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Subject: London Borough of Havering Deadline 3b Submission TR010029 - Responses to Deadline 3a submissions
Date: 25 February 2021 19:34:34
Attachments: [LBHaveringResponsetoDeadline3aSubmissions25022021.pdf](#)

Dear Planning Inspectorate,

Please find attached the London Borough of Havering (20025659) submission for Deadline 3b for the M25 J28 Improvement Scheme (TR010029). This submission concerns LB Havering's Responses to Deadline 3A submissions.

regards,

Daniel

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25th February 2021

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Dear Sir,

**London Borough of Havering (20025659) – Responses to Deadlines 3a submissions
REP3A-019, REP3A-020, REP3A 022.**

London Borough of Havering (LBH) has reviewed the submissions made at Deadline 3A. The focus of our submission to Deadline 3B concerns the Applicant's response to LBH's Local Impact Report (LIR)(RP3A-020), LBH's Written Representation (REP3A-022) and the Applicant's response to LBH's responses to the Examiners' Written Questions One (REP3A-019). LBH notes the comments made by other stakeholders.

The key comments that LBH would wish to raise are set out below.

Policy Compliance

LBH do not agree with the Applicant's view set out on page 6 of REP3A-020 that Policy 22 of the emerging Havering Local Plan Skills and Training is not relevant to the scheme as LBH consider the proposed scheme to be a major development proposal given its classification as a Nationally Significant Infrastructure Project. The approach to the LBH policy being taken by the Applicant is inconsistent with the NN-NPS objective to provide "*Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs.*" It is the creation of jobs that LBH is most concerned about, in particular for local workforce.

With regards to Policy CP8 Community Needs and DC27 Provision of Community Facilities, LBH still awaits the evidence of correspondence between the Gardens of Peace Cemetery and the Applicant as set out in paragraph 10.3.2 to 10.3.3 in the LIR (REP1-031). Until this evidence is provided, and given the concerns raised in Written Questions 1 by Savills on behalf of the Gardens of Peace Cemetery (REP2-030) LBH will maintain the position that this scheme is not in accordance with its policies.

With regards to Policy CP9 Reducing the need to travel and Policy CP10 Sustainable Transport, LBH retains the position that the Applicant is not policy compliant. LBH also consider that the Applicant has failed to meet the National Planning Policy Framework paragraph 102 (c) which encourages opportunities to promote walking, cycling and public transport.

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Current provision for Non-Motorised Users (NMUs) around the Brook Street roundabout is exceptionally poor and has been illustrated as such on page 75 of the LBH LIR (REP1-031). The retention of current poor facilities is not considered to be policy compliant. This issue is discussed further in the NMU section of this letter.

Regarding Policy CP16 Biodiversity and Geodiversity, LBH retains the position the scheme is not policy compliant as there is no surety that the mitigation included in the REAC will be implemented in the form that is being examined. LBH remains concerned that there will not be the opportunity to **agree** the contents of the Construction Environmental Management Plan, only that its comments will be forwarded to the Secretary of State (SoS). The Applicant comments in Document 9.34 (REP3A-020) that:

“Requirement 17 of the dDCO provides that, where details are to be submitted to the Secretary of State for approval following the consultation, the submission must be accompanied by a summary report setting out the consultation undertaken. The London Borough of Havering’s consultation responses would therefore be available to the Secretary of State for his consideration in determining whether to approve the submission. It is not appropriate to require the Council’s approval in addition to, or instead of that of the Secretary of State.” (page 8)

To be clear LBH is not seeking to approve the CEMP *instead* of the SoS, it is merely seeking to **agree** the document prior to it being submitted to the SoS. We believe that this way of working will be both effective and efficient.

Regarding Policies CP18 Heritage, DC67 Buildings of Heritage Interest and Policy DC69 Other Areas of Special Townscape or Landscape Character and Policy DC70 Archaeology and Ancient Monuments, paragraph 10.7.2 states: *“The absence of an up-to-date archaeological desk-based assessment, of field evaluation results and of details on measures to positively address harm, make a reliable archaeological assessment of the proposals difficult at present. Furnishing of this information is necessary to manage any important remains and thus inform a local policy compliant decision”*. Whilst it is acknowledged that a draft Outline Archaeological Management Plan (AMP) has been prepared, LBH is unhappy with the contents of the AMP and as such retain the position of the non-policy compliance.

Regarding Policy DC8 Gypsies and Travellers, the Applicant considers that no further information/evidence is needed to be provided to LBH on this matter. However, LBH is concerned that the impact on residents of Putwell Bridge Caravan Park is still uncertain. This uncertainty is evident when the Applicant states on page 5 of document 9.34 (REP3a-020) that:

“Cadent Gas does not intend to block the access to or from the Putwell Bridge Caravan Park site and envisages that the occupiers can remain in situ for the duration of the works to construct, operate and maintain the Scheme.”

LBH require certainty on the access to and from the Putwell Bridge Caravan Park being retained and that the residents are in agreement to remain in situ for the duration of the works to construct, operate and maintain the scheme in order to agree that the Applicant is policy compliant on this matter. LBH still awaits the evidence of correspondence between the families residing at the Putwell Bridge Caravan Park and the Applicant.

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Local Planning authorities are required to ensure sufficient locations are allocated to address accommodation need for Gypsy, travellers and Travelling Showpeople.

Havering's need has been assessed following the Government advice in the National Planning Policy Framework and the Government's planning policy for Travellers sites. The Putwell Bridge Caravan Park has been allocated for Gypsy and Traveller accommodation in Havering's emerging Local Plan.

It is noted in the Consultation Report (AS-022) that the Applicant met with the Occupiers of Putwell Bridge Caravan Park in October 2019 to provide an update on the scheme. It is further noted that since that time the Applicant has written to the residents in July and August 2020 but have not received a response to date. Whilst it is acknowledged that these are "hard to reach" groups, it is important to ensure that the residents fully understand the implications of the scheme on their site. In this context LB Havering requests that the applicant engages further communication with the site occupants and updates the ExA accordingly.

Regarding Policy DC32 The Road Network, Policy DC52 Air Quality and Policy DC 55 Noise LBH maintains its position regarding the need for sub regional growth to have been evaluated with the proposed scheme in order for LBH to ascertain the impacts on the local road network.

Concerning Local Development Framework DC31 – Cemeteries and Crematoriums –LBH understand that the proposed scheme is compliant with this policy.

Draft Development Consent Order Proposed Amendments

LBH notes the amendments that the Applicant has made to Requirement 4 and Requirement 10. LBH remains concerned that there will not be the opportunity to **agree** the contents of the Construction Environmental Management Plan only that its comments will be forwarded to the Secretary of State (SoS). LBH notes that a number of management plans are to be prepared to support the discharge of this Requirement and maintains the position that these plans should be prepared in agreement with LBH prior to them being submitted to the SoS. It also considers that a Code of Construction Practice should be prepared for agreement as part of this Examination.

LBH suggests that an additional Requirement is drafted to provide surety that residents are protected from noise during construction. This Requirement is proposed on the basis that there is no surety that the REAC and the CEMP will deliver the form of protection that is currently set out in the Outline CEMP. Should the Applicant take the decision to bring the full CEMP to the Examination, such as Requirement would not be necessary.

LBH notes that Requirement 10 of the dDCO 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. LBH wishes to stress the need for agreement to be reached with the Local Highway Authority prior to the TMP being submitted to the SoS for approval. The need for early discussion on any diversion of bus routes is required.

LBH remains concerned that regarding matters relating to Requirement 17 of the dDCO HE doesn't agree that the Local Planning Authority (LPA) should have a role in the

discharge of the Requirements. LBH retain the view that the LPA should discharge the Requirements in order to ensure that local matters are sufficiently addressed.

LBH notes that Clauses 13,18,19,22 of the updated dDCO still retains the principle of deemed consent. LBH wishes the Examining Authority to note that LBH maintains its objection to this principle.

Traffic Assessment and traffic modelling.

LBH do not concur with the Applicant that the wider local road network has been assessed. The Applicant admits this very point in TR010029.9.5 Transport Assessment Supplementary Information Report in paragraph 4.1.2 – *“As explained in Section 3 of the Transport Assessment Report [APP-098], the traffic models used to evaluate the traffic impacts of the Scheme consist of a strategic traffic assignment model that covers the road network over a large area around the north east quadrant of the M25, including Gallows Corner junction, and a more detailed (VISSIM based) operational traffic model that covers the road network in the immediate vicinity of M25 junction 28 (and the Scheme), **but does not include Gallows Corner junction nor the local road network in the vicinity of Gallows Corner junction**”*.

The extent of the VISSIM based operational model was determined based on the strategic traffic model assignments which showed that the changes in traffic flows on the road network at, and in the vicinity of, Gallows Corner junction due to the Scheme are forecast to be small, therefore indicating that the Scheme would not have a significant impact on the operational performance or capacity of this part of the road network.”. The concerns that LBH has regarding understanding the impact on the local road network are maintained.

LBH does not concur with the Applicants response to the points raised by LBH on the issue of the level of growth contained in the traffic forecasting (page 25 of Document 9.34). The emerging Havering Local Plan should have been included as a material consideration. LBH set out in its Section 42 consultation submitted in January 2019 (Consultation report APP-024) the importance of Highways England understanding and taking into consideration the level of development planned for the borough through the lifetime of its Local Plan.

It should also be noted that The London Plan is now adopted and this sub-regional growth set out within this plan should have been included in the traffic assessment for this proposed scheme. LBH note the comments that HE make based on NTEM, but no evidence from NTEM has been produced to validate their position. The question is, of the impact of more J28 traffic loading onto an already congested network.

Construction Traffic Impacts

LBH notes Section 6 of the Transport Assessment Supplementary Information Report (PDB-003) presents the assessment of the impacts of the Scheme during construction. LBH has commented on this document and will not reiterate those comments. However, LBH remains deeply concerned on the approach the Applicant is taking as is referenced on page 25 of document 9.34 (REP3A-020) *“Highways England does not agree that it is necessary, or appropriate to fully quantify the construction traffic impacts of the Scheme at this stage.”*

It is not clear to LBH as to why the Applicant does not consider it appropriate to fully quantify the construction traffic. This approach also casts doubt over robustness of the contents of the Environmental Statement and whether all the potential impacts of the scheme during construction have been clearly assessed.

LBH queries the validity of the statement made by the Applicant that *“Highways England DCO schemes do not require the preparation of a CoCP. Instead they require an Outline CEMP in accordance with the design guidelines of Highways England Design Manual for Roads and Bridges (DMRB)”*(page 23 of Document 9.34). As LBH commented in its response to Deadline 3a, the Applicant is currently drafting a CoCP for the Lower Thames Crossing DCO. LBH maintain its position that a CoCP is required for the proposed scheme and which should be examined as part of this Hearing.

LBH is deeply concerned by the Applicant’s response to the points raised by LBH concerning the use of Petersfield Avenue by construction vehicles (page 33 and 34 of Document 9.34). The Applicant should have carried out the swept path analysis to determine whether this construction route is feasible prior to such a route being advocated. LBH is also concerned that the alternative approach suggested by HE, should Petersfield Avenue option fail on safety grounds, is for the construction traffic to be directed to U-Turn at Gallows Corner Junction given the issues that LBH has previously cited with this junction.

Non-Motorised Users Impacts and Mitigation.

LBH LIR illustrates clearly the current inadequate provision for pedestrians and cyclists at the Brook Street roundabout (page 75 LIR). LBH is concerned that the scheme provides no substantial improvement to the uncontrolled crossing points that are in situ at this junction. The Applicant is not minded to improve safety for these users at the junction and states *“As noted within Tables 13.29 and 13.30 of the People and Communities assessment, (APP095) the Scheme involves minimal alterations to the existing NMU routes and would re-provide a widened pedestrian footway along the northern side of the A12 off-slip. The crossing point at the end of the A12 off-slip to the inside of the Brook Street roundabout would remain as shown on the Streets, Rights of Way and Access Plans (APP-007).”*(Page 7, Document 9.34.)

LBH considers that this approach of minimal alterations (aside for the footway widening along the northern side of the A12 off slip) is unsatisfactory and does not meet the scheme objectives set out in paragraph 5.8.8 of Document 7.1 Case for the Scheme and Schedule of Accordance with NPS.

LBH notes that 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 (the NMU Proposal).

However, this application for Designated Funds for the NMU proposal is separate to this DCO application, and whilst the proposal is not inconsistent with it, there is no surety that this proposal will be funded. This issue along with the scheme being outside of the DCO process means that this scheme should not be considered as DCO scheme mitigation.

LBH maintain the position that the Applicant’s approach to the provision for NMUs is not policy compliant with national and local policy and importantly NN-NPS para 3.17 *“The Government expects applicants to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes. The Government also expects*

applicants to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems, retrofitting the latest solutions and ensuring that it is easy and safe for cyclists to use junctions”.

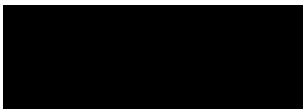
Applicant’s response to Planning Obligations

LBH does not accept the Applicant’s views expressed on page 28 of Document 9.34 (REP3-020). LBH’s case for planning obligations is constructed on the basis that relevant policies have not been met and as a result, its proposed planning obligations look to meet those shortcomings. We believe that the obligations are proportionate and relevant to the scheme.

LBH maintains its position with regards to the need for Planning Obligations. The planning balance for the scheme will no doubt be considered by the Examining Authority.

Thank you for the opportunity to responds to Deadline 3A submissions.

Yours faithfully,



Daniel Douglas
Team Leader Transport Planning