representation (REP1-002). Since submission of the Response to Relevant Representation, Highways England has considered TfL's comments further in respect of Schedule 2, Requirement 17, and whilst Highways England considers any request for consultation in accordance with the DCO Requirements would be a final formality on issues about which TfL would already be aware, Highways England proposes to amend the time period in line with other recently made DCOs, namely A63 (Castle Street Improvement, Hull) DCO 2020 and London to Southampton pipeline DCO 2020 to 21 days. Please see the updated draft DCO submitted at Deadline 2 (REP2-017).</p> <p>For all of the other timescales mentioned by TfL Highways England considers they are appropriate and well precedented – see Highways England's response to TfL's Relevant Representation (RR-028-6) (REP1-002).</p>

Reference	Written Representation Issue	Highways England Response
	<p>precedents from other DCOs for longer timescales where this was determined by all parties as being necessary. These longer timescales will in turn ensure the construction and future operation of the scheme is managed successfully without unnecessary adverse impacts on road users or residents with insufficient notice.</p>	
<p>REP2-036-27</p>	<p>Recovery of costs 4.9 TfL expects to be able to recover all costs, charges and expenses associated with design development and approval, inspection of the construction of the works, carrying out of surveys that TfL reasonably requires, and the transfer of land and rights to it on the basis that the Proposed Development would place an additional obligation upon it. This should be secured through protective provisions in the DCO in favour of TfL.</p>	<p>Please refer to Highways England's response to REP-036-8.</p>
<p>REP2-036-29</p>	<p>Design approvals 5.2 We appreciate that the design of the M25 Junction 28 improvements scheme is still in progress. Based on the information submitted to date as part of the DCO application, TfL cannot yet be satisfied that the design adequately safeguards TfL's assets and that any assets for which responsibility may be transferred to TfL pursuant to the DCO meets TfL's requirements.</p>	<p>Please see Highways England's response to REP2-036-20.</p>
<p>REP2-036-30</p>	<p>5.3 TfL requires oversight of the design for those parts of the scheme which TfL is proposed to be responsible for maintaining, and/or for any other works adjacent to TfL's assets, to ensure that TfL's existing assets are not prejudiced. Visibility of the design calculations and assumptions made would also be required. This is relevant to the following areas:</p> <ul style="list-style-type: none"> • carriageway construction (sub-base materials, wearing course, etc.); • drainage infrastructure including boundaries of responsibilities, system design for different event types, pipe materials, bedding materials and pipe gradients; • the design of the proposed Grove Culvert extension (if TfL is to be responsible for this); • drainage ponds where there may be implications for TfL's liabilities; • street lighting including columns, lanterns, cables, cable routes, connection arrangements, lighting levels, etc.; • vehicle restraint systems (barriers) including foundations and fencing; and tree planting and other environmental mitigation. 	<p>Please see response to REP2-036.20.</p>
<p>REP2-036-31</p>	<p>5.4 We welcome that in recent correspondence between HE and TfL, HE has stated that John Graham Construction (HE's appointed principal contractor) and their consultants are committed to working with us as they move forward through the detailed design phase and into construction. This will enable us to understand the assumptions underpinning the design principles, and that the scope of works and design is fit for purpose to our reasonable satisfaction. The details of how TfL, HE and HE's contractors will work together should be documented in the draft DCO to ensure that there is clarity and certainty for all parties.</p>	<p>Please see Highways England's response to REP2-036-8.</p>
<p>REP2-036-32</p>	<p>Diverted gas pipeline 5.5 A further area where TfL requires more detailed information from HE and thereafter some involvement as the design progresses is in respect of the diversion of the gas pipeline. This diversion is required both under the new A12 eastbound off slip but also under the main</p>	<p>As set out in Highways England's response to TfL's Relevant Representation RR-028-14 (REP1-002), Highways England is currently in ongoing discussions with TfL regarding the proposed high pressure gas main diversion and will continue to discuss relevant details of the proposed diversion with TfL as they become available and through detailed design.</p>

Reference	Written Representation Issue	Highways England Response
	<p>carriageway of the A12. HE has provided TfL with information on the existing route of the pipeline which was not available in the documents submitted as part of the DCO application, so we now understand the scope of the diversion proposed.</p>	
<p>REP2-036-33</p>	<p>5.6 We require further liaison with HE, its contractor and Cadent Gas over the design of, and protection for, the diverted pipeline so that we can understand both the impact of the construction of the works to divert the pipeline on the operation of the A12 and the future maintenance arrangements for both the A12 and the pipeline. Some initial liaison has now taken place to discuss design standards for the proposed service tunnel under the A12 that will carry the diverted pipeline. We understand the size of this tunnel will be less than 2 metres in diameter, but no further design information is yet available. Further assurances regarding the impact on TfL's assets will be required from HE and TfL expects these to be documented in the DCO or in an agreement prior to any works being undertaken. Please also see our comments in Section 9 (transfer of benefit) below.</p>	<p>As set out in Highways England's response to TfL's Relevant Representation RR-028-14 (REP1-002), Highways England is currently in ongoing discussions with TfL regarding the proposed high pressure gas main diversion and will continue to discuss relevant details of the proposed diversion with TfL as they become available and through detailed design.</p>
<p>REP2-036-34</p>	<p>Ground stability</p> <p>5.7 TfL has raised with HE concerns about ground stability in the local area on this section of the M25. We have seen some physical evidence of instability on existing infrastructure in the area, particularly between M25 Junctions 28 and 29 and at Junction 29 where settlement and ground movement are manifesting as defects in the edge of the carriageway and embankments resulting in the potential need for deep carriageway reconstruction. We have shared available reports on this matter with HE.</p> <p>5.8 Given known issues in the local area, it is important for HE to ensure that the design of new infrastructure mitigates for any ground stability issues, with our particular concern being for assets TfL may inherit. The SoCG to be agreed between HE and TfL should acknowledge that the information provided by us will be used to inform the detailed design of the earthworks, road and structure designs to ensure that the ground conditions are fully considered to achieve the required design life. We will need to see further engineering details as the design progresses to ensure that ground stability issues have been sufficiently accounted for in the design of infrastructure to ensure long term stability.</p> <p>5.9 TfL notes the Ground Investigation Report submitted at Deadline 1. TfL will review this report to identify whether it addresses the concerns raised over ground stability.</p>	<p>The issue of ground stability was raised by TfL at a meeting on 29 August 2020 and TfL subsequently provided a copy of the M25 Junction 29 ground conditions report to Highways England in September 2020. The issue raised by TfL related to a different junction - M25 Junction 29. As discussed with TfL at the meeting on 3 September 2020, Highways England will be undertaking its own ground investigation reports as part design development.</p> <p>Highways England submitted a Ground Investigation Report (REP1-023) to the Examining Authority as part of its application at Deadline 1 for the Scheme which includes an overview of the proposed works, analysis of ground conditions and the assignment of geotechnical parameters for each stratum across the overall scheme. The report also investigates the ground conditions local to the Scheme and provides geotechnical design input for the required earthworks, structures and foundations for the proposed works. The Scheme has been subdivided into seven key ground models on an area and ground specific basis following the 2019 ground investigation. These have been individually assessed with a ground model and long sections produced to inform the geotechnical design.</p>
<p>REP2-036-35</p>	<p>Construction timescales</p> <p>5.10 TfL acknowledges that the construction programme for the scheme has not been finalised and may not be for some time, but we need to understand whether there are any issues with the timing of works conflicting with other schemes. Given the recent withdrawal of the DCO application for the LTC scheme, there is a decreasing likelihood that it will pose any significant conflict with works for M25 Junction 28. However, we would still like to understand any implications if the M25 Junction 28 improvements scheme were to be delayed given the relatively close geographical proximity.</p>	<p>The Highways England M25 junction 28 project team is in regular discussions with the Lower Thames Crossing project team and will continue to do so on issues of mutual concern, such as programme.</p>
<p>REP2-036-36</p>	<p>5.11A review should also be undertaken to determine whether there are any conflicts with the construction programme of other HE, TfL or local authority schemes within the area in which traffic flows are affected by the Junction 28 scheme. This may be particularly relevant for the potential scheme at Gallows Corner (see paragraph 4.2 above) for which the construction</p>	<p>A Traffic Management Plan will be produced as secured by Requirement 10 of the dDCO (REP2-002) and temporary traffic management measures will seek to minimise traffic impacts and disruption.</p>

Reference	Written Representation Issue	Highways England Response
	programme may overlap with that for M25 Junction 28. We request clarity and as appropriate assurances in this respect to ensure that conflicts are acknowledged and addressed.	
REP2-036-37	<p>Pedestrian and cycle route</p> <p>5.12 There is an existing pedestrian and cycle route that connects Havering and Brentwood alongside the A12, around the M25 Junction 28 roundabout and onto the A1023. TfL understands that the route is currently relatively lightly used. This is likely to be due to it being unattractive to users.</p> <p>5.13 The draft DCO also commits HE to maintaining the existing pedestrian and cycle route through the junction. We recognise that HE is seeking funding for a separate scheme to upgrade the current route to a high-quality shared use cycling and walking route. While we do not expect this separate scheme to be incorporated into the DCO, it is essential that the design of the M25 Junction 28 improvements scheme is consistent with and does not preclude the separate walking and cycling scheme and TfL notes that policy requires accessibility for non-motorised users to be enhanced. In particular, HE will need to ensure that safe crossings of the A12 and M25 slip roads which the pedestrian and cycle route traverses can be provided.</p>	<p>An assessment of the usage of the NMU routes drawing on information from a 2014 and 2018 NMU audit is provided within paragraphs 13.7.14 and 13.7.15, of Chapter 13 (People and Communities) of the ES (APP-035).</p> <p>As set out in Highways England's response to TfL's Relevant Representation RR-028-27 (REP1-002), and to the Examining Authority's Written Question TA1.11 (REP2-011) Highways England is currently in the process of applying for Road Investment Strategy 2 Designated Funds for the implementation (construction) of a proposed wider NMU route in the vicinity of M25 junction 28. Designated funds are separate to Highways England's core work of operating, maintaining and improving England's strategic road network. They provide ring-fenced funding to be invested in and to support initiatives that deliver lasting benefits for road users, the environment and communities across England.</p> <p>The NMU proposals mentioned above comprise the conversion of 3.1km of existing walking route into a high-quality shared use cycling and walking route. It also comprises cycling provision between A1023 / Kavanaghs Road junction and the M25 junction 28. The proposed improvements would continue west of junction 28 linking with the NCN route 136 in Harold Wood. Essex Country Council, London Borough of Havering, Brentwood Borough Council and Transport for London have been consulted throughout the development of the proposal.</p> <p>This application for Designated Funds is separate to this DCO application but not inconsistent with it. Together they would provide a holistic improvement to connectivity.</p>
REP2-036-38	<p>6.0 Land ownership and rights</p> <p>Inconsistency of ownership boundaries</p> <p>6.1 The existing land ownership within the boundary of the scheme, as described in the Book of Reference accompanying the DCO application, is inconsistent with the designations of the TLRN and SRN. The DCO makes provision for HE to compulsorily acquire the land needed for the scheme and it is important that the ownership and maintenance responsibility boundaries are aligned for the new infrastructure. This also presents an opportunity for the land ownership and highway boundaries for existing infrastructure to be aligned, i.e. so that TfL owns the subsoil under the TLRN, and HE owns the subsoil under the SRN, and TfL seeks to agree this with HE because it would facilitate more efficient operation and maintenance of the future highway network and reduce the risk of confusion over responsibilities. This is also important in relation to the maintenance of the new assets for which TfL will become responsible and where HE is currently the owner of the land or subsoil.</p>	<p>Highways England is aware that a small land parcel forming part of the TLRN is within the ownership of Highways England. TfL is seeking to secure a transfer in ownership of that parcel in order that land ownership boundaries are consistent with existing highway authority boundaries. Highways England is of the view that any potential 'land swap' issue does not directly relate to the Scheme and is a separate matter to this dDCO.</p> <p>In relation to newly created assets, please refer to Highways England's response to REP2-REP2-036-8 and REP2-036-9.</p>
REP2-036-39	<p>Permanent and temporary rights sought</p> <p>6.2 The draft DCO makes provision for the compulsory acquisition by HE of certain rights over TfL land. As set out in our Relevant Representation, we continue to request more detail as to the need and justification for such rights so that we can understand the impact on TfL land/highway.</p>	<p>Highways England has been in discussions with TfL regarding its comments on the need and justification for rights sought in the dDCO (APP-015) over TfL land. At Deadline 3a, an Addendum to the Book of Reference (TR010029/EXAM/10.4), Schedule of Changes (TR010029/EXAM/10.5) and Land Plans Addendum (TR010029/EXAM/10.2) was submitted by Highways England to reflect the discussions with TfL with regard to rights. TfL has confirmed their acceptance to the changes to the rights put forward by Highways England with the exception of Plot 1/6.</p>

Reference	Written Representation Issue	Highways England Response
		For Plot 1/6, investigations are continuing to clarify whether Plot 1/6 is private land or is adopted highways, as the Book of Reference (APP-021) includes third parties as having rights over this plot. The ExA will be updated on this during the examination.
REP2-036-40	<p>6.3 The areas where further information is required are as follows:</p> <ul style="list-style-type: none"> • HE will have the rights to undertake permanent works on TfL land without acquiring the land permanently (Article 35). We need to understand whether any of TfL's land is intended to be affected by these rights. Further, we reserve our position as to whether temporary possession and permanent acquisition of rights is an adequate and suitable means of carrying out the works specified. • HE will also have the rights to temporarily take possession of TfL land to maintain the new infrastructure for up to five years after opening of the scheme (Article 36). Again, we need to be aware of whether any of TfL's land is likely to be required temporarily for this purpose and why. The draft DCO provides that TfL will assume maintenance responsibility once the works are complete. Further, to the extent that TfL is responsible for any highway or structure, HE will need to secure for TfL sufficient rights to maintain that highway or structure (as mentioned in Paragraph 3.7 above). • Schedule 6 specifies that HE will be granted permanent powers to construct, access and maintain works on the A12 eastbound carriageway. TfL needs to understand what rights HE requires permanently given that these sections of road are part of the TLRN and are maintained by TfL. We suggest that the land referred to in Schedule 6 forming part of the TLRN should be required for temporary possession only, given it is central to the local highway network and the safe operation of the same, save in relation to the permanent right needed for the diverted pipeline. The Limits of Deviation for the diverted pipeline form only a small part of Plot 1/1 and therefore only a small part of Plot 1/1 should have powers for a permanent right in relation to the diverted pipeline. The remainder of the plot should only be required for temporary possession. <p>Some rights are proposed to be transferred to Cadent Gas to undertake works on the diverted pipeline (as discussed in the previous section) and TfL needs to understand what these rights are and how they will affect TfL's assets.</p>	Please see Highways England's response to REP2-036-39.
REP2-036-41	<p>Transfer of land where TfL is to be the highway authority</p> <p>6.4 Where TfL is to become highway authority of new infrastructure then it will need the land within the scope of its responsibilities transferred to it. This will be particularly important given the significant infrastructure associated with the maintenance of the new A12 eastbound off slip road. TfL requires a clear understanding of boundaries of responsibility where assets are inter-related, for example surface run-off from HE assets to new TfL assets, and structures to protect the diverted gas pipeline which are located underneath the embankment that is proposed to become a TfL asset. Currently the draft DCO does not provide for the transfer to TfL of land associated with new infrastructure for which TfL will assume responsibility.</p>	Please see Highways England's response to REP2-036-.6. Highways England is currently engaged in ongoing discussions with TfL regarding the proposed responsibilities of both organisations, including TfL's role in design, with a view to entering into an agreement between both parties to document these matters.
REP2-036-42	<p>Corrections required to Book of Reference</p> <p>6.5 There are some inconsistencies in records of land ownership and highway authority responsibilities contained in the Book of Reference. For example, the London Borough of Havering is listed in the Book of Reference as highway authority for some sections of the A12 where TfL is the highway authority. We have discussed these errors with HE and the London</p>	Please see Highways England's response to REP2-036-39.

Reference	Written Representation Issue	Highways England Response
	Borough of Havering, and it has been agreed that updates to the Book of Reference are required. We understand that HE intends to submit an updated Book of Reference at Deadline 3 of the Examination to address these issues.	
	Gallows Corner	
REP2-036-44	7.4 TfL needs to ensure that Gallows Corner (the A12 / A127 junction), less than 4 km distant from M25 Junction 28, is not adversely affected by the scheme. HE has provided some model outputs to show that, for the core growth scenario, traffic demand and turning movements at this busy junction are not forecast to be significantly affected by changes to the design of M25 Junction 28, with an increase of no more than around 75 additional Passenger Car Units (PCUs) on the A12 east of Gallows Corner.	Table 4-1 of the Transport Assessment Supplementary Information Report (PDB-003) provides the forecast changes in traffic flows on the approach roads to Gallows Corner and the total forecast change in traffic throughput due to the Scheme. The total forecast change in traffic throughput at Gallows Corner due to the Scheme represents less than a 1% change and therefore the Scheme would have a negligible impact on the operational performance of the junction.
REP2-036-45	7.5 Given that the Gallows Corner junction is expected to be congested in the future, any substantial increase in traffic flows caused by external factors could have a disproportionate impact on queues and delays to traffic. Based on the evidence presented, there is no reason to believe that the M25 Junction 28 improvements scheme will cause a substantial increase in delays at Gallows Corner. Nevertheless, TfL will continue to review available information to ensure that the impact of the scheme on Gallows Corner has been adequately considered, and TfL notes an issue below regarding a greater forecast relative impact of the scheme in the low growth scenario.	The issue regarding a greater forecast relative impact of the scheme on Gallows Corner in the low growth scenario is addressed in the response to 7.12 (REP2-036-52) below.
	A12 junction with Petersfield Avenue	
REP2-036-46	7.6 TfL notes the proposal that construction traffic from the north via the M25 and east via the A12 is proposed to make a U-turn at the A12 junction with Petersfield Avenue to access the construction sites, as set out in paragraph 6.1.6 of the Transport Assessment Supplementary Information Report. TfL has concerns about the ability of large vehicles to turn from the westbound to eastbound A12 at this junction. Tracking will be necessary to demonstrate whether these turns can be made safely without the swept path of vehicles encroaching into the A12 westbound main carriageway or kerb lines. If it is not possible it is likely that large vehicles will need to turn back at Gallows Corner and TfL will need to understand whether this has any implications for traffic at this location.	Please refer to Highways England's response 21-22 (Table 3) to London Borough of Havering's LIR (TR010029/EXAM/9.34).
	A12 junction with Woodstock Avenue	
REP2-036-47	7.7 TfL understands the concerns raised by residents of Woodstock Avenue about the impact of the construction and operation of the scheme on their ability to access and egress their street. It is essential that closures of the A12 eastbound off slip road during construction are minimised to ensure that traffic exiting Woodstock Avenue and wishing to travel towards London does not have to travel a long diversionary route via the A12/A1023 junction north east of Shenfield. When any closures cannot be avoided, TfL considers that arrangements should be put in place to allow emergency service vehicles exiting Woodstock Avenue to be escorted through the closed section of slip road to ensure they are not substantially delayed in an emergency.	As explained in Section 6.1.4 of the Transport Assessment Supplementary Information Report (PDB-003), temporary lane and road closures would, as far as practicable, be restricted to weekends and/or overnight with the number of occurrences kept to a minimum. Highways England anticipates that occasional overnight closures of the A12 eastbound off-slip will be required for construction of the Scheme. Requirement 10 of the dDCO (REP2-002) requires the preparation and implementation of a traffic management plan (TMP) that will have to be submitted to and approved by the Secretary of State following consultation with the relevant highway authority before the relevant part of the works can start.
REP2-036-51	Growth scenarios 7.11 TfL welcomes the presentation of the traffic impacts of the scheme under low and high growth scenarios included in Chapter 5 of the Transport Assessment Supplementary	The high and low growth scenarios have been derived fully in accordance with Department for Transport (DfT) transport analysis guidance (TAG). The high and low growth forecasts are

Reference	Written Representation Issue	Highways England Response
	<p>Information Report. It is entirely appropriate for high and low growth scenarios to be considered to inform a range of outcomes rather than a single scenario when assessing the impact of the scheme, given the level of uncertainty in relation to future changes in traffic levels, exacerbated by the potential long-lasting impacts of the Covid-19 pandemic. Local adjustments to include developments deemed as reasonably foreseeable are also welcomed but an explanation of how developments which are considered 'reasonably foreseeable' to go ahead has not been provided. TfL needs to be provided with more details of the adjustments made in relation to local planning policy to understand whether the high growth scenario presents a realistic upper limit of the range of outcomes.</p>	<p>calculated by adding or removing a proportion of base demand from the core scenario forecast demand matrices, with the proportion determined by the following formula:</p> $\% = \frac{\sqrt{\text{Forecast year} - \text{Base year}} \times 2.5}{100}$ <p>This results in 6.61% in 2022 and 11.73% in 2037 of the base demand being added or removed from the demand matrices for the low and high growth scenarios.</p> <p>The high growth forecast includes developments categorised in the uncertainty log as reasonably foreseeable. The demand associated with these developments is added to the matrices which are then balanced so that the overall uplift or reduction match the above proportions, i.e. 6.61% and 11.73%.</p>
<p>REP2-036-52</p>	<p>7.12 TfL notes that, for most modelled years and time periods, the impact of the scheme on traffic flows on the TLRN is relatively small except for the 2037 PM peak period for the low growth scenario. This shows a much greater relative impact on traffic flows on the A12, with up to 200 additional PCUs – an increase of 9 per cent on the A12 westbound between M25 Junction 28 and Gallows Corner – and a similar percentage increase eastbound. This is a much greater traffic impact than is forecast in any other growth scenario, year or time period, where the impact was no more than an additional 80 PCUs. TfL is seeking assurance from HE that this increase does not result in greater traffic levels and delays at Gallows Corner than those forecast under the core scenario.</p>	<p>In the 2037 low growth scenario, whilst the traffic flows on the A12 towards Gallows Corner increase due to the Scheme during the PM peak hour, the traffic flows on other approaches to Gallows Corner reduce because of redistribution of traffic rather than any overall increase in demand. As a result, the overall increase in traffic throughput at Gallows Corner due to the Scheme during the 2037 PM peak hour is only 2%. This is insufficient to have a significant adverse impact on the operational performance of the junction, should forecast traffic growth be lower than assumed for the core scenario.</p>
<p>REP2-036-53</p>	<p>Forecast usage of new loop road 7.13 Evidence from the HE traffic model presented in Chapter 3 of the Transport Assessment Supplementary Information Report shows some unexpected routes taken by traffic at M25 Junction 28. A significant proportion of traffic between the northbound M25 and eastbound A12 (approximately 40 to 45 per cent) is forecast to continue to use the Junction 28 roundabout rather than the new loop road, as intended by the scheme design. This is understood to be due to the travel distance via the loop road being so much longer than via the roundabout, which means that for some vehicles the route via the roundabout will be quicker. The model has not taken account of the signage strategy which would direct traffic via the new loop road instead of via the roundabout.</p>	<p>Please refer to Highways England's response RR-028-23 to the Relevant Representations (REP1-002).</p>
<p>REP2-036-54</p>	<p>7.14 TfL has requested that HE undertake sensitivity tests to assess the impact on traffic patterns if a greater proportion of traffic between the northbound M25 and eastbound A12 (up to 100 per cent) uses the new loop road. TfL's concern is that with less traffic using the Junction 28 roundabout, this would release capacity and potentially result in larger scale re-routing of traffic via the A12 which could have a consequential adverse impact on delays at other junctions including Gallows Corner. The larger increase in traffic on the A12 in the 2037 PM peak low growth scenario discussed in paragraph 7.7 above could potentially be indicative of this type of impact.</p>	<p>Highways England is confident that the traffic modelling for the Scheme already completed provides the most reliable method of forecasting the proportional split of traffic between the loop road and the junction 28 roundabout, accounting for the signage strategy. This is because it is not possible to quantify what proportion of drivers would comply with the proposed signing strategy and follow the direction signs via the loop road as opposed to the shorter but slower route via the roundabout, other than by using a traffic assignment model. In addition, within the strategic traffic model it is not appropriate to force traffic to use a specified route, since this would be incompatible with the fundamental basis on which the strategic model works, i.e. reassignment of traffic until equilibrium is reached in terms of user benefits (comprising of a combination of journey time and distance), based on a comparison of alternative available routes.</p>

Reference	Written Representation Issue	Highways England Response
		<p>Furthermore, the traffic modelling for the low traffic growth scenario presented in Section 5 of the Transport Assessment Supplementary Information Report (PDB-003) indicates similar minimal rerouting of traffic onto the wider road network to that with the core scenario. This therefore demonstrates that the minor rerouting of traffic onto the wider road network due to the Scheme is not sensitive to lower volumes of traffic using the roundabout, as might be the case if more traffic followed the direction signs and used the loop road as opposed to the roundabout.</p> <p>As such Highways England do not consider it necessary nor appropriate to undertake a sensitivity test with a larger proportion of traffic forced to use the loop road as opposed to the junction 28 roundabout.</p>
REP2-036-55	<p>7.15 HE has chosen not to undertake this type of sensitivity test, advising that there is no way of 'banning' the movement from the northbound M25 to the eastbound A12 in the model to determine the impact of all traffic using the new loop road. The failure to realistically represent the likely flows on the primary piece of new infrastructure to be delivered undermines the robustness of the approach to modelling undertaken by HE. The Examining Authority is requested to instruct HE to undertake additional modelling to represent likely flows considering the envisaged signage strategy, and so provide assurance about any wider impacts.</p>	See response to REP2-036-54 above.
	<p>Impacts on A1023 Brook Street</p>	
REP2-036-56	<p>7.16 TfL has previously raised concerns about the forecast increased delays on the A1023 approach to the Junction 28 roundabout from Brentwood, which results from the roundabout operating more freely once the northbound M25 to eastbound A12 traffic has been removed. TfL buses operate on this route and TfL would not wish to see any substantial increase in bus journey times, with the adverse impact on sustainable mode share that would result. This is of particular concern since the queue lengths and delays on the approach to the roundabout from Brook Street are forecast to be very high even without the scheme. In the 2022 AM peak period without the scheme, a queue length of over 500 metres on the A1023 and a journey time of 20 minutes between the A1023 and westbound A12 are forecast in the AM peak period. This rises to an equivalent Do Minimum journey time of 27 minutes by 2037²</p>	Please refer to Highways England's response RR-028-25 to the Relevant Representations (REP1-002).
REP2-036-57	<p>7.17 HE has now provided updated modelling for the junction in Chapter 2 of the Transport Assessment Supplementary Information Report. This assumes an extended inter-green phase for the traffic signals at the end of the A12 westbound off slip road, allowing more time for traffic to access the roundabout from the A1023. If implemented as part of the scheme, this results in decreases in journey time and queue lengths on the A1023 approach to Junction 28. TfL welcomes this improvement and support the increased inter-green phase being delivered as a core part of the scheme.</p>	Highways England welcomes TfL's support for the extended inter-green at the junction of the A12 east off-slip with junction 28 roundabout, included in the Scheme, to reduce delays for traffic on Brook Street.
REP2-036-58	<p>7.18 However, TfL notes that delays on the A1023, while improved, remain substantial, e.g. a journey time of 23 minutes in the 2037 AM peak period between the A1023 and westbound A12, compared to 27 minutes without the scheme. TfL does not consider delays of this magnitude remaining on one arm of the junction to be an acceptable outcome when such a major upgrade to the junction as a whole is being proposed</p>	<p>TfL have quoted forecast journey times during the 2037 AM peak period that are measured from the A1023 Brook Street, east of Mascalls Lane, to Gallows Corner on the A12. Therefore, these are not the delays on the Brook Street approach to junction 28, which are forecast with the Scheme to be less than 3 minutes out of the 23 minutes journey time during the 2037 AM peak period.</p> <p>Although the Scheme will reduce traffic congestion and delay on Brook Street compared to without the Scheme, Highways England is aware that it does not fully resolve this issue.</p>

Reference	Written Representation Issue	Highways England Response																																			
		<p>Consequently, 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.</p> <p>Designated funds are separate to Highways England's core work of operating, maintaining and improving England's strategic road network. They provide ringfenced funding to be invested in and to support initiatives that deliver lasting benefits for road users, the environment and communities across England. 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 be a separate scheme to the M25 junction 28 improvement Scheme.</p> <p>Essex CC are the highway authority for the A1023 Brook Street and highways England has liaised with Essex CC regarding traffic delays on the A1023 Brook Street during development of the Scheme. It is recognised by both parties that the Scheme cannot fully resolve this issue, but it does not preclude potential future improvements promoted by either Essex CC or Brentwood Council to address traffic delays on Brook Street.</p>																																			
REP2-036-59	<p>Impact on TfL bus routes</p> <p>7.19 TfL notes that construction is forecast to cause delays of up to 166 seconds for traffic between the eastbound A12 and A1023 Brook Street, as shown in Table 6-1 of the Transport Assessment Supplementary Information Report, which will affect buses on route 498 between Queen's Hospital, Romford and Brentwood. This route would also be seriously affected if any closures of the A12 eastbound off slip road are required. We also note a potential impact on several bus routes that use Straight Road and Noak Hill Road north of Gallows Corner caused by traffic diverting via these roads during the construction period. Highways England will need to liaise closely with TfL on impacts on these bus routes and TfL reserves the right to seek funding for mitigation of the impacts should this prove necessary.</p>	<p>As explained in Section 6 of the Transport Assessment Supplementary Information Report (PDB-003), temporary lane and road closures would, as far as practicable, be restricted to weekends and/or overnight with the number of occurrences kept to a minimum. There would, however, be some lane closures, but not road closures, and temporary reductions in speed limits that would be in place all day, every day for longer periods of up to a few months. It is anticipated that occasional overnight closures of the A12 eastbound off-slip will be required for construction of the Scheme.</p> <p>Requirement 10 of the dDCO (REP-2-002) requires the preparation and implementation of a traffic management plan (TMP) that will have to be submitted to and approved by the Secretary of State following consultation with the relevant highway authority, including TfL, before the works can start. The TMP will set out the temporary diversions for bus routes required by traffic management arrangements, including overnight road closures. When preparing the TMP, it is standard practice for the Highways England appointed Principal Contractor for the Scheme to liaise with the relevant bus operators regarding temporary diversion to minimise disruption to services as far as reasonably practicable.</p>																																			
REP2-036-60	<p>Impact of Lower Thames Crossing on performance of M25 Junction 28 scheme</p> <p>7.20 The modelling for the LTC scheme shows substantial increases in traffic flows and worsened congestion on the M25 main carriageway through Junction 28 following opening of the new river crossing. For example, the table overleaf shows the forecast increase in demand on the northbound M25 between Junctions 29 and 28 in the AM peak hour:</p>	<p>Please refer to Highways England's response RR-028-24 to the Relevant Representations (REP1-002).</p>																																			
REP2-036-61	<table border="1" data-bbox="305 1671 1127 1938"> <thead> <tr> <th rowspan="2">Modell ed year</th> <th colspan="3">Flow (PCUs)</th> <th colspan="2">Volume / capacity</th> </tr> <tr> <th>Without LTC</th> <th>With LTC</th> <th>Difference</th> <th>Without LTC</th> <th>With LTC</th> </tr> </thead> <tbody> <tr> <td>2026</td> <td>7,232</td> <td>8,031</td> <td>+799</td> <td>0.79</td> <td>0.87</td> </tr> <tr> <td>2031</td> <td>7,471</td> <td>8,486</td> <td>+1,016</td> <td>0.81</td> <td>0.92</td> </tr> <tr> <td>2041</td> <td>7,769</td> <td>8,988</td> <td>+1,219</td> <td>0.85</td> <td>0.98</td> </tr> <tr> <td>2051</td> <td>8,127</td> <td>9,174</td> <td>+1,047</td> <td>0.89</td> <td>1.00</td> </tr> </tbody> </table>	Modell ed year	Flow (PCUs)			Volume / capacity		Without LTC	With LTC	Difference	Without LTC	With LTC	2026	7,232	8,031	+799	0.79	0.87	2031	7,471	8,486	+1,016	0.81	0.92	2041	7,769	8,988	+1,219	0.85	0.98	2051	8,127	9,174	+1,047	0.89	1.00	<p>See response Highways England's response to REP2-036-60. above.</p>
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2026	7,232	8,031	+799	0.79	0.87																																
2031	7,471	8,486	+1,016	0.81	0.92																																
2041	7,769	8,988	+1,219	0.85	0.98																																
2051	8,127	9,174	+1,047	0.89	1.00																																

Reference	Written Representation Issue	Highways England Response
	<p><i>Source: Derived from Lower Thames Crossing Traffic Forecasting Report, Statutory Consultation 2018, Tables 7.11, 7.31, 7.51 and 7.71</i></p> <p>7.21 The table shows that by the 2031 modelled year, the impact of the LTC scheme will result in the northbound M25 reaching a volume / capacity level over 90 per cent on the approach to Junction 28 in the AM peak hour. The LTC scheme is forecast to result in substantial increases in traffic on the M25 for other time periods and in the southbound direction, albeit without approaching total capacity to the same extent</p>	
REP2-036-62	<p>7.22 TfL recognises that the modelling undertaken for the M25 Junction 28 scheme has included the LTC as a committed scheme in the future year scenarios. TfL also acknowledges that, as stated in paragraph 5.3.18 of the M25 Junction 28 improvements Transport Assessment report, the model for M25 Junction 28 is understandably not designed to assess the impact of the LTC scheme, so flows on the M25 will be different to those forecast by the different model used to assess the LTC. Nevertheless, TfL is concerned that the substantially increased flows on the M25 and potentially through Junction 28 resulting from the LTC scheme will change the forecast traffic impacts of the Junction 28 scheme. TfL considers that additional sensitivity tests need to be undertaken by HE to assess the likely performance of the new layout for Junction 28 with the LTC in place, making use of the latest available information about the impacts of the LTC, so that it can be demonstrated that the junction will operate with acceptable levels of queuing and performance in the medium to long term.</p>	<p>As stated in Section 5 of the Transport Assessment Report (APP-098), Highways England's traffic forecasts and modelling for both the 2037 Do-minimum and Do-something scenarios include the LTC Scheme. Therefore, the traffic modelling that assesses the impacts of the Scheme already accounts for LTC being in place. Furthermore, Highways England has undertaken assessments of the Scheme for both high and low traffic growth scenarios and this is presented in Section 5 of the Transport Assessment Supplementary Information Report (PDB-003). The assessment under the high traffic growth scenario demonstrates that the operational performance of the junction with the Scheme (DS) is forecast to be considerably better than without the Scheme (DM). The Scheme would provide significant journey time savings under the high growth scenario and deliver a slightly higher benefit to cost ratio (BCR) compared to that for the Core scenario.</p> <p>Consequently, there is no requirement to undertake any further sensitivity test to evaluate the performance of the junction with LTC in place.</p>
REP2-036-62a	<p>7.23 TfL also notes the Applicant's response to TfL's Relevant Representation (RR-028-24), which states 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 infrastructure delivered by the Junction 28 scheme would not require substantial modification, and 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.</p>	<p>There are no identified conceptual solutions or committed schemes to address potential future traffic capacity constraints on the M25 between junctions 27 to 29. Consequently, it is not possible, nor appropriate to evaluate the Scheme with any potential conceptual solutions that might address this issue. However, as part of the Application, some level of future proofing has been considered in the design to ensure that any future potential schemes to address capacity constraints on the M25 between junctions 27 to 29, i.e. additional lanes, would not require any substantial modifications at junction 28.</p> <p>Also see response to REP2-036-62 above.</p>
REP2-036-63	<p>Monitoring and mitigation</p> <p>7.24 To ensure the continued operation of the wider highway network at an acceptable level of performance, TfL considers that a traffic monitoring and mitigation strategy will be needed and proposes that HE should commit to undertaking the monitoring for a defined period and taking steps to address any adverse impacts on traffic attributable to the M25 Junction 28 improvements scheme. Such mitigation as is necessary would need to be developed and funded by HE in collaboration with the local highway and traffic authorities. TfL proposes that this is dealt with by way of an additional Requirement or an amendment to Requirement 10.</p>	<p>Please refer to Highways England's response RR-028-26 to the Relevant Representations (REP1-002).</p>
REP2-036-64	<p><u>8.0 Environmental Impacts Policy</u></p> <p>8.1 The scheme is partly within the GLA boundary but for many of the topics in the Environmental Statement no reference has been made to environmental policy within London,</p>	<p>See Highways England's response to RR-028-28 (REP1-002).</p>

Reference	Written Representation Issue	Highways England Response
	<p>particularly the London Environment Strategy and the Mayor's Transport Strategy. This is relevant for the topics of air quality, noise and vibration, biodiversity, drainage and water, materials and waste, and climate. HE needed to provide evidence to show how the scheme including the proposed environmental mitigation is compliant with such policies within London. This information was necessary to ensure that interested parties have an opportunity to review and comment upon all environmental information submitted in support of the application and that the Secretary of State is able to discharge his obligations under regulation 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations, should he be minded to grant the DCO.</p>	
<p>REP2-036-65</p>	<p>8.2 HE has set out in its response to TfL's Relevant Representation how the policies in the London Environment Strategy and Mayor's Transport Strategy have been addressed through the Environmental Statement submitted being compliant with relevant national policy. The strategies for London are also compliant with the same national policy. TfL will continue to review all environmental information provided to ensure it can be satisfied that compliance with these strategies in London has been adequately demonstrated.</p>	<p>See Highways England's response to RR-028-28 (REP1-002).</p>
<p>REP2-036-66</p>	<p>Himalayan balsam 8.3 Reference is made in Section 7.9 of the Environmental Statement to the presence of Himalayan balsam in the area. If not managed properly during construction, there could be a risk of this spreading onto TfL land. The construction of the scheme must be managed properly to reduce this risk and any necessary safeguards must be built into Requirement 4 (CEMP). TfL notes that the Register of Environmental Actions and Commitments (REAC) commits that a method statement for the management and removal of Himalayan balsam will be produced and implemented as part of the CEMP. As set out in Paragraph 4.5 above, TfL needs to be consulted on the CEMP and the environmental control plans contained within it and we are seeking for the draft DCO to be amended to secure this.</p>	<p>See Highways England's response to REP2-036-21 and RR-028-29. (REP1-002).</p>
<p>9.1 REP2-036-67</p>	<p>9.0 Transfer of benefit TfL is concerned about the scope of the power under Article 9 of the draft DCO to transfer the benefit of provisions under the DCO to Cadent Gas in relation to Work No. 29 without the consent of the Secretary of State. Although 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.</p>	<p>See Highways England's response to RR-028-30 (REP1-002). Highways England is currently in ongoing discussions with TfL regarding the proposed responsibilities of both organisations, in particular regarding ownership and maintenance responsibilities and this will inform whether any amendments are needed to the dDCO.</p>

REP2-026 ESP Utilities Group Ltd

Reference	Written Representation Issue	Highways England Response
REP2-026-1	<p>I can confirm that ESP Utilities Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works.</p> <p>ESP Utilities Group Ltd are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.</p> <p>Important Notice</p> <p>Please be advised that any enquiries for ESP Connections Ltd, formerly known as British Gas Connections Ltd, should be sent directly to us at the address shown above or alternatively you can email us at: PlantResponses@espug.com</p> <p>ESP have provided you with all the information we have to date however, there may be inaccuracies or delays in data collection and digitisation caused by a range of practical and unforeseeable reasons and as such, we recommend the following steps are taken as a minimum before work is commenced that involves the opening of any ground and reference made to HSG47 (Avoiding danger from underground services).</p> <ul style="list-style-type: none"> A. Plans are consulted and marked up on site B. The use of a suitable and sufficient device to locate underground utilities before digging (for example the C.A.T and Genny) C. Trial holes are dug to expose any marked up or traced utilities in the ground D. If no utilities are shown on any plans and no trace is received using a suitable and sufficient device, trial holes are dug nonetheless using hand tools at the location or at regular intervals along the location that the work is being carried out depending on the length of excavation work being undertaken E. All location work is being carried out by individuals with sufficient experience and technical knowledge who may choose to control this activity under a Safe System of work 	<p>Highways England wishes to make no comment on this part of the Representation.</p>

REP1-037 Metropolitan Police

Reference	Written Representation Issue	Highways England Response
REP1-037-1	I in the process of finding out how works will affect our deployment and patrol within the area. I understand that Havering council have raised concerns about this, I quote "(During works) Residents from Woodstock Avenue wishing to head west on the A12 towards Gallows Corner are unable to turn right from their road onto the A12 and instead have to travel up to Brook Street and come back down the A12 from there. If the A12 eastbound off slip is closed it would mean residents having to travel all the way up to the A12 turning at Ingatestone in order to travel west towards Gallows Corner."	Please see section 4 of Highways England's Transport Assessment Supplementary Information Report (PDB-003), response to the Written Questions TA 1.12 and TA 1.13 (REP2-011) and response to A Harding's Relevant Representation RR-001-1 (REP1-002).
REP1-037-2	I would be interested to see what predicted modelling was used for the increase in population density within Havering and the local area and how this impacts traffic density on the roads. For both the timeframe of the build and the years that follow it. Have concerns been represented by predicted modelling from Havering local authority, TfL or your own predicted modelling?	Please see section 5 of Highways England's Transport Assessment Report (APP-098) and Chapter 5 of Highways England's Transport Assessment Supplementary Information Report (PDB-003), Response to the Written Question TA 1.12 (REP2-011) and response to the London Borough of Havering's Relevant Representation RR-017-4 (REP1-002).
REP1-037-3	I would be interested to know what the London ambulance service and fire service have said in relation to these proposed plans. If you do not have contact details for them I can provide you with these.	<p>The London ambulance service and local fire service have not submitted representations to the Planning Inspectorate in relation to this Scheme.</p> <p>The emergency services were consulted at the various consultations undertaken by Highways England during the development of this Scheme. Highways England did not receive any comments from the ambulance service or fire service in response to the Scheme consultations.</p> <p>As set out in Table 13.32 of Chapter 13 (People and Communities) of the Environmental Statement (APP-035), Highways England has assessed that during construction of the Scheme the impact on emergency vehicles would be slight, before mitigation and neutral once mitigation was applied. The assessment also showed that once the Scheme is operational there will be a slight beneficial impact on emergency vehicles.</p>
REP1-037-4	I would like to ensure that you include me, the LAS and LFB into any future traffic management meetings. I would like to see these TM plans when you have these to ensure that emergency response capability is maintained.	<p>Highways England continues to liaise with the relevant highway authorities, the London Borough of Havering and Transport for London, on matters relating to traffic management.</p> <p>Requirement 10 of the dDCO (REP2-002) requires the preparation and implementation of a Traffic Management Plan (TMP). Under Requirement 10 the TMP will have to be submitted to and approved by the Secretary of State following consultation with the relevant highway authority before the relevant part of the construction works can start.</p>
REP1-037-5	Whilst I am aware that the lower Thames crossing application has been withdrawn what impact will this scheme have on future development for the crossing within the timeframe for the improvement build.	Please see Highways England's response to the London Borough of Havering's Relevant Representation RR-017-11 in relation to cumulative impacts and to Transport for London's Relevant Representation RR-028-16 on relationship between this Scheme and the Lower Thames Crossing. These can be found in REP1-002.

Reference	Written Representation Issue	Highways England Response
REP1-037-6	In relation to works vehicles, it has come to my understanding that HGVs may have great difficulty gaining access onto the A12 posing a potential risk for collision due to turning manoeuvres. What has been put in place to mitigate this.	Please see Highways England's response to the Written Question TA 1.5 (REP2-011).

Part 2 - Interested Parties with Interest in Land

REP2-029 Savills (UK) Ltd on behalf of Gardens of Peace Muslim Cemetery

Reference	Written Representation Issue	Highways England Response
REP2-029-1	<p>1.0 Executive Summary</p> <p>Gardens of Peace is a charity providing burials for the Muslim community in London and rely solely on Lillah (Charitable) donations and burial and funeral fees.</p> <ul style="list-style-type: none"> Gardens of Peace acquired 30 acres of land, known as Maylands, adjoining the A12 in 2007. With planning being granted in 2017, Gardens of Peace has been progressing the development of a new cemetery. Initial site clearance and installation of services commenced in 2020, with the programme of construction works commencing on site in January 2021. Accordingly, considerable costs have already been incurred to prepare the site for its development. A recent increase in mortality rates means there is greater time pressure in ensuring Maylands is open and operational by March 2022 to allow for a transition from its existing cemetery to Maylands. There are currently up to 15 burials a day being undertaken at Gardens of Peace existing cemetery. Plot 1/8 of the Highways England M25 Junction 28 Improvement Scheme proposal ("the Scheme"), which falls within Maylands, is subject to the permanent acquisition of rights, thus likely to cause sterilisation of land which will be prepared for 512 burials. Not only this will cause a significant loss of income to Gardens of Peace but cause further pressure in meeting the needs of the Muslim community with a reduced number of burial plots. By the time the Highways England proposed gas main installation works commences, which will be undertaken by Cadent Gas ("Cadent"), the development of the cemetery will have been completed and operational (see Section 3.1.5 for development timeline). Thus the newly constructed internal road, overflow car park, soil storage area and all associated services will need to be relocated for the period of the gas main installation. Thereafter, these items will need to be relocated to the original positions as per the site plan annexed to this written representation (see Appendix 1 – Development Plan). However it may be, in light of the presence of the gas main, that these items will not be able to be reinstated back to the original locations and thus may incur further permanent loss of burials. The Highways England Scheme will also see the closure of Gardens of Peace service entrance. Thus, according to the current Highways England proposal, and during the period of the Scheme, all service and staff traffic will be required to use the same entrance as the public / mourners. This raises concerns surrounding safety and traffic management. If the Scheme is progressed as per the original Development Consent Order ("DCO") application, there will still be significant disruption to the daily operations of the cemetery and congregations. This will occur whether or not the potential changes outlined in the subsequent Highways England's targeted non-statutory consultation are adopted and thus remain a significant concern to Gardens of Peace. 	<p>Responses to the points raised in the Executive Summary are responded to in detail in the appropriate sections below.</p>

Reference	Written Representation Issue	Highways England Response
	<ul style="list-style-type: none"> Any form of disruption to a congregation is likely to be very damaging to the reputation of Gardens of Peace and the cemetery. Limited engagement by Highways England and Gardens of Peace has meant there is still significant uncertainty on the future land use restrictions on any land within the gas main easement and the wider area comprising Plot 1/8. This could require the development to be redesigned post completion of the Scheme. Meeting minutes has been provided within Section 5. There have been no formal options to mitigate the impact of the Scheme offered by Highways England to the Gardens of Peace. <p>Notwithstanding the above, Gardens of Peace is very concerned about the potential disruption to the operations of what will be, in terms of intended use, a very sensitive site.</p>	
REP2-029-5	<p>Maylands</p> <p>3.1.2 In recent years, it was evident the new cemetery was required and accordingly, Gardens of Peace applied for planning permission in 2014, which was initially declined. Planning permission was subsequently approved on Appeal on 23 January 2017. However, whilst Gardens of Peace was already under pressure to commence development of the new cemetery, Covid-19 exacerbated this pressure with an increase in mortality rates. Gardens of Peace is now under significant time pressure to open its new cemetery to allow for adult burials. Maylands, including the area subject to Plot 1/8, has always been designated a green field site and therefore, the overall design and look of the proposed cemetery had to overcome a number of stringent conditions to be approved. Gardens of Peace has already expended a considerable sum in professional fees to draw up the overall design for the optimum use of the site. The extensive preliminary ground works (costing in excess of £500,000) commenced in 2017, which included clearing the site, preserving the tress in woodland belt, clearing soil and roots, harrowing, installing site services – ducts for water, electricity, foul connections and borehole, road works, site drainage, fencing, perimeter screen planting and a boundary wall. In order to develop into a cemetery, planning approval allows for the construction of a car park for cars and coaches, constructing an access off the A12 into the site with roads leading to the car park and the main office building and chapel facilities for mourners, extensive landscaping to make the cemetery a sympathetic area whilst providing up to 10,000 burials and constructing a building to act as general workshop / store. Work has now commenced this month (January 2021) on the development, with Gardens of Peace's appointed contractor commencing the site groundworks. The appointed contractor will oversee the full development through to completion, from hard and soft landscaping to building construction. An opening date of February 2022 has been scheduled to allow a smooth transition from its current cemetery to Maylands.</p>	<p>Highways England is aware of the planning history for the burial ground and has sought to work with the promoters of that site along with Cadent Gas Limited ("Cadent") to understand the constraints and brief them on the development of the Scheme and programme interfaces (see section 4.14 of the Statement of Reasons (APP-019) and sections 8.3.2 and 9.12.1 of the Consultation Report (APP-022)).</p>
REP2-029-6	<p>Highways England Requirements for Plot 1/8</p> <p>3.1.3 The DCO application identified Plot 1/8, as per Drawing Number TR010029/APP/2.2 (see Appendix 2 – Land Plans – Plot 1/8), as an area that will be subject to acquisition of permanent rights. This is to allow for the installation of a high pressure gas pipeline. As per Drawing Number TR010029/APP/2.3 (see Appendix 3 – Work Plan), the proposed centre line of the gas main is shown as a broken orange line with the purple broken lines identify the limit of deviation for the gas main.</p>	<p>Highways England agrees that this is the position as included in the submitted DCO application. However, since then further discussions have taken place with Cadent and representatives of the burial ground to refine the area where permanent rights are sought and as a result Highways England is proposing a change to the application to reduce the extent of permanent rights sought in respect of Plot 1/8 with the remainder of Plot 1/8 required for temporary possession only. This change forms part of a formal change request submitted at this Deadline 3a alongside this response. and further details can be found in the Report of Proposed Scheme Changes (TR010029/EXAM/10.2).</p>

Reference	Written Representation Issue	Highways England Response
REP2-029-7	<p>Summary of Impacts of the Scheme</p> <p>3.1.4 We draw your attention to Appendix 1 (Development Plan), Appendix 4 (Plot 1/8 Overlay) and Appendix 5 (Road Layout – Plot 1/8). These plans identify the permitted cemetery development and when overlaid with the Plot 1/8 boundary (Appendix 4), the severity of the Scheme on Gardens of Peace development becomes evident. In essence, the physical effects of the Scheme on the Gardens of Peace development can be summarised as;</p> <p>a. Temporary loss of internal road network (as evident within appendix 4) b. Temporary closure of service entrance (off Colchester Road into Maylands) (as evident within appendix 4) c. Temporary loss of half of the cemetery's overflow car park (shaded light green in Appendix 4) d. Temporary loss of the soil storage area (as evident within appendix 4) e. Temporary loss of access to maintenance building and store f. Permanent loss of 512 burial plots (as evident within appendix 4).</p>	<p>Highways England's response to the temporary and permanent impacts listed is provided in Section 4.0 below (REP2-029-9).</p>
REP2-029-8	<p>Development Timelines</p> <p>3.1.5 We take this opportunity to outline the timelines of the Gardens of Peace development;</p> <p>a) Constructions Works Commencement: Groundworks commenced January 2021 Completion: February / March 2022 (currently on schedule to meet)</p> <p>b) TFL Works Section 278 Agreement: 2 to 3 weeks Safety Audit: 2 to 3 weeks Road Space Booking: 3 months from agreement of Section 278 Commencement: June / July 2021 Period of works: 12 weeks Completion: September / October 2021</p> <p>c) Cadent Gas Main Works Commencement: March 2022</p> <p>As is evident, the projected timeline for the cemetery development is to be completed in advance of the anticipated start date of the gas main installation. This brings rise to the issues highlighted below in Section 4.</p>	<p>Highways England welcomes confirmation on the proposed opening date of February / March 2022 for the Gardens of Peace burial ground.</p> <p>Highways England understands that the opening of the Gardens of Peace burial ground would be able to proceed in a phased manner, alongside the implementation of the Scheme. This has been discussed with the Trustees of the Gardens of Peace ("the Trustees") at various meetings (meetings between Highways England and the Trustees on 29 January 2020, 12 August 2020, 25 November 2020 and 17 December 2020).</p>
REP2-029-9	<p><u>4.0 Effect of the Scheme on the development of Maylands</u></p> <p>Due to the sensitive nature of the intended use of Maylands, the effects of the Scheme, whether temporary or permanent, are considerable and severe and the below mentioned issues are evident when taking into account the plans at Appendix 1 (Development Plan) and Appendix 4 (Plot 1/8 Overlay). We take this opportunity to outline these to you in detail;</p>	<p>Highways England has been mindful of the potential impact on the burial ground and has undertaken engagement with the Trustees and Cadent to understand them with the aim of reaching a mutually satisfactory agreement as outlined below:</p>
	<p>4.1 Temporary Works</p>	
REP2-029-10	<p>4.1.1 Loss of Service Entrance</p> <p>As you will note within Appendix 1 and Appendix 4, Maylands is to have two entrances off Colchester Road (A12), one dedicated entrance for public / mourners and a separate entrance for all service vehicles only. This is to ensure the safety of visitors and staff by</p>	<p>The existing gas pipeline traverses the eastern end of the Gardens of Peace site. The diversion will terminate here where a connection needs to be made. The connection will be adjacent to and partly beneath the proposed service access making it temporarily unavailable for the duration of the diversionary works, a period of approximately 6 months. This has been</p>

Reference	Written Representation Issue	Highways England Response
	<p>minimising overlaps between the operations and movements in each user group. Furthermore, having two entrances ensures a clear separation of all service and maintenance traffic from the sensitive occasion of congregations.</p> <p>The consequence of the closure of the service entrance is that it will cause significant disruption to daily site operations as there will be a need to ensure alternative means to maintaining this separation, including changes to operating hours of the cemetery, impacting on visiting opening times and staff working hours. Highways England has provided no assurance that the temporary closure of the service entrance will be managed and coordinated in order to ensure no or minimal interruptions to business operations will be incurred by Gardens of Peace, and more importantly, mourners and congregations. Should a solution to this issue not be provided, there is a fear that the knock on effect will be the potential fall in demand for burials at Maylands during the period of the Scheme. To date Highways England has not engaged with Gardens of Peace and provided no options as to how this impact might be mitigated.</p>	<p>discussed with the Trustees and agreed that there is no alternative access during construction. Cadent will access their works via this access location from the A12.</p> <p>The main access into the site would not be affected by the Scheme. Construction vehicles will not be permitted to use the proposed main cemetery access. Site access and restrictions will be managed by the main contractor with temporary signage to control construction vehicle movements.</p>
<p>REP2-029-11</p>	<p>4.1.2 Soil Storage</p> <p>The designated soil storage area, required for storing soil from burial plots (and which will subsequently be removed from Maylands on a regular basis), is to be located within the most easterly shaded red area in Appendix 1. A significant consequence of the Scheme, being the loss of the service entrance and internal road, is the need to relocate the soil storage area to an alternative and accessible area within Maylands for regular collection. However, as you will note from the Appendix 1, there is no such area available. As is evident within Appendix 4, the only solution to Gardens of Peace is to move the soil storage area to the area shaded grey to the west of the plan. However, with this comes a number of significant issues.</p> <p>The significant issues, as with any area at Maylands, will be the temporary loss of burial plots, effect on biodiversity, compaction to soil prepared for burial plots and aesthetic appearance of the burial ground. Furthermore, access for heavy goods vehicles and plant machinery to and from the temporary soil storage site would impact on the roadways, which are only to be used by visitor traffic.</p> <p>To date, Highways England has not engaged on this issue and provided no options to mitigate the situation. This is referred to in further detail in Section 5.2</p>	<p>As outlined in Part 2 – Engagement and Matters to be Agreed, Section 5.0 below, the issue of soil storage has been discussed at meetings held between Gardens of Peace, Highways England and Cadent, namely at a meeting on 25 November 2020 and 17 December 2020.</p> <p>Highways England do not agree that there has been no engagement on the soil storage issue and that no options to mitigate the situation have been put forward. At the joint meeting held on 25 November 2020, the issue of temporary soil storage was raised by the Trustees and item 3 of the meeting minutes records that it was agreed to temporarily relocate the material storage areas from the eastern end to a location close to the entrance from the A12. At item 29 of the meeting minutes, Cadent advised it would review what could be done to accommodate the soil storage. At a recent meeting held 17 December 2020, item 14 of the meeting minutes related specifically to the soil storage where Cadent shared ideas for releasing part of the construction area to accommodate a soil storage area and this is being explored further.</p> <p>Engagement between Highways England, the Trustees and Cadent is ongoing to resolve this issue of temporary soil storage to the satisfaction of the Trustees. Use of part of the construction area to accommodate a soil storage area is being explored.</p>
<p>REP2-029-12</p>	<p>4.1.3 Parking</p> <p>The approved design for the cemetery incorporates public and coach parking throughout the site, with an area designated as overflow parking (large area shaded yellow within Appendix 1 and shaded light green in Appendix 4).</p> <p>As a consequence of the Scheme, this car park will need to be relocated to elsewhere on the site, which brings about the same issues highlighted above in relation to the soil storage area. As at Scheme commencement, the development of the site will have been completed, and accordingly all available land will be prepared for burial plots. Moving the car park, and in light of the loss of an internal road, will create significant disruption to the traffic management and aesthetics of the site.</p> <p>Not only does this bring rise to safety concerns, but the ongoing requirement to control traffic and the loss of additional burial plots further demonstrates potential interruption to daily operations and the business.</p>	<p>In the meetings on 25 November 2020 and 17 December 2020, the Trustees expressed concern at the temporary loss of a number of overflow car parking spaces during the pipeline construction works. It was suggested that a temporary hardened area be provided for the overflow car parking adjacent to the working area, and some concerns were expressed about compacting the ground. Proposals were discussed to mitigate this concern, and it was agreed that metal tracking would be provided to meet the Gardens of Peace's requirements. Cadent has advised it will ensure that sufficient space is available to replace the car parking spaces. As discussed with the Trustees this would be located to the west of the working area.</p>

Reference	Written Representation Issue	Highways England Response
	<p>Whilst Cadent has previously advised it would assess the design and construction of a temporary car park to minimise the effect on soil compaction, nothing has been received by Gardens of Peace from Cadent other than suggestion of the use of aluminium tracking for the parking, and as proposed within Appendix 6.</p> <p>To date, Highways England has not engaged on this issue and provided no options to mitigate the situation. This is referred to in further detail in Section 5.2</p>	
<p>REP2-029-13</p>	<p>4.1.4 Loss of Internal Road</p> <p>We draw your attention to Appendix 4. A further consequence of the Scheme to the development of Maylands is the severance of the workshop / store. The road providing access to the workshop / store, being the same road which links to the sGoP service entrance, falls within Plot 1/8.</p> <p>The need for access to the workshop / store is fundamental to the daily operations of Maylands and without it, prevents any form of business operating from Maylands. Whilst there have been discussions between Gardens of Peace and Cadent in relation to the requirement of a temporary road, any temporary proposals will provide yet further disruption for the cemetery development in terms of aesthetics, damage to and loss of land prepared for burials, requirement for traffic management and effect on biodiversity.</p> <p>Whilst Gardens of Peace and Cadent have liaised regarding a temporary road, no details have been provided in terms of design and construction by either Cadent or Highways England other than suggestion of use of aluminium tracking for the temporary internal road. This is identified within Appendix 6.</p>	<p>The provision of vehicular access to the workshops was discussed at the meetings on 25 November 2020 and 17 December 2020. A plan was shared by Cadent showing the proposed temporary route to the workshop and it was agreed that this was suitable. Cadent sought details from the Trustees on the types of vehicles which would use the track and parking to determine the appropriate provision. The provision of temporary metal tracking was requested and agreed. Details of the design and construction of this tracking will be developed during detailed design in liaison with the Gardens of Peace. The track to the workshop and parking area are temporary provisions. The land to accommodate these measures is in an area identified for future burial plots. The land will be reinstated and returned to its original condition after use.</p>
<p>REP2-029-14</p>	<p>4.1.5 Disruption to Utility and Site Infrastructure</p> <p>As per the timeline provided in Section 3.1.5, the development of Maylands will have been completed by the time the construction of the proposed Scheme commences. With this, and in light of Plot 1/8 proposals, utilities will need to be relocated (see Appendix 6 – Cadent Detailed Design). These include the existing underground electrical, water and telecoms services to the workshop / store. These were installed in 2020 and are now within the middle of the proposed gas main easement. Other services will include the drainage pipes under the internal road and associated manholes and chambers and underground lighting cables.</p> <p>All services will have to be lifted and relocated to outside Plot 1/8 prior to the Scheme to ensure the cemetery can continue to operate. Gardens of Peace is concerned with the effect of the temporary relocation of these services, which will need to be within land identified for burial plots, and accordingly the potential sterilisation of additional land in both the short. However, this will become a permanent issue should the services not be able to be relocated to the original location due to the presence of the gas main and are required to be laid within land identified for burial plots.</p> <p>Furthermore, the original development proposal for Maylands was historically amended with the internal road being moved west to reflect the presence of the existing gas main on the eastern boundary of Maylands. However, it is now assumed that following the gas main installation works, the internal road will have to be moved further to the west again to reflect the presence of the new gas main. It is not clear how the site will be redesigned to accommodate these changes. Highways England has not engaged and has provided no detail of how the above will be undertaken or by whom.</p>	<p>Cadent has corresponded with the Trustees to accommodate these services and to reach agreement about locations. Cadent has asked that services do not run directly above and along the line of the proposed pipeline, but crossings have been accommodated. Upon completion of the pipeline diversion, no services will conflict with the locations of proposed burial plots.</p> <p>Plans showing the pipeline diversion, services and cemetery roads have been prepared by Cadent and overlaid on the cemetery layout drawings. These plans have been shared with the Trustees. The diverted pipeline will lie beneath the internal road which is acceptable to Cadent. There will be no need to amend the cemetery layout to accommodate the pipeline.</p>

Reference	Written Representation Issue	Highways England Response
REP2-029-15	<p>4.2 Permanent Issues 4.2.1 Loss of Burial Plots</p> <p>Since commencement of engagement, Gardens of Peace has never been offered details, despite requesting in 2020, on the future land use restrictions over the Plot 1/8 as a whole or over the gas easement, other than Gardens of Peace is able to place and store materials directly over the gas main (raised in a meeting dated 25th November 2020). Accordingly, it is assumed the approved cemetery design cannot be reinstated post Scheme completion.</p> <p>Taking into account the intended nature of the land, and in light of the whole plot being subject to the acquisition of permanent rights, it has to be assumed that all the land will be sterilised from its intended use, which directly affects 512 burial plots. This brings rise to significant concerns, not just to the financial viability of the cemetery, but the inability to meet the requirements of the Muslim community.</p>	<p>As outlined in Highways England response to ExA WQ1 (REP2-011), as part of the proposed change request, proposed change 4 is seeking to reduce the extent of permanent acquisition of rights for Plot 1/8 with the remainder of Plot 1/8 required for temporary possession only. If this change is accepted by the ExA, the extent of land required for permanent rights will be reduced from that sought in the submitted application. This will minimise further the effects of the Scheme on the Gardens of Peace land and its intended use. Highways England understands that the Trustees are content with this proposal as noted in paragraph REP2-029-35 of this response.</p> <p>With the reduction in extent of permanent acquisition of rights shown on the Land Plans addendum (TR010029/EXAM/10.2), Highways England consider that the approved cemetery design can be reinstated post Scheme completion and that the land will not be sterilised from its intended use. The Trustees state in Section 6 of their Written Representation in response to the non-statutory targeted consultation (REP2-029-35) that they “welcomes the proposed changes as they will reduce the effect of the Scheme on Plot 1/8 and the cemetery as a whole in terms of minimising land sterilisation from its intended use, being burial plots”, and in their WR (REP2-029) Gardens of Peace “welcome the proposed changes as this will reduce the number of burials affected and limit the area subject to acquisition of permanent rights”.</p> <p>The commitment by Highways England and Cadent to ensuring that burial plots will not be lost, is stated in point 7.1 of the draft SoCG between Cadent and Highways England (REP1-009), which sets out that Cadent Gas has been in discussions with the Trustees and has amended the alignment of the easement so that it would not cover burial plots that maybe occupied in the future. This has been agreed by Cadent.</p> <p>In a meeting held on 25 November 2020, item 14 of the meeting minutes notes that Cadent shared drone footage and a 3D model with the Trustees to show the diversion design. Cadent confirmed at this meeting the excavation for the connections and that for the pipeline and easement will not encroach on the burial plots.</p>
REP2-029-16	<p>4.2.2 Easement</p> <p>During meetings between Gardens of Peace, Cadent, Highways England and Atkins (see Section 5), the easement width has been confirmed by Cadent as 12.2 metres. However, uncertainty continues to surround the restrictions surrounding land use above the gas main itself and within the easement width. As referred to above, the only guidance received thus far is that Gardens of Peace will be allowed to place and store materials directly above the gas main.</p> <p>Again, if the land is to be sterilised, it is not clear how the Garden of Peace’s development can be redesigned to accommodate this. The effects of this are clear – a further loss of burial plots, further pressure on Gardens of Peace meeting the requirements of the Muslim community with reduced number of burials and the need to undertake further construction works, even once the Scheme is completed, to ensure the site remains operational. Again, this will create further disruption to the operating business.</p> <p>Furthermore, the existing gas pipeline has an associated 6 metre easement. The site layout has been designed and optimised to minimise transport across the pipeline and selected appropriate operations to be sited in proximity of the easement to accord with Cadent guidelines. The proposed new gas main route introduces a separate 12 metre easement into an area of the site that was previously unaffected by any service easements and combined</p>	<p>As outlined in the draft SoCG with Cadent submitted at Deadline 1 (REP1-009) and in Highways England response to ExA WQ1 (REP2-011), the proposed changes to the Scheme being requested at this Deadline 3a, include a proposed amendment to reduce the extent of permanent acquisition of rights for Plot 1/8 down to the minimum area required for an easement over the gas pipeline diversion (as shown on the Land Plans addendum (TR010029/EXAM/10.2)).</p> <p>Cadent has been consulted throughout the development of this change and consider the change acceptable. The Trustees have indicated they would welcome the reduction on permanent acquisition of rights sought to that required for the easement (see Section 6 of Gardens of Peace Written Representation (REP2-029)).</p> <p>With regard to restrictions upon activities in the vicinity of the realigned gas pipeline they are likely to be similar to those that apply to the current pipeline that crosses part of the site and will be diverted over a similar length as part of the Scheme.</p>

Reference	Written Representation Issue	Highways England Response																																								
	<p>with the constraints of the existing easement, would place significant additional restrictions upon the layout and type of operations that can be carried out in this area, being an area which is fundamental to the day to day running of the cemetery.</p> <p>There has been no meaningful engagement from Highways England as to how these issues might be resolved.</p>																																									
<p>REP2-029-17</p>	<p>4.2.3 Viewpoints/Photomontage</p> <p>Gardens of Peace has had sight of the photomontage from Viewpoint A (see Appendix 7 – “Photomontage – Viewpoint A”), which is prepared within very close proximity of Maylands, however it does not represent the true visual effects of the Scheme from Maylands itself. Naturally, Gardens of Peace is concerned about the visual and noise impacts of the Scheme in light of the proposed elevation of the highway.</p> <p>It goes without saying that such impacts would greatly affect the desirability of the cemetery for congregations and visitors, which will have a detrimental impact on the demand for burials at Maylands, thus significant impact on Gardens of Peace as a charity. Highways England has offered no proposals to screening the visual and noise effects of the Scheme from Maylands.</p>	<p>Noise and vibration</p> <p>The noise impacts at the Gardens of Peace can be seen on the noise contours in the ES (Figures 6.5 to 6.15, APP-041), and the impacts are summarised in point 12.1.1 of the Statement of Common Ground with London Borough of Havering (REP1-004). For further clarity a receptor position has been added for the Gardens of Peace and this is presented in the update of the Noise Chapter 6 of the ES (TR010029/APP/6.1(2)) submitted at this Deadline 3a. The Gardens of Peace receptor is included in the tables of receptors in the updated Appendix 6.3 (TR010029/APP/6.3(2)) submitted at Deadline 3a. The table below is extracting the noise results from Table 6.1 of the updated Appendix 6.3 (TR010029/APP/6.3(2)). The changes in noise expected at the Gardens of Peace are decreases in noise smaller than 1dB.</p> <p>Extract from Table 6.1: Daytime levels</p> <table border="1" data-bbox="1578 1018 2487 1264"> <thead> <tr> <th rowspan="2">Noise Sensitive Receptor</th> <th colspan="4">Road traffic noise levels (LA10,18h, dB)</th> <th colspan="2">Change (dB)</th> </tr> <tr> <th>DM2022</th> <th>DS2022</th> <th>DM2037</th> <th>DS2037</th> <th>Short-term</th> <th>Long-term</th> </tr> </thead> <tbody> <tr> <td>Gardens of Peace, RM3 0AW</td> <td>59.2</td> <td>58.5</td> <td>58.8</td> <td>58.7</td> <td>-0.7</td> <td>-0.5</td> </tr> </tbody> </table> <p>Table 6.6: Night-time levels</p> <table border="1" data-bbox="1578 1318 2487 1533"> <thead> <tr> <th rowspan="2">Noise Sensitive Receptor</th> <th colspan="4">Road traffic noise levels (LAeq,8h, dB)</th> <th colspan="2">Change (dB)</th> </tr> <tr> <th>DM2022</th> <th>DS2022</th> <th>DM2037</th> <th>DS2037</th> <th>Short-term</th> <th>Long-term</th> </tr> </thead> <tbody> <tr> <td>Gardens of Peace, RM3 0AW</td> <td>54.1</td> <td>53.4</td> <td>53.3</td> <td>53.3</td> <td>-0.7</td> <td>-0.8</td> </tr> </tbody> </table> <p>Landscape and visual</p> <p>Photomontage Viewpoint A (AS-002 (summer) and REP1-018 (winter)) provides a representative view of the Scheme from the A12 taken adjacent to Putwell Bridge. This location was chosen because it is the closer receptor to the proposed slip road than Gardens of Peace and therefore presents a ‘worse-case scenario’. It is also noted that there is an existing mature tree belt which runs along between the A12 and Gardens of Peace which provides a visual screening belt. There is no intention to remove this screening belt as part of the construction of the Scheme and therefore this will provide visual screening to Gardens of Peace which is also located at a slightly lower elevation than the A12. It is therefore expected</p>	Noise Sensitive Receptor	Road traffic noise levels (LA10,18h, dB)				Change (dB)		DM2022	DS2022	DM2037	DS2037	Short-term	Long-term	Gardens of Peace, RM3 0AW	59.2	58.5	58.8	58.7	-0.7	-0.5	Noise Sensitive Receptor	Road traffic noise levels (LAeq,8h, dB)				Change (dB)		DM2022	DS2022	DM2037	DS2037	Short-term	Long-term	Gardens of Peace, RM3 0AW	54.1	53.4	53.3	53.3	-0.7	-0.8
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Reference	Written Representation Issue	Highways England Response
		that with these measures being taking into account that the visual impacts experienced at Gardens of Peace will not be greater than those predicted to occur for Viewpoint A.
REP2-029-18	<p>Part 2 – Engagement and Matters to be Agreed 5. Engagement and Meetings</p> <p>Gardens of Peace has had a number of meetings with Highways England, Atkins and Cadent and we provide the minutes below of each meeting. We have referred to any outstanding items after the minutes of the respective meeting.</p>	Section 5.0 sets out the minutes of the meetings held with Gardens of Peace, Cadent Gas and Highways England since September 2019 and demonstrates that there has been continuous engagement with the Gardens of Peace through the development of the Scheme, in particular the gas pipeline diversion through Plot 1/8. The meeting minutes recorded shows dialogue between the parties and that Highways England and Cadent listened to the concerns of the Gardens of Peace with a view to resolving their concerns. At the meeting held on 12 August 2020, item 6 of the meeting minutes states that all parties agreed that ongoing engagement would be valuable, also involving Cadent.
REP2-029-19	<p>5.1 Meetings 18th September 2019</p> <p>In attendance: Gardens of Peace, Cadent Gas and Atkins Location: Land at Oak Farm Key Points:</p> <ol style="list-style-type: none"> Atkins and Cadent introduced Gardens of Peace to the M25 Junction 28 improvement Scheme and the need to divert the gas main. The existing pipeline was constructed pre-1969 so need to treat it sensitively and ideally not have works above it, which the proposed internal road would do. Cadent will need to have a 40 metre easement for construction and then a permanent easement. The original plan for gas main diversion was to run through the woodland of Maylands, however this was not preferred by Gardens of Peace. Accordingly, the preferred option was to place under the proposed internal road in the north-east corner of Maylands. Gardens of Peace to send updated plans for burial ground to Cadent <p>Atkins reported that Highways England will be undertaking a supplementary consultation on all the changes (likely to be beginning of November 2019). Intention is to have ongoing engagement but advised Gardens of Peace to respond to this consultation. Highways England is aiming for submission of the DCO in Spring 2020. Gardens of Peace was advised to consult Highways England on its proposed access/exit from the site despite having agreement from Transport for London.</p>	This meeting is recorded in the draft SoCG between Highways England and Cadent Gas (REP1-009) submitted at Deadline 1.
REP2-029-20	<p>29th January 2020</p> <p>In attendance: Gardens of Peace, Valuation Office, Highways England and Atkins Location: Maylands Key points: Public Access</p> <ol style="list-style-type: none"> Atkins queried what the arrangements were on the site for public access. Gardens of Peace confirmed that one public access would be provided with the remaining access being for operational use only. Access would be gated and fencing provided along the perimeter other than the southern edge where the river provides a boundary. Public access is permitted between 8am-5pm between September and 	This meeting is recorded in the draft SoCG between Highways England and Cadent Gas (REP1-009) submitted at Deadline 1.

Reference	Written Representation Issue	Highways England Response
	<p>April and 8am – 7pm April to September, 7 days a week. On site staff would be present at all times. Rules for appropriate attire and etiquette to be visible at the entrance with onsite staff ensuring they are enforced.</p> <p>Cadent Gas Pipe Diversion</p> <ol style="list-style-type: none"> 2. Atkins gave an update on the proposed Scheme and showed a plan for the gas diversion. Gardens of Peace noted that conversations had been ongoing with Cadent Gas although no plans had been provided. 3. Atkins re-iterated that the gas pipeline diversion works on the surface would require a large area for temporary working space to enable connections. Atkins indicated that the whole gas diversion works would take place over a 6 month period beginning in April 2022. Detailed phasing of the works are not yet known. 4. Gardens of Peace noted that the cemetery is due to be completed and operational by summer 2021. It was discussed that the first burial plots could be located away from the proposed gas diversion works area. Gardens of Peace noted that the area proposed for the works interfered with the area required for operational issues of the cemetery and that this cannot be stopped as the cemetery need to operate continually. 5. Gardens of Peace suggested that a temporary access road could be installed adjacent to the proposed Cadent works to enable access to operational areas for cemetery. Gardens of Peace to send across the latest cemetery plans to be passed to Cadent for consideration with final design. 6. Highways England noted there would be easement and wayleave requirements and that these should be confirmed with Cadent. Gardens of Peace to raise with Cadent Gas. 7. Gardens of Peace queried the process for compensation. The Valuation Office noted there are various forms of calculating compensation. Most preferable option for Highways England is to seek agreement with stakeholders. Costs would be determined once final impacts are clarified. <p>Atkins noted that the J28 team would be preparing Statements of Common Ground to support the DCO application and details of these discussions would be included.</p>	
<p>REP2-029-21</p>	<p>12th August 2020</p> <p>In attendance: Gardens of Peace, Savills, Highways England and Atkins Location: Microsoft Teams</p> <p>Key Points:</p> <ol style="list-style-type: none"> 1. Atkins presented key dates and the approach taken in the DCO application regarding the burial ground. 2. Gardens of Peace would like to see details of the boundary treatment around the gas diversion construction area and to understand the programme, including when access would be required. Gardens of Peace would also like confirmation of the easement so that the impact on the burial ground could be fully understood. Atkins stated that the detailed design of the diversion has started and would be available at the beginning of next year when more certainty but the application contains the situation based on the current understanding. Atkins outlined that Cadent has 	<p>This meeting is recorded in the draft SoCG between Highways England and Cadent Gas (REP1-009) submitted at Deadline 1.</p>

Reference	Written Representation Issue	Highways England Response
	<p>indicated that this would be 12.2m in total. Highways England to confirm the likely easement requirement for the Cadent diversion.</p> <ol style="list-style-type: none"> 3. Savills asked for CAD files to be made available for the Garden of Peace project team. Atkins asked for specific details that were required so the team could consider further. Gardens of Peace to confirm the details of what it would like. Post meeting note: Request made for PDFs by Gardens of Peace. 4. Cadent requested a site visit on 19 August 2020 at 13.00. Post meeting note: Gardens of Peace confirmed that is convenient. 5. Savills would like to set up a site visit for 28 August. Atkins and Highways England to consider attendance from the Project Team. Post meeting note: Savills requested a site visit for 3 September 2020. Highways England requested proposed agenda so could consider attendance further. 6. All agreed that ongoing engagement would be valuable, also involving Cadent. <p>Outstanding Matters</p> <ul style="list-style-type: none"> • In relation to point 2 above, Highways England is yet to confirm the land use restrictions in relation to the easement. <p>Other Matters</p> <p>In relation to point 5 above, the proposed meeting was later cancel by Highways England reported it was currently not in a position to give any further clarity on the matters of interest that Savills and Gardens of Peace wanted to discuss at the site meeting proposed for 3 September</p>	
<p>REP2-029-22</p>	<p>25th November 2020 In attendance: Gardens of Peace, Cadent and Atkins Location: Microsoft Teams Key meeting points: Gas Pipeline Route Development</p> <ol style="list-style-type: none"> 1. Gardens of Peace queried the need for the pipeline diversion works within the burial ground site. Cadent explained that for technical reasons, it was not possible to make a connection north of the A12. The connection has to be made north of the adjacent pressure reducing station (PRS) 2. The original route proposed was along the northern edge of the burial ground. At a meeting with Gardens of Peace, this was amended and the most acceptable location was agreed at the eastern end of the site 3. It was also agreed to temporarily relocate the material storage area from the eastern end to a location close to the entrance from the A12 4. Cadent agreed to make provision for access to the workshop as shown on the plan it shared, drawing number PREM518- GEN-0000-0012 Rev B.pdf (see Appendix 6, being 'Rev D'). 5. Gardens of Peace advised that there will be 10 to 12 burials per day with up to 200 cars bringing mourners and it was concerned that the diversion work will be disruptive 	<p>This meeting is recorded in the draft SoCG between Highways England and Cadent Gas (REP1-009) submitted at Deadline 1.</p>

Reference	Written Representation Issue	Highways England Response
	<p>Diversion Programme</p> <p>6. Cadent shared the programme for the design and construction of the pipeline diversion. The detailed design is under way and planned to be completed by March 2021</p> <p>7. The construction works are planned as follows:</p> <ol style="list-style-type: none"> a. Start of diversion work in March 2022 b. Crossing of the A12 via a tunnel to start in June 2022 c. Completion by October 2022 when the new pipeline will be made live <p>8. Gardens of Peace asked Cadent for a copy of the programme.</p> <p>Cemetery Layout Design</p> <p>9. Gardens of Peace advised that the plan of the cemetery being used is not the latest version. The main road is in the same position, but the circulation roads have changed. Gardens of Peace is to issue update plan to Cadent</p> <p>10. <u>Post Meeting Note</u>: Gardens of Peace emailed details to meeting attendees on 25/11/2021</p> <p>Planning Approval</p> <p>11. Atkins asked Gardens of Peace to advise when planning approval was received for the latest design. Gardens of Peace confirmed the approved plan is available on the LB Havering planning web site.</p> <p>12. Post Meeting Note: Gardens of Peace emailed details to meeting attendees on 25/11/2020</p> <p>New Access to Cemetery</p> <p>13. Gardens of Peace is arranging to appoint a contractor to construct the main access to the cemetery. It is proposed that work will start soon and will be completed before Cadent commence its diversionary works</p> <p>Cadent Design Update</p> <p>14. Cadent shared drone footage and a 3D model of the diversion design. This showed the excavation for the connections and that the pipeline and easement will not encroach on the burial plots. The easement will encroach slightly on the swale</p> <p>15. Cadent advised that the connection pit will avoid known existing services on site. Cadent sought details of the latest information on these services</p> <p>16. Post Meeting Note: Gardens of Peace issued services and drainage drawings on 25/11/2020</p> <p>17. Gardens of Peace requested a copy of Cadent's latest design and queried whether access chambers will be installed to the gas pipeline. Cadent advised that no access to the pipeline will be provided</p> <p>Easement</p>	

Reference	Written Representation Issue	Highways England Response
	<p>18. The easement for the diverted pipeline will be 12.2m wide, 6.1m either side of the pipeline. Cadent shared a plan showing that the easement will not encroach onto the burial plots</p> <p>19. Gardens of Peace advised that the swale is no longer being provided but the burial plots have been increased and did not believe that it would be affected by the easement</p> <p>Receiving Pit</p> <p>20. There is an existing access chamber for a service located near the proposed A12 crossing receiving pit. Cadent advised that the easement could be locally adjusted to accommodate this</p> <p>Site Use Above Pipeline</p> <p>21. During construction, there will be temporary pipework and connection devices to join the new diversion to the existing pipeline. This stopple is temporary and will be removed once the connection has been made</p> <p>22. Cadent advised that there will be no restrictions on use of the land above the pipeline for placing/storing materials</p> <p>23. Cadent advised that the pipeline will be approximately 3.5m below ground level</p> <p>Temporary Access to Workshop</p> <p>24. Gardens of Peace was concerned about compacting the existing ground making it unsuitable for graves. It advised that the ground beneath the temporary access should be reinstated after use</p> <p>25. A geogrid could be used to reduce loading. Cadent sought requirements from Gardens of Peace including anticipated vehicles so that the design and construction of the temporary access can be agreed.</p> <p>Soil storage</p> <p>26. Gardens of Peace advised that 60% of the soil excavated for a grave is returned to the grave, 30% is taken off site with two lorries in and out of the cemetery each week. There is a need to store soil on site, however, there is more soil than can be stored on site and therefore some needs to be taken off site.</p> <p>27. Gardens of Peace raised concerns that the land required temporarily for the pipeline diversion works would reduce the quantity of soil which can be stored on site generating additional costs of off-site storage. Also, there was concern that lorries would not be able to use the maintenance entrance and would have to use the main cemetery entrance making it muddy and unsightly</p> <p>28. Gardens of Peace expressed concern about the congregation having to share the main entrance with lorries and maintenance vehicles</p> <p>29. Cadent advised it would review what could be done to accommodate the soil storage and access needs of the cemetery. Cadent will consider providing access across part of the working area when the diversion work activity has reduced.</p> <p>30. Gardens of Peace will review and liaise with Cadent.</p> <p>Costs</p>	

Reference	Written Representation Issue	Highways England Response
	<p>31. Gardens of Peace queried who pays the costs incurred by the cemetery arising from the Scheme works. Atkins advised that Highways England will liaise with the Gardens of Peace regarding its costs as a separate discussion.</p> <p>Outstanding Matters</p> <ul style="list-style-type: none"> In relation to point 8 above, apart from Cadent providing their revised design drawings, which are understood to be subject to approval by Highways England, no detailed programme of the proposed works has been provided In relation to point 31, Highways England has not been in contact with Gardens of Peace to advise or confirm who will meet the additional operational costs incurred as a result of the Scheme. <p>Other Matters</p> <ul style="list-style-type: none"> In relation to point 25, Cadent subsequently agreed to adopt the aluminium tracking system for the temporary road. <p>In relation to point 29, Cadent advised that the shared use of the service entrance while the works are in progress would not be practicable. Gardens of Peace will have to use its newly constructed main entrance for all its operations</p>	
<p>REP2-029-23</p>	<p>17th December 2020 In attendance: Gardens of Peace, Cadent, Highways England and Atkins Location: Microsoft Teams</p> <p>Key meeting points:</p> <p>Access Road Drainage</p> <ol style="list-style-type: none"> Drainage proposals in vicinity of diverted gas main was discussed. It was reported that the drain outfalls from the cemetery are to the south east, towards the river Cadent asked that drains be located alongside the gas pipeline and 3 metres away, not directly above. OK to cross the pipeline. Gardens of Peace will ask its designer to make adjustments Cadent advise that the pipeline will be constructed to within +/- 1000mm, but aim for +/- 500mm of position shown on plan <p>Layout – burial Plots</p> <ol style="list-style-type: none"> Cadent advised that the amended layout places additional burial plots inside the pipeline easement (see sketches attached to meeting invitation from Cadent dated 15/12/2020) (See Appendix 8 – Burial Layout amendments) Cadent advised that this encroachment can be accepted but this will need to be documented on the easement record for acknowledgement by future maintenance teams. The extent of the blue rights plot (plot 1/8 on the land plans) can be reduced to avoid these burial plots <p>Easement Width</p> <ol style="list-style-type: none"> Atkins shared a sketch showing the proposed reduction in the extent of the rights plot in the cemetery (sketch attached to these notes) (See Appendix 9 – Proposed Reduction in the Extent of rights to be Acquired). Post meeting note – this was 	<p>This meeting is recorded in the draft SoCG between Highways England and Cadent Gas (REP1-009) submitted at Deadline 1.</p>

Reference	Written Representation Issue	Highways England Response
	<p>amended to avoid the additional burial plots and published in the targeted non-statutory consultation leaflet</p> <p>8. Gardens of Peace appreciated that the width of the rights plot is being reduced but were concerned that the revised width was greater than that needed for the easement. The width shown is greater to accommodate the construction tolerance. Cadent confirmed that the width required for the easement will be less and will be 12.2 metres</p> <p>9. Gardens of Peace did not want any planting removed in any future maintenance work for this was provided as screening</p> <p>10. Cadent queried whether the width of the easement can be stated in the DCO schedule of rights. Atkins to advise</p> <p>11. Gardens of Peace was concerned that any deviation in the location of the pipeline could impact on the use of the cemetery site. Cadent shared a drawing showing the detailed design for the pipeline and advised that the route was constrained with very little variance possible</p> <p>TfL Approval</p> <p>12. Cadent advised it will be seeking approval from TfL for the proposed tunnel beneath the A12</p> <p>Electricity Service</p> <p>13. Gardens of Peace advised that there is a 4-way duct running to the workshop for an electricity supply in the corridor of the pipeline diversion. Gardens of Peace to send the latest utilities survey to Cadent</p> <p>Temporary Soil storage Location</p> <p>14. Gardens of Peace was concerned about the proposal to temporarily store soil close to the main entrance to the cemetery and advised that it should be stored on the eastern edge. Cadent advised that the temporary location of the soil storage had been discussed at earlier meetings and that it has to ensure sufficient working space is available to enable the construction of the pipeline diversion. Cadent shared ideas for releasing part of the construction area to accommodate a soil storage area. To share on a plan</p> <p>Car Parking</p> <p>15. Gardens of Peace expressed concern at the temporary loss of some car parking during the pipeline construction works.</p> <p>16. Gardens of Peace proposed that a temporary hardened surface be provided to accommodate temporary car parking.</p> <p>17. Gardens of Peace was concerned that the ground was not compacted and metal tracking was discussed. Cadent advised it will ensure that sufficient space is available to replace the car parking spaces. This could be located to the west of the working area.</p> <p>Cost</p> <p>18. Gardens of Peace was concerned about the additional costs the cemetery is having to bear dealing with discussions about the pipeline diversion works and for the</p>	

Reference	Written Representation Issue	Highways England Response
	<p>disruption during the construction phase. Highways England to provide advice on how these costs will be addressed</p> <p>Outstanding Matters</p> <ul style="list-style-type: none"> In relation to point 6 above, and as mentioned within the minutes, Highways England have incorporated a reduction of the area subject to acquisition of permanent rights in its ongoing non-statutory consultation. Accordingly, these proposals are yet to be adopted. In relation to point 18 above, Highways England has not been in contact with Gardens of Peace to advise or confirm who will meet the additional operational costs incurred as a result of the Scheme. <p>Other Matters</p> <p>In relation to point 14 above, Cadent advised that the shared use of the service entrance as well as the DCO area while the works are in progress would not be practicable. Gardens of Peace will have to use its newly constructed main entrance for all its operations including soil storage as shown on the Cadent drawing</p>	
REP2-029-24	<p>5.2 Engagement</p> <p>As evident there have been meetings between Gardens of Peace, Highways England, Atkins and Cadent concerning the effects on the cemetery as a result of the Scheme. There has been limited engagement by Highways England and the Valuation Office with Savills, being the appointed Agents for Gardens of Peace.</p>	<p>Highways England welcomes acknowledgement that there have been meetings between Gardens of Peace, Highways England, Atkins and Cadent concerning the effects on the cemetery as a result of the Scheme with an aim to resolving the issues. This engagement will continue through the examination and in the detailed design.</p>
REP2-029-25	<p>Prior to the DCO application, and following meetings between Gardens of Peace, Cadent and Highways England, the gas main diversion was altered and relocated to the east of Maylands, which was a welcome alteration as this immediately had a lessor effect on the cemetery as a whole.</p>	<p>As outlined in Highways England's response to the Relevant Representations RR-024-6 (REP1-002), Highways England has been liaising with the Trustees throughout the development of the high pressure gas-pipeline diversion to understand the constraints and layout of the proposed burial ground to minimise disruption. Early discussions were undertaken with Cadent to consider possible options for diverting the gas main. This led to a corridor being identified for the proposed diversion. Views on this corridor were sought as part of the supplementary consultation that took place from 4 November until 2 December 2019.</p> <p>The route of the high-pressure gas-pipeline-has been refined since that supplementary consultation (see Section 9.9 of the Consultation Report (APP-022)).</p> <p>Following discussions with representatives of the Trustees and having considered the permitted layout of the burial grounds site, the alignment of the gas-pipeline diversion was chosen in order to minimise any potential impacts of the work on the site. The design layout of the burial ground was provided by the Trustees and the pipeline diversion route designed to ensure that potential impacts are kept to a minimum. Following construction, the use of the land would be returned to the burial ground's approved purpose. This has been achieved by locating the pipeline along the proposed access road for service vehicles in order to avoid the burial areas and associated gardens.</p>
REP2-029-26	<p>Notwithstanding this, despite the number of meetings where the concerns of Gardens of Peace has been raised and discussed, there has been no engagement from Highways England to eliminate the issues highlighted in Section 3.1 and 3.2. Taking into account the number of meetings and time incurred to date, Gardens of Peace expected proposals to be</p>	<p>Highways England does not agree there has been no engagement from Highways England to eliminate the issues highlighted by the Trustees. Section 5.0 of this written representation sets out minutes of the meetings held since September 2019 which clearly records the issues</p>

Reference	Written Representation Issue	Highways England Response
	<p>put forward by Highways England and if agreed by all parties, to have been adopted to mitigate the impacts of the Scheme and concerns of Garden of Peace. The concerns, which will materialise if the Scheme progresses as per the DCO application will cause significant disruption to the cemetery. The fear is demand will drop for burials due to the interruption caused during and post Scheme construction and this will be detrimental to the charity.</p>	<p>raised by the Trustees and how Highways England and Cadent have responded to their concerns. Also please see response REP2-029 -10 to REP2-029-15) above. There will be continued engagement between all parties through the examination and detailed design of the pipeline diversion.</p>
	<p>In terms of engagement concerning compensation and remedial works, we provide a summary of engagement thus far;</p>	
<p>REP2-029-34</p>	<p>It is understood the reduction in width of the original corridor of deviation has come about following meetings between Highways England, Cadent and Gardens of Peace. However, as these proposals are yet to be adopted, and as there is no guarantee they will be adopted at this stage, this written representation is submitted on the assumption they will not be. Accordingly, we have highlighted the temporary and permanent issues in Section 4.1 and 4.2 respectively.</p>	<p>Highways England is submitting a formal request for proposed changes to the Scheme, including the reduction in the extent of permanent rights sought in respect of plot 1/8, at this Deadline 3a. Further details can be found in the Proposed Changes 1-4 Report, together with the (TR010029/EXAM/10.2). If the ExA agrees to these changes, they will become part of the application subject to this examination.</p>
<p>REP2-029-35</p>	<p>Notwithstanding this, Gardens of Peace would welcome the proposed changes as this will reduce the number of burials affected and limit the area subject to acquisition of permanent rights. However, the temporary issues listed in Section 4.1. would still remain whether the proposed changes are adopted or not and thus, we fear still significant impact on the charity and cemetery.</p>	<p>Highways England welcomes confirmation from the Gardens of Peace of its support for proposed Change 4.</p>
<p>REP2-029-36</p>	<p><u>7. VOA Engagement</u> Since September 2020, Savills has been trying to engage with the Valuation Office in regards to a fee undertaking to undertake the necessary work to include, not exclusively;</p> <ul style="list-style-type: none"> • A review of all documentation on the Scheme, • Review all correspondence between Gardens of Peace and Highways England • Attending meetings with Gardens of Peace and Highways England • To identify and consider potential changes to the design of the Scheme • To contribute to Scheme amendments to reduce the impact of the Scheme on Garden of Peace's property <p>To provide guidance to Gardens of Peace through the DCO process</p>	<p>The VOA has engaged with Savills on the matter of their fees in October, November, December 2020 and in February 2021.</p>
<p>REP2-029-37</p>	<p>The Valuation Office has proposed a total fee cap of £3,500 plus VAT for the above mentioned work i.e. to inspect the site, attend numerous meetings, review the Garden of Peace development proposals, review the DCO documents, understand and report on potential issues and options as well as liaise and negotiate with the VOA to resolve matters and mitigate the impact of the Scheme. This budget offer was also subject hourly rates being capped at Savills Associate level rate, even for Director input which is substantially lower rate than has been accepted by Acquiring Authorities throughout the UK, on a variety of projects. This allows for under 15 hours work in total to complete the above work which is unrealistic.</p>	<p>Highways England does not agree with this statement and it is incorrect. In an email from VOA to Savills 11 September 2020 the VOA proposed a fee cap of £3,500 plus VAT to inspect, research, value and negotiate an agreement for the acquisition of the easement over the Gardens of Peace land. On the 16 November 2020 it was clarified to Savills that the proposed fee cap was for work directly carried out related to early acquisition only. All other elements of early engagement work were not subject to the proposed fee cap and would be considered for recommendation to Highways England in addition to the work covered by the separate proposed fee cap. No limitation has been suggested, or proposed by the VOA, or Highways England, for early engagement work undertaken by Savills on behalf of their client.</p>

Reference	Written Representation Issue	Highways England Response
REP2-029-38	The situation Gardens of Peace is in is a complex scenario when considering the intended use of the site and where it is in terms of its development timeline. It is a situation Savills is having to guide and manage Gardens of Peace through. Gardens of Peace has no prior experience or knowledge of the DCO process and thus are relying entirely on professional advice and explanations to guide them through the process.	See comment above.
REP2-029-39	The inadequate fee cap imposed by the VOA and Highways England is unreasonable given the complexity of the issues and sensitive nature of Gardens of Peace's development. It is restricting the adequacy of professional advice Gardens of Peace is able to obtain and has therefore limited the progress made towards finding solutions to the above mentioned issues and concerns.	See comment above.
REP2-029-40	To date, despite being provided with copies of Savills' outstanding invoices on 1 December 2020, Highways England has not reimbursed any costs incurred by Gardens of Peace.	Discussions on fees have been ongoing between VOA and Savills on the bases of Savills fees. The VOA emailed a proposal to Savills on 3 February 2021 however, there has been no response from Savills. When a response is received from Savills, the VOA will be able to make a recommendation to Highways England regarding the payment of Savills' fees.
REP2-029-41	<p>8. Summary</p> <p>This written representation outlines the nature of our client, being a registered charity, who is in the process of developing a cemetery for the Muslim community. Gardens of Peace have commenced construction works to ensure the cemetery is open and operational by spring 2022 to allow a smooth transition from its existing cemetery to Maylands. This is in light of the reducing number of available adult burial plots at the existing cemetery whilst at the same time an increase in mortality rates as a result of COVID-19.</p>	The points raised in the summary have been answered in the relevant sections above.
REP2-029-42	It is evident when reviewing the development plans of the cemetery and the gas main diversion proposals that the Scheme will have a significant effect on the cemetery in terms of loss of the service entrance, internal road, access to workshop / store, loss of soil storage area and loss of half of the overflow car park. This causes great concerns to Gardens of Peace in terms of continuing to operate the cemetery with minimal disruptions, the effect on daily congregations, the safety of staff and visitors due to the need for all public and service vehicles to use the same entrance, the effect of the temporary road and parking on land prepared for burial plots, the need to manage traffic, the effect of the Scheme and temporary measure on the aesthetics of the cemetery and how all of this could impact on the demand for burials at Maylands.	The points raised in the summary have been answered in the relevant sections above.
REP2-029-43	Whilst there has been engagement with Highways England, Atkins and Cadent, very little progress has been made in terms of resolving the number of issues raised by Gardens of Peace, and which are referred to in Section 4.1 and 4.2. To date, other than the temporary road and car park suggested by Cadent, Highways England have not proposed any measures or works that may seek to mitigate the effects of the Scheme on Maylands and daily congregations.	The points raised in the summary have been answered in the relevant sections above.
REP2-029-44	Highways England has been reluctant to agree to reasonable professional fees to Garden of Peace's professional advisors, therefore restricting advice and potential for meaningful engagement with Highways England.	Discussions on fees have been ongoing between VOA and Savills on the bases of Savills fees. The VOA emailed a proposal to Savills on 3 February 2021 however, there has been no response from Savills. When a response is received from Savills, the VOA will be able to make a recommendation to Highways England regarding the payment of Savills' fees.

Reference	Written Representation Issue	Highways England Response
REP2-029-45	There remains uncertainty on the future land use restrictions over Plot 1/8 and the gas main easement. This has caused Gardens of Peace uncertainty in terms of future land use and whether the development within Plot 1/8, which would have been developed by Scheme commencement, will need to be redesigned to reflect the presence of the gas main following completion of the Scheme.	The permanent gas pipeline diversion works will all be underground. There will be no surface level installations. There will be no access chambers provided. Cadent has advised that the proposed cemetery layout can be constructed in accordance with the approved design and materials can be stored above the pipeline as proposed. Therefore, there will be no future land restrictions over Plot 1/8.
REP2-029-46	Despite the period of time since the first meeting and the subsequent site and virtual meetings where Gardens of Peace concerns have been raised, little has been done in terms of formally agreeing amendments to the gas main design to alleviate the effects of the Scheme on the cemetery.	There have been regular meetings as demonstrated in Highway England's response to REP2-029 between Cadent Gas, the Trustees and Highways England and these are ongoing.
REP2-029-47	The only recent developments have been those identified within the non-statutory consultation, which is ongoing. The consultation seeks comments on the proposal of reducing the easement width to 12.2 metres and reducing the area subject to the acquisition of permanent rights to just the easement width. The remainder of plot 1/8 will be subject to temporary occupation. Whilst the consultation provides a proposal that appears to provide some benefits in terms of reducing the area subject to acquisition of permanent rights, the proposals have only just come about and are yet to be adopted and therefore provides Gardens of Peace with no certainty or security that the concerns raised thus far are to be considered by Highways England.	Highways England is submitting a formal request for proposed changes to the Scheme, including the reduction in the extent of permanent rights sought in respect of plot 1/8, at this Deadline 3a. Further details can be found in the Proposed Changes 1-4 Report, together with the (TR010029/EXAM/10.2). If the ExA agrees to these changes, they will become part of the application subject to this examination.
REP2-029-48	The latest Cadent drawing (appendix 6) reflects the extent of collaboration, and Gardens of Peace anxiously awaits confirmation and acceptance of how its pro-activeness manifests itself in the response from Highways England and the Valuation Office.	There have been regular meetings between Cadent, the Trustees and Highways England and these are ongoing through the examination and during the detailed design of the gas pipeline diversion.

REP2-033 Hinson Parry and Company on behalf of the Jones Family

Reference	Written Representation Issue	Highways England Response
REP2-033-7	<p>1.7 To rectify what I consider are inadequacies in the access proposals of the HE Scheme my Written Representations include a submission on behalf of the owners of Grove Farm for the improvement of the existing access to Grove Farm off the M25 northbound on-slip by the relocation of this access as shown our my Drawing No. REDW-3396-111 together with the improvement of the egress from Grove Farm onto the A12 eastbound off-slip by the addition of a new access as shown our my Drawing No. REDW-3396-112.</p>	<p>Noted. The level of adequacy of the design is discussed below at various places in this document.</p> <p>The Scheme does not affect the existing access to Grove Farm from the M25 on-slip, and hence no alteration to the M25 on-slip is proposed between the roundabout and the Grove Farm access, and the existing access itself. Highways England's Road Safety Audit (RSA) raised no issues in respect of the existing access to Grove Farm or the M25 on-slip.</p> <p>For the 10-year period 01/01/2010 to 31/12/2019 there were no reported accidents on the M25 on-slip near the existing Grove Farm access.</p> <p>As regards the egress from Grove Farm, Highways England's proposal ties in the existing egress into the new A12 off-slip, in approximately the same location.</p> <p>For the 10-year period 01/01/2010 to 31/12/2019 there were no reported accidents at the point where the Grove Farm egress meets the A12 off-slip. In addition, the Highways England's Road Safety Audit (RSA) raised no issues in respect of the proposed egress from Grove Farm.</p>
REP2-033-8	<p>1.8 The existing Grove Farm access arrangements together with the HE Scheme and the proposed Grove Farm access improvements recommended by these Written Representations have been the subject to an independent Safety Appraisal by Highway Safety Consultants, Mayer Brown. Extracts of relevant comments from the Safety Appraisal are included in these Written Representations where appropriate and are shown in italics. The Safety Appraisal is comparable to a full Stage 1 Road Safety Audit apart from the fact that the safety audit team has not been approved by Highways England for this specific project.</p>	<p>It is not the case that the safety appraisal produced by Mayer Brown is comparable to a Road Safety Audit (RSA). The purpose of a RSA is to identify safety issues in relation to a proposed design and to identify potential solutions. It is not the purpose of a RSA to deal with safety issues arising from existing highway features that are not proposed to be altered as part of the Scheme.</p> <p>Further, a RSA takes into account collision data in order to identify risks and issues to assess the design and to propose solutions as regards any observed design issues.</p> <p>The safety appraisal produced by Mayer Brown is not a RSA, but a more general appraisal of the scheme (and the alternatives they were considering), including elements of the existing infrastructure that are not proposed to be changed. The safety appraisal does not take into account recent collision data, nor does it identify potential solutions.</p>
REP2-033-11	<p><u>2.0 GROVE FARM ACCESS PROPOSALS – M25 NORTHBOUND ON-SLIP</u></p> <p>2.1 Grove Farm is the property mostly affected by the M25 Junction 28 Improvements Scheme. The HE Scheme has not considered any improvement to the location of the Grove Farm entrance from the M25 northbound on-slip. I understand that the HE consultants Atkins have worked from the beginning of the project on the basis that the access will be retained on a 'like for like' basis without any change or improvement. It is not clear from my discussion with Atkins whether this was a specific requirement of HE or whether this was just how the HE Scheme evolved</p>	<p>Highways England acknowledges that Grove Farm is one of the properties most affected by the Scheme.</p> <p>The way the Scheme has developed is such that it does not affect the existing access to Grove Farm from the M25 on-slip, and no alteration to the M25 on-slip is proposed between the roundabout and the Grove Farm access.</p> <p>The objective of the Scheme is to address the congestion and safety problems identified at junction 28. At the outset of the project Highways England identified the key congestion and safety issues that attributed to the performance of the roundabout now and how they might change in the future. These related to the capacity of the roundabout to cater for forecast demands of traffic, and to deal with the high occurrence of collisions on the roundabout.</p> <p>The existing M25 on-slip access into Grove Farm does not present safety concerns that need to be addressed. For the 10-year period 01/01/2010 to 31/12/2019 there are no reported accidents on the M25 on-slip near the Grove Farm access.</p> <p>No issues were identified on the operation of the slip roads.</p>

Reference	Written Representation Issue	Highways England Response
		These are the reasons why Highways England believes that retaining the existing access provision for Grove Farm is appropriate.
REP2-033-12	2.2 In my opinion, the location of the existing Grove Farm access is already a material departure from highway design standards by its very location, being so close the north-west egress of the roundabout and its retention should be re-considered. The existing Grove Farm access in this location would not gain approval for any type of new development due to inherent safety issues. A point accepted by Atkins consultants.	<p>Firstly, as explained above the scheme does not affect the Grove Farm access. Although it would be the case that if proposed now the access would be a departure from highway design standards. This would be because it is a direct access from a connector road, not because of its proximity to the roundabout. It is understood that the access was not a departure from standards when it was originally built.</p> <p>In Highways England's opinion there is no need to adjust this access, and no scope to provide a better access pursuant to the Scheme.</p>
REP2-033-13	<p>2.3 The Safety Appraisal (Section 2) raised safety concerns regarding the retention of the existing Grove Farm access off the M25 northbound on-slip, stating:</p> <p><i>'Junctions located close to a roundabout junction create several safety concerns, namely but not limited to:</i></p> <ol style="list-style-type: none"> <i>1. Road user signalling can be misinterpreted by following vehicles. Road users indicating left to exit a roundabout may not have sufficient time to cancel their indication and re-indicate before turning left from the main road. This could result in following road users failing to anticipate the left turn manoeuvre by the proceeding vehicle. This will increase the risk of late braking and/or rear end shunt type collisions;</i> <i>2. Vehicles exiting the roundabout will likely be accelerating and gaining speed. Therefore, there will be a risk that a vehicle will start to slow before turning left of the major road, whilst the following vehicles/vehicles is/are accelerating. This will increase the risk of late braking and/or rear end shunt type collisions.'</i> 	<p>The Scheme does not affect the existing access to Grove Farm from the M25 on-slip, and no alteration to the M25 on-slip is proposed between the roundabout and the Grove Farm access. In Highways England's opinion there is no need to adjust this access and no scope to provide a better access pursuant to the Scheme.</p> <ol style="list-style-type: none"> 1. Familiarity with the existing situation will reduce confusion and the close proximity of the existing access to the roundabout mitigates the issues highlighted in the Safety Appraisal. 2. Highways England agrees that this a safety issue. This is the reason why it is important that any access is located near to the roundabout, where speeds are lower. <p>These two concerns were also raised in the Safety Appraisal with regards to Grove Farm alternative design (refer to paragraph 4.3 in the Mayer Brown Safety Appraisal).</p>
REP2-033-14	<p>2.4 The HE Scheme will introduce a further detrimental effect by moving the A12 eastbound onslip give way line at the roundabout 25 metres further north-west, moving all crossing and merging traffic travelling on the M25 northbound on-slip even closer to the existing Grove Farm access should it remain in its present location. This relocation of the A12 eastbound on-slip give way line will reduce even further an already sub-standard distance which vehicles have in order to manoeuvre and merge across lanes to access Grove Farm after leaving the roundabout. The Safety Appraisal (Section 3) also referred to this reduction in distance from the HE Scheme as exacerbating safety issues saying:</p> <p>'Safety Team comment:</p> <p><i>3. The proposals [i.e. The HE Scheme] as detailed appear to indicate that separation between the site access and the roundabout will be further reduced, exacerbating the existing issue highlighted previously.'</i></p>	<p>The location of the roundabout exit to the M25 northbound on slip is not affected by the Scheme, and there are no modifications proposed to the section of the M25 on slip between the roundabout and the Grove Farm access. This means that drivers leaving the roundabout will not experience any change in the slip road geometry until after they have passed the Grove Farm access.</p>
REP2-033-15	<p>2.5 The Safety Appraisal (Section 2) highlighted the fact that the existing deceleration lane into Grove Farm has insufficient length, stating:</p> <p>'Summary of issue: <i>Insufficient length of deceleration lane (please refer to reference point 2.2 in Appendix B).</i></p> <p><i>Deceleration lanes allow traffic exiting a major road to slow down to a safe speed to turn off a main road without affecting the main flow of traffic.</i></p>	<p>As explained above the access arrangements into Grove Farm are not affected by the Scheme.</p> <p>The assumption made by the Safety Team as regards the design speed of the on-slip is incorrect. The design speed of the M25 on-slip is 70 kph. Based on this a compliant length for the deceleration lane in this location would be 40 m plus a 15 m taper. The existing deceleration lane length is 20 m plus a 12 m taper.</p>

Reference	Written Representation Issue	Highways England Response
	<p>Safety Team comment:</p> <p><i>The deceleration lane provided at the site access is approximately 25m long, which is insufficient to comply with an 120kph design speed. As set out in 'CD 123 Revision 2', the minimum length of a nearside diverging taper or auxiliary lane should be 150m on dual carriageways'</i></p>	<p>The deceleration lane is located in close proximity of the roundabout which is fully signalised and so average speeds are expected to be low.</p>
<p>REP2-033-16</p>	<p>2.6 The Safety Appraisal (Section 3) also commented that:</p> <p><i>'Whilst it is accepted that vehicles will generally not have reached 120kph at the start of the deceleration lane, due to the proximity of the roundabout junction, there is still concern that this will increase the risk of late braking and/or rear end shunt type collisions. There is concern also that the stability of HGVs will be compromised if they are have not decelerated to a safe speed to negotiate the left-hand turn into the site.'</i></p>	<p>See answer to REP2-033-15 above.</p>
<p>REP2-033-17</p>	<p>2.7 Given the inherent safety issues arising from retaining the Grove Farm access in its present location, I can see no practical reason why the relocation of the Grove Farm access could not be facilitated as shown on my Drawing No. REDW-3396-111. The proposed relocation of the access into Grove Farm will coincide with a vehicular access and egress point for pond and electricity board maintenance vehicles already proposed by the HE Scheme. The proposal will not introduce any new conflicting vehicle crossing movements.</p>	<p>As explained above the Scheme does not affect the access into Grove Farm.</p> <p>However, the further the access to Grove Farm is moved away from the roundabout, the higher the speeds of vehicles accelerating to enter the M25, and the higher the likelihood and severity of accidents. Therefore, it would not be appropriate for the access to be located as shown on Drawing No. REDW-3396-111.</p> <p>Although a new access is proposed by Highways England in this approximate location for access for maintenance purposes only, it would be used only infrequently (a few times a year) by trained maintenance operatives, and therefore does not give rise to safety concerns.</p>
<p>REP2-033-18</p>	<p>2.8 The Safety Appraisal (Section 4) highlighted that the length of the deceleration lane into Grove Farm for the proposed relocated site access off the M25 northbound on-slip also has a shorter deceleration length and is also a departure from design standards, however overall the audit team considered there would be a nett benefit in road safety terms when compared to the existing Grove Farm access arrangements as the new access would be further away from the roundabout, stating:</p> <p><i>'Whilst the access is still located relatively close to the grade separated roundabout junction. The Authors of this report consider the increased separation between the roundabout and the start of the deceleration lane provide a net benefit in road safety terms when compared with the existing access arrangements, or the proposed access arrangements that will form part of the 'Proposed M25 Jct 28 Improvement Scheme' (which will retain the existing access close to the roundabout).'</i></p>	<p>Highways England disagrees that there will be a net benefit in road safety terms from the access proposed in the Grove Farm Safety Appraisal. This is for two reasons:</p> <ol style="list-style-type: none"> i. Traffic on the M25 on-slip accelerates to merge with the M25. The further from the roundabout, the higher the average speed and therefore there is an increased risk of collisions. ii. Also, the Scheme includes a hard shoulder immediately to the north of the existing access to Grove Farm and the electricity sub-station. In Grove Farm's proposal, the hard shoulder can only start after the new Grove Farm access, significantly further north than in the Scheme. This will reduce the length of M25 on-slip provided with a hard shoulder and therefore it is a slightly less safe design.
<p>REP2-033-21</p>	<p>2.11 To address these security and safety issues my Drawing No. REDW-3396-113 (top panel) shows the track swept path of a 12 metre rigid lorry leaving the M25 northbound on-slip and safely turning into the access road leading to the pond maintenance area in advance of the security gates. A 12 metre rigid is significantly larger than the longest vehicle expected to access the pond service area. The track shows that this vehicle can turn into a dedicated waiting area in front of the security gates without obstructing traffic entering Grove Farm.</p>	<p>As stated in REP2-033-20 a 15.5 m long vehicle is used as a typical vehicle accessing Grove Farm, whilst a 12 m long vehicle is used as a typical maintenance vehicle.</p> <p>It is also noted that Redwood's Drawing No. REDW-3396-113 shows that a 12 m vehicle would just fit in the areas dedicated before the gates, with no buffer.</p> <p>It is best practice to provide some buffer in situations like these as drivers may not stop their vehicle precisely in front of the gate.</p> <p>In a situation where a vehicle longer than 12 m was to enter this area, or if the vehicle was not stationed precisely in front of the gate, the access to Grove Farm would be obstructed with potential safety concerns.</p>

Reference	Written Representation Issue	Highways England Response
		<p>Highways England's design allows for 15 m between the gate and the edge of the M25 on-slip, with additional 3.3 m of hard shoulder, creating effectively 18.3 m of safe space and allowing for any vehicle to access the maintenance track.</p> <p>These comments on the Grove Farm proposal were also made in the Safety Appraisal; see 4.4 and 4.5 of the Mayer Brown Safety Appraisal (REP3-033)</p>
<p>REP2-033-23</p>	<p>2.13 The clear benefits of the amended access proposal shown on my Drawing No. REDW3396-111 are as follows:</p> <ul style="list-style-type: none"> i) The closure of the existing Grove Farm access will improve highway safety for Grove Farm and for the general public passing the site, removing an unsatisfactory entrance to Grove Farm; ii) The proposal will relocate Grove Farm traffic which currently passes close to the existing 3no dwellings on the farm. Relocating vehicles further north and away from the dwellings will reduce traffic noise; iii) The proposal will not introduce any new conflicting vehicle turning movements; iv) The proposal will coincide with the location of the access already proposed by HE for pond maintenance and electricity board maintenance vehicles. <p>Improving their access by providing a deceleration lane;</p> <ul style="list-style-type: none"> v) The proposal introduces an auxiliary left turn lane in advance of the entrance, removing slowing traffic from the main carriageway accessing the M25 northbound on-slip; vi) The proposal provides safe access for the largest of vehicles expected to service Grove Farm and HE land; vii) The proposal provides an adequately sized waiting area in front of security gates to the pond maintenance area for the largest of vehicles; viii) The proposal benefitfully relocates the HE security gates further away from the M25 northbound on-slip; ix) The proposal maintains HE security and prevents unauthorised egress of vehicles from Grove Farm onto the M25 northbound on-slip; <p>No material safety issues have been raised by Mayer Brown, ie independent safety audit team. The audit team consider there would be a nett benefit in road safety terms by moving the Grove Farm access further north away from the roundabout.</p>	<ul style="list-style-type: none"> i. Highways England disagrees. The Grove Farm proposal would introduce a new access, which would still require multiple departures from standards. This access would be: <ul style="list-style-type: none"> a. New and therefore temporarily confusing for drivers who use this junction frequently b. Less safe because it would be located further away from the roundabout, in a section of road where vehicles will be travelling at higher speeds and accelerating. c. Removing an existing access with an acceptable safety record. ii. The noise difference would be minimal. The dwellings on the farm are located in close proximity to a very busy motorway/A road junction. The Grove Farm traffic in close proximity to the dwellings is generated by Grove Farm's business activities, not by the Highways England's proposal. iii. Highways England's scheme does not introduce any new conflicting vehicle turning movements. As regards the Grove Farm proposal, although not frequent, if a maintenance vehicle longer than 12 m was to try to enter the maintenance track, the access would be obstructed. Refer to response to REP2-033-21. This was also raised by the Safety Appraisal in REP2-043-58 and REP2-043-59. iv. This location was selected for maintenance access only in the Highways England Scheme. It would be used infrequently by trained maintenance professionals. In contrast the use of an access to Grove Farm would be frequent, and that proposed by Grove Farm would also conflict with the existing sub-station layby. v. The Grove Farm proposal keeps the slowing traffic on the M25 on-slip longer than the existing arrangement, because it shifts the access further away from the roundabout. An auxiliary lane already exists for Grove Farm in the current layout. The Grove Farm proposal auxiliary lane would be sub-standard (as is the current auxiliary lane). vi. Highways England disagrees. Please see responses to points in bullet v) above. vii. Highways England disagrees. Refer to REP2-033-21 and iii. above. viii. Highways England disagrees. Refer to response REP2-033-21. ix. Accepted. x. Highways England disagrees that there will be a nett safety benefit – see REP2-033-18. <p>Further, the Mayer Brown Safety Appraisal commented on the swept paths and the potential conflicts between a maintenance vehicle and Grove Farm traffic (REP2-043-58 and REP2-043-59).</p>

Reference	Written Representation Issue	Highways England Response
		<p>The Safety Appraisal also raised concerns about the insufficient deceleration auxiliary lane.</p> <p>Overall, the relocation of the access further away from the roundabout on an on-slip, where traffic accelerates, reduces safety.</p>
REP2-033-24	<p>2.14 I conclude that HE should consider the relocation of the existing Grove Farm access further north along the new alignment of the link road which connects to the M25 northbound on-slip. The HE Scheme now provides the ideal opportunity for HE to correct the inadequacies of the existing access to Grove Farm and I see no reason why important and beneficial changes to the Grove Farm access cannot be made at this stage of the procedure.</p>	<p>The objective of the Scheme is to address congestion and safety problems identified at junction 28. As such there is no need for Highways England to alter the access to Grove Farm and the Scheme includes no provision to do so.</p> <p>For the reasons explained above in response REP2-033-24 Highways England does not agree that the access proposals put forward on behalf of the owners of Grove Farm are acceptable.</p>
REP2-033-25	<p>2.15 We ask that HE consider positively and include the Grove Farm Access Proposals shown on my Drawing No. REDW-3396-111 and presented within these Written Representations and amend their Junction 28, M25 DCO application proposals to include an amended vehicular access to Grove Farm to:</p> <p>i) Close the existing access to Grove Farm from the M25 northbound on slip road;</p> <p>Provide a new dedicated auxiliary left-turn lane access to Grove Farm to be shared with the HE access already proposed for pond maintenance and electricity board vehicles</p>	<p>Highways England is mindful of the impacts that the Scheme will have on Grove Farm and all other landowners.</p> <p>Highways England has considered the proposals shown on Drawing No. REDW-3396-111 and takes the view that it is not an acceptable solution for the reasons given in response REP2-033-23 above.</p>
REP2-033-27	<p>3.2 As with the Grove Farm entrance from the M25 northbound on-slip, the HE Scheme has not considered any improvement to the egress onto the A12 eastbound off-slip. Again, I understand that consultants Atkins have designed the HE Scheme on a 'like for like' basis without any change or improvement.</p>	<p>The objective of the Scheme is to address congestion and safety problems identified at junction 28. At the outset of the project Highways England identified the key congestion and safety issues that attributed to the performance of the roundabout now and how these might change in the future. These related to the capacity of the roundabout to cater for forecast demands of traffic, and the high occurrence of slight injury and damage only collisions on the roundabout.</p> <p>The existing A12 off-slip egress from Grove Farm does not present safety concerns that need to be addressed. For the 10-year period 01/01/2010 to 31/12/2019 there are no reported accidents on the A12 off-slip near the Grove Farm egress.</p> <p>Accordingly, the Scheme includes a replacement for the existing egress in a similar position to the existing one, to tie in the new A12 off slip.</p>
REP2-033-28	<p>3.3 I consider there to be a reasonable and proportionate opportunity for HE to consider providing a new access into Grove Farm from the A12 eastbound off-slip. My plans REDW3396-110 and REDW-3396-112 show our proposal for a new left-turn auxiliary lane for Grove Farm traffic only. The length of the auxillairy lane can comply with Design Manual for Roads and Bridges, Road Layout design guidance CD123, Issue 2.</p>	<p>The objective of the Scheme is to address congestion and safety problems identified at junction 28.</p> <p>Although the Scheme makes provision to maintain egress from Grove Farm on to the A12 off-slip the farm owners have never suggested previously that access from the A12 off-slip should be provided as well as an egress.</p> <p>To have an access here would be to introduce an unacceptable safety hazard that would fail to comply with current design standards.</p> <p>Although the proposed egress on to the A12 in Highways England's Scheme would also not meet current design standards, Highways England recognises its responsibility to continue to provide the owners of Grove Farm with an egress on to the A12 as at present.</p> <p>The auxiliary lane is discussed in REP2-033-29 below.</p>

Reference	Written Representation Issue	Highways England Response
REP2-033-29	<p>3.4 The Safety Appraisal (Section 4.2) highlighted that the length of the deceleration lane into Grove Farm for the proposed new site access off the A12 eastbound off-slip also has a shorter deceleration length which is a departure from design standards. It should be noted that the length of the deceleration lane shown can be extended to comply with design guidance as Grove Farm land is available for any extended works. Overall the audit team considered a new access into Grove Farm from the A12 eastbound off-slip as a significant improvement in road safety terms when compared with the existing deceleration lane provided on the M25 northbound on-slip and would reduce the number of vehicles accessing the site from the M25 northbound on-slip, stating:</p> <p>'Safety Team comment:</p> <p><i>As part of the 'alternative' proposals, the site egress will become a site entrance and egress and a deceleration lane will be provided.</i></p> <p><i>However, the proposed deceleration lane provided on the A12 off-slip at the site access is 80m long. As set out in 'CD 123 Revision 2', the minimum length of a nearside diverging taper or auxiliary lane should be 150m on dual carriageways.</i></p> <p><i>The Authors of this report acknowledge that this deceleration lane is a significant improvement in road safety terms when compared with the existing deceleration lane provided on the M25 on-slip.</i></p> <p><i>Furthermore, the revised access and provision of a deceleration lane on the A12, will likely reduce the number of vehicles accessing the site from the substandard access provided on the M25 on-slip.'</i></p>	<p>The Safety Appraisal addresses this point in Section 4.1, not 4.2.</p> <p>An 80 m deceleration lane would be compliant with CD123. That is because the design speed of the A12 off-slip is 70 kph, not 120 kph.</p> <p>However, Highways England disagrees with the comment that the deceleration lane would be "a significant improvement in road safety terms when compared with the existing deceleration lane provided on the M25 on-slip."</p> <ol style="list-style-type: none"> 1. The proposed alternative access would not be compliant with current design standards which do not allow accesses on to a slip road. 2. The deceleration lane on the M25 on-slip is located in close proximity to a fully signalised roundabout, with low average speeds. This alternative deceleration lane on the A12 off-slip would have to start approximately 200 m prior to the give way line at the roundabout, in a section of road which runs downhill. Accordingly, it would be less safe. 3. The existing egress has no recorded accidents for the 10-year period 01/01/2010 to 31/12/2019. The proposed alternative access is untested and would generate a new conflict between vehicles having to slow to enter the deceleration lane and those travelling towards the roundabout. <p>The deceleration lane has the potential of being confused with a left turn lane onto the M25 on-slip. That is because left turn lanes are a common feature in the network but deceleration lanes on slip roads are not. For example, vehicles may follow lorries/farm vehicles turning left into Grove Farm thinking they were travelling on to the M25 (as they may not have forward visibility of the road layout beyond the vehicle in front).</p>
REP2-033-30	<p>3.5 The design of this new Grove Farm access caters for the largest of vehicles likely to access Grove Farm. My Drawing No. REDW-3396-114 shows the track swept path of a 15.5m long farm vehicle transporter leaving the A12 eastbound off-slip and safely turning into the site. All traffic accessing the site from this direction will be removed from the roundabout.</p>	<p>Although Highways England accepts that the proposed access could cater for vehicles that are 15.5 m long on the basis of the swept path analysis provided this does not render the access safe or acceptable based on the reasons above.</p> <p>As regards traffic using any such access being removed from the roundabout, the number of vehicles currently accessing Grove Farm is typically less than 20 vehicles per hour during the peak periods (and typically less than 10 in between peaks). This compares to a total traffic throughput at the junction 28 roundabout of up to 7,500 vehicles per hour at peak times. Therefore, Grove Farm traffic represents less than 0.35% of total traffic throughput at junction 28 and so is expected to have a negligible impact on its operational performance of the roundabout.</p>
REP2-033-31	<p>3.6 The proposal shown on my Drawing No. REDW-3396-112 has been subject to a Safety Review by the safety audit team. The highway safety consultant Mayer Brown raises no fundamental safety issues with regards the principle of the proposed amended access from the A12 eastbound off-slip.</p>	<p>Highways England disagrees that there are no safety issues with the Redwood's proposed access for the reasons explained in REP2-033-29.</p>
REP2-033-32	<p>3.7 The clear benefits of the new access proposal from the A12 eastbound off-slip shown on my Drawing No. REDW-3396-112 are as follows:</p> <ol style="list-style-type: none"> i) The proposal will remove Grove Farm traffic (in many cases large and slow moving vehicles) from impacting on the roundabout when approaching the site from the A12 	<ol style="list-style-type: none"> i. Noted. However as described in response REP2-033-30 this impact will be negligible and, as previously mentioned, there are no recorded accidents in relation to this locality for the 10-year period 01/01/2010 to 31/12/2019. ii. Highways England's scheme does not introduce any new conflicting vehicle turning movements. With regards to the Grove Farm proposal:


Reference	Written Representation Issue	Highways England Response
	<p>eastbound direction. Left turns to the site can be achieved prior to reaching the roundabout;</p> <p>ii) The proposal will not introduce any new conflicting vehicle turning movements;</p> <p>iii) The proposal provides safe access for the largest of vehicles expected to service Grove Farm;</p> <p>No material safety issues have been raised by the proposal from Mayer Brown, the independent safety audit team. The audit team consider there would be a nett benefit in road safety terms by an access to Grove Farm from the A12 eastbound off-slip, reducing traffic movements through the roundabout and entering the site from the M25 northbound on-slip.</p>	<p>a. The layout put forward on behalf of Grove Farm would not be an expected one and could generate confusion. Drivers may mistakenly think they are entering a dedicated left turn lane into the roundabout, which is a common feature on the network (particularly if following a large Grove Farm vehicle).</p> <p>b. Grove Farm traffic would decelerate quicker than other traffic on the slip road, creating a potential conflict.</p> <p>c. It is possible that the deceleration lane could be used for unauthorised HGV parking, with associated issues.</p> <p>iii. This proposal introduces an additional movement which will create further hazards for through traffic as Grove Farm vehicles brake for the diverge.</p> <p>As explained above (see REP2-033-29) Highways England does not accept that there are no material safety issues arising from the Grove Farm proposal.</p>
<p>REP2-033-33</p>	<p>4.0 Conclusions</p> <p>4.1 The owners of Grove Farm request that given the concerns highlighted in these Written Representations regarding the HE Scheme proposals for access to Grove Farm, that Highways England consider positively the Grove Farm access improvements presented in this document. Highways England should amend their Junction 28, M25 DCO application proposals to include amended vehicular access to Grove Farm, namely to:</p> <p>i) Close the existing access to Grove Farm from the M25 northbound on-slip;</p> <p>ii) Provide a new dedicated auxiliary left-turn lane access to Grove Farm from the M25 northbound on-slip to be coordinated with the HE Scheme proposal for the location of the pond maintenance egress as shown on Drawing No. REDW-3396-111;</p> <p>Provide a new dedicated auxiliary left-turn lane access to Grove Farm from the A12 eastbound on slip road to Junction 28 to be coordinated with the HE Scheme proposal for the amended egress from Grove Farm as shown on Drawing No. REDW-3396-112.</p>	<p>Highways England has considered this proposal and is of the view that it would not be appropriate to pursue these proposals for the reasons explained at some length above.</p>
<p>REP2-033-35</p>	<p>1 The noise mitigation requirements</p> <p>2.1 Chapter 6 of the ES relates to noise mitigation measures. It should be noted that there are 3 residential dwellings at Grove Farm comprising the main farmhouse, together with bungalows 1 and 2. This can be seen very clearly on plan REDW-3396-110 which shows the position of the existing A12 slip road and the location of the new slip road highlighted in grey. It should be noted that the new slip road will be elevated as demonstrated by the embankment located to the south and east of the existing Grove Farm dwellings.</p>	<p>It is not clear from plan REDW-3396-110 which three residential buildings are being referred to as the drawing only refers to two residential buildings. However, the Highways England noise model includes both ground elevation and road elevation, so the noise assessment takes into account all existing and proposed sections of elevated road.</p> <p>It is also noted that whilst the difference in elevation between the existing slip-road and the proposed slip-road is approximately 2m in proximity of the egress, there is little difference in elevation of the section of the new A12 off slip road immediately adjacent to the Grove Farm dwellings (approximately 1m difference).</p>
<p>REP2-033-36</p>	<p>2 Noise during construction period</p> <p>2.1 According to HE's noise predictions, there is likely to be a significant increase in noise during the day and night during the construction period. This is likely to increase from 64 decibels to 79 decibels during the day and from 61 decibels to 76 decibels during the night. This will be a huge impact during the 32 month construction period.</p>	<p>The values given here are the highest reported values without mitigation. The contractor will use mitigation, and the predicted maximum noise levels with mitigation would be 68dB during the day and 65dB during the night, and these levels would not occur for the full construction period.</p> <p>Table 6.4 in Appendix 6.2 (TR010029/APP/6.3(2)) shows that daytime noise levels would be higher than the ambient 64dB for 12 months of the construction period, and Table 6.5 in</p>


Reference	Written Representation Issue	Highways England Response
	<p>a. We concur with recommendation 6.8.13 that no vibratory rolling should be undertaken within 20 metres of the property and we note that temporary noise barriers are proposed to be installed to provide a minimum 10 decibels noise mitigation. We should like confirmation of the specification.</p> <p>We request that this noise mitigation barrier be a permanent structure to alleviate not only the 32 months of construction (which could easily be 3 years) but will also assist in reducing the noise from the road permanently moving forwards. We understand that no consideration has been given to this. We would also request that the barrier be constructed so as to provide visual screening from the road.</p>	<p>Appendix 6.2 shows that night-time levels would be above the ambient 61dB for approximately two months of the construction period.</p> <p>Point (a): The specification of the temporary noise barrier will be defined based on the construction methodologies proposed by the Principal Contractor and this information is not yet available.</p> <p>Point (b): The noise assessment predicts that changes in road traffic noise levels at Grove Farm will decrease by approximately 1dB, as reported in Table 6.1 of Appendix 6.3 (TR010029/APP/6.3(2)) and response to NV1.3 in WQ1 (REP2-011). As road traffic noise levels at Grove Farm are not predicted to increase, Grove Farm receives neither adverse noise effects or significant noise effects and therefore it is not proposed to install a permanent noise mitigation solution.</p>
<p>REP2-033-37</p>	<p>2.2 This noise will not only prevail during the daytime but will be prevalent during the night as well. 6.10.3 of the noise report suggests that night time paving and road laying activities will be undertaken which, given the 15-decibel increase (64 decibels to 79 decibels) will be very significant.</p> <p>In valuation terms, we are currently settling claims under Part 1 of the Land Compensation Act 1973 against various Highways Authorities. For example, a 12.7 decibel increase is resulting in compensation claims in the region of 9% of the residential value of the property. It is, therefore, widely accepted that such increased noise levels have an impact upon the value of the property, derived from the public's perception of such an increase and indeed the nuisance that it creates.</p>	<p>With mitigation the night time noise level would be 65dB rather than 79dB, and the details in Appendix 6.2 (TR010029/APP/6.3(2)) identify that this noise would only occur during one month, rather than for the full construction period.</p> <p>The noise calculations for Grove Farm are shown in Table 6.1 of the updated Appendix 6.3 submitted at Deadline 3a (TR010029/APP/6.3(2)). This shows that the change in noise due to the Scheme is a decrease in noise smaller than 1dB rather than an increase in noise of 12.7dB.</p> <p>Point (a) In terms of Part 1 claim under the Land Compensation Act 1973, Highways England response to RR-029-1 (REP1-002) sets out the criteria and process for submitting claims for compensation if a party considers the noise levels have an impact upon the value of their property.</p>
<p>REP2-033-38</p>	<p>3 Post Construction</p> <p>3.1 Chapter 13 of the Environmental Impact Assessment (People and Communities) notes Grove Farm as being highly affected and is a highly sensitive "receptor". It does not however appear as an Important Area for Noise ("NIA").</p> <p>a. "The Poplars" is another residential property on the scheme which is located some 12 m away from the works. This does appear on the NIA list, which we find peculiar. Indeed, we are concerned that perhaps as a result of COVID-19 rules, the author has not been able to have a site meeting at Grove Farm and so standing on the physical boundary with representatives of the acquiring authority and the engineers has proved difficult. We should like to know what mitigation measures will be put in place elsewhere across the scheme.</p> <p>b. We do note, however, it is clear from the Environmental Management Plan that at chapter 9, "Protection of Sensitive Areas", Grove Farm is noted as a sensitive area in terms of air quality, noise vibration, landscape and visual.</p> <p>We would like to know more about the physical screening from the new road and landscaping measures.</p> <p>c. We note that the post scheme noise predictions comment generally that there is no significant increase in noise post scheme. We find this difficult to comprehend. Highways England's own website states:-</p>	<p>Highways England's response to a, b and c points is presented below.</p> <p>a) The Noise Important Areas are defined by DEFRA as part of their strategic noise mapping process. See NV1.3 and NV1.4 in Highways England's response to WQ1 (REP2-011). In terms of noise, the mitigation measure is low noise surfacing, which would be laid on all new and altered sections of road as outlined in the Register of Environmental Actions and Commitments (REAC), Table 1.1 commitment NV0.3. All environmental mitigation requirements are outlined in the REAC and an updated version has been submitted at Deadline 3a (TR010029/APP/7.3(2)).</p> <p>b) Grove Farm is identified as a sensitive receptor for the construction phase and this is outlined in Table 9.1 of the Outline Construction Environmental Management Plan (TR010029/APP/7.2(2)) and the relevant mitigation measures are contained in the updated REAC (TR010029/APP/7.3(2)) submitted at Deadline 3a.</p> <p>The noise and vibration matters have been covered in point a) above.</p> <p>In terms of landscape, the space available within the loop road for landscape mitigation is severely constrained by the land available and existing land uses and buildings within the wider Grove Farm compound.</p> <p>The proposed landscaping features are presented in Figure 2.2 Preliminary Environmental design (APP-039). Where sensitive receptors have been identified, vegetation to provide screening to the properties has been proposed as far as practicable. Further information on the landscaping arrangements for the Scheme are contained in the Outline landscape and ecological management plan (APP-072).</p>

Reference	Written Representation Issue	Highways England Response
	<ul style="list-style-type: none"> “Our research shows that if we don’t improve Junction 28 by 2037, we can expect: Increased congestion and lengthy queues at least five times worse than at present. A 25% reduction in average speeds through the Junction (including mainline M25 and A12); Widespread disruption following incidents. Constrains on future development and growth opportunities. Local air quality issues to deteriorate.” <p>It is clear then that the Junction is already at least at capacity and that in 15 or so years’ time, the Junction is likely to be losing functionality in a “do nothing scenario. The proposed works by HE are there to mitigate this and allow a lot more traffic to travel more efficiently and more quickly. It is difficult to perceive how this can be achieved without creating more noise.</p>	<p>Native woodland planting is being proposed to the south of Grove Farm adjacent to the A12 slip road. Woodland planting is also proposed along the embankments to the north of Grove Farm on the slip road for the loop road as illustrated (APP-039). It should also be noted that large areas of existing woodland are to be retained; for example the Grove Wood and the woodland planting along the Weald Brook will provide areas of visual screening of the Scheme from properties located within the Scheme (loop road). The winter and summer photomontages for Viewpoint B (AS-003 and REP1-019), at Grove Farm, provide an illustration of the landscaping proposal of the Scheme. This shows vegetation that lies adjacent to the A12 being removed and woodland planting being proposed within the same area; this is particularly evident at Year 15 where the maturing vegetation is visible to the south of Grove Farm.</p> <p>c) Noise levels at Grove Farm are a combination of noise from traffic using the junction, from through traffic on the A12 and from through traffic on the M25. The Scheme principally alters the traffic using the junction and the changes to the noise levels are negligible (<1dB).</p>
REP2-033-39	<p>3.2 It is noted at 6.8.36 of the noise report that night time road traffic noise levels exceeding 55db were predicted within 450 metres of the junction 28 and 150 metres of the proposed loop road. Properties adjacent to the A12 and Brook Street also have been predicted noise levels above 55db depending on their proximity. As Grove Farm is in the immediate vicinity. Therefore, we assume that Grove Farm would be within this zone and would be impacted by the night time traffic noise by an increase of more than 3db overall post scheme.</p>	<p>Highways England agree that night time noise levels at Grove Farm are currently above 55dB. See response to NV1.3 in WQ1 (REP2-011).</p> <p>Changes in night time noise levels, however, are predicted to be decreases in noise of less than 1dB rather than to be increases in noise of more than 3dB.</p>
REP2-033-40	<p>3.3 Not only will the A12 slip road be immediately in the rear garden of the main dwelling of Grove Farmhouse, the M25 Junction 28 Loop Road is at its nearest point probably only 200 m. from Grove Farmhouse which again, in terms of claims under Part 1 of the Land Compensation Act 1973 will be well within the bounds of acceptability for the acceptance by the acquiring authority for a claim under Part 1. The noise increase is likely to be significant.</p>	<p>See point (b) in REP2-033-36 above.</p>
REP2-033-41	<p>4 Noise Mitigation Required</p> <p>4.1 We therefore request that Highways England be directed to install permanent, rather than temporary noise mitigation measures around the residential dwellings at Grove Farm to give them some protection from the scheme going forwards.</p>	<p>See point (b) in REP2-033-36 above.</p>
	<p>5 Highways and Access Issues</p> <p>5.1 To be presented by Paul McLaughlin of Redwood Partnership per attached.</p>	
REP2-043-44	<p>1.7 The access arrangement has not been provided in accordance with relevant highway design standards.</p>	<p>As explained above Highways England does not consider there to be a need to replace or revise this access; the Scheme does not affect the existing access to Grove Farm.</p>
REP2-043-47	<p>1.10 As set out by Highway England, the aims of the M25 junction 28 improvements are:</p> <ul style="list-style-type: none"> “reduce congestion and delay disrupting journeys on our road network and local roads.” “actual and significant perceived safety concerns connected to driver movements on the roundabout” 	<p>Agreed.</p>

Reference	Written Representation Issue	Highways England Response
	<ul style="list-style-type: none"> “resilience to incidents is poor, resulting in significant disruption and unreliable journey times” “poor air quality” 	
<p>1.11 REP2-043-48</p>	<p>1.11 As part of the M25 junction 28 improvements scheme, the existing vehicular entrance to Grove Farm will need to be relocated to ensure it ties-in with the new highway arrangement (M25 on-slip).</p> <p>1.12 Highways England are proposing to provide a new access using nearly identical geometry to the existing access, which as previously identified in this report, is sub- standard.</p> <p>1.13 The purpose of this Safety Appraisal is to assess:</p> <ul style="list-style-type: none"> Safety issues arising from existing grove farm access arrangements. Safety issues arising from Highways England Jct 28 alterations retaining existing Grove Farm access geometry. Matters arising from Highways England Jct 28 alterations with proposed Grove Farm alternative access improvements. <p>1.14 The proposals which we are instructed to consider are shown on drawings:</p> <ul style="list-style-type: none"> REDW-3352-400 REDW-3396-110 REDW-3396-111 REDW-3396-112 REDW-3396-113 REDW-3396-114 TR010029-000143 <p>For ease of reference a copy of each these drawings is appended to this appraisal.</p>	<p>Highways England is not relocating or revising the vehicular entrance to Grove Farm, as the Scheme does not impact on this.</p>
	<p><u>Safety Issues Arising from Existing Grove Farm Access Arrangements</u></p>	<p>The comments below are associated with the existing access from the M25 on slip and egress on the A12.</p>
<p>REP2-043-49</p>	<p>2.1 Summary of issue: Insufficient junction visibility splay achievable at the site egress (please refer to reference point 2.1 in Appendix B).</p> <p>The A12 adjacent to the existing site egress is currently subject to the national speed limit. On this basis, and as set out in ‘CD 109 Highway link design’ (formerly TD 9/93, TD 70/08) a visibility splay measuring 4.5m x 295m is the desirable minimum. However, the existing visibility splay is 4.5m x <100m.</p>	<p>Highways England disagrees with this assessment for the following reasons.</p> <p>The design speed of the A12 off-slip is 70 kph design speed, and therefore the minimum stopping sight distance required is 120 m. The set back from the give way line is 2 m, not 4.5 m for this type of junction. The existing visibility appears to be obstructed by vegetation.</p> <p>Whilst the Mayer Brown Safety Team comment applies to the existing egress, the Grove Farm egress proposed by Highways England provides adequate visibility to achieve 120 m of stopping sight distance in both the horizontal and vertical plane.</p> <p>Five years validated collision data has been considered It should be noted that no accidents have been recorded at this location for the 10-year period 01/01/2010 to 31/12/2019.</p> <p>The Mayer Brown Safety Team comment does not take into account the low speeds of traffic on the slip road as they approach the traffic signals. Traffic exiting Grove Farm would not</p>

Reference	Written Representation Issue	Highways England Response
	 <p>Safety Team comment:</p> <p>The junction visibility splay at the site access is significantly shorter than the desirable minimum that is set out in 'CD 109 Highway link design'. Insufficient junction visibility splays can lead to road users on a minor road failing to identify approaching traffic on the major road before emerging. Furthermore, road users on the major road should have sufficient time to react and manoeuvre appropriately should a vehicle emerge unexpectedly from a minor arm.</p> <p>Further exacerbating this issue are the number of businesses within Grove Farm that generate a high proportion of HGVs. These vehicles will likely enter the A12 at a slow speed and will take a greater distance to accelerate up to an appropriate speed compared with cars and LGVs.</p>	<p>accelerate significantly considering the close proximity of the roundabout and the traffic signals.</p> <p>Highways England notes that the proposal put forward on behalf of Grove Farm do not address these concerns as regards the egress.</p>
<p>REP2-043-50</p>	<p>2.2 Summary of issue: Insufficient length of deceleration lane (please refer to reference point 2.2 in Appendix B).</p> <p>Deceleration lanes allow traffic exiting a major road to slow down to a safe speed to turn off a main road without affecting the main flow of traffic.</p>	<p>This comment is related to the existing access from the M25 on-slip. Whilst the required length is not 150 m, but 40 m, the deceleration lane is shorter than prescribed and this issue has been already addressed, see response to REP2-043-15. No issues relevant to this access were picked up in the RSA.</p>

Reference	Written Representation Issue	Highways England Response																																																											
	 <p>Safety Team comment:</p> <p>The deceleration lane provided at the site access is approximately 25m long, which is insufficient to comply with an 120kph design speed. As set out in 'CD 123 Revision 2', the minimum length of a nearside diverging taper or auxiliary lane should be 150m on dual carriageways, as detailed below:</p> <p>The minimum length of a nearside diverging taper or auxiliary lane shall be in accordance with Table 5.22.</p> <p>Table 5.22 Diverge taper, auxiliary lane and right turn lane lengths for deceleration</p> <table border="1" data-bbox="305 1134 1151 1522"> <thead> <tr> <th rowspan="3">Design speed (kph)</th> <th colspan="5">Diverge taper or auxiliary lane deceleration lengths (metres)</th> <th rowspan="3">Direct taper (metres)</th> </tr> <tr> <th colspan="2">On up gradient</th> <th colspan="3">On down gradient</th> </tr> <tr> <th>0 - 4 %</th> <th>over 4%</th> <th>0 - 4 %</th> <th>Dual carriageways</th> <th>Single carriageway (including ghost islands and SLD locations)</th> </tr> </thead> <tbody> <tr> <td>50</td> <td>25</td> <td>25</td> <td>25</td> <td>25</td> <td>25</td> <td>5</td> </tr> <tr> <td>60</td> <td>25</td> <td>25</td> <td>25</td> <td>40</td> <td>25</td> <td>5</td> </tr> <tr> <td>70</td> <td>40</td> <td>25</td> <td>40</td> <td>55</td> <td>40</td> <td>15</td> </tr> <tr> <td>85</td> <td>55</td> <td>40</td> <td>55</td> <td>80</td> <td>55</td> <td>15</td> </tr> <tr> <td>100</td> <td>80</td> <td>55</td> <td>80</td> <td>110</td> <td>80</td> <td>25</td> </tr> <tr> <td>120</td> <td>110</td> <td>80</td> <td>110</td> <td>150</td> <td>110</td> <td>30</td> </tr> </tbody> </table> <p>This departure from standard will increase the risk of late braking and/or rear end shunt type collisions. Whilst it is accepted that vehicles will generally not have reached 120kph at the start of the deceleration lane, due to the proximity of the roundabout junction which is located approximately 35m to the east, there is still concern that this will increase the risk of late braking and/or rear end shunt type collisions. There is concern also that the stability of HGVs will be compromised if they are have not decelerated to a safe speed to negotiate the left hand turn into the site.</p>	Design speed (kph)	Diverge taper or auxiliary lane deceleration lengths (metres)					Direct taper (metres)	On up gradient		On down gradient			0 - 4 %	over 4%	0 - 4 %	Dual carriageways	Single carriageway (including ghost islands and SLD locations)	50	25	25	25	25	25	5	60	25	25	25	40	25	5	70	40	25	40	55	40	15	85	55	40	55	80	55	15	100	80	55	80	110	80	25	120	110	80	110	150	110	30	
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REP2-043-51	<p>2.3 Summary of issue: Site access located close to roundabout junction (please refer to reference points 2.3 in Appendix B).</p>	<p>No issues relevant to this site access were picked up in the RSA.</p>																																																											

Reference	Written Representation Issue	Highways England Response
	<p>The Grove Farm vehicular entrance is located approximately 35m to the north of the M25 junction 28 grade separated roundabout.</p>  <p>Safety Team comment: Junctions located close to a roundabout junction create several safety concerns, namely but not limited to:</p> <ol style="list-style-type: none"> 1. Road user signalling can be misinterpreted by following vehicles. Road users indicating left to exit a roundabout may not have sufficient time to cancel their indication and re-indicate before turning left from the main road. This could result in following road users failing to anticipate the left turn manoeuvre by the proceeding vehicle. This will increase the risk of late braking and/or rear end shunt type collisions. 2. Vehicles exiting the roundabout will be accelerating and still gaining speed. Therefore, there will be a risk that a vehicle will start to slow before turning left of the major road, whilst the following vehicles/vehicles is/are accelerating. This will increase the risk of late braking and/or rear end shunt type collisions. <p>Difficulty of providing signing far enough in advance of the junction (access) without causing confusion / potential conflict for normal circulating traffic on the roundabout.</p>	<p>As regards the Mayer Brown Safety Team comments:</p> <ol style="list-style-type: none"> 1. Agreed. This is one of the reasons why accesses are generally not permitted from slip roads. The mitigation is to guarantee that this manoeuvre occurs where high speeds and significant acceleration are not anticipated (e.g. at the exit of the roundabout). 2. Agreed. This is the reason why it is prudent to retain the existing access in its current location, close to the roundabout. Vehicles do not have sufficient time to accelerate to significant speeds. 3. Agreed. This is one of the reasons why Highways England proposed to retain the existing arrangements and no alterations were proposed until after the existing Grove Farm entrance. Familiarity with the existing situation will reduce confusion. <p>Highways England notes that this same comment is raised by the safety team also in relation to the Grove Farm alternative proposal, refer to REP2-043-57, suggesting that these concerns would not be eliminated by their design.</p>
	<p><u>3 Safety Issues Arising from Highways England Jct 28 Alterations Retaining Existing Grove Farm Access Geometry</u></p>	<p>These comments are associated with the Scheme's proposal on the A12 off-slip egress and the existing M25 on-slip proposed (existing) access.</p>
<p>REP2-043-52</p>	<p>3.1 Summary of issue: Unclear whether sufficient junction visibility splays can be achieved at the A12 site egress and HE egress on M25 on-slip (please refer to reference points 3.1 in Appendix B).</p> <p>The Atkins drawing (TR010029/APP/2.7) detailing the 'Proposed M25 Jct 28 Improvement Scheme' does not show proposed junction visibility splays.</p> <p>The proposed A12 slip-off adjacent to the proposed site egress will likely be subject to the national speed limit. The M25 on-slip is subject to the national speed limit. On this basis, and as set out in 'CD 109 Highway link design' (formerly TD 9/93, TD 70/08) a visibility splay measuring 4.5m x 295m should be provided.</p>	<p>The current design makes provision for visibility splays in compliance with the relevant standards.</p> <p>It appears that the Mayer Brown Safety Team has calculated visibility requirements based on speed limits and not the design speed (ref. CD109).</p> <p>The design speed of the proposed A12 off-slip is 70 kph in line with requirements of former TD22 (and confirmed by CD122). The required stopping sight distance for this design speed is 120 m, not 295 m and therefore the required visibility for the Scheme is 120 m as provided for.</p>

Reference	Written Representation Issue	Highways England Response
	<p>Safety Team comment:</p> <p>Insufficient junction visibility splays can lead to road users on a minor road failing to identify approaching traffic on the major road before emerging. Furthermore, road users on the major road should have sufficient time to react and manoeuvre appropriately should a vehicle emerge unexpectedly from a minor arm.</p> <p>Further exacerbating this issue are the number of businesses within Grove Farm that generate a high number of HGVs. These vehicles will likely enter the A12 at a slow speed and will take a greater distance to accelerate up to an appropriate speed compared with cars and LGVs.</p> <p>On this basis, it will be important to ensure junction visibility splays provided are in accordance with 'CD 109 Highway link design'.</p>	
<p>REP2-043-53</p>	<p>3.2 Summary of issue: Insufficient length of deceleration lane (please refer to reference point 3.2 in Appendix B).</p> <p>Deceleration lanes allow traffic exiting a major road to slow down to a safer speed to turn off a main road without affecting the main flow of traffic.</p> <p>Safety Team comment:</p> <p>This issue was raised in Section 2 of this report, however as the geometry of the proposed access is same or similar to the existing access, this issue is repeated.</p> <p>The deceleration lane provided at the proposed site access is approximately 25m long, which is insufficient to comply with an 120kph. design speed. As set out in 'CD 123 Revision 2', the minimum length of a nearside diverging taper or auxiliary lane should be 150m on dual carriageways.</p> <p>Whilst it is accepted that vehicles will generally not have reached 120kph at the start of the deceleration lane, due to the proximity of the roundabout junction, there is still concern that this will increase the risk of late braking and/or rear end shunt type collisions. There is concern also that the stability of HGVs will be compromised if they are have not decelerated to a safe speed to negotiate the left-hand turn into the site.</p>	<p>Highways England have responded to this already in various parts of this document, including in the REP2-043-50 response (that is the design speed is not 120 kph, and the minimum length is not 150 m). In any event no changes to this access are proposed.</p> <p>The proposed solution by Grove Farm does not avoid this non-compliance.</p>
<p>REP2-043-54</p>	<p>3.3 Summary of issue: Site access located close to roundabout junction (please refer to reference point 3.3 in Appendix B).</p> <p>The existing Grove Farm vehicular entrance is to be retained as part of the 'Proposed M25 Jct 28 Improvement Scheme'. However, the new alignment of the A12 slip-off will result in the separation between the site access and roundabout junction being reduced further.</p> <p>Safety Team comment:</p> <p>The proposals as detailed appear to indicate that separation between the site access and the roundabout will be further reduced, exacerbating the existing issue highlighted previously.</p> <p>Junctions located close to a roundabout junction create several safety concerns, namely but not limited to:</p> <ol style="list-style-type: none"> Road user signalling can be misinterpreted by following vehicles. Road users indicating left to exit a roundabout may not have sufficient time to cancel their indication and re-indicate before turning left from the main road. This could result in following road users 	<p>This is not correct and already responded to in detail in REP2-043-51.</p>

Reference	Written Representation Issue	Highways England Response
	<p>failing to anticipate the left turn manoeuvre by the proceeding vehicle. This will increase the risk of late braking and/or rear end shunt type collisions.</p> <p>2. Vehicles exiting the roundabout will likely be accelerating and gaining speed. Therefore, there will be a risk that a vehicle will start to slow before turning left of the major road, whilst the following vehicles/vehicles is/are accelerating. This will increase the risk of late braking and/or rear end shunt type collisions.</p> <p>Difficulty of providing signing far enough in advance of the junction (access) without causing confusion for normal circulating traffic on the roundabout.</p>	
	<p><u>4 Matters Arising from Highways England Jct 28 Alterations with Alternative Proposed Grove Farm Access Improvements</u></p>	<p>These comments are associated with the Grove Farm alternative proposal.</p>
<p>REP2-043-55</p>	<p>4.1 Summary of issue: Insufficient length of deceleration lane (please refer to reference point 4.1 in Appendix B).</p> <p>Deceleration lanes allow traffic exiting a major road to slow down to a safe speed to turn off a main road without affecting the main flow of traffic.</p> <p>Safety Team comment:</p> <p>As part of the 'alternative' proposals, the site egress will become a site entrance and egress and a deceleration lane will be provided.</p> <p>However, the proposed deceleration lane provided on the A12 off-slip at the site access is 80m long. As set out in 'CD 123 Revision 2', the minimum length of a nearside diverging taper or auxiliary lane should be 150m on dual carriageways.</p> <p>The Authors of this report acknowledge that this deceleration lane is a significant improvement in road safety terms when compared with the existing deceleration lane provided on the M25 on-slip.</p> <p>Furthermore, the revised access and provision of a deceleration lane on the A12, will likely reduce the number of vehicles accessing the site from the sub-standard access provided on the M25 on-slip.</p>	<p>Highways England agrees that the solution proposed by Grove Farm is not permitted in the standards, but the 80 m deceleration lane would be compliant (overall the new access would not).</p> <p>The comment that this access is a significant improvement to the existing situation is in contradiction with the comment raised in the Mayer Brown Safety Appraisal in REP2-043-50 for the existing access from M25 on slip:</p> <p><i>"This departure from standard will increase the risk of late braking and/or rear end shunt type collisions. Whilst it is accepted that vehicles will generally not have reached 120 kph at the start of the deceleration lane, due to the proximity of the roundabout junction which is located approximately 35 m to the east, there is still concern that this will increase the risk of late braking and/or rear end shunt type collisions. There is concern also that the stability of HGVs will be compromised if they are have not decelerated to a safe speed to negotiate the left hand turn into the site."</i></p> <p>Moreover, Highways England disagrees with the statement that this would be an improvement:</p> <ol style="list-style-type: none"> 1. At the moment there is no access at all and therefore Grove Farm proposal would create additional risks, which do not exist at the moment. 2. There are no incidents recorded for the 10-year period 01/01/2010 to 31/12/201 on the existing access. 3. This is not a like for like comparison. The Mayer Brown Safety Team is comparing an existing access located just after a fully signalised roundabout (the existing M25 on-slip access) where traffic is starting to accelerate, with a proposed new access from a connector road, where traffic is decelerating from an A road. <p>With regards to the proportion of traffic being diverted from the roundabout, this would be nominal if compared with the overall traffic on the roundabout. It should be noted that the Scheme would already significantly reduce queuing and therefore this problem is addressed.</p>
<p>REP2-043-56</p>	<p>4.2 Summary of issue: Insufficient length of deceleration lane (please refer to reference point 4.2 in Appendix B).</p> <p>Deceleration lanes allow traffic exiting a major road to slow down to a safer speed to turn off a main road without affecting the main flow of traffic.</p>	<p>This is already addressed in this document. However:</p> <ol style="list-style-type: none"> 1. The minimum length for a deceleration lane should not comply with a 120 kph length but with a 70 kph length.

Reference	Written Representation Issue	Highways England Response
	<p>Safety Team comment:</p> <p>This issue was raised in Section 2 of this report, however as the geometry of the proposed access is same or similar to the existing access, this issue is repeated.</p> <p>The deceleration lane provided at the proposed site access is approximately 25m long, which is insufficient to comply with an 120kph. design speed. As set out in 'CD 123 Revision 2', the minimum length of a nearside diverging taper or auxiliary lane should be 150m on dual carriageways.</p> <p>Whilst it is accepted that vehicles will generally not have reached 120kph at the start of the deceleration lane, due to the proximity of the roundabout junction, there is still concern that this will increase the risk of late braking and/or rear end shunt type collisions. There is concern also that the stability of HGVs will be compromised if they are have not decelerated to a safe speed to negotiate the left-hand turn into the site.</p>	<ol style="list-style-type: none"> 2. Highways England agrees that 25 m would not be a compliant provision and therefore Grove Farm solution does not eliminate the existing non-compliance. 3. The Mayer Brown Safety Team comments that vehicles would not have accelerated to 120 kph. Highways England notes that vehicles would be traveling faster than they do in the proximity of the existing access. 4. Highways England notes that the Mayer Brown Safety Team agrees here that the proximity to the roundabout contributes to keeping speed at lower levels, which is the same principle the Scheme has followed in retaining the existing access.
<p>REP2-043-57</p>	<p>4.3 Summary of issue: Separation between the proposed site access and roundabout junction increased (please refer to reference point 4.3 in Appendix B).</p> <p>The proposed 'alternative' Grove Farm vehicular entrance on the M25 on-slip is to be shifted to the northern side of the existing maintenance bay provided for the electricity sub-station.</p> <p>Safety Team comment:</p> <p>As raised previously in this report:</p> <p>Junctions located close to a roundabout junction create several safety concerns, namely but not limited to:</p> <ol style="list-style-type: none"> 1. Road user signalling can be misinterpreted by following vehicles. Road users indicating left to exit a roundabout may not have sufficient time to cancel their indication and re-indicate before turning left from the main road. This could result in following road users failing to anticipate the left turn manoeuvre by the proceeding vehicle. This will increase the risk of late braking and/or rear end shunt type collisions. 2. Vehicles exiting the roundabout will likely be accelerating and gaining speed. Therefore, there will be a risk that a vehicle will start to slow before turning left of the major road, whilst the following vehicles/vehicles is/are accelerating. This will increase the risk of late braking and/or rear end shunt type collisions. 3. Difficulty of providing signing far enough in advance of the junction (access) without causing confusion for normal circulating traffic on the roundabout. <p>Whilst the access is still located relatively close to the grade separated roundabout junction. The Authors of this report consider the increased separation between the roundabout and the start of the deceleration lane provide a net benefit in road safety terms when compared with the existing access arrangements, or the proposed access arrangements that will form part of the 'Proposed M25 Jct 28 Improvement Scheme' (which will retain the existing access close to the roundabout).</p>	<p>This comment was raised also in REP2-043-51 with regards to the Scheme. Refer to the associated response to points 1, 2 and 3 (Highways England agrees and believe that the best mitigations are provided by the existing arrangement).</p> <p>Highways England notes that the same issue applies for the Grove Farm alternative proposal and for the Scheme. Therefore, Grove Farm design does not solve this.</p> <p>Highways England disagrees with the statement that the relocation of the access further away from the roundabout would provide a net benefit. To the contrary vehicles would travel at higher speeds at the start of this alternative acceleration lane, compared to the start of the existing deceleration lane, and safety would be reduced, not increased.</p>
<p>REP2-043-58</p>	<p>4.4 Summary of issue: A control barrier is to be provided within the site access to prevent unauthorised vehicles entering the Highway England compound (please refer to reference point 4.4 in Appendix B).</p>	<p>Agreed. This was also raised in Highways England's responses to REP2-033-21 and REP2-033-23</p>

Reference	Written Representation Issue	Highways England Response
	<p>The drawings provided indicate that a 12m rigid HGV can wait at the control barrier without obstructing the access into Grove Farm.</p> <p>Safety Team comment:</p> <p>Any larger vehicles waiting at the control barrier will likely block the entrance to Grove Farm. As Grove Farm generates a high number of large HGV movements, there is concern that two or more articulated HGVs that are unable to enter site may result in a queue back on to the M25 on-slip, resulting in an obstruction. This will increase the risk of late braking and/or rear end shunt type collisions.</p>	
<p>REP2-043-59</p>	<p>4.5 Summary of issue: Swept path analysis (please refer to reference points 4.5 in Appendix B).</p> <p>Whilst details of swept paths have been provided, it will be important that all anticipated vehicles can enter/exit the site without striking the kerbs or traversing the verge or hardstanding.</p> <p>Safety Team comment:</p> <p>The swept path analysis provided detail the path of a 15.5m long articulated vehicle with a two-axle trailer. During the site inspection, tractor units towing 3 axle trailers were observed entering/egressing the site. Whilst the proposed highway arrangement may be sufficient to accommodate larger vehicles, this should be checked and confirmed.</p>	<p>Agreed. This was also raised in Highways England's responses to REP2-033-21 and REP2-033-23</p>
<p>REP2-043-60</p>	<p>4.6 Summary of issue: Unclear whether sufficient junction visibility splays can be achieved at the A12 site egress and HE egress on M25 on-slip (please refer to reference points 4.6 in Appendix B).</p> <p>The proposed A12 slip-off adjacent to the proposed site egress will likely be subject to the national speed limit. The M25 on-slip is subject to the national speed limit. On this basis, and as set out in 'CD 109 Highway link design' (formerly TD 9/93, TD 70/08) a visibility splay measuring 4.5m x 295m should be provided.</p> <p>Safety Team comment:</p> <p>Insufficient junction visibility splays can lead to road users on a minor road failing to identify approaching traffic on the major road before emerging. Furthermore, road users on the major road should have sufficient time to react and manoeuvre appropriately should a vehicle emerge unexpectedly from a minor arm.</p> <p>Further exacerbating this issue are the number of businesses within Grove Farm that generate a high number of HGVs. These vehicles will likely enter the A12 at a slow speed and will take a greater distance to accelerate up to an appropriate speed compared with cars and LGVs.</p> <p>On this basis, it will be important to ensure junction visibility splays provided are in accordance with 'CD 109 Highway link design'.</p>	<p>Visibility is linked to the design speed, not the speed limit (ref. CD109). The design speed of the proposed A12 off-slip and of the proposed M25 on-slip is 70 kph, in line with requirements of TD22 (and confirmed by CD122).</p> <p>Highways England's design makes sufficient provision for the required visibility splays at this location.</p>

REP2-031 Matthew Bodley Consulting Limited on behalf of Glebelands Estates

Reference	Written Representation Issue	Highways England Response
REP2-031-3	<p>2. Representation</p> <p>Landowner's Representation</p> <p>2.1 I submitted a Representation on my client's behalf on 9 September 2020, a copy of which is attached at Appendix 1. The Representation objected to the extent of land which HE is seeking acquire. The principal grounds of the objection can be summarised as follows:</p> <p>2.1.1 adverse impact on Golf Club which is an historic and important community asset;</p> <p>2.1.2 Failure to consider alternative proposals put forward by the owners of land;</p> <p>2.1.3 the extent of land which has been included for permanent acquisition is excessive and goes significantly beyond the extent of the permanent works;</p>	<p>Please refer to section RR-020 of the Applicants comments on relevant representations (REP1-002).</p>
REP2-031-7	<p>3 Grounds of Objection</p> <p>3.1 GEL objects to the compulsory acquisition of its land on the following principal grounds:</p> <p>Adverse Impact on Golf Club</p> <p>3.2 GEL owns the freehold interest in the Golf Course and adjoining land. The Golf Course is leased to Luddington Golf Ltd ("LGL") on a long lease with five yearly upward only market rent reviews. In addition, GEL has granted LGL a licence of the practice area.</p> <p>3.3 The Golf Club has existed in this location since 1936 having been designed by Harry Colt, a renowned twentieth century golf course architect. It is an historic and important community facility. It provides both physical exercise and mental health benefits to its members and their guests, many of whom are retired and elderly. The primary function of the Golf Club is the playing of golf but in addition it hosts dinners and events which provides members and guests with the opportunity to meet and socialise with each other. The Golf Club also provides economic benefits in the form of employment to the ground staff, teachers, professionals and catering staff.</p> <p>3.4 The Golf Club is a minor course on the Professional Golfers' Association ("PGA") tour, meaning that it hosts events played by professional golfers. This demonstrates its standing and reputation as a high quality golf course and brings with it a kudos and notoriety which attracts potential members. The hosting of PGA events is also a significant revenue generator to LGL, both directly from spectators on the days of play but also indirectly from golf societies wishing to play on a PGA tour course. Any reduction in the quality of the Golf Course could adversely affect its standing on the PGA tour. If it were to lose its status with the PGA it could have a significant adverse impact on the Golf Club's continued viability.</p> <p>3.5 The land which has been included for compulsory acquisition in the DCO includes the second green, the practice area as well as other parts of the Golf Course. A standard golf course requires 18 holes and the loss of any of the holes would be unacceptable. The Golf Club will be unable to operate if one of the holes is compulsorily acquired. HE has proposed an alteration to the second hole to mitigate the proposed land take. The Golf Course operator, LGL, considers the proposed amendment to be unacceptable.</p> <p>3.6 From my discussion with both HE and LGL I am aware of ongoing discussions regarding proposals to reconfigure parts of the Golf Course to accommodate HE's proposed land</p>	<p>A response to the Written Representation provided by Luddington Golf Limited is submitted In this response which addresses these points (REP2 032).</p>

Reference	Written Representation Issue	Highways England Response
	<p>acquisition. In this regard LGL has instructed Weller Design Ltd (“Weller”), a specialist Golf Course architect, to undertake an impact assessment and to review the alternative design proposals put forward by HE, and also to come up with its own solution.</p> <p>3.7 GEL has not appointed its own golf course architect as this would be a duplication of the exercise being undertaken by LGL. In the circumstances, the most sensible course of action is for LGL, as Golf Course operator, to lead on course design matters. As LGL’s landlord, any concerns expressed by LGL are shared by GEL, and could have a direct impact on GEL if the quality of the Golf Course is diminished in any way.</p> <p>3.8 I have been provided with a summary of Weller’s advice on course alterations to accommodate the proposed land acquisition and their conclusions on HE’s proposals. As at the date of the submission of the Representation in September 2020, Weller were of the clear opinion that HE’s proposals were wholly unacceptable in health and safety, operational, playability, social, environmental, ecological and economic terms.</p>	
REP2-031-8	<p>3.9 As an additional matter, on closer examination of the HE proposal it is apparent that their proposed relocation of the second green is on land which is outside of LGL’s lease demise meaning that it is impracticable as a solution in any event</p>	<p>The proposed second green would be sited within part of Plot 1/10 as shown on the Land Plans (APP-005). Plot 1/10 is proposed to be permanently acquired by Highways England as part of the Scheme. Accordingly, in the absence of agreement between the relevant parties, Highways England will be able to deal with the land as owner and as such will be able to grant LGL a lease of the land added to the golf course as a result of the accommodation works.</p>
REP2-031-9	<p>3.10 I am aware that further discussions regarding course design have continued since then and HE have come up with a revised solution for dealing with the second hole. I have seen HE’s latest design alteration proposal as it is comprised in Change 3 in the recent Consultation Document. The proposed location of the amended second green has not altered from HE’s original proposal. The only amendment is the proposal to construct a boardwalk from the second green to the third tee. Weller remain of the view that the HE proposal is unacceptable as it does not adequately address the deficiencies of the previous HE design proposal. Furthermore, it proposes the construction of boardwalk goes through a protected nature conservation area and pond for great crested newts, and is therefore unacceptable in nature conservation and ecological terms, in addition to the existing deficiencies of the previous proposal.</p> <p>3.11 Weller have come up with an alternative design which they consider to be far superior to the HE proposal and have provided details of this to HE. I have been provided with an overview of the Weller proposal and can see how it addresses many of the deficiencies of the HE proposal. It is clearly preferable to the HE proposal.</p> <p>3.12 Furthermore, the overall economic cost of delivering the Weller proposal is likely to be substantially less than the HE proposal as a whole after taking into account statutory compensation liability. HE should have a duty to protect public finances in the delivery of the Scheme. It seems illogical for HE to reject an alternative proposal favoured by the affected landowners which will also represent better value for money and better protect the public purse.</p> <p>3.13 Accordingly, GEL supports LGL’s objection to HE’s proposed solution to the second hole and is supportive of the alternative design proposal put forward by Weller.</p>	<p>A response to the Written Representation provided by Luddington Golf Limited is submitted in this response which addresses these points (REP2 032)</p>

Reference	Written Representation Issue	Highways England Response
REP2-031-10	3.14 In addition, to the potential loss of the second green, the Scheme will impact adversely upon the visual and noise amenity of the first hole and lead to the loss of the practice area. These are both very important elements of the Golf Course, and the HE has not provided any details of how it intends to address these concerns.	Please refer to the response to point PC 1.4 of the Applicant's response to Examining Authority's First Written Questions (REP2-011). Highways England continues to engage with LGL and its freeholder on their concerns.
REP2-031-11	3.15 In summary, the proposed acquisition and HE solution will make the Golf Course less playable and less attractive to members and visitors which will weaken the standing of the course resulting in its deterioration which will have a severe adverse impact on the Golf Club and its members and guests. The worst case scenario would be that membership and revenues decline leading to a deterioration of the quality of the Golf Club or potentially threaten its future existence and result in closure. This would have unacceptable adverse economic, social and environmental impacts. These could be largely addressed by accepting Weller's alternative design proposal without any substantive impact on costs to HE.	A response to the Written Representation provided by Luddington Golf Limited is submitted in this response which addresses these points (REP2-032).
REP2-031-12	<p>Failure to Consider Alternative Proposals</p> <p>3.16 Guidance to acquiring authorities on the use of compulsory purchase powers is set out in MHCLG Guidance on Compulsory Purchase Process and the Crichel Down Rules updated in July 2019 (the "Guidance"). The Guidance is targeted toward powers promoted under compulsory purchase orders, however, it is equally applicable to compulsory purchase powers sought under different statutory instruments such as DCOs.</p> <p>3.17 Paragraph 106 of the Guidance states that an important consideration in deciding whether or not compulsory purchase powers should be confirmed is whether the purpose for which the acquiring authority is seeking to acquire the land could be achieved by any other means. It states that acquiring authorities should consider the appropriateness of any alternative proposals put forward by the owners of the land.</p> <p>3.18 As set out above, LGL, the owner of the long leasehold interest in the land has put forward an alternative proposal, which is supported by GEL, the owner of the land. This alternative proposal would still enable HE to achieve its objectives whilst significantly reducing the adverse impact on the owners and the users of the Golf Course, at no additional cost.</p> <p>3.19 HE has failed to give sufficient consideration to this alternative proposal</p>	Please refer to the response to point iii) of point PC 1.4 of the Applicant's response to Examining Authority's First Written Questions (REP2-011).
REP2-031-13	<p>Excessive and Disproportionate Permanent Land Take</p> <p>3.20 The area proposed for permanent land take is excessive and goes significantly beyond what is required. Specifically, the proposed land take extends significantly beyond the area identified for the permanent works. This situation now appears even more stark in light of Changes 1 and 2 proposed in the Consultation Document. The reasons for this are explained below.</p>	Please refer to Highways England response to RR020-07 (REP1-002) and Applicant's response to Examining Authority's First Written Questions CA 1.9, CA 1.10 and CA 1.10 (REP2-011) which provides a response as to why plots 1/10, 1/13, 3/20 and 3/22, within the GEL land ownership, are required for permanent acquisition of land.
REP2-031-14	3.21 Change 1 relates to a proposed surplus construction material deposit on my client's land to the west of Weald Brook (Work No. 17). This was not a requirement of the Scheme as such but rather a consequence, as it was a means of disposing of spoil generated from other parts of the project rather than taking it off site.	Highways England is proposing potential changes to the Scheme which have been submitted at Deadline 3a (TR010029/EXAM/10.1). Two of the changes involve the removal of Work No. 17 and the site-won materials generated by the Scheme will instead be re-used within the permanent works by creating an environmental bund at Work No. 18. The land where Work No. 17 was located is still required for the construction and maintenance of the ecological compensation areas (Work No. 25).

Reference	Written Representation Issue	Highways England Response
REP2-031-15	3.22 It is apparent from the Consultation Document that HE now accepts that this is not required as it is proposing to remove it from the DCO Application. The originally proposed work occupied plot 3/20 which comprises approximately 14.65 acres.	Highways England has developed Change 1 following engagement with the Environment Agency, including feedback on the proposed materials strategy, which means that Work No. 17, on Plot 3/20, is no longer required as part of the Scheme. The site-won materials which were initially intended to comprise Work No.17 are now proposed to form part of Work No. 18 as part of Change 2 to create an environmental bund. The material from the historic landfill (Brook Street) and recently deposited material in the Grove Farm area will be re-used on site in a clearly designated area within the Scheme (i.e. for the A12 slip road). Further information for the reason for Change 1, is provided in the Environment Agency Relevant Representation (RR-009-2 (REP1-002)) and in section 3.3 in the Statement of Common Ground (SoCG) with the Environment Agency (REP1-003).
REP2-031-16	3.23 HE's proposal to remove the deposit from the DCO Application is welcomed and is an endorsement of the views expressed in our original Representation. However, despite this HE is still seeking to acquire the entirety of this plot.	Highways England is pleased that the removal or surplus construction material (Work No.17) from Plot 3/20 is welcomed by GEL. As outlined in the Statement of Reasons (APP-019), Plot 3/20 is required for environmental mitigation as well as the previous intended use for deposition of surplus materials (Work No. 17). Permanent acquisition of Plot 3/20 is sought to secure the appropriate long-term management of habitats required to reduce the adverse effects of the Scheme as outlined in Environmental Statement and in Highways England's response to RR-020-07 (REP1-002) and Applicant's response to Examining Authority's First Written Questions (REP2-011). Therefore, permanent acquisition of land is still required for the whole of Plot 3/20 to ensure long term management of the habitats.
REP2-031-17	3.24 The land was included for temporary land take in the original application as plot 1/11 which was required to deposit surplus construction material rather than disposing of it offsite (Work No. 18). HE is now proposing to remodel this earth deposit into an environmental bund which will take up a much smaller area than the originally proposed deposit mound and therefore the area of land required is clearly less than was originally proposed.	As stated in the Statement of Reasons, Appendix A, Table A.1.1 (APP-019), Plot 1/11 in the submitted dDCO is sought for temporary possession as the works for this plot involve the provision of a construction compound and deposit of surplus construction materials. As part of the Proposed Changes (TR010029/EXAM/10.1) submitted at Deadline 3a, Plot 1/11 is proposed to be split into 2 plots (1/11 and 11/11a). Plot 1/11a is being sought for the environmental bund which will be acquired permanently by Highways England and the remainder of Plot 1/11 is still being required for the construction compound under temporary possession. The environmental bund will need to be maintained as part of the Scheme and the maintenance of the woodland will be included in the Outline Landscape and Ecological Management Plan submitted at future deadlines, should ExA accept Change 2.
REP2-031-18	3.25 As with Work No. 17 this is a clear acceptance of the view expressed in my client's initial Representation that the originally proposed land take was excessive, and the proposal to reduce the size of this earth mound is welcomed. However, despite the fact that the footprint of the proposed mound/bund is significantly reduced, HE does not propose to reduce the amount of land take. Conversely, they are actually proposing that the powers over this plot should be changed from temporary to permanent.	See response above.
REP2-031-19	3.26 This is an unnecessary, excessive and disproportionate use of powers.	Highways England has set out in the Statement of Reasons (APP-019) its case for why the compulsory acquisition powers sought in the dDCO are necessary, proportionate and justified. Highways England disagrees with GEL's assessment that it is proposing to use powers unnecessarily, excessively or disproportionately. GEL will note the clear purpose for which land is required for each permanent land plot set out in the Statement of Reasons, Appendix A, Table A.1.1.

Reference	Written Representation Issue	Highways England Response
		As set out above, despite the removal of Work No. 17 (proposed Change 1) the whole of plot 3/20 is still required for the construction and maintenance of the ecological compensation areas. The amendment to Work No. 18 (proposed Change 2) has meant that Highways England has split plot 1/11 into 1/11 and 1/11a. The total amount of land has not been reduced as plot 1/11 is still required for a construction compound and associated works. However, Plot 1/11 is only required for temporary possession and will be returned to the landowner in a reasonable condition as required by Part 4 of dDCO (REP2-002).
REP2-031-20	3.27 Not only is this unacceptable to my client but it also appears to be ultra vires as it goes beyond the powers sought in the original DCO Application submitted on 27 May 2020 and accepted by the Secretary of State on 24 June 2020.	Highways England is proposing to make a change request to the ExA such that the relevant powers are included in the dDCO. It is common for applicants to apply to amend proposed compulsory acquisition powers during this stage of the DCO process. Highways England will comply with the provisions of Infrastructure Planning (Compulsory Acquisition) Regulations 2010 in respect of its proposed changes.
REP2-031-21	<p>Inadequate Attempts to Acquire by Agreement</p> <p>3.28 The above mentioned Guidance also sets out the duties of acquiring authorities in making attempts to acquire land by private treaty in advance of the exercise of compulsory purchase powers. Paragraph 2 of the Guidance states that acquiring authorities should be able to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement and to base negotiations on the compensation that would be payable if the land was compulsorily acquired. It goes on to say that compulsory purchase is intended as a “last resort”.</p>	Highways England has been making reasonable attempts to acquire land and/or rights as explained in the Compulsory Acquisition Schedule (REP2-016) and through discussions with the land agent. Please see REP2-031-25-26 below.
REP2-031-22	3.29 Paragraph 3 states that in order to reach early settlements, public sector organisations should make reasonable initial offers and be prepared to engage constructively about mitigation and accommodation works where relevant.	Highways England has been making reasonable attempts to acquire land and/or rights as explained in the Compulsory Acquisition Schedule (REP2-016) and through discussions with the land agent. Please see REP2-031-25-26 below.
REP2-031-24	3.31 HE has not taken reasonable attempts to acquire the land by agreement; it has not made any offers of any sort and has flatly refused to do so; and it has not engaged constructively about accommodation works.	Highways England disagrees with this statement, as set out in the responses below.
REP2-031-25	<p>3.32 With regard negotiations I have been contacted by Allan Chester of the Valuation Office Agency (“VOA”) who has requested that I undertake a valuation of my client’s land. My response to him is that my client is not a willing seller and is objecting to the compulsory acquisition of its land and that it would therefore be inappropriate for me to undertake a valuation of its land at this stage. I went on to say that despite my client’s reluctance to sell its land it would be willing to consider any offer put forward by HE and I invited Mr Chester to make an offer for the acquisition of GEL’s land included within the DCO.</p> <p>This request was made by emails to Mr Chester on 6 and 19 January 2021.</p>	<p>In a phone call between VOA and GE in April 2020, GEL was advised that Highways England would like to acquire land by agreement. GEL was advised to consider instructing an appropriate professional advisor and that the reasonable costs of this advisor would be reimbursed by Highways England, subject to the usual checks. It was explained that the advisor should provide a claimed figure for the land which should be submitted to VOA / Highways England.</p> <p>In October 2020, during initial email and telephone conversations between the VOA and Mr Bodley (GEL’s agent), it was made clear that Highways England was willing to discuss the value of GELs land interests with a view to early acquisition. It was requested via email dated 10 October 2020 that Mr Bodley provide his valuation of his clients’ land affected by the Scheme. In a subsequent phone call, Mr Bodley stated that as his client objects to the Scheme it would not be appropriate to discuss acquisition of his clients’ land by private treaty.</p> <p>In an email from Mr Bodley to Atkins design team dated 26 October 2020, it was confirmed that, “it would be inappropriate for us to progress private treaty negotiations until the objections submitted by my client and its tenant have been satisfactorily addressed.”</p> <p>In an email to the VOA from Mr Bodley dated 6 January 2021 he stated that, “given the deadline for responses is less than a month away this will be the focus of our attention over</p>

Reference	Written Representation Issue	Highways England Response
		<p><i>the coming weeks.</i>” The response refers to the further period of consultation. He further stated, <i>“On this basis it is not appropriate for me to submit to you a valuation of my client’s land at the current time as we are not currently in a position where we agree to sell it.”</i></p> <p>In the same email Mr Bodley states, <i>“As stated above I do not consider it appropriate for me to undertake a valuation at the current time and am certainly not prepared to do so until my fee basis has been confirmed”</i>. Given the contents of this email, the clear statement that Mr Bodley and his client would be concentrating on response to the consultation and the stated position that progress by private treaty could not be made whilst his clients remained in objection of the Scheme, it was appropriate to await contact from Mr Bodley when he and his client were in a position to discuss progress on a private treaty. On 19 January 2021 a further email was received by the VOA from Mr Bodley that requested a response regarding Mr Bodley’s fees.</p>
<p>REP2-031-26</p>	<p>3.33 Whilst I have not received anything in writing which directly responds to this request, I raised the matter again in a telephone conversation with Mr Chester on 27 January 2021. He stated that he would not undertake a valuation and that it was for GEL as landowner to undertake a valuation which he would review. I pointed out the fundamental flaw of this approach given that GEL was not a willing seller. I also explained the duties of an acquiring authority to make proper and reasonable attempts to acquire land and rights by agreement as set out in the Guidance. His response was that it was for the claimant to undertake the valuation which he would then review.</p>	<p>The VOA contacted Mr Bodley and discussed the reimbursement of his fees to his client for early engagement activities in relation to the Scheme. Agreement has been reached on the basis for reimbursement. Highways England has therefore ensured that GEL is able to receive professional advice on compulsory purchase matters relating to its land interests affected by the Scheme.</p> <p>Part of this professional advice includes advising GEL on the value of its land under “the compensation code”. As GEL’s professional valuer, Mr Bodley is in the best position to establish all relevant matters in relation to carrying out a valuation of that land in the most cost-efficient way. As Highway England, and therefore the public purse, is prepared to compensate GEL for this service, and Mr Bodley is best placed to carry out this work, it represents best value to the public purse for Mr Bodley to provide that valuation.</p> <p>As Mr Bodley stated to the VOA previously, and has stated in his Written Representation, his client, GEL, is not a willing seller and has stated this position a number of times since October 2020. As an unwilling seller, it is very unlikely that GEL would accept a valuation based on “the compensation code”.</p> <p>There is a very high potential risk, that providing an initial offer (without input from GEL or its professional advisors) to GEL that it may perceive as derisory, could cause difficulties to the relationship between GEL and Highways England and for GEL to withdraw from all early engagement work. This is a constant risk encountered in many cases of early acquisition.</p> <p>Highways England remains committed to seeking to negotiate for GEL’s interest, however an appropriate valuation from GEL is required before negotiations progress. Such a valuation will alleviate the risk of GEL withdrawing, aid efficiency and save the public purse unnecessary costs. The valuation figure should be supported by evidence and detail on how it has been calculated. The VOA will then consider the value put forward and assess whether it is a figure they are able to accept for recommendation to Highways England as an acquisition price. If it is not considered acceptable, the VOA will provide a figure to the landowner and further discussions may, or may not, follow.</p> <p>As set out in the Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (Sept 2013; DCLG): <i>“Applicants should seek to acquire land by negotiation wherever practicable.”</i> As set out above, Highways England has been making those attempts in compliance with the relevant guidance.</p>

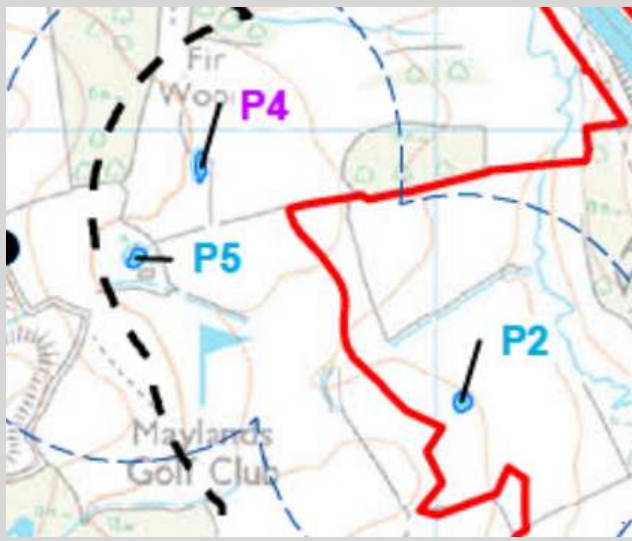
Reference	Written Representation Issue	Highways England Response
REP2-031-27	3.34 I would share this view if we were in a situation where the acquiring authority had confirmed compulsory purchase powers, however, we are currently at the stage of proceedings where this is not the case and HE, as acquiring authority, should be adhering to the government's best practice guidance of making proper and reasonable attempts to acquire by agreement. Mr Chester's response was that that was not the way the VOA do things and that they have never done things that way.	See comments above and below.
REP2-031-28	3.35 Whilst I did not receive a written response which directly addressed my request for Mr Chester to put forward an offer for the land, I received an email from Mr Chester later on 27 January 2021 which was predominantly dealing with matters related to my fees but it concluded by saying that before the commencement of any negotiation he would require the submission of a valuation fully supported by comparable evidence. The very clear implication from this is that he refuses to undertake a valuation himself and put forward an offer to purchase my client's land.	See comments above and below.
REP2-031-29	3.36 The approach to private treaty negotiations which is being adopted by the VOA, and therefore by extension HE, is outdated and does not reflect the Guidance that has been in place for at least the last 15 years. As someone that regularly acts on behalf of acquiring authorities, I am well aware of the obligations on those promoting compulsory purchase powers to make proper and genuine attempts to acquire land and rights by agreement prior to the making of an Order. This includes putting forward offers to purchase the land. The approach adopted by HE and the VOA falls along way short of this and is simply wrong.	<p>As set out in the Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (Sept 2013; DCLG):</p> <p><i>"Applicants should consider at what point the land they are seeking to acquire will be needed and, as a contingency measure, should plan for compulsory acquisition at the same time as conducting negotiations. Making clear during pre-application consultation that compulsory acquisition will, if necessary, be sought in an order will help to make the seriousness of the applicant's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations."</i></p> <p>Highways England has made clear that it is prepared to negotiate for GEL's land interest. As set out above, GEL has yet to provide a valuation which is required to progress those negotiations. Highways England has included all of the land required for the Scheme within its Order limits but remains committed to engaging with GEL in order to reach an agreement. GEL will be aware that valuation and compensation matters fall to the First Tier Tribunal, and not the Secretary of State.</p> <p>This collaborative approach to private treaty negotiations has been used by the VOA and Highways England on numerous other infrastructure schemes across the country.</p> <p>The well precedented approach adopted by Highways England and the VOA is to contact the landowner, agree agent fees, ensure the landowner is fully aware that Highways England are in a position to acquire by agreement and invite the landowner to submit a claimed figure. The responsibility of the representing agent, who's fees are being met by Highways England, is to submit a fully supported claim.</p>
REP2-031-30	3.37 HE has clearly failed in its duty to make proper attempts to acquire the land by agreement.	In the circumstances of this case, Highways England has made proper attempts to engage with GEL and acquire its land by agreement but has been advised that GEL is not willing to sell the land. As set out in the Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (Sept 2013; DCLG): <i>"Applicants should seek to acquire land by negotiation wherever practicable."</i> Highways England remains committed to acquiring GEL's land by agreement but requires GEL to engage as to its valuation for such an agreement to be practicable.
REP2-031-33	4.3 HE has not demonstrated a compelling case in the public interest to justify the use of compulsory purchase powers in this case. The intended use of compulsory purchase powers	Highways England remains firmly of the view that there is a compelling case in the public interest for the compulsory acquisition and temporary possession powers sought in the d

Reference	Written Representation Issue	Highways England Response
	<p>is therefore premature and not proportionate and its making constitutes a breach of Section 6 of the Human Rights Act 1998 and Article 1 of the First Protocol of the European Convention on Human Rights.</p>	<p>DCO (REP2-002). As set out in Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (Sept 2013, DCLG) (the CA Guidance) the Secretary of State will need to be persuaded that there is there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. The need for and benefits of the Scheme are set out in the Case for the Scheme and schedule of accordance with National Policy Statement (APP-095).</p> <p>As set out in the Statement of Reasons (APP-019), Highways England's compulsory acquisition powers are proportionate and not premature. Compulsory powers have been included in the dDCO (REP2-002) from the outset in the event that it does not prove possible to acquire land by agreement. This is in line with the CA Guidance.</p> <p>Highways England has considered the Human Rights Act and the European Convention on Human Rights. The Statement of Reasons (APP-019) sets out how the Scheme complies with the legislation notwithstanding any infringement of the private rights of those whose interests in the land may be affected by the exercise of powers of compulsory acquisition and temporary possession.</p>
<p>REP2-031-34</p>	<p>4.4 My client request that the compulsory acquisition powers sought in the DCO should not be confirmed in their current form.</p>	<p>Highways England remains committed to seeking to acquire land from GEL by agreement, failing which, it will seek to rely on the compulsory powers within the draft DCO.</p> <p>Without the grant of compulsory acquisition and temporary possession powers, Highways England considers that it will not be possible to construct the Scheme, or realise the public benefits arising from it.</p>

REP2-032 Keith Murray Consultants Ltd on behalf of Luddington Golf Ltd

Reference	Written Representation Issue	Highways England Response
REP2-032-2	1.7 Additionally LGL occupies other land under Licence, first granted in October 2005, adjacent to Maylands which land is used as a practice ground for all members of Maylands and for the provision of lessons by the golf professional of Maylands.	Highways England has not previously been made aware of this licence, notwithstanding a number of requests by Highways England to LGL to provide information about its property interests. In regard to Highways England's understanding of the status of the practice area, please refer to the response to point ii) of point PC 1.5 in the Applicant's response to Examining Authority's First Written Questions (REP2-011).
REP2-032-4	1.9 The permanent acquisition of Plot 1/12 results in the loss of Hole 2 of Maylands which if left at this would effectively result in the closure of Maylands as very few, if any, golfers would wish to play on a 17 hole golf course. In consequence the Applicant proposes to undertake accommodation works so as to reconfigure Maylands and thereby maintain it as an 18 hole golf course ('the Applicant's Solution').	Point i) of point PC 1.4 in the Applicant's response to Examining Authority's First Written Questions (REP2-011) sets out the impact of the proposed acquisition for plot 1/12.
REP2-032-5	<p>1.10 Maylands does not consider that the Applicant's Solution provides either an adequate or a cost-effective reinstatement of Hole 2. Maylands therefore commissioned Weller Designs Ltd, leading golf course architects, to both comment upon the Applicant's Solution and provide an alternative solution ('the Weller Solution'); the report of Weller Designs Ltd being attached as Appendix 1 to this representation.</p> <p>1.11 The Applicant's Solution encroaches within the protection zone of an endangered species, vis Great Crested Newts, which is situated within the golf course. The Weller Solution avoids such encroachment. This aspect is considered in greater detail later in this representation.</p> <p>1.12 This representation therefore considers each of the above aspects in turn vis:</p> <ul style="list-style-type: none"> • Comparison of the Applicant's Solution and the Weller Solution, Encroachment into the protected zone of an endangered species 	<p>In response to the comparison between two options, please refer to the response to points 2.1 to 2.12 below.</p> <p>In response to the comments regarding Great Crested Newts, please refer to the response to points 3.1 to 3.7 below (REP2-032-14).</p>
REP2-032-6	1.14 Finally this representation gives consideration to the overall viability of the Applicant's Solution in comparison with the Weller Solution.	In response to the comments regarding viability, please refer to the response to points 4.1 to 4.9 below (REP2-032-15 to REP2-032-22)
REP2-032-9	<p>2.5 It is also preferable that the reinstatement can take place without causing the temporary closure of Maylands. As the Weller Report notes, the Applicant's Solution will require a course closure on safety grounds.</p> <p>2.6 Hole 2 is a par 3 hole, ie it is anticipated that anyone playing the hole will land their ball either directly on the putting green, or at least be aiming at doing so. The Applicant's Solution requires the construction of a new teeing ground, this being a defined area where the play of each hole commences, immediately in front of the existing Hole 2. It is inconceivable therefore to imagine that normal play can be permitted during the period when the new teeing ground required by the Applicant's Solution is being constructed.</p>	Highway England considers that it would be possible to construct the proposed replacement golf hole without interruption to play or the need to close the existing golf hole. The new green area can be built offline from the existing hole and the construction of the new tee areas, given the limited quantum of works, could be constructed in co-ordination with the club to avoid the need to close the hole. This is considered to be common practice within golf courses where new tee areas are constructed that do not require course closures.
REP2-032-10	2.7 In contrast, the Weller Solution requires no course closure. Due to the manner in which the Weller Solution has been designed, all the existing holes remain in play whilst all construction work necessary to adapt the course to the loss of Hole 2 takes place at a safe distance away from the active playing areas. Once the construction work is complete the direction of play is then altered, without need for any course closure.	Highways England notes the statement that LGL consider their option could be constructed without the need for course closures. Having reviewed the option, Highways England would question this however notes that the course could be played with the application of temporary greens on holes affected by construction works.

Reference	Written Representation Issue	Highways England Response
REP2-032-11 REP2-032-12	<p>2.8 However it is also essential that the actual positioning of the reinstated Hole 2 is not such that it restricts the speed of play for two reasons being:</p> <ul style="list-style-type: none"> i) Delaying the speed of play at only the second hole on the course will result inevitably in rounds of golf taking longer for all players, consequently less players per day. ii) If golfers are presented with a course where one of the earliest playing holes delays play, any such delay serves to break the rhythm of play and consequently lessens the attraction of such a course to any golfer. <p>2.9 Furthermore, any restriction on the speed of play becomes critical when it comes to playing at the higher levels of golf. In the past Maylands has been the venue for European tour events of the Professional Golfers Association but if progress of play is impeded at such an early stage, which will be the effect of the Applicant's Solution, that will not be acceptable to the PGA tour and therefore rule out any future PGA tour use of Maylands as a venue. Such events bring in revenue for a golf course; both directly from spectators etc on the days of play but also indirectly from golf societies wishing to play one of the PGA 'tour' courses.</p>	<p>Highways England notes the concern raised regarding a delay to play. As such, Highways England is proposing potential changes to the Scheme which have been submitted at Deadline 3a (TR010029/EXAM/10.1). Change 3 relates to the accommodation works for the golf course which have been amended to introduce a boardwalk which would allow players to walk back from the second green to the third tee and avoid the second fairway thereby reducing any potential delay to play.</p>
2.10 - 2.12 REP2-032-13	<p>2.10 One final aspect of the Applicant's Proposed Development is very relevant in the context of Maylands.</p> <p>2.11 The Proposed Development requires the compulsory acquisition of a substantial area of land immediately to the east of Maylands and results in a new slip road being constructed immediately parallel to the Maylands boundary. This area of land is inhabited by wild deer consequently the concern of Maylands is that the Proposed Development will effectively force the deer towards Maylands and whilst the presence of wild deer might seem an attractive feature, the fact is that they are always liable to cause significant damage; in terms of both damage to the putting greens through grazing and damage to young shrubs, trees etc</p> <p>2.12 LGL therefore requires the Applicant to undertake to provide deer fencing along the entire eastern boundary of the land demised to LGL which comprises Maylands.</p>	<p>Highways England is aware of the large local deer population which uses land within the DCO boundary and through Maylands Golf Club and Dagnam Park.</p> <p>The inclusion of a deer fence directly along the eastern boundary of Maylands Golf Club would not prevent deer from accessing the golf course from Dagnam Park and land to the north, west and south of the golf course.</p> <p>The primary focus of any deer fencing used within the design will be the safety of road users. The provision of deer fencing will be developed during the detailed design phase of the Scheme.</p>
3.1 – 3.7 REP2-032-14	<p>3.0 Encroachment into the protected zone of an endangered species</p> <p>3.1 The Applicant's Solution that is critiqued in the Weller Report is in fact the second solution proposed by the Applicant to reinstate Hole 2.</p> <p>3.2 Due to the proximity of an area of land designated as a protected zone on account of the presence of a colony of Great Crested Newts, an endangered species, the first 'solution' proposed by the Applicant necessitated an unacceptably long walk between the putting green of the new Hole 2 and the teeing ground of Hole 3. Additionally, in order to avoid encroaching into the protected zone, it was necessary for the golfers that had just played Hole 2 to return along the direction of play, ie towards the following group of golfers about to play that same hole, before diverting towards the teeing ground for Hole 3; the alternative being an even longer travel distance due to the need to almost circumnavigate the protected zone.</p> <p>3.3 Quite obviously it would be unsafe for the following group of golfers to commence their play of Hole 2 whilst the previous group was walking back towards them consequently at a very early stage of the round of golf there would be an enforced and unacceptable delay to play. In consequence of LGL's Initial objects to the Applicant's proposals, the Applicant has produced a further proposed solution, this being the present Applicant's Solution.</p>	<p>Both the Highways England and LGL preferred option affect terrestrial habitats which could be used by great crested newts due to their proximity to ponds where great crested newts have been recorded. Highways England option includes works close to one pond (referred to as pond P2 in the great crested newt report, APP-065). The LGL preferred option does not lie as close to any pond but includes works which lie between pond 2 and two other ponds where great crested newts were recorded on the golf course (ponds P4 and P5). The locations of the ponds are shown in the image below.</p> <p>A licence to affect great crested newts and their habitats can only be issued by Natural England where there is no satisfactory alternative. Both Highways England's option and LGL preferred option affect terrestrial habitats which could be used by great crested newts and both would require a licence from Natural England to proceed. Both Highways England's option and the LGL preferred option are considered by the Highways England to be mitigable and licensable. The actual distance from pond 2 was not the deciding factor in which option to take forward (although avoidance of direct impacts on aquatic habitat of any pond were a key design consideration). The decision not to progress with the LGL preferred option is set out in Highways England's response to Relevant Representations (RR-019 -4 (REP1-002)). These other factors which influenced the decision are considered by the Highways England to outweigh the proximity of Highways England's solution to pond 2.</p>

Reference	Written Representation Issue	Highways England Response
	<p>3.4 In order to both try to avoid restricting the speed of play and create a safer route to Hole 3, the Applicant proposes that a 'boardwalk' combined with a gravel path is to be created as a way of enabling golfers to take a somewhat shorter route between the green of Hole 2 and the teeing ground of Hole 3. But the Applicant's Solution routes both through the recognised protection zone of the colony of Great Crested Newts; the gravel path being on firm ground whilst the boardwalk is a raised structure that bridges over the newt pond.</p> <p>3.5 LGL has not been provided with any detailed drawings of the boardwalk but its understanding is that this will be a wooden structure, obviously raised above the prevailing ground level in order to bridge the newt pond. It will have to be a structure of some substance as not only must it carry the weight of a group of four golfers each with their golf trolley to carry their clubs passing along it, but must also be sturdy enough to support the weight of potentially two 'golf buggies'; these being the electric vehicles each designed to carry two seated golfers and their equipment and a facility favoured by many older players. In discussion, the Applicant has indicated that the boardwalk will be wide enough to enable two golf buggies to pass each other safely so we are talking of something some 3 metres in width and for safety purposes it will have to have side barriers to prevent golfers and/or a golf buggy slipping off the edge and into the pond. All of which will represent an additional maintenance liability for Maylands.</p> <p>3.6 None of LGL's advisers are expert in the matter of Great Crested Newts but its understanding from research via Google is that although it is not believed that the newts can hear as such, they are sensitive to vibration and have been observed to react to a sudden increase/decrease in sound; such as might be experienced by a newt beneath the boardwalk at the moment a golf buggy passed overhead.</p> <p>3.7 The Applicant's Solution uses the boardwalk as a means of reducing the unacceptably lengthy walking distance between the two golf holes in question created by the Applicant's adherence to its view of how the lost Hole 2 should be reinstated. But LGL considers it not unreasonable to comment that if the roles were reversed and it was Maylands rather than the Applicant that was putting forward a proposal to encroach into a protected zone by the construction of such a structure with its likely need for further intrusion into the protection zone for regular maintenance, any such proposal by Maylands would be vetoed immediately on environmental grounds.</p>	<p>LGL's Written Representation (REP2-032) makes some specific points regarding the design of the Highways England's option, which are responded to below:</p> <ul style="list-style-type: none"> Paragraph 3.2: It is assumed that the land described as a 'protected zone' by LGL refers to the 50m buffer line from the pond indicated by Highways England on drawings provided to LGL. This land is not subject to any formal designation in relation to great crested newt but indicates a 'core' area around the pond where individual great crested newts are more likely to be present in suitable terrestrial habitat and accordingly subject to more stringent expectations in the licencing process. Great crested newt typically use suitable terrestrial habitat up to 500m from a breeding pond. However, there is a decrease in newt abundance the further the terrestrial habitat is from the breeding pond, with a notable decrease in abundance beyond a distance of 250m from a breeding pond. Paragraph 3.4: LGL's Written Representation refers to a proposed bridge over the pond. No bridge or structure over the pond is included in Highways England's option. The proposed wooden boardwalk would be constructed south east of the pond, as shown in Figure 7 of Highways England's non-targeted consultation, which is appended to LGL's Written Representation (REP2-032). Paragraph 3.6: The boardwalk will be designed for golf course users. While it would be constructed in a manner which may provide opportunities for sheltering great crested newts, it is not designed to specifically offer shelter to great crested newts. If vibration makes it unsuitable for sheltering, newts will not use it. Other sheltering opportunities will be provided as part of the mitigation design for great crested newts. <p><u>Location of ponds used by great crested newt</u></p> <p>The image below shows the location of ponds where great crested newts have been recorded close to the golf course accommodation works (ponds P2, P4 and P5). This image is an extract taken from the great crested newt survey report (APP-065, Figure 1).</p> 

Reference	Written Representation Issue	Highways England Response
REP2-032-15 – REP2-032-18	<p>4.0 Viability</p> <p>4.1 LGL’s final objection to the DCO as drafted is on the grounds of viability.</p> <p>4.2 Viability cannot to be judged simply by comparing the cost of the Applicant’s Solution versus the cost of the Weller Solution. Viability can only be judged by having regard to the likely entire cost of a project; and particularly when it is the public purse that is funding a project.</p> <p>4.3 It is readily acknowledged that addressing the actual quantum of statutory compensation is not a matter for this Examination however viability in general is such a matter; particularly so, it is suggested, when it is the overall cost to the public purse that is in issue. By definition this means that the Applicant should be required to be conscious of the likely compensation implications of the Applicant’s Solution in comparison with the Weller Solution; the latter being the solution which LGL believes will have far less financial impact in compensation terms and hence in cost to the Applicant.</p> <p>4.4 Attached as Appendix 2 is a comparative costing prepared by Mr Christopher Foreman whose credentials to produce such a report are stated at the beginning thereof.</p> <p>4.5 It is readily acknowledged that some losses will be incurred whichever solution is adopted. For example the temporary loss of an important part of the practice area impacts equally upon both the Applicant’s Solution and the Weller Solution. However from a golfing perspective it is considered that the Applicant’s Solution so damages the playing characteristics of the golf course that there is likely to be a considerable loss of future revenue; which loss Maylands will be entitled to recover as compensation. Indeed these losses have already started to accrue as during this shadow period, ie the lead-up to the DCO, Maylands has already experienced members leaving due to their uncertainty as to the future existence of Maylands. However some costs are quite clearly solution-specific.</p> <p>4.6 In terms of the construction cost of the two proposed solutions to resolve the loss of Hole 2, Mr Foreman is of the opinion that the Weller Solution is some £20,000 more costly than the Applicant’s Solution. However having given consideration to the impact upon Maylands of the Applicant’s Solution when compared with the Weller Solution, it is Mr Foreman’s opinion that the Applicant’s Solution is likely to result in a substantially greater claim for statutory compensation than will the Weller Solution.</p>	<p>Highways England has been unable to make any assessment of the cost of the LGL preferred option until it received the LGL Written Representation (REP2-032) at deadline 2. as no information regarding the costings have been provided despite being requested.</p> <p>On review of the costings provided in the Written Representation, they appear conservative in a number of areas. Highways England questions whether ground conditions, availability of materials, drainage or tree clearance for example have been considered in the calculation of the costs provided.</p> <p>As noted in the response to REP2-032-9above, it is considered that the implementation of the LGL preferred option would require temporary course arrangements and temporary greens. An inconvenience cost of £20,000 has been provided however no clear explanation of this cost has been given.</p> <p>From a golfing perspective, it is considered that the option put forward by Highways England for the replacement hole would provide a solution of suitable quality and the playing characteristics of the golf course would be maintained.</p> <p>With regard to any loss incurred by the golf club, if any loss is found to be a direct result of the Scheme, compensation would be appropriate. Any claims would, however, need to be supported and proved by the claimant with appropriate evidence.</p> <p>Highways England does not agree that the LGL preferred option would constitute a cheaper proposal than the option put forward as part of the dDCO and in the non-targeted statutory consultation.</p> <p>Notwithstanding the above, Highways England propose to continue to engage with LGL regarding the proposed costs and scope of the accommodation works to reach a mutual agreement.</p>
REP2-032-19	<p>4.7 Maylands will lose revenue during the course closure necessitated by the Applicant’s Solution, which closure is not necessary under the Weller Solution, resulting in a claim for compensation of some £60,000. This single head of claim unique to the Applicant’s Solution exceeds substantially the extra cost of the Weller Solution by a healthy margin.</p>	<p>Please see the response to REP2-032-9above</p>
REP2-032-20 -REP2-032-22	<p>4.8 The annual cost of maintaining the boardwalk, a head of claim similarly unique to the Applicant’s Proposal, is estimated at £3,000pa; to be incurred potentially by Maylands for the 83 years unexpired term of its lease.</p> <p>4.9 Quite clearly therefore, only having regard to these two additional costs to Maylands, both unique to the Applicant’s Solution and both carrying an entitlement to statutory compensation, indicates that the Applicant’s Solution is overall more costly to the public purse than the Weller Solution. Or to put it another way, the Weller Solution is more viable in financial terms than the Applicant’s Solution and therefore the Weller Solution should be adopted.</p>	<p>The cost of maintaining the boardwalk would be considered in determining an appropriate level of compensation.</p> <p>Highways England disagrees that the LGL preferred option would constitute a cheaper option however Highways England will endeavour to engage with LGL regarding a mutually agreeable way forward and appropriate compensation.</p>

Reference	Written Representation Issue	Highways England Response
REP2-032-23	<p>5.0 Request of the Examining Authority</p> <p>5.1 If within the power of the Examining Authority to do so, LGL asks that it requires the Applicant to adopt and fund the implementation of the Weller Solution.</p>	<p>For the reasons set out above, Highways England disagrees that the LGL preferred option would constitute a cheaper option, however Highways England will endeavour to engage with LGL regarding a mutually agreeable way forward and appropriate compensation.</p>
REP2-032-25	<p>Summary of Written Representation</p> <p>1.1 Luddington Golf Ltd ('LG') objects to the compulsory acquisition as part of its leasehold interest without having first agreed with Highways England ('the Applicant') appropriate accommodation works so as to maintain the present playing standard of its golf course.</p>	<p>Highways England is committed to continuing discussions with Luddington Golf Limited (LGL) with a view to reaching a mutually agreeable solution.</p>
REP2-032-27	<p>1.3 The accommodation works proposed to date by the Applicant ('the Applicant's Solution') are unsatisfactory because the Applicant's Solution:</p> <p>Un-necessarily encroaches with the protection zone of an endangered species</p>	<p>Refer to response REP2-032-14 above.</p>
REP2-032-28	<p>a) Creates an un-safe playing environment.</p>	<p>As noted in the response to PC 1.4 of Highways England's response to Examining Authority's First Written Questions (REP2-011), it has been explained to LGL that the proposed accommodation works are considered to provide a safe and playable golf hole.</p>
REP2-032-29	<p>b) Will un-necessarily increase playing time and therefore result in less players being accommodated on the course at any one time.</p>	<p>As noted in the response to PC 1.4 of Highways England's response to Examining Authority's First Written Questions (REP2-011), the proposed change to the golf course accommodation works to construct a boardwalk has been introduced to limit and delay to playing time.</p>
REP2-032-30	<p>c) Will un-necessarily increase the maintenance costs of the course.</p>	<p>The costs of the accommodation works would be accounted for when considering compensation.</p>
REP2-032-31	<p>d) Overall, both in terms of the cost of the Applicant's Solution and the cost to the Applicant in terms of the statutory compensation likely to be payable to LGL, represents a more costly approach than that proposed by LGL ('The Weller Solution').</p>	<p>Highways England disagrees with this statement and would question the completeness and accuracy of the cost exercise undertaken. Notwithstanding this, Highways England will endeavour to continue discussions with LGL to reach a mutually agreeable position.</p>
REP2-032-33	<p>Weller Design Impact Assessment of The Proposed M25, Junction 28 Improvements On Maylands Golf & Country Club - Response to Highways England letter of 10 December 2020 proposing how Maylands Golf Course should be altered</p> <p>1 Background</p> <p>1.1 Introduction</p> <p>1.1 .1 As part of the consultation process Weller Designs Ltd submitted a report (10th April 2019 plus addendum dated 15th July 2019) considering the potential impacts of the new slip road for the M25 / A12 interchange on Maylands Golf Club.</p> <p>1.1.2 Highways England subsequently issued a response to the above submission on the 30th January 2020. This letter included additional information from an independent golf course consultant providing an alternative consideration for re-routing the golf course in response to the proposed highway development.</p> <p>1.1.3 A formal response to the details provided by Highways England in their letter of the 30th January 2020 is set out in appendix G.</p>	<p>Highways England agrees that this is a fair summary of the correspondence between the two parties. A response to individual points is provided below.</p>

Reference	Written Representation Issue	Highways England Response
	<p>1.1.4 However following further liaison between Maylands Golf Club and Highways England further proposals were put forward by Maylands Golf Club (see appendices C,D,E (referred to "Weller" Solution" in following text). A further design amendment to their preferred scheme was also proposed by Highways England (referred to as "Applicants Solution" in following text), essentially incorporating a large "boardwalk" structure, (see Appendix A and B) in response to concerns raised by Maylands GC and Weller Designs over safety and course operation.</p> <p>1.1.5 It is still maintained by Maylands Golf Club that the Weller Solution (in appendices C,D,E) represents a far better alternative to the latest Applicants Solution.</p> <p>1.1.6 The following section detail why Maylands GC still maintain that the latest proposals put forward by Weller Designs are far superior to the Applicants Solution.</p>	
<p>REP2-032-34 – REP032-35</p>	<p>2.2 Weller Designs Comments on Applicants Solution</p> <p>2.2.1 Note See Applicants Solution in Appendix A and B. Weller Solution see Appendix C and D)</p> <p>2.2.2 The introduction of the boardwalk and path does not solve the safety issue and will slow play up whilst golfers have to wait for the path to clear.</p> <p>2.2.3 The path / boardwalk lies within the "safety cone" for stray shots to the left. Safety guidance can prove this to be more unsafe than the current set up which cannot therefore be regarded as a like for like replacement.</p> <p>2.2.4 Maylands GC has a serious issue with basically playing the hole and then literally walking back the same hole to play from the third tees (the desire line is straight back down again and golfers will take shortest route back to the back of the third tees).</p> <p>2.2.5 Whether examples of this path / boardwalk setup are available is immaterial (there are examples of idiosyncrasies in golf everywhere). The bottom line is the proposal makes the course less safe and the walk back at best irksome and operationally disruptive, at worst off putting to members and visitors of the course standing and therefore a significant negative impact on revenues and market value (in a challenging golf market).</p> <p>2.2.6 Safety is the number one concern to Maylands GC. It is the number one concern of all architects. Designers should try and design out safety issues where possible not make them worse. Signage and getting the walkers to circumnavigate a tedious route to the next tees is not acceptable to Maylands GC. Additionally this will cause large delays to the round and the creation of a 'bottle neck' whilst the following golfers wait for the walk back, and so very early on in the round.</p>	<p>As noted in the response to PC 1.4 of Highways England's Applicants response to Examining Authority's First Written Questions (REP2-011), it has been explained to LGL that the proposed accommodation works are considered to provide a safe and playable golf hole.</p>
<p>REP2-032-36</p>	<p>2.2.7 The path / boardwalk of some 80m necessitates an on-going and substantial maintenance issue / cost.</p>	<p>The costs of the accommodation works would be accounted for when considering compensation.</p>
<p>REP2-032-37</p>	<p>2.2.8 The introduction of the 'environmental bund' if, as quoted in the Highways England (HE) brochure, is going to be circa 2.5m, such a height will not provide a visual screen to lorries and it is questionable, as regards noise impact, it will have a great effect (no evidence of revised acoustic study has been provided by HE) especially as it is well known by acoustics engineers that there is a correlation between traffic noise and seeing the actual traffic movements which makes the perceived noise greater.</p>	<p><u>Responses on visual screening and noise matters are provided below:</u></p> <p>Highways England are is proposing potential changes to the Scheme which have been submitted at Deadline 3a (TR010029/EXAM/10.1).</p> <p><u>Landscape:</u></p> <p>The photomontages that represent Viewpoint D (TR010029/EXAM/ 10.13) Maylands Cottages also represents the view that would be obtained by users of the practice area. The photomontage demonstrates that the 2.5m high environmental bund would provide an</p>

Reference	Written Representation Issue	Highways England Response
		<p>effective visual screen of passing traffic along a significant portion of the western loop road. This screening value will be further enhanced once the proposed woodland belt has matured. The visual screening benefits of the environmental bund would not extend to users of the existing/proposed hole two as its location would be in position to the south east that would be outside of the visual envelope for these users. For users of this hole construction activity of the Scheme and early years of operation would be visible but proposed woodland planting will by year 15 provide a visual screen as is demonstrated in Landscape and visual figures - photomontages viewpoint C (Maylands Golf Course Hole Two) (AS-004)</p> <p><u>Noise:</u></p> <p>The noise changes from the proposed bund are shown in an update to Chapter 6 of the ES (TR010029/EXAM/10.6), submitted at Deadline 3a. Detailed noise modelling has been undertaken following the preparation of the consultation documentation. The bund is now shown to result in very limited noise benefits.</p> <p>The noise assessment methodology used for the assessment does not take visual aspects into account, and there are no standard methodologies for assessing changes in perceptions of noise following changes in view.</p>
REP2-032-38	2.2.9 The HE hole is still in the vicinity to the new highway which Wellers Solution is not, indeed the proposed preferred design takes the hole in a direction away from the new motorway so golfers will not see the road.	<p>The visual impact of the Scheme on the users of the golf course has been assessed and summarised within Chapter 13 of the ES (APP-035). As set out in Table 13.27, during the construction phase, there is expected to be a moderate adverse visual impact however this is considered to be the case regardless of which option for the replacement hole is taken forward.</p> <p>In regard to the operation phase of the Scheme, Table 13.28 notes that no significant adverse impacts are expected as a result of the option put forward in the dDCO.</p>
REP2-032-39	<p>2.2.10 It is important to highlight the fact that Maylands Golf Club was designed by Harry Colt who was an eminent golf course architect and responsible for many of the most famous courses in the UK. To this end the Applicants solution as an inferior option to the Weller solution further erodes the historical quality and the integrity of the course given the negative effect of the general environment / ambience created by Highways England junction proposal.</p> <p>2.2.11 It can be assumed that the knock on effect of this eroding of the courses historical design as laid out by Harry Colt will have an effect on the sustainability of the operation of the course as a business with loss of membership, Societies and regional professional events.</p> <p>2.2.12 Maylands GC rightly plays on this fact and the courses historical prowess for its membership and Society interest. A loss of design quality by having an inferior hole (as proposed by the applicant) on top of the encroachment of the whole motorway junction can only negatively affect the design integrity of the course and its attraction to golfers</p>	As noted in the response to PC 1.4 of Highways England's response to Examining Authority's First Written Questions (REP2-011), Highways England's option would allow for a replacement hole that is of equal playing length from each tee (women's, men's and competition tee) as the current hole and would be comparable in terms of playability and difficulty.
REP2-032-40	2.2.13 The HE letter covers Greenbelt matters. This is non sensical as the creation of "artificial" golf hole right next to the main visual receptor ie passing passengers on the road would have a far greater impact than if it were just left as naturalistic grassland and the newt pond (without a bridge going over said newt pond). The negative effect on the openness of the Greenbelt argument is more relevant to the applicants solution than the Weller Solution which essentially stays much closer to the curtilage of the existing course and is further way from the visual receptors of the road. NB The Weller Solution only takes up circa 4700m2 of new third party land, the applicants solution takes up double this space.	Please refer to the response to point PC 1.4 of the Applicant's response to Examining Authority's First Written Questions (REP2-011).

Reference	Written Representation Issue	Highways England Response
	<p>2.2.14 The HE letter mentions an inclusion of earth bund affecting openness of the Greenbelt. This does not need to form part of the Weller Solution. It was suggested as a means of perhaps utilising the spoil that came from the motorway build in a positive manner. ie screening.</p> <p>2.2.15 To bring Greenbelt into the argument is disingenuous firstly because the new road is by far the greater impact and also because an original proposal for a nine hole course, in the same area as the Applicants solution, was turned down by the inspector on appeal for openness of Greenbelt reasons.</p>	
REP2-032-41	2.2.16 The land take of the Weller Solution is half of that of the Applicants Solution. Whilst there is additional tree clearing for the proposed Maylands third hole, more trees can be planted elsewhere or indeed coppiced to play over	Highways England does not accept that the LGL preferred option would involve half the land take of the Highways England option. From the detail provided in the Written Representation from LGL (REP2-032), it is not that woodland loss has been adequately mitigated through replacement planting.
REP2-032-42	<p>2.2.17 The applicants proposal takes the course (including a bridge) and golfers, with its incumbent human disturbance , fertilisers , herbicides , pesticides (normal cultural practices for green maintenance) closer to the existing newt pond so this can only be considered a sub optimal arrangement when the newt pond could remain completely remote and unaffected by nearby human activity.</p> <p>2.2.18 It is not acceptable to place a significant structure (essentially a bridge where two vehicles can pass) over a newt pond when easier options are available.</p> <p>2.2.19 The Weller Solution releases new ecology and planting / transplanting within the existing golf course creating even greater wildlife corridors within the course itself and does not affect the newt pond.</p>	<p>Detailed design of the Highways England's option would include measures to avoid any runoff of fertiliser, herbicides or pesticides into the existing pond.</p> <p>No bridge or structure over the pond is included in Highways England's option. See response to REP2-032-14 above.</p> <p>The LGL preferred option indicates areas where habitat suitable for great crested newt could be created on what would be redundant areas of the golf course (fairway for existing hole 3). These could improve a corridor through part of the golf course which could be beneficial to newts and other wildlife. However, that land outside the DCO boundary.</p>
REP2-032-43	2.2.20 With regards to costs of construction there seems to be relatively little difference between the two schemes and Maylands GC are confident that a cost analysis and specification can be implemented for their scheme that would be minimal, in comparison to the wider scheme.	Please see response REP2-032-31 above.
REP2-032-44	2.2.21 The HE letter implies that Gas Main works in the future would be disrupted by Maylands GC proposal. The gas main isn't close to the 3rd hole proposal and even if it were the hole could be designed to allow ease of access and flexibility. It certainly wouldn't cause course closures and great disruption.	<p>Highways England notes that the reasoning for providing a replacement hole stems from the proposed permanent acquisition of plot 1/12 as a result of the need to provide Cadent Gas with an easement over the land in order to access their asset in the diverted high-pressure gas main.</p> <p>Highways England has raised the question as to whether the LGL preferred option would interact with any easements for the existing Cadent Gas main as this would need to be avoided with any potential replacement hole design.</p>
REP2-032-45	2.2.22 The Applicant Solution put forward an argument that less tree clearance was required. However the Applicants Solution requires the removal of some quite mature trees whereas the Weller solution only requires the removal or coppicing of relatively immature trees on the proposed 3rd hole.	<p>Highways England's option which has been put forward as part of the dDCO would not require any tree clearance. While there are a couple of trees situated within the accommodation works area, these can be incorporated into the design of the hole and do not require removal.</p> <p>Highways England notes that any removal of trees would need to be adequately mitigated through appropriate replacement tree planting.</p>

Reference	Written Representation Issue	Highways England Response
REP2-032-46	<p>2.2.23 The right side boundary on the Applicants solution is only 20 degrees off the tee angle so balls will go into third party land (30 degrees safety buffer tends ensure no balls leave a golf course site onto third party land).</p> <p>2.2.24 NB Given the above it is estimated that 2% of balls going into third party land (based on 20000 rounds per year) could mean circa 400 balls escaping the golf course boundary every year.</p> <p>2.2.25 The owners of the land on the right of the Applicants solution will have to accept golf balls coming onto their land, or will they in the future force the golf club to put netting up , change the hole etc.?? Weller Designs have come across situations where some owners just don't want any golf balls on their land (even if fields) and will enforce a change to the course design.</p>	<p>Highways England notes that this situation would occur with either of the proposed options. Plot 1/10 lies on the right-side boundary of the proposed accommodation works and is proposed to be permanently acquired by Highways England as part of the Scheme. Highways England acknowledge that there may be instances of golf balls entering this land.</p> <p>However, it should be noted that the accommodation works have been designed to ensure that a sufficient distance is provided between the highway boundary and the accommodation works to ensure that the proposal is a safe distance away.</p>
REP2-032-47	<p>2.2.26 A significant downside to the Applicants Solution is the fact that the practice ground gets lost for a lengthy period of time.</p>	<p>Please refer to the response to point PC 1.5 of the Applicant's response to Examining Authority's First Written Questions (REP2-011).</p>
REP2-032-48	<p>2.2.27 In order to create the Applicants solution the current 2nd hole will have to close whilst construction work is carried out which will disrupt the course operation and revenue. The hole will need to close because the new hole effectively crosses the old hole at right angles so anyone working in this area, whilst the hole is in play ,will be liable to be hit by golf balls. It will be an unsafe environment within which to work.</p>	<p>Please see response to REP2-032-9 above.</p>
REP2-032-49	<p>Summary</p> <p>2.3.1 Clearly Weller Designs solution (see Appendix C and D) put forward by Maylands GC is by far and away the preferred option for all of the above reasons. Weller Designs think with the right design, management and planting the land take is reduced and removal of existing grassland vegetation on the right side of the proposed 2nd hole is negligible</p>	<p>A summary of Highways England's position on the option for the replacement golf hole is set out in point PC 1.4 of the Applicant's response to Examining Authority's First Written Questions (REP2-011).</p>
REP2-032-50 - REP2-032-51	<p>2.3.2 Changing the angles of play and shortening the holes from the previous iteration (see appendix E "Land raising Option), is not ideal but workable in the circumstances and allows for much less disturbance to existing vegetation. The greater land take was proposed to allow for spoil to be placed on the right of the 2nd hole to screen the new motorway junction. Whilst this option is the preferable one and works well on its own merits C&D are workable and would be accepted by the Club.</p> <p>2.3.3 The proposed 3rd hole can literally be a carry over the existing grassland given that it is being made shorter. Though tree removal is still necessary they can be replaced with coppiced trees / scrubland / grassland to carry over. NB There is space made available through this proposal for additional native planting habitat connection etc i.e. old 3rd fairway at northern end.</p>	<p>It is noted that LGL are no longer proposing the option presented in Appendix E of the Written Representation (REP2-032).</p> <p>In regard to proposed tree loss, it should be highlighted that any tree loss proposed with the LGL preferred option would need to be adequately mitigated through replanting.</p>
REP2-032-52	<p>2.3.4 The Applicants Solution produces challenges operationally and safety issues (that don't exist now). Maylands GC believe the Applicants solution has been produced under an instruction of finding the 'do minimum' principle that clearly does not entertain preventing negative impact on the course or the business.</p>	<p>As set out in the response to PC 1.4 of the Applicants response to Examining Authority's First Written Questions (REP2-011), the option which has been put forward by Highways England provides a suitable level of mitigation to the impacts of the Scheme which have been identified.</p>

Part 3 - Members of, local communities within the vicinity of the Scheme and on-Interested parties

REP2-023 Anthony Manley

Reference	Written Representation Issue	Highways England Response
REP2-023-1	<p>My reservations concerning the proposed junction 28 Brook street improvements are as follows:</p> <p>The road noise and air pollution are bad enough now, especially when the wind is coming from the east, which is a lot of the time, keeping us awake most nights and this will become significantly worse during and after the road alterations particularly if night time construction takes place using heavy machinery</p>	<p>Highways England has provided a response to this issue in its response to Mr Manley's Relevant Representation (RR-003-1) set out in Highways England's responses to Relevant Representations (REP1-002).</p>
REP2-023-2	<p>The drainage on the A12 slip road and on Brook Street roundabout is bad with frequent flooding when the weather turns wet I have reported on several occasions to TFL and Havering council that there is a sewage leakage just before the slip road near a gate, running across the footpath but this has not been resolved</p>	<p>Highways England has provided a response to this issue in its response to Mr Manley's Relevant Representation (RR-003-2) set out in Highways England's responses to Relevant Representations (REP1-002).</p> <p>In relation to the flooding issue on Brook Street roundabout (floods between A1023 Brook Street and M25 southbound on-slip), Connect Plus Service on behalf of Highways England has programmed repair works to be completed by summer 2022.</p>
REP2-023-3	<p>I am sure that the message has not got through to the people at the top of the chain regarding the devastation caused by any roadworks or accidents/breakdowns on the A12 or M25 in this area. The backlash I have to suffer from having to wait sometimes hours to get out of my road, just to go to work or do the shopping or attend one of my many clinic appointments is already unacceptable</p>	<p>Highways England has provided a response to this issue in its response to Mr Manley's Relevant Representation (RR-003-3) set out in its responses to Relevant Representations (REP1-002).</p>
REP2-023-4	<p>This has also been a problem with emergency services not being able to access/exit our road</p> <p>I am sure that if a right turn was put in place, this would make it possible for all the residents in our road and also Kenilworth Avenue to avoid Brook street altogether, thus eliminating these problems</p>	<p>Refer to Highways England's response to Mr Manley's Relevant Representation (RR-003-3) in its response to Relevant Representations (REP1-002) as to the arrangements to be put in place for emergency services to access and egress Woodstock Avenue.</p> <p>Please also see paragraphs 7.8 to 7.10 of Transport for London's (TfL) Written Representation (REP2-036) and response to Written Question TA1.13 (REP2-037) which explain that TfL, as the highway authority for the A12, does not support the provision of a right turn from Woodstock Avenue because it has concerns about the feasibility of designing a safe junction and the disruption such a junction would cause to a greater number of road users on the A12.</p> <p>TfL agrees with Highways England's assessment that with the Scheme in place residents of Woodstock Avenue will experience an improvement in journey times in the future during peak travel times when making U-turns at junction 28 to travel westbound on the A12.</p>
REP2-023-5	<p>I moved to Woodstock Avenue over 20 years ago with the main reason being able to look out over the fields. This is going to change when the new link road is constructed as it will be in full view from my bedroom window</p>	<p>Highways England has provided a response to this issue in its response to Mr Manley's Relevant Representation (RR-003-5) set out in its responses to Relevant Representations (REP1-002).</p>
REP2-023-6	<p>The changes to this junction will have a negative effect on the value of my home. As a neighbourhood watch coordinator, I try to be proactive and requested a meeting with all parties involved (HE, Havering Council, TFL, Essex CC) with this project to highlight and reiterate our many concerns as a neighbourhood. This meeting took place at the Holiday Inn Brentwood on 20th March 2019 and minutes were kindly produced by Eve Herrington. Our major concern throughout this whole consultation process is access to and from our road</p>	<p>Highways England has provided a response to this issue in its response to Mr Manley's Relevant Representation (RR-003-6) set out in its responses to Relevant Representations (REP1-002).</p>

Reference	Written Representation Issue	Highways England Response
	<p>(plus Kenilworth Avenue) and being able to avoid the M25j28 roundabout Please can this particular issue be raised at the highest level as this significantly impacts all our daily lives (residents of Woodstock and Kenilworth Avenue)</p> <p>I would like to be reassured that all issues highlighted by myself and all other residents involved have been heard by the right people involved in this project?</p>	

REP2-035 Nikki Francini Lacovou

Reference	Written Representation Issue	Highways England Response
REP2-035-1	<p>I live in Woodstock and sent numerous emails to council councillors and highway officers I have now been given your name I'm in agreement with everyone in our street that at some point we At Woodstock will be stuck and have no access to go round the brook street when works are under way I work in Chingford is and need to m25 every day so closures on slip road has to be a no go we also need some kind of right turn for all At Woodstock too Please these are every day people leading everyday life's earning a penny to be put out for this huge upheaval day in day out for years Regards Nikki</p>	<p>Please refer to Highways England's responses to RR-001, RR-003, RR-012, RR-014, RR-015, RR-016, RR-018, RR-025 set out in its response to Relevant Representations (REP1-002) as to the traffic arrangements during construction in response to concerns raised by residents of Woodstock Avenue.</p> <p>Access for all residents will be maintained throughout construction. During construction, measures will be put in place to ensure that traffic will be managed appropriately in order to avoid, as far as practicable, adverse effects to users of the road network. In addition, arrangements will be put in place by the Highways England's Principal Contractor, to ensure emergency services on blue lights, would be able attend any emergencies in respect of properties on Woodstock Avenue. These measures will be set out in a traffic management plan that will be produced in line with Requirement 10 of the draft Development Consent Order (REP2-002).</p> <p>The option of installing an alternative means of access/exit from Woodstock Avenue is outside the scope the Scheme and would need to be considered by Transport for London (TfL) as the highway authority for this section of the A12.</p> <p>Please see paragraphs 7.8 to 7.10 of TfL's Written Representation (REP2-036) and response to Written Question TA1.13 (REP2-037). These responses explain that TfL, as highway authority for the A12, does not support the provision of a right turn from Woodstock Avenue because it has concerns about the feasibility of designing a safe junction and the disruption such a junction would cause to a greater number of road users on the A12.</p> <p>TfL also agree with Highways England's assessment that with the Scheme in place, residents of Woodstock Avenue will experience an improvement in journey times in the future during peak travel times when making U-turns at junction 28 to travel westbound on the A12. Section 2 of the Transport Assessment Supplementary Information Report (PDB-003) which presents the information demonstrating this.</p>

AS-032 Woodland Trust

Reference	Written Representation Issue	Highways England Response
AS-032-2	<p><u>Veteran trees</u></p> <p>Natural England's Standing Advice on veteran trees states that they <i>"can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are irreplaceable habitats with some or all of the following characteristics... A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value."</i></p> <p>The proposed improvements to the M25 Junction 28 will result in potential impact to several veteran trees identified within the Arboricultural Impact Assessment [Reference: APP-063] either through direct loss of specimens in order to facilitate construction (T021A and T074) or through damage to the root systems via encroachment of root protection areas (RPA).</p>	<p>As stated by Woodland Trust, the potential impacts to veteran trees are set out in the Arboricultural Impact Assessment (AIA) (APP-063) and summarised in paragraphs 7.8.29 to 7.8.30 of the biodiversity assessment, Chapter 7 of the Environmental Statement (ES) (APP-029).</p> <p>The direct loss of veteran trees T021A and T074 cannot be avoided as set out in the Technical Note regarding Veteran Trees in Appendix C of the Case for the Scheme (APP-095). Compensation for the loss of veteran trees is set out in the biodiversity assessment (APP-029, paragraphs 7.9.21 to 7.9.28) and the Case for the Scheme Appendix C (APP-095) Section 1.5. This compensation includes: planting of eight trees for each veteran tree lost with space around them to develop into an open crown; retention and promotion of dead wood habitats including retention of felled wood, veteranisation of two retained (non-veteran); planting of tree species which mature comparatively quickly to provide dead wood habitat.</p> <p>The potential for damage to root systems of the remaining veteran trees within the temporary construction working areas will be managed through mitigation measures and actions defined in section 5 of the AIA (APP-063). An Outline Arboricultural Method Statement (AMS) will be submitted as part of the updated Outline Construction Environmental Management Plan (TR010029/APP/7.2(2)) (Clean) and (TR010029/EXAM/9.40) (Tracked), at Deadline 3a.</p> <p>The Principal Contractor for the Scheme, as defined under the Construction (Design and Management) Regulations 2015 (CDM 2015), will develop the Outline AMS into a final version during the detailed design and construction stages of the Scheme as part of the CEMP documentation, and secured through Requirement 4 of the dDCO (REP2-002).</p>
AS-032-3	<p><u>National planning policy</u></p> <p>The National Planning Policy Framework, paragraph 175 states: <i>"When determining planning applications, local planning authorities should apply the following principles: c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 58 and a suitable compensation strategy exists;"</i></p> <p>Paragraph 5.32 of the National Policy Statement for National Networks states: <i>"Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this."</i></p>	<p>Planning policy relevant to the Scheme is set out in the Case for the Scheme (APP-095) which includes this information in relation to National Planning Policy Framework and National Policy Statement for National Network (NPS NN).</p> <p>Section 5.20 of the Case for the Scheme (APP-095) explains why the benefits of the Scheme are considered by Highways England to outweigh identified harm including to biodiversity resources in line with the requirements of the NPS NN. Specific reference to veteran trees in paragraph 5.32 of the NPS NN is made in Appendix B of the Case for the Scheme, Table B.5, row 5.32.</p>
AS-032-4	Woodland Trust concerns	The potential impacts to veteran trees are set out in the AIA (APP-063) and summarised in paragraphs 7.8.29 to 7.8.30 of the biodiversity assessment, Chapter 7 of the ES (APP-029).

Reference	Written Representation Issue	Highways England Response
	<p>The Woodland Trust is concerned about the potential impacts of construction on several veteran trees. Natural England's standing advice for ancient woodland and veteran trees states: "<i>Direct impacts of development on ancient woodland or ancient and veteran trees include:</i></p> <ul style="list-style-type: none"> • <i>damaging or destroying all or part of them (including their soils, ground flora, or fungi)</i> • <i>damaging roots and understorey (all the vegetation under the taller trees)</i> • <i>damaging or compacting soil around the tree roots</i> • <i>polluting the ground around them</i> • <i>changing the water table or drainage of woodland or individual trees</i> <p><i>damaging archaeological features or heritage assets".</i></p>	<p>The potential for damage to rooting environments and actual roots of remaining veteran trees is being managed through mitigation measures and actions defined in section 5 of the AIA. An Outline AMS will be submitted as part of the updated Outline Construction Environmental Management Plan (TR010029/APP/7.2(2)) (Clean) and (TR010029/EXAM/9.40) (Tracked), at Deadline 3a.</p> <p>The Principal Contractor will develop the Outline AMS into a final version during the detailed design and construction stages of the Scheme as part of the CEMP documentation, and secured through Requirement 4 of the dDCO (REP2-002). The use of Natural England's buffer zones will inform these protection measures and, where feasible, will be applied.</p>
AS-032-5	<p>Further to this: "<i>Nearby development can also have an indirect impact on ancient woodland or veteran trees and the species they support. These can include:</i></p> <ul style="list-style-type: none"> • <i>breaking up or destroying connections between woodlands and veteran trees</i> • <i>reducing the amount of semi-natural habitats next to ancient woodland and other habitats</i> • <i>increasing the amount of pollution, including dust</i> • <i>increasing disturbance to wildlife from additional traffic and visitors</i> • <i>increasing light pollution</i> • <i>increasing damaging activities like fly-tipping and the impact of domestic pets</i> • <i>changing the landscape character of the area"</i> 	<p>The potential impacts to veteran trees are set out in the AIA (APP-063). An assessment of the potential effects of the Scheme on veteran trees and nearby ancient woodlands is set out in the biodiversity assessment, Chapter 7 of the ES (APP-029):</p> <ul style="list-style-type: none"> - Potential impacts: paragraphs 7.8.29 to 7.8.30. - Proposed avoidance, mitigation and compensation measures: paragraphs 7.9.21 to 7.9.28. - Assessment of effects: Table 7.21.
AS-032-6	<p>It is essential that no trees displaying veteran characteristics are lost or damaged as part of the project. Any loss of veteran trees would be highly deleterious to the wider environment of veteran trees within close proximity, which may harbour rare and important species.</p>	<p>Highways England recognises the value of veteran trees and the effects of the Scheme on veteran trees. The trees have been subjected to survey by arboriculturists, ecologists and entomologists in informing their veteran status. The layout and design of the Scheme has a number of constraints, including highways safety and clearance from floodplain. Efforts have been made within the design to avoid veteran trees including proposed departures from Highways Standards where necessary (see Case for the Scheme, Appendix C (APP-095), Section 1.4). However, there are no feasible design options available to retain two trees. A departure from Highways Standards has been proposed by to allow the retention of Tree T059, but a workable re-design to avoid the removal of trees T021A and T074 has not been possible (see Case for the Scheme, Appendix C, Section 1.4). A further eight veteran trees lie within temporary construction working areas and all would be retained during construction.</p> <p>The mitigation and compensation proposals for the potential impacts of the Scheme on veteran trees and protection of retained veteran trees are set out in paragraphs 7.9.21 to 7.9.28 of the biodiversity assessment, Chapter 7 of the ES (APP-029), and captured in Table 1.1 of the Register of Environmental Actions and Commitments (REAC)(APP-097). However, due to the value of veteran trees, the biodiversity assessment concludes there would be residual moderate adverse effect on the veteran tree resource as a result of the Scheme (APP-029, Table 7.21).</p> <p>Section 5.20 of the Case for the Scheme explains why the benefits of the Scheme are considered by Highways England to outweigh the identified harm including to biodiversity</p>

Reference	Written Representation Issue	Highways England Response
		resources in line with the requirements of the NPS NN. Specific reference to veteran trees in paragraph 5.32 of the NPS NN is made in Appendix B of the Case for the Scheme, Table B.5, row 5.32.
AS-032-7	Trees are susceptible to changes caused by construction/development activity. As outlined in <i>Trees in relation to design, demolition and construction, BS 5837:2012</i> , the British Standard for ensuring development works in harmony with trees, construction work often exerts pressures on existing trees, as do changes in their immediate environment. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard. However, Natural England's standing advice states that "a buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. "	<p>The potential impacts to veteran trees are set out in the AIA, Section 4 (APP-063) and follows the BS5837:2012 guidance to inform on the impacts on veteran trees. The AIA recognises the impacts of construction close to retained veteran trees. Measures to protect retained veteran trees are set out in the AIA (Section 5), the Outline AMS (Section 4.5), in paragraphs 7.9.22 and 7.9.23 of the biodiversity assessment, Chapter 7 of the ES (APP-029) and are captured in Table 1.1 of the REAC (APP-097). These make specific reference to BS 5837:2012.</p> <p>The Principal Contractor will develop the Outline AMS into a final version during the detailed design and construction stages of the Scheme as part of the CEMP documentation, and secured through Requirement 4 of the dDCO (REP2-002). The use of Natural England's buffer zones will inform these protection measures and, where feasible, will be applied.</p>
AS-032-8	In addition, the Trust notes that The Grove is an area of woodland that has been continuously present since at least the 1st Edition OS maps and contains ancient woodland indicator species such as Bluebell and Dog's Mercury [Reference: APP-059]. Therefore, the Trust recommends that discussions with Natural England are undertaken before determination of this application, as ancient woodland is afforded protection in planning policy due to its recognition as an irreplaceable habitat whose loss cannot be compensated for.	<p>The Scheme does not result in loss of any ancient woodland.</p> <p>Detailed vegetation surveys were carried out of the two woodlands within the DCO boundary that are directly affected by the Scheme (known as The Grove and the Alder Wood). The results of the surveys are presented in the Phase 1 habitat survey (APP-059). Whilst some ancient woodland indicator species are present in these woodlands (three were present in The Grove and four in Alder Wood), based on the structure and composition of these woodlands, they are not considered to be ancient woodlands.</p> <p>Ancient woodlands are present close to the DCO boundary, and potential effect of the Scheme on these woodlands is set out in paragraphs 7.8.26 to 7.8.28, 7.9.19 to 7.9.20 and Table 7.21 of the biodiversity assessment, Chapter 7 of the ES (APP-029).</p> <p>Natural England has been consulted on the biodiversity assessment. The draft Statement of Common Ground between Highways England and Natural England (REP1-011) indicates Natural England's agreement with the methodology of surveys and assessment, including those for ancient woodland, as detailed in Chapter 7 of the ES (APP-029).</p>
AS-032-9	<p><u>Conclusion</u></p> <p>In summary, the Woodland Trust requests that all trees displaying veteran characteristics are retained and adequately protected with a Root Protection Area in line with Natural England's Standing Advice.</p>	See response to AS-032-7 above.

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