

M25 Junction 28

From: Rheinberg Matthew [REDACTED]
Sent: 18 February 2021 15:21
To: M25 Junction 28
Cc: Ratnayaka Shamal
Subject: M25 Junction 28 improvements - Transport for London Deadline 3a submission
Attachments: M25 J28 TfL Deadline 3a submission.pdf

Categories: Deadline

Dear Sir/Madam,

Please find attached Transport for London's submission for Deadline 3a of the M25 Junction 28 improvements DCO examination.

This submission covers TfL's comments on responses to the Examining Authority's Written Questions 1 and responses to Written Representations.

If you require any further information then please get in touch.

Kind regards,

Matthew

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TRANSPORT FOR LONDON

M25 JUNCTION 28 IMPROVEMENTS – COMMENTS ON RESPONSES TO EXAMINING AUTHORITY’S WRITTEN QUESTIONS 1 AND RESPONSES MADE AT DEADLINE 2

DEADLINE 3A: 18 FEBRUARY 2021

1. Introduction

- 1.1 This document sets out Transport for London’s comments on submissions made at Deadline 2. It comments on the responses to the Examining Authority’s Written Questions 1. It also includes comments on other responses made at Deadline 2. TfL has not commented further on issues where its position has already been set out in its Written Representation, TfL’s response to the Examining Authorities Written Questions 1, or other submissions from TfL at Deadlines 1 and 2. This submission focuses on where TfL needs to update its position or address new issues that have arisen.

2. Comments on responses to Examining Authority’s Written Questions 1

Overview

- 2.1 Each question for which TfL wishes to make comments on the responses is set out in this section, covering responses from both the Applicant and other Interested Parties.

GQ 1.2 – Scope and assessment in the Environmental Statement (ES)

- 2.2 This question concerned the lack of reference in the ES to environmental policy within London, particularly the London Environment Strategy and Mayor’s Transport Strategy.
- 2.3 TfL welcomes the Applicant’s acknowledgement that reference to the London Environment Strategy was omitted from the introductory chapters of the ES (Chapters 1 to 4), and that the Applicant intends to update these chapters of the ES to address the omission. TfL also acknowledges that relevant local, regional and national policy was considered in the assessment of each environmental topic so this would not change the findings presented in the ES assessment. TfL’s concerns on this matter have therefore been addressed.

GQ 1.10 – Work No. 29 and DCO 1.10 – Part 2, Article 9 Transfer of benefits etc.

- 2.4 Concerns raised by TfL over the diversion of the high-pressure gas pipeline under the A12 carriageway were covered by these questions.
- 2.5 TfL welcomes the Applicant’s agreement in principle that TfL should be consulted on matters of detailed design related to TfL’s current or future assets. However, this does not address TfL’s concern that it does not have an approval role for the design and construction of the diverted gas pipeline, as would be normal for works of this nature (tunnelling under a TfL highway) when proposed outside of the DCO process. TfL has not yet had any engagement with Cadent Gas on this matter, nor has TfL been informed of the construction methodology to be used, the timing of the works, or measures to be put in place to maintain the safe operation of the highway. TfL must therefore seek protective provisions in the DCO that would provide it with a design and construction approval process for Work No, 29. The draft DCO is currently not sufficient in providing TfL with adequate assurance over these works.

AQ I.16 – Cumulative impacts and TA I.3 – Extent of traffic modelling

- 2.6 Question AQ I.16 required the Applicant to provide details of the other developments that have been used in the traffic model and the local operational air quality cumulative assessment. These details were provided as an appendix to the Applicant’s responses to the Examining Authority’s Written Questions I. TA I.3 was addressed to the London Borough (LB) of Havering and Essex County Council and sought further details on concerns about the scope of the traffic modelling. The response by LB Havering highlights concerns over sub-regional growth not being adequately considered in the traffic modelling.
- 2.7 TfL has reviewed the list of development sites that were included in the uncertainty log in Appendix A to the Applicant’s responses to the Examining Authority’s Written Questions I (TR010029/EXAM/9.27). Only 13 developments in Havering and three in Brentwood are included, of which only three are residential developments. TfL also notes that the developments in Havering all fall into the ‘near certain’ category, with no developments in the borough identified as ‘more than likely’. Furthermore, no developments in neighbouring boroughs are included, such as major developments in LB Barking & Dagenham and LB Redbridge which could impact on traffic flows on the A12. TfL understands this is due to any developments further than 3 km from the DCO boundary being excluded, with only the most significant developments being considered between 1.5 and 3 km from the boundary.
- 2.8 Given the small number of developments considered in the uncertainty log, TfL questions the robustness of the assessment. For example, Gallows Corner is almost exactly 3 km from the DCO boundary and therefore any developments are small distance west of Gallows Corner would not have been considered.
- 2.9 TfL recognises that the traffic model also includes background growth derived from the National Trip End Model (NTEM), which takes account of forecast changes in population and employment in the UK. However, TfL’s experience is that this model is not necessarily suitable for forecasting growth for trips within London.
- 2.10 TfL considers that the consequences of the approach used could be that the A12, Gallows Corner and other local roads may be forecast as being less congested in the Applicant’s traffic model than if additional appropriate local developments were considered in the development and if an approach to forecasting growth adapted for the local area was used. Based on information provided to date, TfL considers it likely that this would not significantly change the forecast impact of the scheme on traffic patterns and therefore not result in a substantial change in environmental impacts forecast. However, as set out in TfL’s Written Representation, it is seeking for additional sensitivity tests to be undertaken to robustly demonstrate that the impacts of the Proposed Development have been fully assessed under a wider range of likely future demand scenarios.

DCO I.12 – Part 3, Articles 11 and 16, Schedule 4 Part 2 Transport for London Road Network

- 2.11 For the avoidance of doubt, it appears that the document reference for this question should be to Schedule 4 Part 2 Transport for London Road Network of the draft DCO rather than referring to GLA Roads. This question covered TfL’s concerns over the maintenance responsibilities that would be imposed on TfL by the DCO. As set out in the Applicant’s response, TfL is in ongoing discussions with the Applicant on the split of ownership and maintenance responsibilities. TfL has proposed and shared with the Applicant draft detailed heads of terms to explore if TfL’s concerns can be satisfactorily addressed in a separate agreement between TfL and the Applicant and/or in the DCO, and is awaiting a response from the Applicant.

DCO I.19 – Articles 18, 19, 22, 35 and Schedule 2 Requirement 17

- 2.12 TfL’s concerns over timescales for consultation being too short are covered by this question.
- 2.13 The Applicant has lengthened the timescale in the draft DCO for consultation on discharge of any requirements where details need to be submitted to the Secretary of State for approval from ten business days to 21 days (Schedule 2 Requirement 17) – effectively from two weeks to three weeks. TfL welcomes this lengthening of the timescales but remains concerned that 21 days is insufficient. While the Applicant in its response to this question states that the short timescale is justified by discharge of these requirements being a final formality, there is nothing to secure in the draft DCO that TfL will have been previously consulted on some of these matters or that TfL’s costs would be paid for either consultation during design development or during the discharge of any requirements. TfL has considered the timescales further and proposes that 30 business days is a more appropriate timescale. This would be in line with the protective provisions for the Port of London Authority in the Silvertown Tunnel DCO, where 30 business days are provided for approval of the detailed design.
- 2.14 The Applicant has not proposed any lengthening of timescales for Articles 18, 19, 22 and 35, citing precedents for the timescales in various other DCOs. Regardless of precedents, for this scheme longer timescales are required to enable TfL to robustly assess the proposals, with appropriate internal consultation and, where necessary, consulting with external parties too. This will ensure that the construction and operation of the Proposed Development does not result in unnecessary adverse impacts on road users and residents with insufficient notice. TfL also remains of the view that deemed consent in the absence of a response fetters TfL’s ability to manage its assets and is punitive.

DCO I.23 – Schedule 2, Requirements 3, 4, 5, 6 and 8

- 2.15 This question covered TfL’s position that highway authorities as well as planning authorities should be consultative bodies in discharging requirements, thereby allowing TfL to perform this role.
- 2.16 TfL welcomes the Applicant’s amendment to the DCO to include the relevant highway authority as a consultative body on the Construction Environmental Management Plan (CEMP) (Requirement 4). TfL continues to seek to be consulted on Requirements 3 (detailed design), 5 (landscaping), 6 (contaminated land and groundwater) and 8 (surface and foul water drainage), given that the draft DCO requires TfL to take ownership and maintenance responsibility for some of the assets delivered by the Proposed Development.

DCO I.31 – Articles 35, 36 and Schedule 6

- 2.17 The permanent rights the Applicant is seeking over sections of the A12 carriageway that both currently and following delivery of the Proposed Development will be owned and maintained by TfL, and permanent rights over new assets that TfL is proposed to inherit, were the subject of this question.
- 2.18 TfL understands that the Applicant is proposing to split some of the land plots to allow the permanent and temporary rights it is seeking to more accurately reflect the rights it needs to construct, access and maintain the Proposed Development. TfL expects that on the existing A12 carriageway the Applicant should only require permanent rights associated with the diverted high-pressure gas pipeline under the A12. TfL is not aware of any reason why rights over a larger area of the existing carriageway would be required.

FDW I.14 – Surface Water Management Plan (SuWMP)

- 2.19 This question set out the Examining Authority’s concerns that water management and drainage matters are not adequately addressed.
- 2.20 TfL welcomes the Applicant’s update to Requirement 4 of the draft DCO to include the list of environmental control plans that must be produced as part of the CEMP including an outline SuWMP. As the draft DCO requires TfL to take responsibility for some of the assets delivered by the scheme, which will include drainage assets related to the new AI2 eastbound off slip road, the appropriate management of surface water and any mitigation that may be necessary is important to TfL.

TA I.1 – Traffic Management Plan (TMP)

- 2.21 Concerns over traffic management matters being inadequately addressed and the absence of a TMP were the subject of this question.
- 2.22 TfL disagrees with the Applicant’s response that Interested Parties including TfL have sufficient surety because a TMP will be submitted for approval by the Secretary of State following consultation with highway authorities prior to works commencing. TfL maintains that an outline TMP should be subject to examination, with the final TMP submitted to the Secretary of State being in accordance with the outline plan and therefore shortening the review and approval period for the final version. TfL cannot be reassured on traffic management matters in the absence of a TMP without protective provisions in the draft DCO in favour of TfL.

TA I.4 – Brook Street

- 2.23 This question covers the proposed amendments to signal timings at the top of the AI2 westbound off slip to reduce delays on the AI023 Brook Street approach to the M25 Junction 28 roundabout. TfL has previously welcomed this amendment to the scheme to help address concerns over bus journey times through the junction.
- 2.24 It is TfL’s view that this amendment to signal timings must be secured in the DCO as part of the Proposed Development secured by the DCO as otherwise, despite it being the Applicant’s current intention to change the timings, it cannot be guaranteed. Without this change, Sections 5.6 and 5.8 of the Transport Assessment (TR010029/APP/7.4) demonstrated that both journey times and queue lengths would increase as a result of the Proposed Development on the AI023 Brook Street approach to the roundabout in both the AM and PM peak periods for both the 2022 and 2037 forecast years. TfL considers that this would be an unacceptable impact of the Proposed Development on bus journey times and a way should therefore be found to secure the amendment to signal timings and/or minimisation of delays on the AI023 approach to the roundabout through the DCO. This could be achieved by adding the changes to signal timings into Schedule I of the draft DCO as one of the DCO works.

3. Responses on Written Representations

Overview

- 3.1 TfL has reviewed the Written Representations submitted by Interested Parties at Deadline 2 and wishes to comment on one of these representations as set out below.

Grove Farm

- 3.2 Work No. 15 of the draft DCO involves the re-provision of the egress route from Grove Farm onto the new AI2 eastbound off slip road. The draft DCO requires that TfL will be responsible for the ownership and maintenance of the new slip road.

- 3.3 The Written Representation from Grove Farm includes proposals for access to the farm to be provided from the new A12 eastbound off slip road as well as from the M25 northbound on slip road, with a new auxiliary lane on the left of the A12 eastbound off slip road providing this access. TfL wishes to understand the Applicant’s views on this proposal and TfL reserves its position until it has a fuller understanding of the implications including any road safety impacts. TfL does not seek to take on further maintenance liabilities beyond those already imposed by the draft DCO.