

M25 junction 28 improvement scheme

TR010029

9.8 Statement of Common Ground with London Borough of Havering

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9.8 STATEMENT OF COMMON GROUND WITH LONDON BOROUGH OF HAVERING

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) London Borough of Havering

Signed




Project Manager
on behalf of Highways England
Date: 17/03/2021

Signed




Team Leader Transport Planning
on behalf of London Borough of Havering
Date: 17/03/2021

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1. Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (“SoCG”) has been prepared in respect of the application (“the Application”) for the M25 junction 28 scheme (“the Scheme”) submitted by Highways England Company Limited (“Highways England”) to the Secretary of State (“Secretary of State”) for a Development Consent Order (“the Order”) under section 37 of the Planning Act 2008 (“PA 2008”).
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify, and so focus on, specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) London Borough of Havering.
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 London Borough of Havering is a host authority in respect of the application and as such is a local authority under section 56A of the Planning Act 2008.
- 1.2.4 This SoCG with the London Borough of Havering also covers heritage and archaeological related issues. A letter to the Examining Authority from Historic England dated 07 December 2020 notes that Historic England do not intend to enter into a SoCG with Highways England and that archaeological and heritage advice is provided through London Borough of Havering.

1.3 Terminology

- 1.3.1 In Table 3-1 in the Issues section of this SoCG:
- “Agreed” indicates area(s) of agreement
 - “Under discussion” indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue to determine whether they can reach agreement by the end of the examination

- “Not Agreed” indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point.

1.3.2 It can be taken that any matters not specifically referred to in the Issues section of this SoCG are not of material interest or relevance to London Borough of Havering and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to London Borough of Havering.

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2. Record of engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and London Borough of Havering in relation to the Application is outlined in Table 2-1.

Table 2-1 Record of engagement

Date	Form of correspondence	Key topics discussed and key outcomes
Local authority liaison meetings		
8 June 2016	Stakeholders Meeting	Greater London Archaeological Advisory Service (GLAAS) accepted invitation but were not subsequently contacted. Minutes were provided in 2017.
29 November 2016	Email consultation	Atkins set out an approach to baseline data gathering; air photo assessment, geophysical survey, possible trench evaluation near river, borehole information. GLAAS agree this.
29 March 2017	Email of WSI	GLAAS comments on WSI for geophysics work.
17 August 2017	Email of WSI	GLAAS further comments WSI for geophysics work prepared by AOC.
15 November 2017	EIA Scoping Notification	GLAAS provide scoping comments to PINS.
7 January 2018	GI locations monitoring proposals	GLAAS agree watching brief on GI locations and receive PEIR.
8 January 2019	AOC Desk based assessment	GLAAS receive DBA.
11 January 2019	Statutory Consultation	GLAAS comments sent.
22 July 2019	WSI for GI Watching brief by AOC	GLAAS agree second draft of WSI.
28 October 2019	Email	Problems with GI monitoring, attendance being missed, further investigative works agreed to compensate.
6 November 2019	WSI	Supplementary WSI (second draft) to cover above agreed.
27 February 2020	Supplementary Consultation	GLAAS comments provided to London Borough of Havering.
22 July 2020	Section 56 consultation	Documents received.
5 August 2020	Section 56 Consultation	GLAAS comments to London Borough of Havering.
18 November 2020	Email	Correspondence with Atkins of protocols for advice.
11 April	Meeting	Workshop to obtain views and assess the extent to

Date	Form of correspondence	Key topics discussed and key outcomes
2017 and 12 April 2017		which the three Scheme options considered at the time would give effect to achieving the Scheme objectives and to agree actions to improve the value of the Scheme.
22 July 2017	Meeting	Environmental stakeholder meeting with local authorities and statutory environmental bodies.
16 August 2017	Meeting	Preferred Route Announcement and the next stage of consultation.
13 November 2017	Meeting	A DCO knowledge sharing event for host authorities to raise awareness of their role in the DCO process.
11 January 2018	Meeting	Officer briefing meeting to discuss design work to date, programme, the scoping request for the environmental impact assessments and planned statutory consultation.
12 December 2018	Meeting	Member briefing on the Scheme.
20 March 2019	Meeting	Response to Statutory Consultation discussion.
11 April 2019	Meeting	Project update - air quality noise and landscape.
15 April 2019	Meeting	Monthly engagement meeting held jointly with Brentwood Borough Council.
29 May 2019	Meeting	Monthly engagement meeting held jointly with Brentwood Borough Council.
26 June 2019	Meeting	Monthly engagement meeting held jointly with Brentwood Borough Council.
12 July 2019	Meeting	Quarterly joint local authority forum.
15 August 2019	Meeting	Monthly engagement meeting held jointly with Brentwood Borough Council.
20 September 2019	Meeting	Monthly engagement meeting held jointly with Brentwood Borough Council.
28 October 2019	Meeting	Statutory consultation Feedback Review meeting.
01 November 2019	Meeting	Quarterly joint local authority forum.
28 November 2019	Meeting	Monthly engagement meeting held jointly with Brentwood Borough Council.
02 March 2020	Meeting	DCO joint Local Authority Forum – draft DCO documents.
03 July 2020	Meeting	Proposed approach to photomontages.
27 July 2020	Meeting	Update on application and SoCG.

Date	Form of correspondence	Key topics discussed and key outcomes
16 October 2020	Meeting	Update meeting on traffic modelling.
22 October 2020	Meeting	Update meeting to discuss the burial ground/Putwell Bridge caravan park.
28 October 2020	Meeting	Update meeting to discuss SoCG/cumulative impacts/Code of construction practice (CoCP).
3 Feb 2021	Meeting	Air quality, noise and vibration and contaminated land matters
17 Feb 2021	Meeting	Air quality, noise and vibration and contaminated land matters
19 Feb 2021	Meeting	Cultural heritage matters (Outline Archaeological Management Plan)
23 Feb 2021	Meeting	Noise and vibration matters
26 Feb 2021	Meeting	Discussion on the items which are still under discussion
10 March 2021	Meeting	Archeological evaluation discussion with GLAAS/London Borough of Havering
Shared documentation		
06 January 2017	Letter	London Borough of Havering's response to non-statutory (option selection) consultation.
16 October 2017	Email	Highways England issued the draft Statement of Community Consultation (SoCC) for comment.
16 November 2017	Email	London Borough of Havering's response to consultation on (SoCC).
06 December 2017	Email	Highways England sought information relating to a former unlicensed landfill, located to the north-west of junction 28.
08 December 2017	Email	Highways England sought feedback on the provision of suggested locations of views to illustrate the potential visual impact of the scheme during public consultation for comment / approval.
2017	Letter	Highways England sent confirmation that the January 2018 consultation was postponed allowing further development work on the design, taking into account all the key considerations
10 January 2018	Email	Proposed agenda for meeting on 11.01.2018 was sent by Highways England.
30 November 2018	Letter	Highways England sent formal notification of statutory consultation as a prescribed consultee.
19 December 2018	Email	Highways England shared shape file of the proposed red line boundary.
12 March 2019	Email	Highways England asked London Borough of Havering to review and comment on shortlist of sites

Date	Form of correspondence	Key topics discussed and key outcomes
		to be considered for the cumulative effects assessment under the Environmental Statement (ES).
18 March 2019	Email	Highways England sent an update on ground investigation works and relevant water consents.
10 April 2019	Email	London Borough of Havering confirmed that they had reviewed the cumulative effects shortlist and provided a list of further sites for possible inclusion.
17 April 2019	Conference call	Project update between London Borough of Havering and Highways England to discuss ongoing engagement.
26 July 2019	Email	Highways England sent the scoping report for the Transport Assessment was sent to the London Borough of Havering for review.
30 August 2019	Email	The London Borough of Havering provided a response to Transport Assessment scoping report.
4 December 2020 and 30 December 2020	Emails	London Borough of Havering's response to Supplementary Consultation.
07 January 2020	Email	Confirmation from London Borough of Havering that Section 23 (Prohibition on obstructions etc. in watercourses), 30 (Authorisation of drainage works in connection with a ditch) and 32 (Variation of awards) of the Land Drainage Consent can be included as part of DCO submission
17 April 2020	Email	Highways England shared the draft DCO documents (Draft DCO, Works plans, Land plans, Historic sites and features plans and Biodiversity plans, Register of environmental actions and commitments (REAC), Outline Landscape and Ecology Management and Monitoring Plan (LEMP), Outline Construction and Environmental Management Plan (CEMP) for review and comment.
29 May 2020	Email	List of relevant planning policy identified by London Borough of Havering was sent across to the team.
25 June 2020	Email	London Borough of Havering gave comments on the draft Outline LEMP and the REAC.
29 June 2020	Email	London Borough of Havering issued comments on the Biodiversity Site and Features Plan and the Historic Environment Sites and Features Plan.
08 July 2020	Email	London Borough of Havering issued comments on the Outline CEMP.
21 July 2020	Email	London Borough of Havering issued comments on the Draft DCO.
28 October 2020	Email	London Borough of Havering issued a consolidated table of comments on draft DCO documents (LEMP, REAC, Biodiversity Sites and Features Plan, Historic Environment Sites and Features Plan, Outline CEMP, draft DCO and planning policies).

- 2.1.2 It is agreed that this is an accurate record of the key meetings and other forms of consultation and engagement undertaken between (1) Highways England and (2) London Borough of Havering in relation to the issues addressed in this SoCG.

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3. Issues

3.1 Introduction and general matters

3.1.1 This section sets out the 'issues' which are agreed, not agreed, or are under discussion between the London Borough of Havering and Highways England. On 12 November 2020, the Examining Authority issued a letter under Section 88 of the Planning Act 2008 and Rules 4, 6 and 9 of The Infrastructure Planning (Examination Procedure) Rules 2010 (known as the '*Rule 6 Letter*'). Annex D of the '*Rule 6 Letter*' sets out a request for SoCG between Highways England and various parties, including the London Borough of Havering. For the London Borough of Havering, the '*Rule 6 Letter*' advises that the following issues should be in the SoCG:

- Planning policy
- The need and principle of the proposed development and examination of alternatives
- Development in the Green Belt
- Biodiversity
- People and communities
- Flooding and water
- Historic environment
- Landscape and visual impacts
- Traffic and access
- Air quality
- Noise and vibration
- Cumulative impacts
- The draft Development Consent Order.

3.1.2 The '*Rule 6 Letter*' also advises that the SoCGs should cover where relevant:

- Methodology for environmental assessments including assessment of cumulative effects
- Data collection methods
- Baseline data
- Data/statistical analysis, approach to modelling and presentation of results
- Full expression of expert judgements and assumptions
- Identification and sensitivity of relevant features and quantification of potential impact
- Likely effects, including construction and operational effects

- Feasible and deliverable mitigation and method of securing such mitigation within the DCO.

3.1.3 Table 3-1 incorporates the matters noted above and shows those matters which have been agreed, or yet to be agreed by the parties, including a reference number for each matter, and the date and method by which it was agreed (if relevant).

Table 3-1 Table of issues and matters to be agreed – Version as at 17 March 2021

3.1.4 Table 3-1 has been discussed with London Borough of Havering and this Interim Statement is second iteration at 17 March 2021.

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and London Borough of Havering and reasons for any difference in views	Matters to be addressed/agreed
1.0 PLANNING POLICY				
1.1 Statutory development plan				
1.1.1.	REP3A-020	The relevant planning policies for the Scheme are set out in the National Policy Statement for National Networks (NPS NN) and the London Borough of Havering's Core Strategy and Development Control Policies Development Plan Document (2008) (which form the current statutory development plan). The London Borough of Havering's Local Plan Proposed Submission (August 2017) was submitted for examination on 27 March 2018. In October 2018 and May 2019 examination hearings took place. The Council recently published its main modifications for consultation (August 2020 to October 2020). The submitted Local Plan is likely to gain weight but may not be formally adopted before the finish of the	<p>London Borough of Havering has concerns over a number of policies from a scheme compliance perspective which remain under discussion with the Highways England. These are set out below:</p> <ul style="list-style-type: none"> Local Plan Policy 22 Skills and Training Local Plan Policy CP8 Community Needs and DC27 Provision of Community Facilities (Core Strategy and Development Control Policies 2008) 	<ul style="list-style-type: none"> Policy 22 not agreed – Highways England's position is set out in paragraph 25.2.7 of the Local Impact Report Response (REP3A-020) and further re-iterated in paragraph REP3B-006-1 of the London Borough of Havering Deadline 3B response (TR010029/EXAM/9.49) Policy CP8 and DC27 under discussion – discussions are ongoing with the Garden of Peace (GoP) to which this concern relates. This matter will remain under discussion with London Borough of Havering until discussions with GoP are concluded. The most recent position on this is set out in

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		DCO examination for the M25 junction 28 Scheme.	<ul style="list-style-type: none"> <li data-bbox="1048 507 1635 564">• Policy CP9 Reducing the need to travel (Core Strategy and Development Control Policies) <li data-bbox="1048 767 1635 855">• Policy CP10 Reducing the need to travel (Core Strategy and Development Control Policies 2008) <li data-bbox="1048 1058 1635 1117">• Local Plan Policy 23 Connections Havering Local Implementation Plan (2019) <li data-bbox="1048 1319 1635 1378">• Policy DC 8 Gypsies and Travellers (Core Strategy and Development Control Policies) 	<p data-bbox="1711 368 2085 488">paragraph REP3B-006-2 of the London Borough of Havering Deadline 3B response (TR010029/EXAM/9.49).</p> <ul style="list-style-type: none"> <li data-bbox="1666 507 2130 746">• Policy CP 9 not agreed - Highways England's position is set out in paragraph 10.4.1 of the Local Impact Report Response (REP3A-020) and paragraph REP3B-006-3 of the London Borough of Havering Deadline 3B response (TR010029/EXAM/9.49). <li data-bbox="1666 767 2130 1038">• Policy CP10 not agreed – Highways England's position is set out in paragraph 10.5.1 to 10.5.2 of the Local Impact Report Response (REP3A-020) and paragraph REP3B-006-3 of the London Borough of Havering Deadline 3B response (TR010029/EXAM/9.49). <li data-bbox="1666 1058 2130 1297">• Policy 23 not agreed - Highways England's position is set out in paragraph 25.3.1 – 25.3.6 of the Local Impact Report Response (REP3A-020) and paragraph REP3B-006-3 of the London Borough of Havering Deadline 3B response (TR010029/EXAM/9.49). <li data-bbox="1666 1319 2130 1430">• Policy DC8 under discussion - Highways England's latest position is set out in paragraph REP3B-006-6 of the London Borough of

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and London Borough of Havering and reasons for any difference in views	Matters to be addressed/agreed
			2008), Local Plan Policy 11 Gypsy and Traveller Accommodation.	Havering Deadline 3B response (TR010029/EXAM/9.49).
			<ul style="list-style-type: none"> Policy DC32 The Road Network (Core Strategy and Development Control Policies 2008) 	<ul style="list-style-type: none"> Policy DC32 not agreed - Highways England's position is set out in paragraph 10.9.1 of the Local Impact Report Response (REP3A-020) and paragraph REP3B-006-7 of the London Borough of Havering Deadline 3B response (TR010029/EXAM/9.49).
			<ul style="list-style-type: none"> Local Plan Policy 33 Air Quality 	<ul style="list-style-type: none"> Policy 33 (Proposed Local Plan) – Under discussion (see section 11.2.4 of this document).
			<ul style="list-style-type: none"> Policy DC 70 Archaeology and Ancient Monuments (Core Strategy and Development Control Policies). 	<ul style="list-style-type: none"> Policy 70 under discussion with the latest position set out in paragraph REP3B-006-5 of the London Borough of Havering Deadline 3B response (TR010029/EXAM/9.49) and in section 8 of this document.
1.2 Development land				
1.2.1	APP-047	The relevant sites allocated for development, or sites with extant permissions, were assessed and are as set out in Table 13.20 (Development Land) of Environmental Statement (ES) Chapter 13 (APP-047). The assessment set out in sections 13.8.45 to	Agreed.	Agreed.

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and London Borough of Havering and reasons for any difference in views	Matters to be addressed/agreed
		<p>13.8.47 of ES Chapter 13 (APP-047) is appropriate.</p> <p>It is not expected that there will be any significant impacts on development land as a result of the Scheme.</p> <p>Policy 36 of the Local Plan (August 2018) identifies that part of the site would be suitable for wind energy development. A modification has been proposed to that policy which intends to ensure that the delivery and operation of the Scheme would not be prejudiced.</p> <p>The Scheme would have a beneficial impact and support the delivery of development land.</p>		
2.0 THE NEED AND PRINCIPLE OF THE PROPOSED DEVELOPMENT AND EXAMINATION OF ALTERNATIVES				
2.1 Need for the Scheme				
2.1.1	APP-095	There is a need for the Scheme as set out in section 3.5 of the Case for the Scheme and Schedule (CftS) of Accordance with National Policy Statement (APP-095).	Agreed.	Agreed.
2.2 Scheme objectives				

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and London Borough of Havering and reasons for any difference in views	Matters to be addressed/agreed
2.2.1	APP-095	The Scheme meets the objectives as summarised in Table 3.1 of the CftS (APP-095), including relieving traffic congestion and improving safety.	Agreed.	Agreed.
2.3 Alternatives				
2.3.1	APP-095 and APP-023	Highways England has considered a range of scheme alternatives. London Borough of Havering supports the selection of the preferred Scheme as set out in section 2.4.3 of the CftS (APP-095).	Agreed.	Agreed.
3.0 DEVELOPMENT IN THE GREEN BELT				
3.1 Alternatives and justification				
3.1.1	APP026	The Scheme is located entirely within designated Green Belt. Therefore, any improvements to be made at M25 junction 28 will have to be located within the green belt if they are to go ahead.	Agreed.	Agreed.
3.1.2	APP-031	The Scheme minimises its visual impact on surrounding receptors and limits the impact on the openness of the Green Belt as set out within section 9.9 of Chapter 9 of the ES (APP-031).	Agreed.	Agreed.

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and London Borough of Havering and reasons for any difference in views	Matters to be addressed/agreed
3.1.3	APP-095	The Scheme constitutes 'very special circumstances' and would not constitute inappropriate development in the green belt as set out in section 5.5 of the CftS (APP-095). It is therefore acceptable in terms of its effect upon the green belt.	Agreed.	Agreed.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Methodology of assessment, adequacy of surveys and baseline data and robustness of assessment

4.1.1	APP-026 to APP-037, APP-097, APP-050 APP-038 REP3A-020	The methodology for the environmental assessment for each technical discipline is robust and is predicted on appropriate baseline information using appropriate data collection methods and addresses a suitable study area. Highways England has consulted London Borough of Havering on environmental matters during the preparation of the ES and the environmental mitigation proposed for the Scheme (APP-039) have been developed in consultation with London Borough of Havering and other stakeholders.	Agreed subject to the matters outlined in sections 4.2 to 9, 11 and 12 below.	Agreed subject to the matters outlined in sections 4.2 to 9, 11 and 12 below.
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SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and London Borough of Havering and reasons for any difference in views	Matters to be addressed/agreed
4.1.2	APP-050	The correct or up-to-date relevant policies and guidance have been used throughout the ES with the updated Design Manual for Roads and Bridges (DMRB) guidance being considered in Appendix 4.1 DMRB sensitivity test (APP-050).	Agreed.	Agreed.
4.2 Adequacy of environmental mitigation and compensation measures and proposed management and monitoring				
4.2.1	APP-072, APP-039	The package of environmental mitigation and compensation measures for the Scheme (including the Outline LEMP (APP-072)) appropriately address the Scheme's likely significant effects.	Agreed.	Agreed.
4.3 Geology and soils				
4.3.1	APP-032 REP1-003, REP1-004, REP1- 023 to REP1-025	Adequacy of Ground Investigation including detailed risk assessment.	Agreed.	Agreed.
4.3.2	APP-032	Assessment methodology	Agreed.	Agreed.
4.3.3	APP-032, APP-075, APP-096	Construction and Operational Phase Impacts	Agreed.	Agreed.
4.3.4	APP-096, APP-097, REP2-002	Mitigation measures	London Borough of Havering response (25/02): a. Mitigation during construction	Agreed.

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and London Borough of Havering and reasons for any difference in views	Matters to be addressed/agreed
	REP1-023 to REP1-025		<p>London Borough of Havering requests the following amendments to the REAC (Ch 10, Table 10.15 and section 10.9 TR010029/APP/6.1):</p> <ul style="list-style-type: none"> • Addition: <i>'Before starting any work that is likely to disturb asbestos, a suitable and sufficient risk assessment must be prepared by the employer, in line with current legislation and Health & Safety Executive (HSE) guidance. The risk assessment will set out, among others, appropriate control measures.'</i> • Amendment (delete strikethrough text and add bold highlighted text): <i>'Implementation of appropriate dust suppression measures to prevent migration of contaminated dust and asbestos fibres, as appropriate, in line with the asbestos risk assessment. (and if deemed necessary, dust monitoring). If any additional ACM / asbestos fibres (particularly concentrations > 0.001%) are identified during the works, the asbestos risk assessment will be updated, to ensure that control measures are appropriate at all times during the works. consideration should be given to the need for reassurance monitoring on construction personnel and / or at works area / sensitive site boundaries.'</i> <p>b. Mitigation during operation London Borough of Havering is satisfied with the relevant amended wording in the REAC.</p>	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and London Borough of Havering and reasons for any difference in views	Matters to be addressed/agreed
			<p>HE response (03/03): The requested amendments will be made to the REAC. An updated version of the REAC will be submitted at Deadline 5 (or a future deadline when we are required to provide updates to the REAC).</p>	
4.4 People and Communities – Non-Motorised Users				
4.4.1	APP-035	Baseline data for the Non-Motorised Users assessment within the People and Communities Chapter of the ES (APP-035)	London Borough of Havering have a concern with the methodology used for the assessment of Non-Motorised Users contained within the People and Communities chapter of the Environment Statement. In particular, the historic data that has been used which was from 2015.	Not agreed – Highways England’s position is set out in paragraph 17.5.2 to 17.5.4 of the Local Impact Report Response (REP3A-020).
5.0 CUMULATIVE EFFECTS				
5.1 Cumulative and in-combination effects on, and with, other major projects and proposals				
5.1.1	APP-098 and RR	Appropriate assessments have been undertaken to assess the potential cumulative and in-combination effects of the Scheme on, and with, other major projects and proposals. It is agreed that the cumulative impact of Lower Thames Crossing and M25 J28 improvement scheme on the local road network cannot be properly assessed at this stage because the Traffic Management Plans for LTC are still being prepared.	Agreed.	Agreed.

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and London Borough of Havering and reasons for any difference in views	Matters to be addressed/agreed
5.1.2	APP-037, APP-090, APP-091, APP-096 and RR	<p>Study area identified in ES Chapter 15 - Assessment of cumulative effects (APP-037). London Borough of Havering agree that the cumulative effects assessments presented with the environmental documents are appropriate and can be decoupled from the traffic related cumulative matters raised by the council (in 5.1.1 above).</p> <p>The study area for the identification of 'other developments' for inclusion in the assessment of cumulative effects has been based upon thresholds and spatial areas. The Highways England states that "these thresholds and spatial areas are based upon professional judgement and taking into account the nature and location of the Scheme and the ZOIs for individual environmental topics."</p> <p>Only developments in the traffic model within 3 km of the DCO boundary have been included in the cumulative assessment.</p> <p>It is acknowledged in the ES Chapter 15 - Assessment of cumulative effects (APP-037) that Havering sent through a</p>	Agreed.	Agreed.

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and London Borough of Havering and reasons for any difference in views	Matters to be addressed/agreed
		number of lists of proposed developments-which it considered should be taken into account in the development of the cumulative and in combination assessment.		
6.0 BIODIVERSITY				
6.1 Effects in Ingrebourne Valley Site of Metropolitan Importance				
6.1.1	APP-097, APP-029, APP-072 and APP-015.	The proposed environmental mitigation and compensation proposals to be carried out will provide suitable and adequate mitigation for the Scheme's effects on the Ingrebourne Valley Site of Metropolitan Importance. Requirement 5 of the draft DCO (APP-015) is appropriately drafted to ensure the implementation of the proposed mitigation.	Agreed.	Agreed.
6.2 Effects on protected habitats and habitats of conservation concern including ancient woodland, other woodland, trees and hedgerows				

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6.2.1	APP-029, APP-097	<p>The conclusions reached within the ES state that there would be no long-term residual effects for great crested newts, bats, breeding birds, otter and terrestrial invertebrates are accepted.</p> <p>There is an unavoidable loss of two veteran trees and the Highways England's proposal to replace their loss with 16 trees of suitable native species is appropriate mitigation for that loss.</p>	Agreed.	Agreed.
7.0 PEOPLE AND COMMUNITIES				
7.1 Effects on the operation of Maylands Golf Course				
7.1.1	APP-035	The proposed accommodation works (as outlined in section 13.10.21-13.10.22 of ES Chapter 13) would provide an equivalent area for hole 2 whilst minimising the impact on the Green Belt and Ingrebourne Valley Site of Metropolitan Importance.	Agreed.	Agreed.
7.2 Effects on Open Space				
7.2.1	APP-035	Highways England has taken the cautious approach that considers the Gardens of Peace burial ground to be open space	Agreed.	Agreed.

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		under the Planning Act 2008. It is accepted that diversion of the Cadent gas pipeline within the Gardens of Peace burial ground would not adversely affect the amenity of this site as open space, accounting for the necessary easement for the pipeline.		
7.3 Effects on public rights of way/non-motorised user routes and other footpaths				
7.3.1	APP-047	There would be no worsening of existing non-motorised user facilities, and the new footpath along the re-aligned A12 off-slip would be wider than the existing facility.	London Borough of Havering notes that Highways England has been looking at options to improve cycling connectivity between the London Borough of Havering and Brentwood Borough Council via the Brook Street interchange and recognises that this falls outside the remit of the DCO. Highways England confirms that it is pursuing 'designated funds' for the improvements outlined which is outside the scope of this Scheme.	Agreed.
7.4 Effects on living conditions of surrounding residents, both from construction and operational activities				
7.4.1	APP-047, APP-035, APP-096 and APP-097	Figure 13.1 of ES Chapter 13 (APP-047) identifies all the sensitive receptors within the administrative area of the London Borough of Havering which are pertinent to the Scheme. The methodology for identifying the relevant receptors is set out in section 13.5 of Chapter 13 of the ES (APP-035).	London Borough of Havering has queried whether the occupiers of the Putwell Bridge Caravan Park can remain in occupation, and confirmation that their access will not be blocked off is required. Highways England confirms that discussions have been undertaken with Cadent and it is confirmed within the Statement of Common Ground between Highways England and Cadent Gas that there is no intention to block access to or from the Putwell Bridge Caravan Park site and that occupiers can remain in situ for the duration of the construction works as well as when the Scheme becomes	Matter under discussion – Highways England's latest position is set out in paragraph REP3B-006-6 of the Havering Deadline 3B response (TR010029/EXAM/9.49).

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		The conclusions reached within Chapter 13 (APP-035) on the assessment of the effects of the Scheme on human health and that there are no significant effects are accepted.	operational. The Council is seeking further written evidence that the residents of Putwell Bridge Caravan Park can remain on site during construction. Further written evidence is also required that access to the Caravan Park will remain in place at all times. Highways England response (23/02/2021): Noise levels have been assessed at Putwell Bridge and the Gardens of Peace. These results have been presented in response to the Relevant Representation (RR) (RR-017-5) (REP1-002). Changes in noise due to the Scheme are smaller than 1dB at both locations. The results at Gardens of Peace are being added to the receptor table for a revision to the Environmental Statement Noise and vibration chapter, Chapter 6 (TR010029/APP/6.1(2)) submitted at Deadline 3a.	
8.0 HISTORIC ENVIRONMENT				
8.1 Whether further archaeological investigation is required to understand potential significant deposits				
8.1.1	APP-033, APP-097 and RR	The proposed Archaeological Management and Mitigation Strategy (as set out in section 11.6.1 and 11.9 of ES Chapter 11 (APP-033) and Table 1.2 in the REAC (APP-097) is sufficient to cover the identification, evaluation and recording of significant archaeological material in advance of and during construction.	Agreed – The Desk-Based Assessment (DBA), while dated, reflects an accurate assessment of the historic environment baseline known at the time. The ES (APP-033) reflects an updated search of the Historic Environment Record and the maps and plans for the DCO application will be updated to reflect the latest baseline information, including the newly recorded Anglo-Saxon remains south of the site.	Agreed.

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		<p>Requirement 9 of the draft DCO (APP-015) is appropriately worded and will ensure that the relevant mitigation measures set out in the REAC are reflected in the written scheme of investigation.</p> <p>There are appropriate measures in place to ensure that further archaeological investigation takes place at the appropriate time before construction commences.</p>	<p>Agreed – An Archaeological Management and Mitigation Strategy (AMMS) included in the Register of Environmental Actions and Commitments (REAC) and in the Outline Construction Environmental Management Plan (CEMP) as a condition of consent is appropriate to mitigate, manage and offset impacts to the historic environment and address the potential for unanticipated discoveries and outline provisions for the preservation of remains where this is appropriate, public outreach, community involvement, and public benefit.</p> <p>Agreed – While geophysical survey was initially agreed as part of the identification and evaluation of archaeological remains, circumstances have now indicated that such a survey would be impractical and of limited use. As such, geophysical survey is no longer required for assessment.</p> <p>Matter under discussion - On 10 March 2021 Highways England presented to London Borough of Havering and GLAAS a programme of targeted evaluation trenching designed to test for the presence of nationally significant archaeological remains could be undertaken during the examination period. The archaeological trenching is scheduled to be undertaken in May 2021 and provide an interim archaeological report to GLAAS by the end of June 2021. It is agreed that this work would provide an adequate baseline to determine if the DCO design would result in substantial harm to as-yet unknown</p>	<p>Agreed.</p> <p>Agreed.</p> <p>Under discussion</p>

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			<p>archaeological remains and provide opportunity to address the need for preservation <i>in situ</i> if nationally significant archaeological remains are found.</p> <p>Outline Archaeological Management Plan London Borough of Havering has asked that the Outline Archaeological Management Plan (REP3A-039) (AMP) would need to demonstrate how the management of potentially significant archaeological remains will be achieved according to policy, as well as demonstrating appropriate methods of investigation and the provision of public benefit to offset harm.</p> <p>The Outline AMP submitted at Deadline 3a has been discussed with GLAAS and London Borough of Havering and further engagement is required to refine the document. The updated document is expected to be submitted at Deadline 5.</p>	
8.2 Impact on the historic landscape and surrounding listed buildings				
8.2.1	APP-033 and RR	<p>All relevant designated and non-designated assets are identified and assessed in Chapter 11 of the ES (APP-033). This includes Tyler's Hall Farm and Grove.</p> <p>The Scheme is therefore compliant with Policies CP 18 Heritage, DC 67 Buildings of Heritage Interest and DC 69 Other Areas of Special Townscape or Landscape Character.</p>	Agreed.	Agreed.

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9.0 LANDSCAPE AND VISUAL IMPACTS				
9.1 Visual effects				
9.1.1	APP-031, AS-002 to AS-008 and RR	The Scheme limits as far as practicable the impact on the surrounding landscape, including the provision of large areas of mitigation planting, as detailed in section 9.9 of Chapter 9 of the ES (APP-031). The London Borough of Havering has queried the technical preparation of the submitted documents. Highways England confirms it has produced the submitted photomontages in line with the latest guidance (September 2019).	Agreed.	Agreed.
10.0 TRAFFIC AND ACCESS				
10.1 Traffic Modelling and Transport Assessment				
10.1.1	APP-098 REP3A-020	The methodology and scope of the traffic modelling carried out for the Scheme is robust and appropriate in respect of: Baseline monitoring (Chapter 3 of the Transport Assessment Report (TAR) (APP-098))	London Borough of Havering seeking further reassurance with regards to the impact of the Scheme from strategic sub regional growth which has not been taken into account as part of the Traffic Modelling.	Not agreed – Highways England's position is set out in paragraphs 19.1 to 19.2 of the Local Impact Report Response (REP3A-020) and paragraph REP3B-006-11 of the Havering Deadline 3B response (TR010029/EXAM/9.49).

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and London Borough of Havering and reasons for any difference in views	Matters to be addressed/agreed
		Demand forecasting (section 5.3 of the TAR (APP-098)) Future year modelling (Chapter 5 of the TAR (APP-098)).		
10.1.2	APP-098	The 2015 base flows used in the traffic modelling and reported in Chapter 3 of the TAR (APP-098) are robust and derived from reliable sources.	Agreed.	Agreed.
10.1.3	APP-098 REP3A-020	The list of proposed developments contained in Table 5.2 and shown on Figure 5.2 of the TAR (APP-098) correctly reflect the scale and type and location of planned growth within the modelled network area and are suitable for use in the traffic modelling/transport assessment.	Not agreed: - see comments in 10.1.1.	Not agreed – Highways England’s position is set out in paragraphs 20.1.3 to 20.1.9 of the Local Impact Report Response (REP3A-020) and paragraph REP3B-006-11 of the Havering Deadline 3B response (TR010029/EXAM/9.49).
10.1.4	APP-037 REP3A-020	London Borough of Havering remains concerned that the cumulative impact assessment does not appear to have taken into account Havering’s housing trajectory. This issue was raised during the Section 42 consultation stage of the scheme development.	London Borough of Havering has concerns regarding the approach that Highways England has taken to assess cumulative and in combination effects. Havering’s section 42 response noted growth areas outside of the Zone of Influence that Highways England should take into account including two Housing Zones in Romford and Rainham and Beam Park.	Not agreed – as above, Highways England’s position is set out in paragraphs 20.1.3 to 20.1.9 of the Local Impact Report Response (REP3A-020) and paragraph REP3B-006-11 of the Havering 3B response (TR010029/EXAM/9.49).
10.2 Impact on Strategic Road Network (including A12 eastbound slip road and at Gallows Corner)				
10.2.1	APP-098 and RR	There would be improvements in the capacity of the roundabout at junction 28, which in turn	Further clarity is required on the impact on Gallows Corner when sub regional growth is taken into account.	Not agreed – Highways England’s position is set out in paragraphs 21.1.1 to 21.1.3 of the Local Impact Report

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	REP3A-020	<p>improves the future performance of the strategic network connecting the A12 and M25 as reported Chapter 5 of the TAR (APP-098).</p> <p>The Scheme is not expected to have a significant impact on the operational performance of Gallows Corner junction, as reported in section 4 of the Transport Assessment Supplementary Information Report (TASIR) (PDB-003) submitted at Procedural Deadline B (21 December 2020).</p>	<p>London Borough of Havering response (25/02/21):</p> <p>It is not possible for London Borough of Havering to agree on the air quality outputs because of the concerns regarding sub regional growth not taken into account in the traffic modelling.</p>	<p>Response (REP3A-020) and paragraph REP3B-006-11 of the Havering Deadline 3B response (TR010029/EXAM/9.49).</p>
10.3 Impact on local road network / local communities (particularly in respect of Woodstock Avenue and for existing access from A12 slip road)				
10.3.1	APP-098 and RR REP3A-020	<p>The construction and operation of the Scheme will not give rise to significant adverse effects on the local road network as reported in Chapter 5 of the TAR (APP-098).</p>	<p>Matter under discussion – The London Borough of Havering considers that Gallows Corner should be accounted for in the local traffic modelling. To address this representation Highways England are proposing to issue a TASIR on 21 December 2020 that will provide information on the traffic impacts of the Scheme on Gallows Corner.</p> <p>London Borough of Havering notes that a TASIR was submitted on 21st December 2020. This is being reviewed by London Borough of Havering.</p>	<p>Not agreed – Highways England's position is set out in paragraphs 21.1.1 to 21.1.3 of the Local Impact Report Response (REP3A-020) and paragraph REP3B-006-12 of the Havering Deadline 3B response (TR010029/EXAM/9.49).</p>
10.4 Displaced traffic during construction, including highways safety				
10.4.1	APP-015 and RR	<p>The impact of the Scheme on traffic during the construction phase would be managed</p>	<p>Matter under discussion – London Borough of Havering has concerns about the full closure of the A12 off-slip.</p>	<p>Matter under discussion – Highways England is submitting an</p>

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		<p>through the Traffic Management Plan that is secured in the dDCO through Requirement 10 and would involve consultation with London Borough of Havering as the relevant highway authority. The proposed traffic management of the Scheme during construction would ensure the safety of road users and minimise additional traffic congestion and delay as far as reasonably practicable.</p> <p>Furthermore, Highways England will inform the public of the temporary traffic management arrangements at the junction in advance of and during the construction works via variable message signs on the road network, online and through the media. This will allow drivers to re-time their journeys or find alternative routes to reduce traffic demand at the junction during the busiest periods and thus, minimise traffic congestion and delay during the construction works.</p>	<p>Highways England anticipates that the temporary construction measures will typically consist of speed restrictions and narrow lanes, with only a few overnight road closures. Lane and road closures will, as far as practicable, be restricted to weekends and/or overnight with the number of occurrences kept to a minimum. There will, however, be some lane closures, but not road closures, that will be in place all day, every day for longer periods of up to a few months. The temporary traffic management arrangements to enable construction of the Scheme do not require full closure of the A12 eastbound off-slip to junction 28 except for a few overnight closures.</p>	<p>Outline Traffic Management Plan (TR010029/EXAM/9.52) at Deadline 4.</p>
11.0 AIR QUALITY				
11.1 Assessment of Effects On Air Quality During Operation				

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and London Borough of Havering and reasons for any difference in views	Matters to be addressed/agreed
11.1.1	APP-027, APP-040 and RR	The study area for the air quality assessment as described in 5.4.3 of Chapter 5 of the ES (APP-027) and shown in Figure 5.1 of APP-040 has been defined appropriately.	Agreed.	Agreed.
11.1.2	APP-052	The model input parameters for the surface roughness and Monin-Obukhov length are provided at 5.3.4 and 5.3.5 of Appendix 5.1 of the ES (APP-052). The modelled Monin-Obukhov length at the meteorological site was incorrectly reported at paragraph 5.3.5 of Appendix 5.1 as 10 m, and was actually input as 100 m. The input parameters for surface roughness and Monin-Obukhov length are acceptable.	Agreed.	Agreed.
11.1.3		Defra's technical guidance (LAQM.TG16) is the appropriate document to use for verification of modelled results. The guidance document was produced to help local authorities carry out their LAQM duties, including the declaration of AQMAs.	Agreed.	Agreed.
11.1.4		It is considered best practice to have as many monitoring sites as possible included within the verification of the model.	Agreed.	Agreed.

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11.1.5		Methodology (inclusion of the Highways England monitoring data in the verification process):	<p>Highways England response (19/02/21): In order to include as many monitoring sites as possible in the verification process, it is considered appropriate to include the measured data from the Highways England scheme specific survey, carried out for six months in 2016. To allow comparison with the modelled base year data in 2015, it is considered appropriate to annualise the data from the Highways England survey for the year 2015 following the method in Box 7.9 of LAQM.TG16.</p> <p>London Borough of Havering response (25/02/21): London Borough of Havering considers that this approach is very uncommon and less accurate than annualisation for the same calendar year. London Borough of Havering considers that this approach should have been avoided by designing the model in a different way, such as for example change the base year to 2016.</p>	Not agreed.
11.1.6	APP-052	<p>Model Input data: Background Concentrations</p> <p>The Defra mapped concentrations underestimated the measured concentrations at the background sites used in the comparison (Table 5.2 of Appendix 5.1 (APP-052)).</p>	Agreed.	Agreed.
11.1.7		Model input data: Adjustment of Background Concentrations	Highways England response (22/02/21): Although it is possible to adjust the background concentrations prior to verification of the model, the approach Highways England has adopted will	Under discussion

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			<p>give a larger adjustment factor during the verification process, which is considered more conservative, meaning that the impact of the scheme at receptors will also be larger.</p> <p>London Borough of Havering response (25/02/21) According to the Defra's technical guidance (LAQM.TG16), model uncertainties should be dealt with and reduced, where possible, before verification is applied.</p> <p>London Borough of Havering considers that using unadjusted background concentrations increases the total uncertainty of the model (data uncertainty due to wrong background estimates).</p>	
11.1.8	APP-052	<p>Evaluation of Model Performance is acceptable.</p> <p>Highways England response (22/02/21):</p> <p>The performance of the model can be considered as acceptable if the RMSE is less than or equal to 25% of the objective value (40 µg/m³) and ideal if the RMSE is within 10% (4 µg/m³) (7.5.4.2 of LAQM.TG16).</p> <p>Following adjustment of the model, the RMSE was 3.27 µg/m³ (Table 5.6 of Appendix 5.1 of the ES (APP-052) indicating that the performance of the model was within the ideal range.</p>	Agreed.	Agreed.

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		<p>LBH response (25/02/21): Apart from looking at the average performance of the model, it is important to check that a model is performing where concentrations close to the relevant objective are being considered.</p>		
11.1.9	APP-027	<p>Evaluation of model performance for air quality assessment is acceptable. To have confidence in the model predictions the majority of the modelled results should be within 25% of the monitored concentrations, and preferably within 10% (Box 7.14 of LAQM.TG16). Following adjustment of the model, the modelled NO₂ concentrations were within 25% of the monitored concentrations at all ten sites, and within 10% at seven of the ten sites, indicating confidence in the modelled results (5.5.21 of Chapter 5 of the ES (APP-027)).</p>	Agreed.	Agreed.
11.1.10	APP-052	<p>Evaluation of model performance - Results at specific monitoring sites CP7 and HE22</p>	<p>Highways England response (22/02/21): The adjusted model overestimates the NO₂ concentration by 14% at the kerbside site CP7, and underestimates the NO₂ concentration by 10.8% at the roadside site HE22 (Table 5.7 of Appendix 5.1 of the ES (APP-052)).</p>	Not agreed.

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			<p>Highways England notes that there is uncertainty associated with the data measured using diffusion tubes (7.78 LAQM.TG16) which could explain any discrepancies in the differences in the verification results. However, the modelled results at both locations are within 25% of the measured concentrations indicating acceptable model performance as noted above at point 11.1.10.</p> <p>London Borough of Havering response (25/02/21): Taking into account that locations CP7 and HE22 are in close proximity and both exceeding the NO2 air quality objective, London Borough of Havering has concerns over the model performance, given that it over-predicts at CP7 and under-predicts at HE22.</p>	
11.1.11	APP-027	The assessment on the significance of effects is agreed. The assessment of the Scheme on air quality shows that it is unlikely there would be a significant effect during operation (Chapter 5 (APP-027)).	Agreed.	Agreed.
11.2 Assessment of Effects on Air Quality During Construction				
11.2.1	APP-027	Methodology	Highways England response (22/02/21): The methodology for the air quality assessment during construction has been carried out following guidance in the DMRB HA207/07 which is the appropriate guidance to follow for a Highways England scheme.	Not agreed.

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			<p>London Borough of Havering response (25/02/21) London Borough of Havering considers that the risk of the construction dust impacts of the Scheme should have been assessed. This is considered necessary, as it will be used as a basis for the selection of appropriate mitigation measures.</p>	
11.2.2	APP-027	Mitigation Measures	<p>Highways England response (22/02/21) Dust emissions will be mitigated using appropriate mitigation measures. The appropriate mitigation measures will be included in the CEMP and the local planning authorities will be consulted on the proposed measures prior to construction. The measures included in the CEMP will be appropriate to the planned construction activities and may include mitigation measures listed in the IAQM Construction Dust guidance.</p> <p>London Borough of Havering response (25/02/21) London Borough of Havering considers that the measures that have been proposed in the outline CEMP and attached Outline Dust Noise and Nuisance Management Plan are only indicative and it is not justified how they have been selected. Taking into account that dust mitigation measures can vary significantly depending on the risk of dust impacts of the Scheme, London Borough of Havering can't assess the appropriateness of the mitigation measures proposed, and therefore has concerns over the dust impacts of the Scheme on its residents.</p>	Not agreed.

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11.2.3	APP-027	Monitoring During Construction	<p>Highways England response (22/02/21) Local planning authorities will be consulted by the Principal Contractor to discuss any monitoring proposals. Monitoring is not a requirement, and consideration needs to be given as to the purpose of any monitoring.</p> <p>London Borough of Havering response (25/02/21) London Borough of Havering would expect to agree the monitoring requirements rather than being a consultee.</p>	Not agreed.
11.2.4		London Borough of Havering - proposed Policy 33 Air Quality	Highways England is in discussion with London Borough of Havering on the matter related to dust risk assessment in regard to paragraph 12.5.3 of the policy.	Under discussion.
12.0 NOISE AND VIBRATION				
12.1 Effects on Noise Important Areas				
12.1.1	APP-028 and RR	<p>The methodology for the assessment of noise and vibration effects as set out in sections 6.4-6.7 of ES Chapter 6 (APP-028) is robust and appropriate.</p> <p>The assessment is correct in its conclusions, including that there would be no significant adverse effects or perceptible noise increases at sensitive receptors located in Noise Important Areas</p>	<p>The Noise Important Areas considered in Table 6.7 in ES Chapter 6 (APP-028) are appropriate for the Scheme.</p> <p>Highways England has submitted an updated Noise and Vibration chapter at Deadline 3a which now includes Gardens of Peace and Putwell Bridge as receptors.</p> <p>London Borough of Havering considers that with regards to the receptors that have now been included for Gardens of Peace and Putwell Bridge that the changes are considered to be negligible both with or without the scheme.</p>	Agreed.

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		(section 6.14.3 of ES Chapter 6 (APP-028)).		
13.0 DRAFT DOC (dDCO)				
13.1 dDCO articles and associated schedules				
13.1.1	APP-015	The articles and schedules in the dDCO are appropriate for the Scheme.	Concerns related to provisions set out within the DCO which will require further discussion on with Highways England.	Not agreed – as per the comments in paragraphs 13.2.1 and 13.2.2 below.
13.2 dDCO requirements				
13.2.1	APP-015 and RR REP3A-020	The requirements set out in Part 1 of Schedule 2 of the dDCO are appropriate and provide a suitable framework for securing the necessary and relevant environmental mitigation measures and other environmental control measures.	Concern with regards to Clause 13 making use of deemed consent. Part 1, Clause 4. - Havering strongly disagrees that the CEMP for SoS approval can be left to the construction stage; indeed, London Borough of Havering has noted in the supporting documentation that Highways England intend to delegate the development and submission of the CEMP to its civil engineering contractor. The London Borough of Havering see no requirement to remove temporary works, but this is covered by article 35(5) and article 36(6), which require the removal of all temporary works and restoration of the land to the reasonable satisfaction of the landowner.	Not agreed – Highways England's position is set out in paragraphs 24.2.1 to 24.2.4 of the Local Impact Report Response (REP3A-020) and paragraph REP3B-006-9 of the Havering Deadline 3B response (TR010029/EXAM/9.49).
13.2.2	APP-015 and RR REP3A-020	The procedures for discharging requirements as set out in Part 2 of Schedule 2 of the dDCO are appropriate and satisfactorily involve the London Borough of Havering.	Matter under discussion: – The London Borough of Havering has expressed concern about the consenting process for the DCO requirements and that they will only be consulted whilst not having authority to inspect the works. Highways England considered that the proposed method of discharging the Requirements within Part 2 of	Not agreed – Highways England's position is set out in paragraphs 24.3.1 to 24.3.3 of the Local Impact Report Response (REP3A-020) and paragraph REP3B-006-9 of the Havering Deadline 3B response (TR010029/EXAM/9.49).

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			<p>Schedule 2 of the draft DCO is a well preceded principle. Moreover, requirement 17 of the dDCO includes provision that the Secretary of State will have evidence of the consultation to inform their decision on the discharge of requirements.</p> <p>The approval of requirements is exclusively reserved for the SoS. Havering notes two issues with this.</p> <p>Firstly, whilst London Borough of Havering notes that 'consultation' by Highways England is proposed prior to the making of a submission for discharge, it is clear that the Highways England is at liberty to ignore the views of the statutorily responsible authorities and submit a requirement for discharge irrespective of the consultee views expressed. London Borough of Havering would therefore invite the ExA to add a requirement for all consultation responses to be supplied to the SoS for his information.</p> <p>Secondly, London Borough of Havering will require authority to inspect the works with regard to environmental matters within its remit.</p>	
13.3 PROTECTIVE PROVISIONS				
13.3.1	APP-015	The provisions as set out in Part 4 of Schedule 9 of the draft DCO (APP-015) are appropriate as regards to the protection of ordinary watercourses.	Agreed.	Agreed.
13.3.2	APP-015	The draft DCO does not need to include protective provisions for the benefit of London Borough	Agreed.	Agreed.

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		of Havering as local highway authority.		
13.3.3	APP-015 REP3A-020	Draft DCO Part 2, 3, 4 and Part 5	<ul style="list-style-type: none"> London Borough of Havering has comments on Parts 2, 3, 4, and 5 of the dDCO (APP-015). These will be set out in the Local Impact Report. London Borough of Havering strongly disagrees that the approval of the CEMP can be left to contractor to finalise and the SoS to approve post consent. 	Not agreed – Highways England's position is set out in paragraphs 24.2.1 to 24.2.4 of the Local Impact Report Response (REP3A-020) and paragraph REP3B-006-13 of the Havering Deadline 3B response (TR010029/EXAM/9.49).
14.0 CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN AND CONSTRUCTION IMPACTS				
14.1.1	APP-096, APP-097 and APP-015	The Outline CEMP (APP-096) provides a satisfactory framework that will ensure that acceptable environmental mitigation measures are identified and implemented. The CEMP and the measures within it will be secured by requirement 4 of the draft DCO (APP-015). The mitigation measures supporting the Outline CEMP are presented in the Register of Environmental Actions and Commitments (APP-097).	London Borough of Havering is largely in agreement with the proposed mitigation measures outlined in the Outline CEMP (APP-096) and REAC (APP-097).	Agreed to the proposed mitigation measures. The outstanding issue is how they are secured.
15.0 PROPOSED SCHEME CHANGES				
15.1.1		Highways England is consulting the London Borough of Havering on the proposed scheme	London Borough of Havering have been notified of the intention to consult on the changes and are a statutory consultee. Discussions are set to take	Agreed.

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		changes as notified to the Planning Inspectorate at Procedural Deadline A.	place on the proposed changes and the impacts they may have for London Borough of Havering.	
16.0 Section 106				
16.1.1.	REP3A-020	London Borough of Havering have indicated that the Local Impact Report addresses proposed Section 106 contributions and would like to discuss with HE the planning obligations to mitigate the impact on the Scheme on the borough through securing and agreement under Section 106 of Planning Act 2008.	Highways England's position is set out in Section 25 of the Local Impact Report Response (REP3A-020) and paragraph REP3B-006-15 of the Havering Deadline 3B response (TR010029/EXAM/9.49).	Not agreed.

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