

TEXT_M25J28_ISH2_Session1_05032021

Fri, 3/5 1:05PM • 1:34:12

00:01

Good morning, everybody. It's now 10 o'clock and this issue specific hearing on the draft development consent order in relation to the application made by highways England for the proposed and 25 Junction 28 improvement scheme is now open. could ask Mrs. Hanlon, to confirm that I can be heard loud and clear in the live streaming has commenced.

00:24

Yeah, he's gotten clear in the live streaming has started.

00:28

Thank you very much. And for those people watching the live stream, can I advise you that if we have a break, at any point, today, you will, we will have to stop the live stream to give us clear recording files and you will need to refresh your browser after the break to ensure to carry on watching these proceedings. I'll remind you again if this if we do take a break. My name is Richard Allen. I'm a chartered town planner and I am an examining inspector appointed by the Secretary of State to be the lead member of the panel of inspectors to examine this application, please can I ask my colleague to introduce himself?

01:11

Thank you, Mr. Allen. Good morning, everybody. My name is Rob McArthur.

01:14

I'm a chartered architect. And I've been appointed by the Secretary of State to

01:18

be the member of a panel of inspectors to examine this application.

01:23

And together we constitute the examining authority for this application. And in the arrangement conference just now, which preceded the start of this. This hearing. You will have already spoken to Paige Hanlon, who's the case manager for this project and she is supported by Ed Mawdsley and James Buntun today from the case team at the plane spectrum. Before we consider the items on the agenda, we will need to deal with the usual housekeeping and German observation matters. And again, I will have to keep repeating this about the GDPR the general data protection regulations. And our agenda published last week on Wednesday, the 24th of February, stated this event was being recorded as well as live streamed and interested parties who attend today and that are going to speak will be consenting to the to the these recordings being published on the Secretary of State's website, and it is

the planning inspectorates practice to retain and publish these public recordings. For a period of five years after the Secretary of State's decision on the application. We will only ever ask for information to be placed on the public record that is important and relevant to the planning decision. It will only be in the rarest of circumstances that we might ask you to provide personal information of a type that most of us would prefer to keep private and confidential. Therefore, to avoid the need to edit the digital recordings, we would ask you too, please try your best not to give out information on the public record that you would prefer to keep private or confidential. Thank you. Please bear in mind that the only official record of the proceedings is this recording, and it will be placed on the inspectorates website, tweets, blogs, and similar communications arising out of this meeting will not be accepted as evidence into this application. Can I remind participants today that when you do speak if you could just for ease of reference, identify yourself and give your whom you represent when you when you do speak. Examining authorities decided to hold this issue specific hearing today, so that every interested party has the opportunity to make oral representation should they wish to do so do so on development control, or develop a consent order matters. Purpose of the examination is for the examining authority to examine the information submitted by both the applicant and also the interested parties, other persons and affected persons. As a result, I'd like to reassure you that we are familiar with the documents that you have sent in. So when answering your question, you do not need to repeat at length something that has already been submitted. If you want to refer to the information submitted I would be very grateful if you could give the appropriate pins examination Library Reference. And could I please ask that for the first time you use an abbreviation or an acronym, if you could spell it out in full give its full title as there will be people here today or listening to the following the live stream that may not be familiar with the application or the documents as you are must accept that the majority of the discussions will be undertaken by those parties that have requested to speak or who might have questions for if you do wish to Have a question or wish to say something, do please raise your hand in the Microsoft Teams function and we will come to you to make your contribution. The hearing today will be a structured discussion, which I will lead based on the agenda that has been published. We would like to enable you to answer your questions. And, and the purpose is to ensure that we have all the information that we need in order to make our recommendation to the Secretary of State.

05:32

Therefore, like to remind everyone that this is not an inquiry and therefore, the unless the examining authority specifically agrees to it, there will be no formal presentations of cases or cross questioning. Any such questions that you have for other parties will need to be asked through the examining authority. We're conducting this meeting in accordance with section 94 Planning Act 2008, and the infrastructure planning, examination procedure rules 2010. You're reminded as always, that section 94 eight of the Act allows the examining authority to refuse representations that may be made at a hearing if they are deemed to be irrelevant, vexatious or frivolous, relate to the merits of policy set out in national policy statement repeats are the representations already made, or relate to compensation for the compulsory acquisition of land, or an interest in or right overland. I'd like to turn to the agenda today. And rule 14 two of the examination procedural recall rules requires that the examining authority identify the matters to be considered at the hearing. Now, the agenda if you don't have a copy to hand can be found on the examination Library Reference under EV zero 10. And I stated that agenda was published last Friday. We consider the main items for discussion today are the ownership management and maintenance responsibilities for Transport for London. And here, we need to really just understand

what the future is for the two principal roads that are going to be constructed. And to just get some information, and I'll have a few questions on that process. And then I would like to pick up on some of the articles and requirements that certainly I had one or two questions for, and I know, particularly the number of hiring have some questions and concerns on and so we will all go through a few of those in the requirements. And then we would like to get the applicant to update us on their other agreements, licences etc. and where we are with those and where we are with protected provisions as well. The agenda is for guidance only we may add other issues as we go along if something is raised, and we will seek to allow sufficient time for each of the issues to be considered. Should we need to we will take a short comfort break at a convenient point. Equally if the discussions have to take longer than anticipated may be necessary for the time to be extended, alternatively, to prioritise matters, and defer others to written questions. I'm not anticipating that this meeting will go on towards lunch, but if it does, we will look to break for lunch somewhere between 1230 to one o'clock depending on where we are with the discussion. So does anybody have any questions on the agenda? No. Okay, so if I could now just establish who's speaking for each party if I can start with the London bar of hazing. If I come to you, Mr. Douglas, first of all, is you've been primarily speaking for hazing over the last few days. Will you be are you dealing with these matters? Or is it is it any of your colleagues? No, it

09:10

will be myself sir.

09:14

Thank you very much. Mr. Rheinberg for Transport for London and who will be who do I pose my questions to

09:30

it will predominantly be Tony Western from our legal representatives today, but myself and Mr. Clark may add comments at some points as well.

09:41

Thank you.

09:41

So my questions to is Western and then yeah, okay. Thank you very much. I can see there is one representative from Kayden gas should we need to bring them in. I can see me strolling from Brentwood is here and there are representatives Have gardens of peace, or either not anticipating to ask any questions to guns or peace today, but you're more than welcome. If there's anything you need to raise Mr. Challis from the applicants, again, I'm Can I assume maybe incorrectly assume that you are the person to ask questions this morning.

10:20

Thank you. So you've correctly assumed that I am the person who will probably answer most of the questions.

10:26

Thank you. Thank you very much. I'm just to two other points to make before we move on the agenda. Just because broad bandwidth can be can vary, it's likely that my colleague, Mr. McArthur will switch his camera off the moment we get going, again, as I say, to protect broadband, and to try and avoid the it crashing. But he will be listening. And surely you have a question. I'm sure he'll raise it and he'll come back on. And if you could all I'm sure you will have anyway. But if you could all have the development consent, the updated draft development consent order to hand the latest version is submitted at deadline three a and that is rep three a 004. In the examination library, should you wish to follow those proceedings. Thank you. So if we could turn please then to item two on the agenda. Now I'm going to I'm gonna I have a few clarification questions on this, but I primarily what I'm keen to hear from Transport for London and from the applicant, about the roles of each party in the in this and, and, and how discussions are progressing. But I wondered if I could start with Transport for London, just some clarification points. I've seen reference to TfL road network and GLA roads. I think for the benefit of everybody here could you just explain is there a difference between the two? And what is that difference?

12:29

Well, maybe Mr. Challis can answer that if drop of London have it or just unsure.

12:37

Like you said Mark Ellis for highways England. My understanding is there is there is no substantive difference between a TfL road and the GLA road. But perhaps best answered by those representing TfL.

12:53

Good morning. Toni Weston on behalf of Transport for London. So I had a few issues with my mute and camera buttons. But yes, you're right. And there is essentially no difference. So a GLA road is effectively part of the Transport for London road network. And they're one on the same.

13:12

Thank you. Um, now as I understand it from my reading of the of the material. The idea, let's put it that that is that Transport for London will be taking ownership of both the substantive roads. So that's the proposed m 25 off slip and the new a 12 off slip to the brookstreet. round about that. That is correct, isn't it?

13:46

Tony Western, on behalf of Transport for London, I don't believe that is correct. So I think the position is that Transport for London will take while it is proposed in the draft ECR that Transport for London will take responsibility for the eastbound off slip road. But the 25 off slip or remain will be the responsibility of highways England.

14:07

Right that that's not my understanding of it. Mr. Challis, could you I've already got that wrong.

14:14

Was I think there's a difference between ownership and responsibility for Right. I mean as regards TfL road network TfL is and will remain responsible for it. After the works were built are built as regards ownership. At present, there are powers in the order which we're seeking to compulsorily acquire so in other words pink land, land needed to construct the off slip. But even though highways England will seek to acquire that land permanently, the new road will be looked after by TfL What we're envisaging says there will be an arrangement in a side agreement as regards the future ownership of it. But at the moment, highways England is taking full powers to build it.

15:14

So for the so all I need to be concerned with and the Secretary of State in respect of determining this application was to challenge is that it is highways England that he's that he's taking ownership and building these roads, what happens after that is, is the matter between you and Transport for London? Is that correct?

15:35

Yes. So that that's a side effect of the order is to impose if I can use that word, the maintenance responsibility on TfL, because the offset will be a part of the TfL network and therefore TfL looks after it.

15:52

Okay, and that and just to clarify that, that's both roads, that's the M 25 off slip, and the a 12 off slip the two new roads that you're constructing those,

16:04

if I can clarify the 12 off slip will be for TfL the elements of the M 25 are part of the strategic road network and therefore are four highways to maintain. And if one looks at the streets rights of way and access plan, which are covered up then you can see where the dividing line is between the two.

16:26

That's very helpful. Thank you. So presumably there, there comes a they'll become a point in the new and 25 off slit road, the circular road there'll come a point where highways England's bit will stop and TfL bit will take over. Where it joins the a 12 there'll be a line somewhere there presumably.

16:51

Yes, I don't know whether it's trivial but I'm afraid you broke up on me then and I didn't catch what you said but I didn't

17:00

know I was only just trying to just establish because it's obviously my reading of the information and perhaps the responses received that confused me a little bit at the end 25 off slip remains with highways England until some point where it hits the where it hits the a 12 where it will pass over to Transport for London that that's the planet. Okay. Thank you. But so yeah, I'm sorry to labour the point. So maintenance of the N 25 remains with highways England, but maintenance will be passed over to TfL for the eight for the new 812 slip?

17:38

Yeah, so just to be clear. TfL maintains the current off slip they do the effect of the order will be to require TfL to maintain the new opposite.

17:48

That's very helpful. Thank you very much. So just for my own curiosity, so to TfL currently owned the da 12 on and off slips on their side and Essex own the a 12 on and off slips on the Essex side as well. They're not part of highways England's Is that correct?

18:24

Thanks. I think we just have to check the book of reference. But essentially, once the a 12 is on the other side, I think that's then not TfL road.

18:33

Yes. And that what I'm just trying to just establish in my own head is where the on and off slips for the a 12 whether they're on the London side or the Essex side. So either side of that roundabout there the responsibility of TfL on one side in Essex County Council on the other, they're not highways, England's roads is what I'm trying to Yes.

18:52

Yes, yes, I believe that's correct. Okay, that's correct. But it's certainly only TfL on the London side, so to speak.

19:00

Okay, thank you very much. Um, so the maintenance responsibilities that are set out in the current decio in various articles for the a 12 for the 18 months of it will be will become CFLs responsibilities. I think we've established that as being correct. So, are you able to update me then on how those discussions are ongoing?

19:37

So Mark telesco, is England. Do you want me to go first on that? I'm quite happy to. There are heads of terms now circulating between highways England and TfL which contain a variety of provisions around the passing of their maintenance responsibility, the main I mean, the order itself does the main job of passing those maintenance responsibilities to TfL. But there's, there's quite a bit more to it in terms of the ensuring that, for example, the office lip is constructed in the appropriate way and to deal with inspections and those sorts of things. So there's a lot of detail there, which one wouldn't normally find in a DC Oh, that is and will continue to be the subject of unsure. Just constructive discussions with TfL. Okay,

20:27

thank you very much, Mr. Rheinberg.

20:34

I can just bear with before I pass over to Ms Weston just on a point of clarity on the responsibility for the slip roads, it's currently it is TfL has responsibility currently, for the slip roads on the London side of a junction on the a 12. But it's highways England's responsibility rather than Essex County Council on the ethics side of the junction, because highways England maintains the a 12 on the countryside.

21:01

Well, that's interesting. I wasn't aware of that. Okay. Fine. Thank you.

21:06

Sorry. I think I'm sorry, if I misled you on that. Those around me are all nodding in agreement with that. So I'm sure that is correct.

21:13

Thank you. I'm just trying to build a picture in my mind as to where who Oh, who's got what I think? Yes, Ms. Weston, you're going to I don't know whether you want to concur or disagree with what you've just heard?

21:27

Yes, thank you, sir. Toni Weston for Transport for London. So I obviously agree with some of the points that have been made in terms of kind of the factual position as it currently stands, and the terms on which the decision is proposed to be made. I think just in terms of the a 12 eastbound off slip road. I just like to clarify TfL's position in respect of that. Mr. Challis is obviously correct that the draft DCO is currently drafted, it does provide that the a 12 eastbound off slip road will become TfL's responsibility when the scheme is open to traffic. But TfL's position remains that it does not wish to take on responsibility for the off slip road. And it believes that it will be simpler and more efficient if highways England continue to maintain it in future. Obviously, highways England is the Highway Authority, it has the expertise and is more than able to maintain that off slip road itself. TfL did it right to highways England setting out this position in early November of last year. And we did get a response from highways England towards the end of December, which obviously was on the basis that highways England are unwilling to change the decision. And they do consider that any other arrangement, you know, I am taking on responsibility for the slip road would be unacceptable to them. Given that Transport for London has tried to move things forward. So it did reluctantly indicate that it would be prepared to take on responsibility for the off slip road if suitable arrangements could be agreed and protections in favour of TfL could be put in place. Now, we haven't however, had any real meaningful response or engagement from highways England on this issue since then, in order to try and move things forward highways England, sorry, Transport for London did draft some heads of terms for a legal agreement, which they sent to highways England's lawyers in middle of February. We have an acknowledgment back from them, but we haven't had a substantive response yet. I think in terms of kind of by way of updates since the beginning of this week, obviously, we've had a number of hearings this week, and has been a lot of discussion about the off slip road, and also some of the environmental measures which sit within that facility. And I think TfL's position is now really that they do have increased concerns about taking on responsibility for the off slip road. So our position as of today is that we believe the off slip road should be the responsibility of highways England, and not to Transport for London. Obviously, some of the issues that we've heard this week are around kind of complexity of the

structure of the off slip road. And there's also been some issues around environmental mitigation measures including noise measures, deer fencing, and there's also a general lack of clarity and Transport for London considers and respect of kind of the extent of the maintenance obligation that Transport for London has been asked to take on.

24:26

Okay, I'd like to explore that just interested in a few moments please like to kind of go through the decio as to as to where those concerns are. But can I just ask Miss Weston? The current a 12 off flip the eight Yeah, the current eighth 12 obsolete TfL maintains that road owns that road and maintains it?

24:52

Yes, sir. That's correct.

24:54

So I have to put to you then then then surely is it Right that that is holding the knot right to, to say that you should also take on the new one as well, what, why? And I realised that there's some issues of responsibilities over areas that you don't normally during your answers, and I'm going to come on to that. But in terms of just the general principle, given that, if there is one road replacing another, why would TfL not take responsibility for that road.

25:32

And I think it's not quite as simple as saying it's one road replacing another, obviously, they serve the same function. But the new off slip road is longer, and it's a significantly more complex structure than the existing off slip road. So TfL see this very much as an additional burden, which has been placed on them for which they have no resources to maintain themselves at the current time. So I don't think it is a case of swapping, like for like, you know, there is this extra burden that is imposed on Transport for London.

26:04

Right. But the Yes, the additional burden, and the resources, presumably those discussions are outside would be outside of this process. So if you came to an agreement with highways, England, where those resources were met, or whatever it might be, that that's between you and I was England, isn't it that that's the secretary state doesn't need to be concerned about that at the moment.

26:30

And potentially, except I think TfLs position is obviously that at the moment, the draft decio is drafted on the basis that the off slip road would become TfLs responsibility. And TfL does not agree that it should become their responsibility in the absence of the assurances and protections that TfL are seeking from highways England. So you know, until we make significant progress on those discussion with highways England, we were in a position where we have no option but to obviously insist that we shouldn't take responsibility for the off slip road.

27:01

Okay. Mr. Challis, do you want to respond to what you've just had?

27:07

So yes, of course, Mark travels for highways England, I think the latest position in the representations. As I understood, it was the TfL is willing to accept the maintenance responsibility for the new slip road, but I understand what Miss Weston has just said. But that's a different situation to the one that we understood to be the position. And certain hobbies England's position is, is that the opposite would be part of the TfL road network. And therefore it follows that TfL should maintain it. And it may be a more complicated structure, and it may be a longer structure, but I don't think they are sufficient reasons for highways England, to take on the responsibility for maintenance, because hybridising job is to look after the strategic road network and not to develop network.

28:05

Thank you. Mr. Clarke, can you have your hand up?

28:10

Yeah, I just wanted to make one clarification point that you just said there in terms of ownership and maintenance responsibility. TfL are responsible for the current eastbound off slip that is part of the Transport for London road network. But actually, we don't own the sub. So we don't own the land there. As a quirk of history, I was England actually owned the sub saw and owned that the land associated with it. So I just wanted to clarify that particular point. But just also responding to Mr. Challis' point, just then it is correct, as indicated that we would be willing to have discussions about taking on responsibility for that offset, but only if sufficient protections could be built into the order either into the order or by way of a separate agreement that will provide TFM with the protection that needs anything relation to the construction, but also the ongoing management.

29:04

And that I think cost. I think that tees me up quite nicely as to Clark to what I'm about to come on to. So thank you for that. So if we could just sort of move the conversation on slightly that I'm going to assume, for the moment for the next part of the conversation that TfL is to take responsibility of this road. Now that could be whether the agreement is reached between you, or the Secretary of State takes the view that that that that will help what that would occur. So if we just assume for the moment as I say that TfL is taking responsibility. Could you perhaps just take me through the DCO, I think you've got a few one or two articles and provisions that you would not be happy with. If the DCO as currently drafted were to go up before the Secretary of State. So could you perhaps just talk me through what changes would have to take place. If, if this DCO as drafted currently were to go to the Secretary of State and TfL was to take over the maintenance of the new a12 slip road. I was gonna direct that to Transport for London. But Mr. Challis, you've got your hand up. Yes, I

30:21

just want you to say two things. Firstly, we've got our fire alarm going on, we can probably hear. But secondly, my connection is poor and you are continually breaking up on me. So I think if I may sort of dial out and dial back in again, because I'm not catching everything you're saying.

30:37

We'll take a short few minutes. Break just to allow it to happen on your fire alarm to make a

30:44

few minutes.

30:51

To we're just going to resume now. Mr. Challis is first is your communication seem to be better? And is the firearm now done and dusted? Are we able to resume? Mr Challis are you able to hear me.

31:15

Thank you, sir. Yes. Seems to me. Thank you. Thanks for the break.

31:20

Thank you. So can I just return then to Transport for London And Miss Weston If you could, if we could start by looking Firstly, at the DCO and going through all in their head in a sort of a strategic way? What is wrong with the DCO? as it currently stands, should TfL take responsibility for this road? Is it is it the absence of protected provisions in there? That's the main issue.

31:58

Thank you. So I think there's two issues here. The first one is the absence of clarity. So articles 11 and 16. And shedule. for part two of the draft decio set out the off slip road and the position that TfL would effectively take on responsibility for that structure. But there's a lack of clarity really as to the extent of that obligation and what exactly TfL would be taking on. Right now there was a plan provided by highways England to Transport for London last September, which did have a red line on it, which set out indicatively what highways England will be asking Transport for London to take on transport London did respond to that plan. But I don't think we've had any progress on that since then. So we remain a little bit in the dark really as to the extent of the obligation. And so when we talk about the off slip road, we can be talking just about the carriageway. But actually we could be talking about other things as well, which might be drainage structures, supports, embankments, landscaping. I know there's been some discussion in the hearings this week, as well about screening for grow farm, and deer fencing, all of which would effectively sit within the off slip road area, which I think highways England is proposing that Transport for London would take on. Similarly, there's an attenuation pond, so some drainage, and there's also an access track which runs adjacent to the office slip. So there has been some discussion with highways England, but at the moment, we still remain pretty much in the dark, really as to the extent of you know, what we're what we have been asked to take on. So I think that there needs to be clarity within the draft decio. about that. And then the second issue is the one that you've already highlighted, which is protective provisions. We just feel that there's insufficient clarity and certainty about how the handover of that structure and the off slip would work. And we think that can be best addressed through protective provisions on in favour of Transport for London.

34:04

Yes, there are no protected provisions in the current decio. For that for the Transport for London, are they? Are they just before I look, you take me through article 11 articles 11 and 16. And just perhaps, direct me specifically to where your specific concerns lie. Is your concerns about taking responsibilities

for the new a trois slip? Is it because Is it a resourcing issue or an unknown issue? Or is there a Is there a technical reason why you can't take it on it? Is it because you can't deal with? I can't believe this to be true, but is it because you don't have anybody that deals with say maintenance of ponds or maintenance of bridges or whatever? Or is it simply a resourcing issue, that that that's the concern.

34:58

Thank you Sir, Toni Weston for TfL, it's some it's two issues really, which is primarily resourcing. But the second issue is in respect of the drainage, the attenuation pond, that highways England is suggesting that TfL take on Transport for London does not have any drainage ponds within that area of London that it maintains. So it would create that additional burden on TfL that just don't have the systems in place really to maintain pawns within that area of London.

35:30

Okay, so can we go to Article 11? Then Is there any specific part of Article 11? That that is of concern to you?

35:39

I think it's the interplay really, between articles 11 and 16. So article 11, paragraph four, talks about the bridge structure. maylands bridge?

35:56

Can you tell me which sub paragraph you're referring to please?

35:59

11 four.

36:00

Thank you.

36:06

Then if we go to Article 1616, one B. Yeah, it says the brightness described in part two of sheduled. Four will become GLA routes. Then if you go to shedule for part two. Firstly, it talks about the a 12 eastbound in the first line of that table. But that's already a GLA road. So it doesn't need to be designated as a GLA road for the purposes of this order. And then secondly, the a 12 eastbound off slip. It talks about the extent of the obligation or what TfL will maintain as being shown between points on cheap one or the streets rights away and access plans. Yeah. But again, if you go to the plans, I mean, there isn't very much clarity or certainty really in those drawings and to be for TfL to be able to understand exactly the extent of its obligation there.

37:17

Thank you. I want to get Mr. Challis to come back on that before we just touch on protective provisions issue. Mr. Challis, is that that's a fair point, isn't it? If TfL are to take on responsibility this road? Do they not need more? Perhaps detailed information or more information as to what precisely they're dealing with? and what not? Is that? Is that a fair point?

37:42

Well, the amount of detail in the order is very typical for a highways England development, consent order and indeed development consent orders, generally. So the provisions that Miss Weston has mentioned will be found in numerous orders. But the issues about more detail about precisely what TfL would take on as the Highway Authority for the new off snip, this is the sort of thing that is much better dealt with in an agreement to make things to make things clear, but we would envisage that the as the Highway Authority to turn on all elements relevant to the highway. So if the drainage pond forms part of the drainage system for the highway, then it will become TfLs responsibility. And the same is true of any landscaping that is part of the highway. But the level of detail in the order is very typical for TCS.

38:45

Thank you, Mr. Challis. If I while you're here, now, if I could move on to the next item is regarding protected provisions. Is it? Is it highways England's intention to submit protected provisions for Transport for London and insert them into this DCR?

39:06

No, it's not our intention. Protected provisions for highway authorities are not generally found in highways England DCs of which there are quite a lot that have been made. Now there is one exception to that. But the others of which there are a lot don't contain protective provisions for local highway authorities. But we think by far the better way of dealing with it is to have an agreement with TfL that sits outside the order and that would be I think, the better vehicle rather than cluttering up if I can put it that way the DCA with a lot of detail about the precise extent and nature of TfLs responsibilities.

39:53

And presumably just to take that view, that if there were no agreement, if Trump for London refused. For whatever happens outside of this, this process, if there was a discussion, there's no agreements and so Trump will run and walk away, then presumably highways, England would be would have to continue with responsibility of this road. So therefore the order as it's made would apply with highways England.

40:19

So if there were no agreement with TfL, and we're very confident we can come to an agreement with TfL, the effect of the order will be to impose the maintenance obligation on TfL.

40:30

That's where I was leading to is the challenge. Yes, thank you. In which case, going back to TfL, and Miss Western. If you believe that protected provisions are necessary, is it possible then you could submit into the examination, the protective provisions that you would wish to see added to the order? Certainly, so the applicant can comment on those. And whereby we could be in a position that if at the end of the examination, that agreement was not coming or was not had not been agreed, then the Secretary of State has the option to put that on? Unless he satisfied that an agreement is going to take place? Is that something given that the applicant isn't going to going to impose those? I think it would

be incumbent on TfL, to submit to ask what protective provisions it wishes to be inserted into the order. And it would need to be as you want it worded, as opposed to me having to word it for you.

41:39

Yes, sir. Tony Western for TfL. And that's fine. Transport for London is already in the process of considering what protective provisions it would seek. So we're quite content to prepare those in draft and share them with the examining authority and highways England, and we are able to do that by deadline for if that's agreeable. That's,

41:59

that would be very helpful. Yes. Thank you very much. Indeed. I that's all I had. For all the questions I had. Mr. Clarke, you have your hand up.

42:11

Thank you. Thank you, sir. I just wanted to point out a point of clarification in relation to the office lift. If Transport for London had the maintenance of the office lift imposed upon it through the order, it would need to change its maintenance contract that it has for the maintenance of highways in the area, just as highways England has a maintenance contract with contractors to look after its assets. Transport for London does as well. Now in relation to this structure that's being at the new structure that's being created, which is much more complex. It gfl doesn't really have structures like this in the area, and therefore the cost of adding that structure into the TfLs. contract, may very well be more expensive and costly than adding it into for example, how is England contract a contract who will already be responsible for lead road and already responsible for comparable structures in the area? And also, Ms. Weston has already referred to the attenuation pond, we don't have attenuation ponds to maintain in this area, how is England under the proposed structure will be responsible for attenuation ponds in the vicinity in the immediate vicinity, and therefore would already build into their maintenance contract that capability. So just wanted to add that clarification.

43:29

Like Thank you very much. Mr. Challis, do you want to respond? And I think just to finish this conversation off, could you just for the, for the benefit of everybody here. And just to be absolutely clear. Could you just point out to me, where it You said in the order that the if there was no agreement that that that the order would impose the responsibility? of the of the maintenance onto on to TfL? Is that what they set out in schedule four?

44:03

Yes, indeed. And another thing to mention is article 16, or one to be combined indeed, with schedule for that. That's correct. Part Two of Section four, actually. Yeah,

44:16

that's very helpful. Do you want to respond to what you've we've heard?

44:20

And, as regards, Mr. Clarke's points don't mean that these are really things much better dealt with, I think, in the agreements, outside the discussions with TfL outside the examination, although I did say that TfL could find somebody capable of maintaining the highway and all its elements, including the drainage pond, but so I'm very, very confident that we'll have constructive discussions with TfL. And I very much hope that we can come to an agreement on these issues rapidly and there will be no issue around protective provisions

45:00

That's and I take comfort from that Mr. Challis. But as I say, I think if we at least have sight of the protective provisions, that Transport for London would wish to have inserted into this. And then it can be a decision for the Secretary of State, whether they get inserted or not, depending on where you are with discussions and whether he feels that there are needed but at least if they're before him, he can make that decision. And of course, if they come in at deadline for you will have the opportunity to comment on them. as well. Mr. Pittman, you, you have your hand raised, you have something to talk about with Transport for London. And

45:41

yes, thank you very much for allowing me to speak sorry, that Angular my camera, I'm having problems with my internet. So I'm gonna have to stand up and speak so you can see me say

45:51

him and you can sorry, you can turn your mic, you can turn the camera off, if you can just keep it as audio if you prefer.

45:58

Sorry. That's great. Thanks very much. I'm sorry. Again, I'm not sure if this is the right place to ask this. But Previously, we discussed that it would be helpful to have some kind of agreement between TfL highways England and gardens a piece in relation to the screening to the north end of the of the gardens of Pete's site. And so just thought whilst you were talking about the agreement that will eventually be in place, hopefully between highways England and TfL. I just wanted to raise that, because we've got no apart from speaking to highways England who have not responded as yet to us, we've got no other avenue to try and discuss that matter.

46:54

With the challenge, thank you if you do want to respond to what you just heard.

47:01

Mark Challis for highways England, that was just to say that we do want to have discussions with Mr. Pittman and his client, as regards all the arrangements for the gardens, a piece that we discussed earlier in the week. So again, we know that there's some work to be done to get an agreement in place, but we will be progressing that.

47:25

Thank you. Any other matters on Transport for London before I move on? Jane,

47:34

what just to piggyback on to the last speaker about Gardens of peace and screening and barriers. And again, this is where the CFL issue, highways England, London borough of Havering, whoever owns whatever at the bottom of our road, it would be great if we could have better barriers screening along our side of the a 12 running up to the slip road onto the 25 be the current one or the new one. Because it's definitely is something that residents have raised, you know, when you try to walk to a bus stop. And again, that is another issue that possibly it should have been raised at the transport one, but you know, I'm new to all this. So I'm going to throw it in the bag, but the 498 bus stops for residence in Kenilworth Avenue and Woodstock Avenue, are way down the a 12 before Peters Ville Avenue, we don't have anything along this stretch, which is very difficult to navigate on foot. And you know, all the rest of it due to the dizziness. And on top of that, with all the infrastructure that's going to go on for several years to come. You know, why not? You know, look at the slightly bigger picture here. And also trying to think about what I've read about this whole project is all about increasing accessibility and reducing severance. So not just on the roads, but on the on the pathways, the buses and, and everything. So, you know, it's a bit. I know, it's sort of not directly what you're talking about, you know, five minutes ago, but it is TfL involvement,

49:15

I believe. All right.

49:17

Thank you, Jane. Yeah, I'm very keen to keep the conversation focused on the draft development consent order today. But I think your comments, certainly, you've got the parties here, they will have heard that and floated that. Thank you. So if we could move on then to item three on the agenda, which is going through some of the points or some of the articles and requirements. If I could start pleased with the definition of comments, Mr. Challis. We dealt the two queries I had one was with one. The first one was with archaeology but I think we dealt with that earlier in the week. I think you gave an answer about how this how the wording has changed. And from what I've read of the ANP, I think that your answer may have may have answered the question that I had that I don't have any further thing to say on that. But what I am slightly concerned about in the definition of commence is the words and the establishment of construction compounds. And I just, I just want to be concerned, I just want to be clear how these are controlled in respect of where they would go and whether trees would have to come out to cite them and their removal etc. How can you show me that that they are controlled?

50:56

Sorry, sir, for the delay Mark choice for highways England. And as regards to the detailer side compounds, may I ask Miss Maya to respond, she can give you a more detailed response. But as regards the wording in the definition, maybe I can come in when she's explained, the position has regard to these compounds and what precisely is involved. It Thank you.

51:18

Thank you.

51:24

Hi. Good morning. VMware on behalf of highways England. Could I ask you to repeat the question please, to make sure I give you the right answer.

51:34

Yes, of course, the draft development consent order is currently worded permits, pre commencement works to establish construction compounds. Now what I'm concerned about is how these are controlled, because construction compounds could be could be put anywhere on the site, they could require Tree Removal as a result, which would fall outside of the all the matters we discussed yesterday. So I'm just keen to find out how this is controlled.

52:07

Yes. So as you may have seen, we have an indicative location or the site compound required. And they are identified in figure 2.2 application, it's appendix 4.1 of the ies I'll give you the application number in a minute if you need to.

52:31

Use a 4.2 4.1

52:34

it's appendix.

52:35

Yeah, I've got that somewhere. Yes.

52:40

Yes. Yeah, this is the drawing

52:43

Yes. Okay.

52:47

So, the main compound would be along the a 12 sleep route. Initially, we are we intend to you know, the fencing which is required for setting up the main compound. And these are in addition to being minimal works with no tree or woodland being required to remove so removed, so the extent of the site clearance is going to be very minimal.

53:23

Okay, thank you. Mr. Challis, you wanted to come back, I think.

53:34

Thank you. So I don't have anything substantial to add to that, as you would think, cut down the definition of offence and remove things from it. So now all the remains are activities, which we say are not likely to have any significant environmental effects.

53:52

Okay. Thank you. If I could just move on to the definition of maintain. And it's your I did ask a question on this. you've answered it. I accept the answer. But what? What slightly concerns me in these in the standard definitions, Mr. Challis, that it allows an unspecified number of maintenance activities to take place which could overtime which could cumulatively end over time resulting in in the development being entirely replaced. Do you do you concur with that, and do you do you agree that perhaps additional wording that clarifies that that it should not amount to the whole should allow some but not all of the of the development to be replaced?

54:51

Thank you so much Alice for highways England. So as you rightly say this is a definition of maintained very commonly found in highways England development consent orders and the definition I mean, it defines maintenance by way of various activities to make it clear. I think what it what it could cover. But it's subject to the proviso, which is to the effect that the works mustn't give rise to any materially new or materially different significant environmental effects. So it is actually quite limited in its scope in practice. And as regards the prospect of as it were replacing the entire development. extremely unlikely that I think that will be I think the proviso would operate to you know, stop that being within the definition. So our view is that the definition which as you say, is very commonly found in highways, England, development consent orders is appropriate as drawn.

55:58

Well, of course, the Secretary state has accepted wording where, where it does say, not the whole in it. And I know that because I've inserted it. So I can say that, but I will give some further thought to the answer. You've given Mr. Challis. And if I, if I feel it needs to be inserted, I will, I will ask it as a written question. In the next round of questions for you for your view. But I'm content to leave the matter there. So if I could ask now, Mr. Douglas, if you could now sort of join, join the discussion here, because I want to pick up some of the points that you have raised in your local impact report. And I think you have some concerns. Mr. Douglas, Sir, Can you hear me?

56:48

Yes, sir. Yes,

56:49

you are there. Good. Okay. I think being Friday, I think everybody seems to have internet problems. Obviously, the broadband is out enough for the week. So will we if you do need to turn the camera off to do so. Now, I noticed you do have a number of issues with the with the DCO. But I've picked on the ones that I think are perhaps worthy of discussions, perhaps the ones where you hold the most concerns with you, unless things have moved on. Do tell me but if we could start with article 13, on the temporary closures, you stayed here that you you're concerned about the broad use of power, would you would you just like to elaborate, please?

57:35

Yes. So the in relation to Article 13 and closures there are, there are kind of two to it to it two concerns that we've really got with that really, the first the first concern we've got we've got is around the breadth of that clause. So if you turn to point one of that article, sir, the second sentence on that on that refers to the IRS or restricts the use of any streets. And our concern is that the clause as it's currently written is too broad. And that maybe we would suggest it should be restricted to the, to the order boundary. Otherwise, that the concern that we've got is that it will encroach into LBH operated roads. And the other concern that we've got is around the matter of opt in consent. So I could turn the panel's attention 2.6 of that article, where it refers to a period of 28 days, beginning of the date of which the application was made, it is deemed to have granted consent, in terms of if that's what the twenty eight day period is, expires. The applicant would push ahead with that particular article, whether or not the local authorities responded in that time period. In terms of that, that that that particular time period, we would suggest that we would like to amend that clause, really. And we would we would like to put forward it to be amended to allow a period of 10 days to review the 10 working days to review the draft documentation that's been sought for approval by the applicants to see if all the relevant information is there, has been provided by the contractor. And if it hasn't been, haven would reasonably act to request as a written request for any further information that it should seek, and that would be undertaken within a further 10 working days. So what we're essentially are asking for is for the clause to be amended to allow 10 working days to review the documentation and then a further 10 working days to request any additional information from the contractor. And once that additional information has been provided, Haydn will then have a 28 day process to make its decision.

1:00:15

Yes, I see you you've raised the power of deemed consent on a number of other articles. And Is that it? Just before we come to those, are they related to the same thing? Is it about the grace period of 28 days? Or because it wasn't clear to me from reading your lie or whether you are actually objecting to the principle of deemed consent or not? And I had some questions for you on that. But if that's not the case, then then I can dispose of those questions. So when we talk about deemed consent issue, it's that 28 day period? And if they don't hear from you, Satan, go ahead. That's what you've got the issue with?

1:00:59

Yes. And what's haven wood? Say would be if, if the proposed timescales that I've just set out were to be included within the within the draft decio, then our objection to deemed consent would, would, would go.

1:01:16

Okay. Now, if we could move to Article 16, where I think you've got an issue with I presume the same? Is it the same 28 day? period? I'm not opposed, you can take me through that. But I don't think you've also got an issue here with the road being D trunked. And the applicant did respond to that and said that, that that just can't happen. Did that. Did that response, satisfy you? And if it didn't, could you again, just direct me specifically to which parts of this article you have a concern with?

1:01:52

So in relation to clause 16, we now have no objections to that particular clause.

1:02:00

Thank you very much indeed. So and again, if we can, so we can pick up back on the deem consent issue. Now, I understand that that your concerns they're referring to articles 1819 and 22. Is that is that correct?

1:02:20

Yes, sir. That's correct. Yep.

1:02:23

So that would be a just let's just be clear. 18 1118, Article 18, paragraph 11. Article 19. Again, paragraph nine, paragraph nine, and article 22.616. Yes, thank you very much. Indeed. Is there any, any other article that would not leave the requirements just for the moment? Mr. Douglas, we'll come to the requirements next. But in terms of the articles, so everything up to the camp and the length, you know, issues that you've raised, I'll come back to those. But in terms of the articles, any other article that's of concern to you, that I that I haven't picked up that you want to discuss

1:03:12

in just in relation to Article 18? Sir, the point C of Article 18. We will just would like some clarification, from the applicant in relation to the phrase authorised use of the use as a parking place of any road. Now,

1:03:35

as article eight, sorry, just to be to be clear, you're talking about article 18. Sub paragraph to say

1:03:42

yes, sorry, yes. Article 18 sub paragraph to see where it says authorise the use of parking place off of any road? Yeah, we just like to understand really, what's the what's the intended terms from the applicant in terms of creating on street parking that might affect lbh operated roads? There was a brief discussion on parking. You may recall, sir, at the open floor hearing, and our concern is particularly in relation to Woodstock Avenue.

1:04:15

Thank you. Anything else? Mr. Douglas, as I said, I will come back to requirements in just a moment.

1:04:19

The other article that I know you you've already got on your agenda, sir, is in relation to Article 35. And I know so you've got that on your agenda. But just so I can I can make clear Haven's position on article 35. If the applicant does confirm that it does relate to highway land, then haven would like to see a specific reference within that article that the reinstatement of that land needs to be made to the local housing authorities satisfaction.

1:04:56

That they responded to that though to say that they did. It wasn't going to be on highway land, I think, didn't they? Mr. Challis will confirm in just a moment or two. But I'm you you've raised and I'm sure the applicant has said that that's not it's not going to be on highway land, and therefore, your suggested change wasn't necessary.

1:05:16

If that makes it won't be necessary. Yep.

1:05:19

Okay. Thank you. I think that deals with the with, with the next part of that the three, three and three, four anyway, so Mr. Challis, do you want to come back now please, and, and respond, and perhaps we can go through it sort of Article blog article again. So if we could start perhaps with article 13. And no doubt, you'll have taken some notes, and perhaps we can discuss the issues that hazing have raised? But before you answer, Mr. Challis you have been having internet issues I've seen you've been freezing, but if you want to turn your camera off, if you think that will help to do so.

1:06:01

Good, I think so hopefully, that will help. I can hear you, but only it's a bit of it is breaking up a bit. But let's see if this helps. So I'm sorry, which article did you want to start with? I start with?

1:06:19

Yeah, we'll start with article 13. One, where the hiring of requested, raise concerns with the second line, or restricted the use of any street, they think that power is too wide. And it should be restricted to the order limits?

1:06:37

Well, so I'd respond. First point I think to make is that this is a very familiar piece of drafting in development consent orders. And as you will appreciate, as we're talking about a nationally significant infrastructure project here, you know, that the whole purpose of development consent orders is to give a promoter wide powers to get on and get the job done. And so I don't think it is England as any particular street in mind when that broad provision is included. But it is a very standard piece of drafting as regards the deemed consent provision, which is in 13, six, but also in a number of the other articles that Mr. Douglas mentioned, we're very keen, sir, to keep our deemed consent provision. Because otherwise, if a consent isn't forthcoming from the local authority, or any other authority apart from the Secretary of State, then that has the ability to delay or even stall the project at potentially very significant expense. So we are very keen to keep our 28 day period, which we say, is ample 28 days a month, for the street authority to consider the consent application, which would be made under 34. So it is controlled under Section 34. We need to consent to the street authority, and we say for 28 days, or gives them ample time to consider and deal with it.

1:08:17

Is there a provision in this order in this article or any anywhere in the order that if they came back to you and said we can't do that in 28 days, we can do it in 40 days? For example, in a number out there? We're a bit behind as I'm sure that many of us worked in local authorities, we know how it can be, we

need a little bit longer. To, to respond to you is there something in this order that would permit that? Or Could you turn even if you're negotiating, you could turn around at day 29 and say that's it, we were getting on with it?

1:08:58

I don't think there is anything which deals with that specifically. And the whole purpose of deem consent is that if nothing is forthcoming, by two days, we can indeed get on with it. That's not to say that, you know, highways England would be unreasonable about things and if a local authority needed a bit of extra time to deal with things then depending upon the circumstances I was England may well be prepared to agree to that. But as regards provision made in the DCR we stand by the fact that we need to be able to progress this project assuming that the dceo is made without waiting on Julie for approvals from the street authority or indeed anybody else.

1:09:43

Thank you. And I think that's just something I'm going to the examiner is gonna have to consider and we'll take forward Miss Western you you've got your hand up Mr. Douglas. I will come back to you

1:10:00

Thank you, sir Tony Western for Transport for London. And I just wondered if I could clarify one particular point with the applicant, which is in respect of Article 35. And the temporary use of land for carrying out the authorised development. There's been a suggestion that that those powers wouldn't apply to highway land. But certainly, some of transport for London's highway is shown as temporary possession plots within the land plans. So I was just wondering if perhaps the applicant could clarify the position.

1:10:34

Yes, Mr. Mr. Douglas, you want to come back and then I will go back to Mr. Challis.

1:10:40

Thank you. So I just wanted to be clear, following on from Mr. Challis' comments, number of Haven, isn't I'm looking for deemed consent to be withdrawn from the draft csio itself. We are simply asking for an additional period of time ahead of that 28 day time period starting where we can we can review the necessary documentation and seek further information as and were required before that 28 day period starts. Thank you.

1:11:14

Yeah, I think that's I've understood that Mr. Douglas, and I think the applicant has said what it has said, and we and it's now for Mr. McArthur and I to consider whether we request the change or not, Mr. Challis, I think you've got to come back on two things. Firstly, Article 18. To see and he brings comments about the about the parking on the roads, and also particularly with regarding Woodstock Avenue. And if you could just address perhaps I may have mistakenly given the wrong answer to Mr. Douglas, but I'm sure you said that in your response to Article 35, that the temporary use of land did not include highway land, perhaps you again, you could address tfls points as well, Miss Janice.

1:12:12

Thank you. So I don't think I said that article. 35 can include highway land, I just don't think it includes any highway land in Avery's area. as Miss Weston quite rightly says it does include some highway land in tfls. area. And it also includes other land, which is not highway land at all. Yeah. Perhaps just to add to that, as regards doing works on the highway. Article 35, as I say, does include highway land, but there are also other provisions in the order about the use of streets and so on. So, Article 35 wouldn't be the only power that applies. There's article 13, of course, which we looked at earlier, and other articles dealing with streets, but article 35 can apply to highways. And your other point, I'm so sorry, could you take me back to it? This is 18 to see wasn't it? So where I was England is not the traffic authority. And with the consent of the traffic authority ops to be unreasonably with how old I was England could authorise can authorise the use of a as a parking place of any road. Well, again, so that's a general power intended to give highways England flexibility in terms of constructing the project and it may wish to authorise the use as a parking place of a road potentially overriding is it well, the position as regards parking restriction, and so on in a particular road, but so far as I'm aware, there's no intention whatsoever that that would apply to Woodstock Avenue. And as we've heard, there will be properly controlled construction compounds set up so I don't think there's any need for the residents of Woodstock avenue to worry about lorries leave you know, parking in Woodstock abalone, that's just simply not a possibility.

1:14:22

So you could resolve that Mr. Challis by just taking that out, couldn't you if you don't need it?

1:14:32

Well, that's true, but the broad purpose of the decio is to give a promoter broad powers because it is possible it may need these powers it when it comes to construct the project. But as I say, there's no intention. If the concern is Woodstock avenue to use Woodstock Avenue as a sort of parking area in relation to the project that's not contemplated at all. As regards to our rights removal. We're happy to consider If you'll give me time to do so.

1:15:04

Absolutely. Thank you.

1:15:06

Thank you.

1:15:07

And right. Okay, I think that's all the questions I had on the articles. So I do want to move on to the requirements. Jane, I will leave your hand up, if you've got a quick point to make.

1:15:26

Just a quick point, it's not just the lorries and the construction, it's the workers as well, our road is really very close to the a 12. And it would be a very convenient parking space for, for, you know, the workers if they didn't park in a compound, which is a lot further away from perhaps where construction is going

to be. So just enough, just to point a note, really, it's not just a lorries for delivering stuff, it's the workers themselves going through from work,

1:15:55

indeed, and if that's taken out of the decio, then they won't be able to, to do that. So point noted. Okay, so let's, let's move on to the next item, please. Which is the requirements in the decio. I just want to say before we move on to onto four, which you think that there is some concerns with it, I want to tell the outcomes are not contained with the response they've given me in respect to the wording of compatible with as used, indeed, in requirement three or substantially in accordance as using requirement for AI. They've used in accordance with every other requirement. That's been drafted. But for some reason, those two don't follow the same. I'm not going to ask you any questions on it. Mr. Charles, you've made your point, you've made your position clear in your answer, but just to just to let you know, that when the examining authority issues, its three CO, in May, Wednesday, 19th of May, those will be changed to in accordance with and be advanced to the Secretary of State on that basis. You. And you can comment again at that point. But I just wanted to let you know, of our intention to do that.

1:17:25

Thank you. So noted.

1:17:27

Thank you. So if I could just before going to requirement for hosts start with climate three on the design. And if I can ask you, Mr. Rheinberg you're probably may be the best person to ask here. You raised a concern about signing off the design of the cadent gas pipeline. is this where requirement three where that would be where that would come forward. Is this is this the requirement that you're looking at?

1:18:03

Ask Miss Weston, if she's able, yes. On that point.

1:18:06

Absolutely. Yes, Miss Weston.

1:18:10

Thank you sir, Toni Weston for TfL. And not necessarily I think at the moment, their position is that we have a lack of clarity, really about the extent of the catering gasworks. Obviously requirement three deals with detailed design, but it does require that that detailed design be in accordance or compatible with the preliminary scheme design. So we wouldn't necessarily expect further detailed drawings or design details to come forward for discharge by the Secretary of State pursuant to requirement three. We are mindful as well that cadent gas I believe, are suggesting that they have their own protective provisions. And again, that might influence how the design of the cadent gas diversion comes forward. So at the moment, it's a little bit hard for us to actually say kind of where our concern sits with the draft decio it's more in terms of kind of finding out more information about how that diversion is going to be designed and delivered.

1:19:05

But if you presumably if you're only concerned about where it goes under the a new a 12 off slip, presumably that's the bit you're concerned about. Because where it goes from there would not be your concern that that

1:19:20

yes. Yes, I've going under the road or within any TFR land within that area. That's our only concern.

1:19:28

Okay. Mr. Challis, do you want to just respond specifically on that point?

1:19:36

Sir, thank you. I tried try with the cover again, see how it goes. I think as regards the detail of the design, as respective anything affecting TfL This is really very much within the area of the event that we were just at the start of this letter. Regards requirement three generally, again, it follows a very familiar format for developing consent orders of which there are now quite a lot.

1:20:11

Okay. And so Miss Weston, I think that that the answer that is if you if you want some sort of sign off on or consultation, you will need to form part of your protected provision wording, draft, protect, protect provision wording that you'll need to set you're going to submit to me,

1:20:27

I think yes.

1:20:28

Yes, that's right. Can I just clarify as well, the, the gas line goes under the proposed a 12 off slip road, which were obviously proposing TfL would take responsibility for but it also goes under the existing a 12. So obviously goes under existing highway. So it will be the full extent of that and where TfL is concerned.

1:20:47

Thank you. And I look forward to receiving your protective revisions and the wording accordingly. Okay. Let's move on to requirements. I'm conscious of the time as well, and people may be wanting a short comfort break. But let's just deal with requirement for Mr. Douglas, your if we can take out the substantially in accordance issue. I think I've given you a direction on where the examiner authority sits with that. So let's put that to one side. You have some concerns with the listed plans, environmental plans are set out in in in requirement for subparagraph. Two, do you want to just set those out briefly, please?

1:21:35

It's the main concern that Haven's got with the with the plans set out in insert paragraph, in paragraph two a requirement for our data that we have, we have received some which have been submitted at deadline, deadline three as part of the outline camp, which was very welcome. And it's welcome that those documents will be scrutinised as part of this, this examination. However, a number of the

documents listed there, as is outlined within subparagraph. Two there, they will be included as part of the final camp, which will be produced by the contractor post consents, and we feel that they should be subject to scrutiny in need of this examination. So a local authority such as ourselves has an opportunity to, to input into the into those into those documents. Now. We feel that if we are consulted upon those documents, post the scheme receiving consents, whilst we note that our comments will go into a report that will go to the Secretary state for the sign off. Our concern, really is that what this scheme if the scheme does receive consents where we're uncertain as to whether our comments will be will be will be really taken into account at that stage. So really, the concern that we've got with those management plans is that we feel that they should all be submitted now or, or as soon as reasonably practicable practical during this examination so they can be properly scrutinised. Thank you.

1:23:26

But if they were to come in, for the Secretary of State to consider you as the local authority would still have the chance to scrutinise them, wouldn't you? I mean, what my question to you is why, if you take if you take the just the issue out for the moment about your scrutiny of the time and the proper process for you, for you, as an authority to scrutinise those documents, why do they necessarily need to be in right now? Well, I'm sorry to address all that to meet today's I mean, you haven't raised any concerns about Pollution Prevention have you or invasive species management, it's not something that you have or has been raised as an issue at this particular moment. It could the secretary state not consider that that advanced stage.

1:24:23

But the secretary state could consider those documents but we certainly feel that if they were if they were available at this point in time, given the their inter linkages between some of the management plans, it will be better to, for stakeholders to have an opportunity to review them now and to be able to input into them at this stage. We feel that whilst the secretary state can and will have the opportunity to review them when the final can be submitted to him for him for approval. And whilst we will have the opportunity to comment on them as part of the final camp post consent, we don't feel that we basically feel that our comments would have more weight now at this point in time then then then after the scheme has been granted consent,

1:25:19

okay, and just for the benefit of everybody here who may not be familiar, just outline from A to n, the which ones are not before the examining authority, the ones you wish to see. So just for this is more of a clarification for those who may not be familiar here.

1:25:38

So there's the pollution and prevention plan. The ecological so that's a, c, eco ecological habitats and species plan. These the invasive species and management plan, execution contaminated land plant management plan, Jesus saw handling management plan. H is the materials management plan, although I know that was briefly discussed yesterday. Is the site waste management plan? j is the materials waste storage and refuelling plan, KC, energy resource use management plan? l is the emergency resource plan. And n is the community engagement plan.

1:26:25

Thank you. Mr. Mr. Challis, do you want to? Could you could you respond to what you've just heard, please?

1:26:31

Yes, thank you. Um,

1:26:32

oh,

1:26:33

I have as you Ms. Maier's got a hand up as well, do you? Do you want to answer first? Oh, I

1:26:40

say I'll start off, and then I'll hand over to miss Maier. But the point I was going to make is that we have, of course, already submitted, I would say a substantial outline camp. And indeed, now a number of the management plans that came up certain your round of questions. So there is a lot of information there as regards producing all of them. I mean, that's simply not practical, because at the moment, we are talking about a preliminary scheme designed the subject of this application and this draft order. And it will be for the contractor to deal with these detail matters of how to actually carry out the construction of the relevant time. But, you know, so there, is there a high level of scrutiny because the Secretary of State approves. If he thinks it's, it's good to approve as it were the camp when all the details are available, and I'm sure he brings comments and everybody else's comments. As consultant you will be fully taken into account by the Secretary of State. And so we say that's very adequate scrutiny. I don't know if Miss Maier would like to add anything to what I've just said.

1:27:59

Evelina Maier on behalf of highways England. In our opinion, we believe these plants are better fitted to be provided by the principal contractor who would have to develop their environmental management system in accordance with ISO 14,001 requirements. And those plans would reflect the construction methodologies proposed for delivering the scheme, we believe at this stage is not practicable to provide these plans to that level of detail which would be expected for only by the London Borough of Havering or other parties. And our view is that those should be developed at detailed design, pre construction stage when this scheme is fully developed, and the implementation of it is fully understood in terms of construction methodologies, and all the mitigation measures required. I think the riak and the outline sem is providing good framework in terms of how the final sem would need to be developed. And we are confident that the application provides enough information to develop the final sense to the expectations of all the authorities and in line with the relevant legislation. Thank you

1:29:36

miss my I think I'm

1:29:39

I think,

1:29:41

Mr. Douglas, you got a hand up. I don't know if there's much more that can be said. I think this is something that we're just gonna have to give some thought to. Over the coming weeks, but Yes, Mr. Douglas, what do you what would you like to say?

1:29:59

Just very, very Briefly, sir, just to say that, you know, I think havens perspective, from payments perspective, these, these documents that are set out in in requirement for subparagraph. Two, that they are they are into, some of them are interlinked. But you know, for example, you know, the arboricultural method statement which we have, which we have sight of now, that's in the updated outline camp that was submitted at three a will link with the ecologies habits, pets and species plan and the bases invasion species management plans, which we haven't had had thought of yet. So it was just to make the point that there are there are inter linkages between the between the documents from our point of view, thank you.

1:30:40

Thank you, Miss Myers. Is that a fair point? is the borrower cultural method statement linked to the those two documents? And in hindsight, should those documents also be in before the authority even if the examining authority was to accept your and Mr. Challis' explanation that the other documents are? could wait.

1:31:06

As we discussed yesterday, you know, we have been able to provide a certain level of information in the outline plans, but some of the plants, like we take the pollution prevention plans would need to have the detail on how the site setup is done. And you know, what the pollution prevention measures should be in place, we won't be able to provide this level of detail. So while we were happy to provide some of the outline plans, I think some of them would need to wait for the detailed design or construction stage to have the level of detail required to demonstrate that the works are being undertaken in line with the legislation and with the DCR requirements.

1:32:02

But you cited the pollution prevention plan, I don't think Mr. Douglas actually cited that one himself, he was referring to the ecological habitats and species and, and the invasive species management plan, which he says are both linked to the arboricultural method statement. And to the, to the outline limp as well.

1:32:22

Well, I think the those ecological habitat and species plan and invasive species management plan are related to construction, and that is dependent on the construction sequencing, and you know, how the contractor would progress with this works. So I think it's quite early in the process to assume how the ecology works will be undertaken. If you would like us to do that, at this stage with might be able to provide something but probably is not gonna give you the level of information you might expect to see in the final

1:33:08

management.

1:33:10

I would like to give that some thoughts if I may. And again, if having thought about it, I think they are necessary, I will put it in a written question, which, which I think second questions, did you at the end of the month, and I'll do that, but I would like to ponder. Yes, I'd like to think on that. Thank you. I'm going to propose we take a break at this point. But we are very, very close to the end of the agenda. So I can I propose we just take a few minutes, perhaps be back at quarter to 12. Would that be? That'd be okay for everybody just to take a quick screen break and stretch the legs and we motor on ahead because I think we're not far from the end. getting their hand up. that's acceptable. Okay, well, let's adjourn to quarter to 12