

M25 junction 28 improvement scheme

TR010029

9.49 Applicant's response to the London Borough of Havering Deadline 3b submission

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M25 junction 28 scheme

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1. Purpose and structure of responses to written representations

- 1.1.1 This document provides the comments of the applicant, Highways England, in response to the London Borough of Havering response to Deadline 3a submissions (REP3B-006) submitted to the Planning Inspectorate (PINS) on or before Deadline 3b (25 February 2021).
- 1.1.2 Highways England has sought to provide comments where it is helpful to the Examination to do so, for instance where a representation includes a request for further information or clarification from Highways England or where Highways England considers that it would be appropriate for the Examining Authority (ExA) to have Highways England's views in response to a matter raised by an Interested Party in its representations. Where issues raised within a representation have been dealt with previously by Highways England, for instance in response to a question posed by the ExA in its first round of written questions or within one of the application documents submitted to the Examination, a cross reference to that response or document is provided to avoid unnecessary duplication. The information provided in this document should, therefore, be read in conjunction with the material to which cross references are provided.
- 1.1.3 Highways England has not provided comments on every point made within the representation (for instance, Highways England has not responded to comments made about the adequacy of its pre-application consultation given that Highways England has already provided a full report of the consultation it has undertaken as part of its application for the Development Consent Order (DCO)) and the Planning Inspectorate has already confirmed the adequacy of the pre-application consultation undertaken when the application was accepted for Examination. In some cases no comments have been provided, for instance, because the written representation was very short, or because it expressed objections in principle to the Scheme or expressions of opinion without supporting evidence.
- 1.1.4 For the avoidance of doubt, where Highways England has chosen not to comment on matters raised by Interested Parties, this is not an indication Highways England agrees with the point or comment raised or opinion expressed.

2. REP3B-006 London Borough of Havering's Responses to Deadline 3a submissions

Reference	Representation Issue	Highways England Response
REP3B-006-1	<p><u>Policy Compliance</u></p> <p>LBH do not agree with the Applicant's view set out on page 6 of REP3A-020 that Policy 22 of the emerging Havering Local Plan Skills and Training is not relevant to the scheme as LBH consider the proposed scheme to be a major development proposal given its classification as a Nationally Significant Infrastructure Project. The approach to the LBH policy being taken by the Applicant is inconsistent with the NN-NPS objective to provide "<i>Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs</i>". It is the creation of jobs that LBH is most concerned about, in particular for local workforce.</p>	<p>Highways England maintains that it does not consider that Policy 22 ("Skills and Training") (which is not yet an adopted policy) is relevant to the Scheme for the reasons set out in paragraphs 10.2.1 to 10.2.5 and 25.2.7 of Highways England's response to the London Borough of Havering's Local Impact Report (REP3A-020).</p> <p>Moreover, by reducing congestion and improving journey times through the junction, the Scheme is expected to improve national and local connections for the area, thereby facilitating economic growth and development. The Scheme is therefore compliant with the NPS NN objective referred to.</p>
REP3B-006-2	<p>With regards to Policy CP8 Community Needs and DC27 Provision of Community Facilities, LBH still awaits the evidence of correspondence between the Gardens of Peace Cemetery and the Applicant as set out in paragraph 10.3.2 to 10.3.3 in the LIR (REP1- 031). Until this evidence is provided, and given the concerns raised in Written Questions 1 by Savills on behalf of the Gardens of Peace Cemetery (REP2-030) LBH will maintain the position that this scheme is not in accordance with its policies.</p>	<p>Following the Compulsory Acquisition Hearing (CAH) held on 1 March 2021, draft Heads of Terms (HoT) between the Gardens of Peace and Highways England have been provided to the Trustees for their consideration. See response to CAH Action Point 7 (TR010029/APP/9.57).</p> <p>In any event the Scheme is not in breach of this policy, which concerns the development of community facilities.</p>
REP3B-006-3	<p>With regards to Policy CP9 Reducing the need to travel and Policy CP10 Sustainable Transport, LBH retains the position that the Applicant is not policy compliant. LBH also consider that the Applicant has failed to meet the National Planning Policy Framework paragraph 102 (c) which encourages opportunities to promote walking, cycling and public transport.</p> <p>Current provision for Non-Motorised Users (NMUs) around the Brook Street roundabout is exceptionally poor and has been illustrated as such on page 75 of the LBH LIR (REP1- 031). The retention of current poor facilities is not considered to be policy compliant. This issue is discussed further in the NMU section of this letter.</p>	<p>Highways England maintains that the provision of Non-Motorised Users (NMU) improvements through the Designated Funds application would provide a holistic and more appropriate response to the concerns raised regarding provision for NMUs. Designated funds are funds made available by Highways England to address a range of issues beyond the traditional focus of road investment. They have their own defined objectives and criteria to ensure schemes are of high quality and achieve value for money.</p> <p>Designated funding projects progress through the following five stages</p> <ul style="list-style-type: none"> • Stage 1 – Project Concept • Stage 2 – Feasibility • Stage 3 – Detailed Design • Stage 4 – Implementation • Stage 5 – Closeout <p>Highways England is currently at Stage 3 in terms of finalising detailed design and this is due to be completed by the end of March 2021. This will include detail of the preferred option, cost and programme estimates. The outputs from this will be presented to the Highways England's Designated Fund Committee for an investment decision and approval to subsequently proceed with Stage 4.</p> <p>Whilst approval for this designated funding bid is not guaranteed, Highways England anticipates a decision will be made prior to Deadline 9.</p> <p>Notwithstanding the above, Policy CP9 states the following:</p> <p><i>The need to travel will be reduced by:</i></p>

Reference	Representation Issue	Highways England Response
		<ul style="list-style-type: none"> • <i>co-locating major trip generating retail, services, cultural, office, and community uses in places with good public transport accessibility</i> • <i>ensuring that new development reinforces the town centre hierarchy</i> • <i>relating residential densities to current and future public transport access levels and the character of existing development</i> • <i>ensuring that there is a range of local employment opportunities, that local people are suitably skilled to compete for these, and maximising the employment of local people in new development</i> • <i>improving opportunities for informal recreation in the Havering countryside.</i> <p>None of the above points is relevant to the Scheme and Policy CP9 is therefore not relevant.</p> <p>Policy CP10 (Sustainable Transport) is about the promotion of sustainable transport modes and sets out 11 ways in which the Council intends to do so. The Council provides no explanation of why the Scheme is in breach of this policy, why the very substantial sums that Highways England to requested to pay are justified or how they have been arrived at.</p>
<p>REP3B-006-4</p>	<p>Regarding Policy CP16 Biodiversity and Geodiversity, LBH retains the position the scheme is not policy compliant as there is no surety that the mitigation included in the REAC will be implemented in the form that is being examined. LBH remains concerned that there will not be the opportunity to agree the contents of the Construction Environmental Management Plan, only that its comments will be forwarded to the Secretary of State (SoS). The Applicant comments in Document 9.34 (REP3A-020) that:</p> <p><i>“Requirement 17 of the dDCO provides that, where details are to be submitted to the Secretary of State for approval following the consultation, the submission must be accompanied by a summary report setting out the consultation undertaken. The London Borough of Havering’s consultation responses would therefore be available to the Secretary of State for his consideration in determining whether to approve the submission. It is not appropriate to require the Council’s approval in addition to, or instead of that of the Secretary of State.” (page 8)</i></p> <p>To be clear LBH is not seeking to approve the CEMP <i>instead</i> of the SoS, it is merely seeking to agree the document prior to it being submitted to the SoS. We believe that this way of working will be both effective and efficient.</p>	<p>The Scheme complies with the Policy CP16 Biodiversity and Geodiversity and this is reflected at section 6 in the updated Statement of Common Ground with London Borough of Havering submitted at Deadline 4.</p> <p>As discussed during the Issue Specific Hearing 2 (ISH2) hearing on 5 March 2021, the wording of Requirement 18 (formerly Requirement 17 (Details of consultation)) as proposed ensures that a suitable level of consultation is undertaken with the London Borough of Havering, and that a suitable approval process through the Secretary of State is secured. This position has previously been set out in paragraph DCO 1.22 of the Applicant’s response to Examining Authority’s First Written Questions (REP2-012). As discussed at the ISH2, Highways England has amended Requirement 18 to provide that copies of any representations made by a consultee will be provided to the Secretary of State in addition to the summary report. See the revised draft DCO submitted at Deadline 4 (TR010029/EXAM/3.1(3)).</p>
<p>REP3B-006-5</p>	<p>Regarding Policies CP18 Heritage, DC67 Buildings of Heritage Interest and Policy DC69 Other Areas of Special Townscape or Landscape Character and Policy DC70 Archaeology and Ancient Monuments, paragraph 10.7.2 states: <i>“The absence of an up-to-date archaeological desk-based assessment, of field evaluation results and of details on measures to positively address harm, make a reliable archaeological assessment of the proposals difficult at present. Furnishing of this information is necessary to manage any important remains and thus inform a local policy compliant decision”</i>. Whilst it is acknowledged that a draft Outline Archaeological Management Plan (AMP) has been prepared, LBH is unhappy with the contents of the AMP and as such retain the position of the non-policy compliance.</p>	<p>The Scheme is compliant with Policies CP18 Heritage and DC67 Buildings of Heritage Interest and this is reflected in the section 8.2.1 of the updated Statement of Common Ground with London Borough of Havering (TR010029/EXAM/9.8(1)) submitted at Deadline 4.</p> <p>Policy DC69 Other Areas of Special Townscape or Landscape Character requires development to maintain or enhance certain character areas including the Emerson Park Policy Area, Hall Lane Policy Area and Gidea Park Special Character Area. These areas are outside of the DCO boundary and the policy is not considered relevant to the Scheme.</p>

Reference	Representation Issue	Highways England Response
		<p>Discussion regarding the conformity with Policy DC70 are ongoing as detailed in sections 1.1.1 and 8.1.1 in the updated Statement of Common Ground with London Borough of Havering (TR010029/EXAM/9.8(1)) submitted at Deadline 4.</p> <p>The content of the draft Outline Archaeological Management Plan (AMP) is being discussed with Greater London Archaeological Advisory Services and London Borough of Havering and an updated version will be submitted at Deadline 5.</p>
<p>REP3B-006-6</p>	<p>Regarding Policy DC8 Gypsies and Travellers, the Applicant considers that no further information/evidence is needed to be provided to LBH on this matter. However, LBH is concerned that the impact on residents of Putwell Bridge Caravan Park is still uncertain. This uncertainty is evident when the Applicant states on page 5 of document 9.34 (REP3a-020) that:</p> <p><i>“Cadent Gas does not intend to block the access to or from the Putwell Bridge Caravan Park site and envisages that the occupiers can remain in situ for the duration of the works to construct, operate and maintain the Scheme.”</i></p> <p>LBH require certainty on the access to and from the Putwell Bridge Caravan Park being retained and that the residents are in agreement to remain in situ for the duration of the works to construct, operate and maintain the scheme in order to agree that the Applicant is policy compliant on this matter. LBH still awaits the evidence of correspondence between the families residing at the Putwell Bridge Caravan Park and the Applicant.</p> <p>Local Planning authorities are required to ensure sufficient locations are allocated to address accommodation need for Gypsy, travellers and Travelling Showpeople.</p> <p>Havering’s need has been assessed following the Government advice in the National Planning Policy Framework and the Government’s planning policy for Travellers sites. The Putwell Bridge Caravan Park has been allocated for Gypsy and Traveller accommodation in Havering’s emerging Local Plan.</p> <p>It is noted in the Consultation Report (AS-022) that the Applicant met with the Occupiers of Putwell Bridge Caravan Park in October 2019 to provide an update on the scheme. It is further noted that since that time the Applicant has written to the residents in July and August 2020 but have not received a response to date. Whilst it is acknowledged that these are “hard to reach” groups, it is important to ensure that the residents fully understand the implications of the scheme on their site. In this context LB Havering requests that the applicant engages further communication with the site occupants and updates the ExA accordingly.</p>	<p>As set out in paragraphs 8.4.2 to 8.4.5 of the response to the London Borough of Havering’s Local Impact Report (REP3A-021), Highways England has engaged with the residents of the Putwell Bridge Caravan Park, and has not received any further correspondence from the occupants of the Caravan Park.</p> <p>Notwithstanding this, Chapter 13 of the Environmental Statement on People and Communities (APP-035) indicates that, with the proposed mitigation measures in place relating to noise and air quality during construction, it is not expected to have any significant adverse effects on Putwell Bridge Caravan Park during construction or operation.</p> <p>Highways England had several meetings where the air quality and noise matters were discussed with London Borough of Havering and these matters are presented in the updated version of Statement of Common Ground (SoCG) with London Borough of Havering (for noise see section 12.1.1 and for air quality see section 11 of the TR010029/EXAM/9.8(1)) submitted at Deadline 4. London Borough of Havering is satisfied with the noise assessment (REP3A-006, REP3A-008 and REP3A-009) undertaken for Putwell Bridge Caravan Park and Gardens of Peace as outlined in section 12.1.1 of the SoCG. The Principal Contractor would be required to undertake construction works for the Scheme in accordance with the agreed noise and air quality mitigation measures and there is therefore no reason for occupants of the Caravan Park to relocate as a result of either the construction or operational stage of the Scheme.</p> <p>In addition, Policy DC8 applies to schemes which seek planning permission for gypsy and traveller sites. This is not the case in this instance and the policy is therefore not relevant to the Scheme.</p>
<p>REP3B-006-7</p>	<p>Regarding Policy DC32 The Road Network, Policy DC52 Air Quality and Policy DC 55 Noise, LBH maintains its position regarding the need for sub regional growth to have been evaluated with the proposed scheme in order for LBH to ascertain the impacts on the local road network.</p>	<p>Highways England maintains the position set out in Table 3 (paragraph 3-4) of the response to the London Borough of Havering’s Local Impact Report (REP3A-021) and as put forward to the Examining Authority at the ISH1 on 3 March 2021.</p>
<p>REP3B-006-8</p>	<p>Concerning Local Development Framework DC31 – Cemeteries and Crematoriums –LBH understand that the proposed scheme is compliant with this policy.</p>	<p>This is noted and is reflected in the draft SoCG between London Borough of Havering and Highways England submitted at Deadline 4 (TR010029/EXAM/9.8(1)). .</p>

Reference	Representation Issue	Highways England Response
<p>REP3B-006-9</p>	<p>Draft Development Consent Order Proposed Amendments</p> <p>LBH notes the amendments that the Applicant has made to Requirement 4 and Requirement 10. LBH remains concerned that there will not be the opportunity to agree the contents of the Construction Environmental Management Plan only that its comments will be forwarded to the Secretary of State (SoS). LBH notes that a number of management plans are to be prepared to support the discharge of this Requirement and maintains the position that these plans should be prepared in agreement with LBH prior to them being submitted to the SoS. It also considers that a Code of Construction Practice should be prepared for agreement as part of this Examination.</p> <p>LBH suggests that an additional Requirement is drafted to provide surety that residents are protected from noise during construction. This Requirement is proposed on the basis that there is no surety that the REAC and the CEMP will deliver the form of protection that is currently set out in the Outline CEMP. Should the Applicant take the decision to bring the full CEMP to the Examination, such as Requirement would not be necessary.</p>	<p>Highways England maintains the position set out in paragraphs 24.2.1 to 24.2.4 of the response to the London Borough of Havering's Local Impact Report (REP3A-021) and as put forward to the Examining Authority at the ISH2 on 5 March 2021.</p>
<p>REP3B-006-10</p>	<p>LBH notes that Requirement 10 of the dDCO requires the preparation and implementation of a traffic management plan (TMP) that will have to be submitted to and approved by the Secretary of State following consultation with the relevant highway authority, including TfL, before the works can start. LBH wishes to stress the need for agreement to be reached with the Local Highway Authority prior to the TMP being submitted to the SoS for approval. The need for early discussion on any diversion of bus routes is required.</p> <p>LBH remains concerned that regarding matters relating to Requirement 17 of the dDCO HE doesn't agree that the Local Planning Authority (LPA) should have a role in the discharge of the Requirements. LBH retain the view that the LPA should discharge the Requirements in order to ensure that local matters are sufficiently addressed.</p> <p>LBH notes that Clauses 13,18,19,22 of the updated dDCO still retains the principle of deemed consent. LBH wishes the Examining Authority to note that LBH maintains its objection to this principle</p>	<p>An outline Traffic Management Plan is submitted at Deadline 4 (TR010029/EXAM/9.52).</p> <p>Please see the response above at REP3B-006-4 in relation to Requirement 18 (formerly Requirement 17).</p> <p>Highways England's position regarding deemed consent has also previously been set out in paragraph DCO 1.20 of E Highways England's response to the Examining Authority's First Written Questions (REP2-012).</p>
<p>REP3B-006-11</p>	<p>Traffic Assessment and traffic modelling</p> <p>LBH do not concur with the Applicant that the wider local road network has been assessed. The Applicant admits this very point in TR010029.9.5 Transport Assessment Supplementary Information Report in paragraph 4.1.2 – <i>“As explained in Section 3 of the Transport Assessment Report [APP-098], the traffic models used to evaluate the traffic impacts of the Scheme consist of a strategic traffic assignment model that covers the road network over a large area around the north east quadrant of the M25, including Gallows Corner junction, and a more detailed (VISSIM based) operational traffic model that covers the road network in the immediate vicinity of M25 junction 28 (and the Scheme), but does not include Gallows Corner junction nor the local road network in the vicinity of Gallows Corner junction”.</i></p> <p>The extent of the VISSIM based operational model was determined based on the strategic traffic model assignments which showed that the changes in traffic flows on the road network at, and in the vicinity of, Gallows Corner junction due to the Scheme are forecast to be small, therefore indicating that the Scheme would not have a significant impact on the</p>	<p>The impact of the Scheme on Gallows Corner has been assessed by Highways England using the strategic traffic model. As explained in Section 4 of the Transport Assessment Supplementary Information Report (PDB-003), this has shown that the Scheme results in a negligible impact at Gallows Corner and on the local road network. Consequently, there is no justification for including Gallows Corner junction and other local roads in the vicinity of Gallows Corner in the operational traffic model.</p> <p>Highways England maintains the position set out in paragraphs 20.1.3 to 20.1.9 of the response to the London Borough of Havering's Local Impact Report (REP3A-021) and as put forward at the ISH1 on 3 March 2021 (TR010029/EXAM/9.55).</p> <p>It should be noted that the examination of the Havering Local Plan is not concluded and its adoption is subject to an assessment of its general conformity with the recently published London Plan.</p>

Reference	Representation Issue	Highways England Response
	<p>operational performance or capacity of this part of the road network.". The concerns that LBH has regarding understanding the impact on the local road network are maintained.</p> <p>LBH does not concur with the Applicants response to the points raised by LBH on the issue of the level of growth contained in the traffic forecasting (page 25 of Document 9.34). The emerging Havering Local Plan should have been included as a material consideration. LBH set out in its Section 42 consultation submitted in January 2019 (Consultation report APP-024) the importance of Highways England understanding and taking into consideration the level of development planned for the borough through the lifetime of its Local Plan.</p> <p>It should also be noted that The London Plan is now adopted and this sub-regional growth set out within this plan should have been included in the traffic assessment for this proposed scheme. LBH note the comments that HE make based on NTEM, but no evidence from NTEM has been produced to validate their position. The question is, of the impact of more J28 traffic loading onto an already congested network.</p>	
<p>REP3B-006-12</p>	<p>Construction Traffic Impacts</p> <p>LBH notes Section 6 of the Transport Assessment Supplementary Information Report (PDB-003) presents the assessment of the impacts of the Scheme during construction. LBH has commented on this document and will not reiterate those comments. However, LBH remains deeply concerned on the approach the Applicant is taking as is referenced on page 22 of document 9.34 (REP3A-020) "<i>Highways England does not agree that it is necessary, or appropriate to fully quantify the construction traffic impacts of the Scheme at this stage.</i>"</p> <p>It is not clear to LBH as to why the Applicant does not consider it appropriate to fully quantify the construction traffic. This approach also casts doubt over robustness of the contents of the Environmental Statement and whether all the potential impacts of the scheme during construction have been clearly assessed.</p>	<p>Highways England has fully assessed and quantified the construction traffic impacts of Scheme, and this is presented in Section 6 of the Transport Assessment Supplementary Information Report (PDB-003).</p> <p>Highways England response in paragraphs 22.1.1 to 22.1.4 of REP3A-020 that states "<i>Highways England does not agree that it is necessary, or appropriate to fully quantify the construction traffic impacts of the Scheme at this stage.</i>" is not correctly worded.</p> <p>The response should have read "<i>Highways England does not agree that it is necessary, or appropriate at this stage to fully quantify the detail of the proposed temporary traffic management proposals required for construction of the Scheme.</i>"</p> <p>However, Highways England has subsequently decided to provide further information on the proposed temporary traffic management arrangements likely to be required to construct the Scheme and as noted above at REP3B-006-10, an Outline Traffic Management Plan is to be submitted at Deadline 4 (TR010029/EXAM/9.52).</p>
<p>REP3B-006-13</p>	<p>LBH queries the validity of the statement made by the Applicant that "<i>Highways England DCO schemes do not require the preparation of a CoCP. Instead they require an Outline CEMP in accordance with the design guidelines of Highways England Design Manual for Roads and Bridges (DMRB)</i>"(page 23 of Document 9.34). As LBH commented in its response to Deadline 3a, the Applicant is currently drafting a CoCP for the Lower Thames Crossing DCO. LBH maintain its position that a CoCP is required for the proposed scheme and which should be examined as part of this Hearing.</p> <p>LBH is deeply concerned by the Applicant's response to the points raised by LBH concerning the use of Petersfield Avenue by construction vehicles (page 33 and 34 of Document 9.34). The Applicant should have carried out the swept path analysis to determine whether this construction route is feasible prior to such a route being advocated. LBH is also concerned that the alternative approach suggested by HE, should Petersfield Avenue option fail on</p>	<p>Highways England maintains the position stated in paragraph 22.1.7 of the response to the Local Impact Report (REP3A-022). As stated at the ISH1 hearing on 3 March 2021, the outline CEMP and other supporting documentation secured through the DCO would cover the same matters that a CoCP would cover. Highways England therefore do not consider it necessary to provide a separate CoCP.</p> <p>Regarding Petersfield Avenue, the Outline Traffic Management Plan submitted at Deadline 4 (TR010029/EXAM/9.52) contains a swept path analysis for construction vehicles making a U-turn at the junction. This has indicated that the largest construction vehicles (articulated trucks) would not be able to make a U-turn at Petersfield Avenue due to road geometry. Therefore, all construction traffic will instead be directed to make the U-turn at Gallows Corner and this is stated in the Outline TMP (TR010029/EXAM/9.52).</p>

Reference	Representation Issue	Highways England Response
	<p>safety grounds, is for the construction traffic to be directed to U-Turn at Gallows Corner Junction given the issues that LBH has previously cited with this junction.</p>	
<p>REP3B-006-14</p>	<p>Non-Motorised Users Impacts and Mitigation</p> <p>LBH LIR illustrates clearly the current inadequate provision for pedestrians and cyclists at the Brook Street roundabout (page 75 LIR). LBH is concerned that the scheme provides no substantial improvement to the uncontrolled crossing points that are in situ at this junction. The Applicant is not minded to improve safety for these users at the junction and states <i>“As noted within Tables 13.29 and 13.30 of the People and Communities assessment, (APP095) the Scheme involves minimal alterations to the existing NMU routes and would re-provide a widened pedestrian footway along the northern side of the A12 off-slip. The crossing point at the end of the A12 off-slip to the inside of the Brook Street roundabout would remain as shown on the Streets, Rights of Way and Access Plans (APP-007).”</i>(Page 7, Document 9.34.)</p> <p>LBH considers that this approach of minimal alterations (aside for the footway widening along the northern side of the A12 off slip) is unsatisfactory and does not meet the scheme objectives set out in paragraph 5.8.8 of Document 7.1 Case for the Scheme and Schedule of Accordance with NPS.</p> <p>LBH notes that Highways England is currently in the process of applying for Road Investment Strategy 2 Designated Funds for the implementation (construction) of a proposed wider NMU route in the vicinity of M25 junction 28 (the NMU Proposal).</p> <p>However, this application for Designated Funds for the NMU proposal is separate to this DCO application, and whilst the proposal is not inconsistent with it, there is no surety that this proposal will be funded. This issue along with the scheme being outside of the DCO process means that this scheme should not be considered as DCO scheme mitigation.</p> <p>LBH maintain the position that the Applicant’s approach to the provision for NMUs is not policy compliant with national and local policy and importantly NN-NPS para 3.17 <i>“The Government expects applicants to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes. The Government also expects applicants to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems, retrofitting the latest solutions and ensuring that it is easy and safe for cyclists to use junctions”</i>.</p>	<p>Please see the response at REP3B-006-03 above.</p>
<p>REP3B-006-15</p>	<p>Applicant’s response to Planning Obligations</p> <p>LBH does not accept the Applicant’s views expressed on page 28 of Document 9.34 (REP3A-020). LBH’s case for planning obligations is constructed on the basis that relevant policies have not been met and as a result, its proposed planning obligations look to meet those shortcomings. We believe that the obligations are proportionate and relevant to the scheme.</p> <p>LBH maintains its position with regards to the need for Planning Obligations. The planning balance for the scheme will no doubt be considered by the Examining Authority</p>	<p>In regard to emerging Local Plan Policy 22 (Skills and training) and section 25.2 of the London Borough of Havering’s Local Impact Report (REP1-031), Highways England maintains the position that this policy refers to ‘residential’, ‘commercial’ and ‘mixed use’ development and therefore is not applicable to the Scheme. It is further noted that the emerging Local Plan Policy 22 does not refer to financial contributions being required and thus the request for a contribution of £107,389.80 is not appropriate.</p> <p>Notwithstanding this, as noted in point REP3B-006-11 above, the examination into the soundness of the Havering Local Plan is not concluded.</p>

Reference	Representation Issue	Highways England Response
		<p>In regard to Policy CP9 (Reducing the need to travel) and section 25.3 of the London Borough of Havering's Local Impact Report (REP1-031), this policy also does not make any reference to financial contributions and the request for further S106 obligations is not appropriate. The key objectives of the Scheme are set out in section 3.5 of the Case for the Scheme (APP-095) and the key benefits that the Scheme would generate are defined within the Transport Assessment Report (APP-098). Highways England does not consider that any further financial contributions are required to ensure compliance with Policy CP9. As noted in point REP3B-006-3 above, Highways England considers that Policy CP9 is not relevant to the Scheme.</p> <p>In regard to Policy CP15 (Environmental management), as mentioned in paragraph 25.4.1 of the London Borough of Havering's Local Impact Report (REP1-031), Highways England has undertaken a detailed environmental impact assessment (see APP-026 to APP-037, APP-097, APP-050 APP-038, REP3A-020) which is part of the application and maintains the position that appropriate environmental mitigation measures for the Scheme are set out in the Outline Construction Environmental Management Plan (REP3A-010) and REAC (REP3A-011). The discussions held with the London Borough of Havering on environmental management matters are detailed in the draft Statement of Common Ground (TR010029/EXAM/9.8(1)) submitted at Deadline 4.</p> <p>Notwithstanding the above, Policy CP15 does not make any reference to financial obligations to facilitate the employment of a specialist officer to review Environmental Management Plans. The request for such is not appropriate.</p> <p>In regard to financial obligation requested pursuant to Policy DC52 (Air Quality) and section 25.5 of the London Borough of Havering's Local Impact Report (REP1-031), the policy notes that permission will only be granted if suitable mitigation measures are put in place. The mitigation measures relating to air quality are identified in Chapter 5 of the Environmental Statement (ES) (APP-027) and secured through the REAC (REP3A-011). The Scheme is not expected to have an overall significant adverse effect (see paragraph 5.14.8 of Chapter 5 of the ES (APP-027)) and therefore there is no requirement for any mitigation or monitoring during the operation of the Scheme (see paragraph 5.13.1 of Chapter 5 of the ES (APP-027)). The Scheme is compliant with Policy DC52 and furthermore Policy DC52 makes no reference to financial contribution. Therefore, provision of any financial obligations to mitigate impacts is not appropriate.</p> <p>In regard to electric vehicle charging points (EVCP) and section 25.6 of the London Borough of Havering's Local Impact Report (LIR) (REP1-031), there is no policy basis provided for this request for a financial contribution, which is stated by the London Brough of Havering in paragraph 25.6.3 of the LIR to be related to a developing strategy. The provision of further mitigation in the form of EVCP's is therefore not appropriate.</p>

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