

M25 junction 28 improvement scheme

TR010029

9.51 Applicant's response to the Gardens of Peace Deadline 3b submission

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1. Purpose and structure of this response

- 1.1.1 This document provides the comments of the applicant, Highways England, in response to Savills' written representation, on behalf of the Gardens of Peace Muslim cemetery, submitted to the Planning Inspectorate (PINS) at Deadline 3b (26 February 2021) (REP3B-007).
- 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-007 Savills on behalf of Gardens of Peace Muslim Cemetery

Part 1 Comments to each specific response on Highways England's responses to Written Representations (REP3A-022)

Response reference	Highways England response to written representation (REP2-029)	Gardens of Peace comments on Highways England's responses to Written Representations (REP3A-022)	Highways England response
REP3B-007-01	REP2-029-5: "Highways England is aware of the planning history for the burial ground and has sought to work with the promoters of that site along with Cadent Gas Limited ("Cadent") to understand the constraints and brief them on the development of the Scheme and programme interfaces (see section 4.14 of the Statement of Reasons (APP-019) and sections 8.3.2 and 9.12.1 of the Consultation Report (APP-022)."	Site and virtual meetings have been held with Highways England since 2019 (see Section 5 of the Written Representation) where the concerns of Gardens of Peace and the effect of the Scheme on the cemetery have been highlighted on a number of occasions. However, to date, there has been no formal confirmation of mitigating measures to eliminate these concerns.	As discussed at the Compulsory Acquisition Hearing (CAH) on 1 March 2021 and subsequent list of action points, Action Point 6, requests Highways England to send to the Trustees of the Gardens of Peace and their land agent, the draft easement for the Cadent Gas diversion. Cadent Gas Ltd's standard form of easement has been submitted to the Trustees and their land agent on 15 March 2021. In Action point 7 from the CAH the ExA asks the Gardens of Peace and Highways England to provide a response on the need for an additional requirement in the DCO to secure the extent of works proposed on the Gardens of Peace land (Plot 1/8). Highways England has submitted draft Heads of Terms to the Trustees and Savills for discussion. Highways England considers that these matters are best dealt with in a side agreement instead of a Requirement. Draft Heads of Terms for which have been provided to the Trustees and their land agent.
REP3B-007-02	REP2-029-6: "Highways England agrees that this is the position as included in the submitted DCO application. However, since then further discussions have taken place with Cadent and representatives of the burial ground to refine the area where permanent rights are sought and as a result Highways England is proposing a change to the application to reduce the extent of permanent rights sought in respect of Plot 1/8 with the remainder of Plot 1/8 required for temporary possession only. This change forms part of a formal change request submitted at this Deadline 3a alongside this response. and further details can be found in the Report of Proposed Scheme Changes (TR010029/EXAM/10.2)."	Highways England and Cadent has engaged with Gardens of Peace concerning the potential reduction in the area that will be subject to acquisition of permanent rights within Plot 1/8. As stated previously, this is welcomed by Gardens of Peace. Notwithstanding this, and as highlighted within the Written Representation, despite the engagement between parties, there has been no formal confirmation on how the issues, that will still arise despite the potential amendments to Plot 1/8, will be mitigated.	The Examining Authority (ExA), in their letter dated 26 February 2021, has formally accepted the Proposed Change 4 (REP3A-002) to reduce the amount of permanent acquisition of rights to that required for the easement (Plot 1/8) and the remainder of Plot 1/8 will become Plot 1/8a and will only be required for temporary possession for the duration of the construction works which is 6 months. As stated above, Highways England has submitted draft Heads of Terms with a view to a side agreement being concluded as soon as possible that will meet the Trustees concerns.
REP3B-007-03	REP2-029-8: "Highways England welcomes confirmation on the proposed opening date of February / March 2022 for the Gardens of Peace burial ground. Highways England understands that the opening of the Gardens of Peace burial ground would be able to proceed in a phased manner, alongside the implementation of the Scheme. This has been discussed with the Trustees of the Gardens of Peace ("the Trustees") at various meetings (meetings between Highways England and the Trustees on 29 January 2020, 12 August 2020, 25 November 2020 and 17 December 2020)."	As a result of the Scheme, Gardens of Peace has previously discussed with Highways England the need to make significant amendments to its burial plan i.e. the allocated areas where the first burials were to commence when the cemetery opened. As Highways England is aware, the original intention of Gardens of Peace was to commence burials within the eastern area of the cemetery. As a result of the Scheme and the presence of Plot 1/8, the area allocated for the first burials has been moved to the western end of the cemetery, which consequently requires Garden of Peace's schedule of construction works to be amended to ensure the western area is prepared ahead of the rest of the cemetery,	Highways England understands that the planned sequencing of the burials was to begin at the eastern end of the cemetery and move westwards. In light of the Scheme, the Trustees agree to commence burials at the western end of the cemetery. In draft Heads of Terms provided to the Trustees, the timing of the construction works for the Cadent gas diversion and mitigation measures required to minimise disruption to the operation of the cemetery is dealt with. The Examining Authority (ExA), in their letter dated 26 February 2021, has formally accepted the Proposed Change

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		<p>ready for burials in March 2022. Gardens of Peace has been willing to make numerous alterations to its development project at significant cost and disruption to its proposals. This is in contrast to Highways England having yet to formally confirm any changes to its own Scheme.</p>	<p>4 (REP3A-002) to reduce the amount of permanent acquisition of rights to that required for the easement (Plot 1/8) and the remainder of Plot 1/8 will become Plot 1/8a and will only be required for temporary possession for the duration of the construction works which is 6 months. As a result of this proposed change Highways England understands there will be no loss of burial plots as a result of the Scheme on the basis of the information provided by the Trustees.</p> <p>Please see the plan that overlays easement and burial plots (TR010029/APP/9.59) submitted by Highways England at Deadline 4 in response to CAH Action point 4.</p>
<p>REP3B-007-04</p>	<p>REP2-029-9: "Highways England has been mindful of the potential impact on the burial ground and has undertaken engagement with the Trustees and Cadent to understand them with the aim of reaching a mutually satisfactory agreement as outlined below:"</p>	<p>Whilst Gardens of Peace do not dispute that there have been meetings between the relevant parties (and we refer to these within Section 5 of the Written Representation), there has been a lack of meaningful engagement. This is evidenced by the fact that, as at today's date, there is <u>no</u> formal agreement to mitigate the concerns of Gardens of Peace, despite site meetings and submissions to the Examining Authority highlighting the concerns. Gardens of Peace remain concerned that Highways England will be unwilling to enter into formal agreements to mitigate the significant adverse impact on the daily operations of the burial ground. Gardens of Peace is concerned that Highways England is seeking to delay any formal agreement of mitigation measures until after the DCO is confirmed.</p>	<p>Draft Heads of Terms have been provided to the Trustees and their land agent. Cadent Gas Limited's standard easement requirements have also been shared with the Trustees.</p> <p>Contrary to the assertion made, it is not Highways England's intention to try and delay entering into a side agreement until the DCO has been made. To the contrary Highways England wishes to enter into a side agreement as soon as possible and has provided the Trustees with draft Heads of terms accordingly.</p>
<p>REP3B-007-05</p>	<p>REP2-029-10: "The existing gas pipeline traverses the eastern end of the Gardens of Peace site. The diversion will terminate here where a connection needs to be made. The connection will be adjacent to and partly beneath the proposed service access making it temporarily unavailable for the duration of the diversionary works, a period of approximately 6 months. This has been discussed with the Trustees and agreed that there is no alternative access during construction.</p> <p>Cadent will access their works via this access location from the A12. The main access into the site would not be affected access. Construction vehicles will not be permitted to use the proposed main cemetery access. Site access and restrictions will be managed by the main contractor with temporary signage to control construction vehicle movements.</p>	<p>Whilst Gardens of Peace understand there is no alternative site access other than via Gardens of Peace 'service entrance', Highways England has proposed that site access and restrictions will be managed by the main contractor with temporary signage to control construction vehicle movements. This is understood to only refer to Plot 1/8 and accordingly <u>does not</u> mitigate the issues highlighted within the Representation concerning the safety of mourners and visitors having to use the same entrance as Gardens of Peace service vehicles during the period of the gas main installation. There has been a lack of meaningful engagement, with no formal agreement offered for the mitigating measures to be undertaken by Highways England and Cadent to eliminate, or minimise the issues arising from the cemetery operating with only one entrance. Gardens of Peace remain concerned about the impacts of this issue on the running of the daily burials and the disruption to the business operation.</p>	<p>Please see response REP2-029-10 of the Highways England's response to the Written Representations from the Gardens of Peace Muslim Burial Cemetery (REP3A-022) which states that the main access into the burial ground used by the mourners from the A12 will not be affected by the Scheme and construction vehicles will not be permitted to use the proposed main cemetery access. The proposed service access to the burial ground will be unavailable to the Trustees for the duration of the gas main diversionary works, a period of 6 months.</p> <p>The draft Heads of Terms provided to the Trustees includes a provision that site access and restrictions will be managed by the main contractor with temporary signage to control construction vehicles. Highways England is prepared for the side agreement to provide that construction vehicles will not be permitted to use the proposed main cemetery access.</p>
<p>REP3B-007-06</p>	<p>REP2-029-11: "As outlined in Part 2 – Engagement and Matters to be Agreed, Section 5.0 below, the issue of soil storage has been discussed at meetings held between</p>	<p>Highways England's statement "Engagement between Highways England, The Trustees and Cadent is ongoing to resolve this issue of temporary soil storage to the</p>	<p>Please see response REP2-029-11 of Highways England's response to the Written Representations from the Gardens of Peace Muslim Burial Cemetery (REP3A-022).</p>

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	<p>Gardens of Peace, Highways England and Cadent, namely at a meeting on 25 November 2020 and 17 December 2020. Highways England do not agree that there has been no engagement on the soil storage issue and that no options to mitigate the situation have been put forward. At the joint meeting held on 25 November 2020, the issue of temporary soil storage was raised by the Trustees and item 3 of the meeting minutes records that it was agreed to temporarily relocate the material storage areas from the eastern end to a location close to the entrance from the A12. At item 29 of the meeting minutes, Cadent advised it would review what could be done to accommodate the soil storage. At a recent meeting held 17 December 2020, item 14 of the meeting minutes related specifically to the soil storage where Cadent shared ideas for releasing part of the construction area to accommodate a soil storage area and this is being explored further. Engagement between Highways England, the Trustees and Cadent is ongoing to resolve this issue of temporary soil storage to the satisfaction of the Trustees. Use of part of the construction area to accommodate a soil storage area is being explored."</p>	<p><i>satisfaction of the Trustees. Use of part of the construction area to accommodate a soil storage area is being explored"</i> is partly incorrect. It was discussed during a meeting on 25th November 2020 that lorries traversing the cemetery to collect soil stored from burials within the construction site, will not be feasible due to safety and traffic management requirements. Accordingly, it was <u>verbally</u> discussed that it may be possible to have the soil storage site near the main entrance and soil collected more regularly with grab lorries. Despite this appearing to be the only option available, it brings rise to the issues highlighted within the Written Representation (see section 4.1.2 of the Written Representation).</p> <p>Again, Gardens of Peace do not dispute that the matter has been discussed during meetings, however, to date there has been <u>no</u> formal offer provided by Highways England to agree to mitigate the highlighted concerns.</p>	<p>The location of the temporary soil storage has been discussed between Highways England, Cadent and the Gardens of Peace. Cadent may be able to release part of the construction area to accommodate a soil storage area and this is being explored. If not, a location close to the main access is proposed for this purpose as previously agreed with the Trustees.</p> <p>This matter is proposed to be dealt with in the side agreement with the Trustees. Draft Heads of Terms have been shared with the Trustees and their land agent.</p> <p>Even if it is necessary for lorries removing soil from the premises to use the main cemetery entrance, Highways England understands from the Trustees this would only involve two lorry trips a week and presumably there is no reason why these trips could not take place outside of opening hours.</p>
<p>REP3B-007-07</p>	<p>REP2-029-12: "In the meetings on 25 November 2020 and 17 December 2020, the Trustees expressed concern at the temporary loss of a number of overflow car parking spaces during the pipeline construction works. It was suggested that a temporary hardened area be provided for the overflow car parking adjacent to the working area, and some concerns were expressed about compacting the ground. Proposals were discussed to mitigate this concern, and it was agreed that metal tracking would be provided to meet the Gardens of Peace's requirements. Cadent has advised it will ensure that sufficient space is available to replace the car parking spaces. As discussed with the Trustees this would be located to the west of the working area."</p>	<p>Highways England refer to the suggestion of metal tracking for a temporary car park for congregation members. This had been suggested to Gardens of Peace in previous meetings, however, as per the Written Representation (see section 4.1.3 of the Written Representation), the concerns surrounding safety, requirement for traffic control and the loss of additional burial plots remain. There also continues to be concern with soil compaction and the effect this will have on the land prepared for burial plots (as raised in a meeting on 17th December 2020). Proposals of metal tracking have only been discussed and the proposed location included on a recent plan prepared by Cadent. However, to date there has been <u>no</u> formal confirmation of whether Highways England will agree to mitigate the highlighted concerns in the manner mooted by Cadent.</p>	<p>Please see response to REP2-029-12 of Highways England's response to the Written Representations from the Gardens of Peace Muslim Burial Cemetery (REP3A-022).</p> <p>The matters mentioned by Savills are proposed to be dealt with under the side agreement with the Trustees. Draft Heads of Terms have been shared with the Trustees and their land agent.</p>
<p>REP3B-007-08</p>	<p>REP2-029-13: "The provision of vehicular access to the workshops was discussed at the meetings on 25 November 2020 and 17 December 2020. A plan was shared by Cadent showing the proposed temporary route to the workshop and it was agreed that this was suitable. Cadent sought details from the Trustees on the types of vehicles which would use the track and parking to determine the appropriate provision. The provision of temporary metal tracking was requested and agreed. Details of the design and construction of this tracking will be developed during detailed design in liaison with the Gardens of Peace. The track to the workshop and parking</p>	<p>Highways England state Gardens of Peace requested and agreed to a temporary internal road constructed of metal tracking. Again, as with the temporary car park, <u>no</u> formal confirmation has been provided by Highways England or Cadent, only verbal discussions (as per the meeting minutes in Section 5 of the Written Representation, this was first raised in a meeting dated 25th November 2020, and again more specifically in the meeting on 17th December when Gardens of Peace proposed the aluminium tracking method for both the road and the temporary car park). Furthermore, Highways England, within its response to the Written</p>	<p>Please see response to REP2-029-12 of Highways England's response to the Written Representations from the Gardens of Peace Muslim Burial Cemetery (REP3A-022). As stated in this response, a temporary hardened area is be provided for the overflow car parking adjacent to the working area with that metal tracking to mitigate the potential impact of soil compaction. Highways England and Cadent will ensure that sufficient space is available to replace the car parking spaces.</p> <p>The matters mentioned by Savills are all proposed to be dealt with under the side agreement with the Trustees. Draft Heads</p>

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	<p>area are temporary provisions. The land to accommodate these measures is in an area identified for future burial plots. The land will be reinstated and returned to its original condition after use.”</p>	<p>Representation, state the land will be reinstated and returned to its original condition.</p>	<p>of Terms have been shared with the Trustees and their land agent.</p>
<p>REP3B-007-09</p>	<p>REP2-029-14: “Cadent has corresponded with the Trustees to accommodate these services and to reach agreement about locations. Cadent has asked that services do not run directly above and along the line of the proposed pipeline, but crossings have been accommodated. Upon completion of the pipeline diversion, no services will conflict with the locations of proposed burial plots. Plans showing the pipeline diversion, services and cemetery roads have been prepared by Cadent and overlaid on the cemetery layout drawings. These plans have been shared with the Trustees. The diverted pipeline will lie beneath the internal road which is acceptable to Cadent. There will be no need to amend the cemetery layout to accommodate the pipeline.”</p>	<p>Highways England state that there will be no need to amend the cemetery layout to accommodate the pipeline. Whilst this is welcome and new information, Gardens of Peace would be grateful for formal confirmation by Highways England, in the form of a draft Deed of Easement document or otherwise to confirm the restrictions in light of the gas main. An easement could also clarify Highways England's statement regarding the reinstatement of the internal road directly over the gas main once the installation works have been completed.</p>	<p>The matters mentioned by Savills are all proposed to be dealt with under the side agreement with the Trustees. Draft Heads of Terms have been shared with the Trustees and their land agent.</p> <p>Cadent Gas Limited's standard form of easement has been provided to the Trustees and land agent on 15 March 2021.</p>
<p>REP3B-007-10</p>	<p>REP2-029-15: “As outlined in Highways England response to ExA WQ1 (REP2-011), as part of the proposed change request, proposed change 4 is seeking to reduce the extent of permanent acquisition of rights for Plot 1/8 with the remainder of Plot 1/8 required for temporary possession only. If this change is accepted by the ExA, the extent of land required for permanent rights will be reduced from that sought in the submitted application. This will minimise further the effects of the Scheme on the Gardens of Peace land and its intended use. Highways England understands that the Trustees are content with this proposal as noted in paragraph REP2-029-35 of this response.</p> <p>With the reduction in extent of permanent acquisition of rights shown on the Land Plans addendum (TR010029/EXAM/10.2), Highways England consider that the approved cemetery design can be reinstated post Scheme completion and that the land will not be sterilised from its intended use. The Trustees state in Section 6 of their Written Representation int response to the non-statutory targeted consultation (REP2-029-35) that they “welcomes the proposed changes as they will reduce the effect of the Scheme on Plot 1/8 and the cemetery as a whole in terms of minimising land sterilisation from its intended use, being burial plots”, and in their WR (REP2-029) Gardens of Peace “welcome the proposed changes as this will reduce the number of burials affected and limit the area subject to acquisition of permanent rights”.</p>	<p>Highways England refer to Gardens of Peace welcoming the proposed changes outlined with the recent non-statutory consultation. Whilst Gardens of Peace do support the proposed reduction in area of land to be subject to acquisition of permanent rights within Plot 1/8, there will still be significant temporary issues as a result of the Scheme (as previously stated within former submissions to the Examining Authority and Highways England). Whilst highways England and Cadent have discussed these issues with Gardens of Peace in meetings, there has been <u>no</u> formal confirmation on how Highways England intend to mitigate the impacts resulting from the issues highlighted within the meetings (and reiterated within the Written Representation).</p>	<p>The Examining Authority (ExA), in their letter dated 26 February 2021, has formally accepted the Proposed Change 4 (REP3A-002) to reduce the amount of permanent acquisition of rights to that required for the easement (Plot 1/8) and the remainder will become Plot 1/8a and will only be required for temporary possession for the duration of the diversion works which is 6 months.</p> <p>The matters mentioned by Savills are all proposed to be dealt with under the side agreement with the Trustees. Draft Heads of Terms have been shared with the Trustees and their land agent.</p>

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	<p>The commitment by Highways England and Cadent to ensuring that burial plots will not be lost, is stated in point 7.1 of the draft SoCG between Cadent and Highways England (REP1- 009), which sets out that Cadent Gas has been in discussions with the Trustees and has amended the alignment of the easement so that it would not cover burial plots that maybe occupied in the future. This has been agreed by Cadent.</p> <p>In a meeting held on 25 November 2020, item 14 of the meeting minutes notes that Cadent shared drone footage and a 3D model with the Trustees to show the diversion design. Cadent confirmed at this meeting the excavation for the connections and that for the pipeline and easement will not encroach on the burial plots.”</p>		
REP3B-007-11	<p>REP2-029-16: “As outlined in the draft SoCG with Cadent submitted at Deadline 1 (REP1-009) and in Highways England response to ExA WQ1 (REP2-011), the proposed changes to the Scheme being requested at this Deadline 3a, include a proposed amendment to reduce the extent of permanent acquisition of rights for Plot 1/8 down to the minimum area required for an easement over the gas pipeline diversion (as shown on the Land Plans addendum (TR010029/EXAM/10.2)).</p> <p>Cadent has been consulted throughout the development of this change and consider the change acceptable. The Trustees have indicated they would welcome the reduction on permanent acquisition of rights sought to that required for the easement (see Section 6 of Gardens of Peace Written Representation (REP2-029)).</p> <p><i>With regard to restrictions upon activities in the vicinity of the realigned gas pipeline they are likely to be similar to those that apply to the current pipeline that crosses part of the site and will be diverted over a similar length as part of the Scheme.”</i></p>	<p>In regards to the final point concerning restrictions, a draft Deed of Easement was requested in August 2020. <u>This remains outstanding.</u></p> <p>As per our comment in response to REP2-029-14, Gardens of Peace appreciate a plan prepared by Cadent has been received by Gardens of Peace identifying the internal road being reinstated back to its original pre-Scheme position (i.e. directly above the gas main). However the reason for request for a draft Deed of Easement, is that Gardens of Peace should not be expected to assume that all infrastructure can be reinstated without a formal agreement, identifying the ability to reinstate the land to pre-scheme order and to identify and long term land use restrictions.</p>	<p>Cadent Gas Limited’s standard form of easement has been provided to the Trustees and will form part of the discussions in respect of a side agreement, draft Heads of Terms for which have been shared with the Trustees and their land agent.</p>
REP3B-007-12	<p>REP2-029-17:</p> <p>“Noise and vibration</p> <p>The noise impacts at the Gardens of Peace can be seen on the noise contours in the ES (Figures 6.5 to 6.15, APP-041), and the impacts are summarised in point 12.1.1 of the Statement of Common Ground with London Borough of Havering (REP1-004). For further clarity a receptor position has been added for the Gardens of Peace and this is presented in the update of the Noise Chapter 6 of the ES</p>	<p>Gardens of Peace welcome the clarification on the expected reduction in noise level of 1dB.</p> <p>In relation to the screening, Gardens of Peace also welcome clarification that there is no intention to remove screening belt as part of the construction of the Scheme. Gardens of Peace request this is formally confirmed by Highways England, alongside all other mitigating measures to reduce the impacts of the Scheme on the cemetery that have been referred to within this submission.</p>	<p>Highways England can confirm that the Scheme does not involve removing any trees within the screening belt referred to.</p> <p>The matters mentioned by Savills are all proposed to be dealt with under the side agreement with the Trustees, draft Heads of Terms for which have been shared with the Trustees and their land agent.</p>

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	<p>(TR010029/APP/6.1(2)) submitted at this Deadline 3a. The Gardens of Peace receptor is included in the tables of receptors in the updated Appendix 6.3 (TR010029/APP/6.3(2)) submitted at Deadline 3a. The table below is extracting the noise results from Table 6.1 of the updated Appendix 6.3 (TR010029/APP/6.3(2)). The changes in noise expected at the Gardens of Peace are decreases in noise smaller than 1dB.</p> <p>Landscape and visual</p> <p>Photomontage Viewpoint A (AS-002 (summer) and REP1-018 (winter)) provides a representative view of the Scheme from the A12 taken adjacent to Putwell Bridge. This location was chosen because it is the closer receptor to the proposed slip road than Gardens of Peace and therefore presents a 'worse-case scenario'. It is also noted that there is an existing mature tree belt which runs along between the A12 and Gardens of Peace which provides a visual screening belt. There is no intention to remove this screening belt as part of the construction of the Scheme and therefore this will provide visual screening to Gardens of Peace which is also located at a slightly lower elevation than the A12. It is therefore expected that with these measures being taking into account that the visual impacts experienced at Gardens of Peace will not be greater than those predicted to occur for Viewpoint A."</p>		
REP3B-007-13	<p>REP2-029-18: "Section 5.0 sets out the minutes of the meetings held with Gardens of Peace, Cadent Gas and Highways England since September 2019 and demonstrates that there has been continuous engagement with the Gardens of Peace through the development of the Scheme, in particular the gas pipeline diversion through Plot 1/8. The meeting minutes recorded shows dialogue between the parties and that Highways England and Cadent listened to the concerns of the Gardens of Peace with a view to resolving their concerns. At the meeting held on 12 August 2020, item 6 of the meeting minutes states that all parties agreed that ongoing engagement would be valuable, also involving Cadent."</p>	<p>Highways England's response refers to the historic meetings to demonstrate continuous engagement with Gardens of Peace. Highways England also state that the meeting minutes shows dialogue between the parties and that Highways England and Cadent listened to the concerns of Gardens of Peace with a view to "resolving their concerns". However, Gardens of Peace remains concerned about the effects of the Scheme on the cemetery, the number of daily mourners and visitors and the knock on effect of the disruption to its operation, as none of the verbal suggestions to mitigate the negative impacts of the Scheme on the cemetery that have been mooted by Highways England or Cadent, constitute formal agreements.</p>	<p>The matters mentioned by Savills are all proposed to be dealt with under the side agreement with the Trustees, draft Heads of Terms for which have been shared with the Trustees and their land agent.</p>
REP3B-007-14	<p>REP2-029-24: "Highways England welcomes acknowledgement that there have been meetings between Gardens of Peace, Highways England, Atkins and Cadent concerning the effects on the cemetery as a result of the Scheme with an aim to resolving the issues. This engagement will continue through the examination and in the detailed design."</p>	<p>Gardens of Peace acknowledge there has been engagement between parties and this is evidenced within the Written Representation, specifically, Section 5. However, despite this engagement, the amount of time that has passed since initial engagement and how cooperative Gardens of Peace has been, there is still no <u>formal</u> agreement put forward by Highways England which lists the mitigation measures to reduce, or eliminate, the effects of the Scheme. We reiterate Gardens of Peace's concern is that Highways England is</p>	<p>These are all matters proposed to be dealt with in the side agreement with the Trustees, draft Heads of Terms for which have been shared with the Trustees and their land agent. As mentioned above Highways England is not seeking to delay entering into an agreement until such time the DCO is made.</p>

Response reference	Highways England response to written representation (REP2-029)	Gardens of Peace comments on Highways England's responses to Written Representations (REP3A-022)	Highways England response
		seeking to delay any formal agreement of any potential mitigation measures until after the confirmation of the DCO.	
REP3B-007-15	REP2-029-26: "Highways England does not agree there has been no engagement from Highways England to eliminate the issues highlighted by the Trustees. Section 5.0 of this written representation sets out minutes of the meetings held since September 2019 which clearly records the issues raised by the Trustees and how Highways England and Cadent have responded to their concerns. Also please see response REP2-029 -10 to REP2-029-15) above. There will be continued engagement between all parties through the examination and detailed design of the pipeline diversion."	<p>The lack of meaningful engagement has meant there has been no formal confirmation of the mitigating measures suggested by Highways England or Cadent to eliminate, reduce or minimise the impacts of the Scheme on the cemetery. Whilst Gardens of Peace acknowledges there have been meetings where issues have been highlighted, the issues within the Written Representation still stand unresolved today.</p> <p>In reference to specific issues, soil storage and car parking was last discussed in a meeting in December 2020 – there has been no further correspondence since, other than a revised plan showing Gardens of Peace infrastructure over the gas main (prepared and sent by Cadent). Temporary Access to the workshop was last discussed in a meeting in November 2020 – there has been no further engagement on the matter since.</p>	<p>Many constructive discussions with the Trustees and various members of their professional team have taken place and are continuing in order to endeavour to fully resolve matters of concern to the Trustees and formalise arrangements in a side agreement.</p> <p>So far as Highways England is concerned, the upshot of these discussions and email correspondence is that satisfactory arrangements that respect the Trustees' wishes in respect to the prospective burial ground have been arrived at and it now remains for them to be reflected in a side agreement.</p>
REP3B-007-16	REP2-029-34: "Highways England is submitting a formal request for proposed changes to the Scheme, including the reduction in the extent of permanent rights sought in respect of plot 1/8, at this Deadline 3a. Further details can be found in the Proposed Changes 1-4 Report, together with the TR010029/EXAM/10.2). If the ExA agrees to these changes, they will become part of the application subject to this examination."	As per the response to Highways England's recent Non-Statutory Consultation, Gardens of Peace welcomes the proposed changes. Notwithstanding this, there are <u>still a number of issues outstanding</u> (as listed within section 4 of the Written Representation), which will become apparent even if the proposed changes are adopted, and Gardens of Peace request that Highways England <u>urgently engage with Gardens of Peace advisors to confirm how it proposes to mitigate/minimise these issues.</u>	<p>The Examining Authority (ExA), in their letter dated 26 February 2021, has formally accepted the Proposed Change 4 (REP3A-002) to reduce the amount of permanent acquisition of rights to that required for the easement (Plot 1/8) and the remainder will become Plot 1/8a and will only be required for temporary possession for the duration of the diversion works which is 6 months.</p> <p>As regards mitigating effects regarding the operation of the burial ground, these are matters for the side agreement referred above, draft Heads of Terms for which have been shared with the Trustees and their land agent.</p>
REP3B-007-17	REP2-029-35: "Highways England welcomes confirmation from the Gardens of Peace of its support for proposed Change 4."	See comment above (REP2-029-34)	See response above (REP3B-007-16).
REP3B-007-18	<p>REP2-029-36: "The VOA has engaged with Savills on the matter of their fees in October, November, December 2020 and in February 2021."</p> <p>REP2-029-37: "Highways England does not agree with this statement and it is incorrect. In an email from VOA to Savills 11 September 2020 the VOA proposed a fee cap of £3,500 plus VAT to inspect, research, value and negotiate an agreement for the acquisition of the easement over the Gardens of Peace land. On the 16 November 2020 it was clarified to Savills that the proposed fee cap was for work</p>	Savills has recently emailed the Examining Authority on this matter on 19 th February 2021, a copy of which has been published on the Planning Inspectorate website. Accordingly, and as a response to this comment, we request the Examining Authority refer to the email trail submitted as an additional submission to the Examining Authority on 19 th February, with specific reference to the email within the correspondence from Savills to the Valuation Office Agency, dated 15 th February.	Refer to Highways England's response to Savills' submission AS-033 submitted at Deadline 4 (TR010029/EXAM/9.68).

Response reference	Highways England response to written representation (REP2-029)	Gardens of Peace comments on Highways England's responses to Written Representations (REP3A-022)	Highways England response
	<p>directly carried out related to early acquisition only. All other elements of early engagement work were not subject to the proposed fee cap and would be considered for recommendation to Highways England in addition to the work covered by the separate proposed fee cap. No limitation has been suggested, or proposed by the VOA, or Highways England, for early engagement work undertaken by Savills on behalf of their client."</p>		
<p>REP3B-007-19</p>	<p>REP-029-40: "Discussions on fees have been ongoing between VOA and Savills on the bases of Savills fees. The VOA emailed a proposal to Savills on 3 February 2021 however, there has been no response from Savills. When a response is received from Savills, the VOA will be able to make a recommendation to Highways England regarding the payment of Savills' fees."</p>	<p>We agree that discussions have been ongoing between the Valuation Office Agency and Savills, as evidenced in our email to the Examining Authority, dated 19th February, where we provided a summary of the email correspondence. However, what is evident within our email is the unclear correspondence from Valuation Office Agency throughout the email chain. Highways England states Savills has not responded to an email from the Valuation Office Agency dated 3rd February. This is not correct. Savills had in fact replied, dated 15th February, but is yet to receive a response from Mr Chester to date.</p>	<p>Refer to Highways England's response to Savills' submission AS-033 submitted at Deadline 4 (TR010029/EXAM/9.68).</p>
<p>REP3B-007-20</p>	<p>REP-029-44: "Discussions on fees have been ongoing between VOA and Savills on the bases of Savills fees. The VOA emailed a proposal to Savills on 3 February 2021 however, there has been no response from Savills. When a response is received from Savills, the VOA will be able to make a recommendation to Highways England regarding the payment of Savills' fees."</p>	<p>See above comment (REP-029-40).</p>	<p>See response to REP3B-007-19 above.</p>
<p>REP3B-007-21</p>	<p>REP-029-45: "The permanent gas pipeline diversion works will all be underground. There will be no surface level installations. There will be no access chambers provided. Cadent has advised that the proposed cemetery layout can be constructed in accordance with the approved design and materials can be stored above the pipeline as proposed. Therefore, there will be no future land restrictions over Plot 1/8."</p>	<p>Further to our comments in response to REP2-029-14 and REP2-029-16, Gardens of Peace welcome confirmation that there will be no restrictions in terms of land use above the gas main and in regards to any land falling within Plot 1/8, although this response does seem to conflict with Highways England's response within REP-029-16, where it states "<i>With regard to restrictions upon activities in the vicinity of the realigned gas pipeline they are likely to be similar to those that apply to the current pipeline</i>"</p> <p>Accordingly, Gardens of Peace request that formal confirmation is provided that there will be no future land use restrictions, thus alleviating concerns in regards to future land use and any future cemetery works or developments.</p>	<p>There is already a Cadent gas pipeline crossing the site to which restrictions already apply.</p> <p>Cadent Gas Limited's standard form of easement which deals with restriction in the vicinity of the pipeline has been provided to the Trustees and will form part of the discussions in relation to a side agreement, draft Heads of Terms for which have been shared with the Trustees and their land agent.</p>
<p>REP3B-007-22</p>	<p>REP-029-46: "There have been regular meetings as demonstrated in Highway England's response to REP2-029 between Cadent Gas, the Trustees and Highways England and these are ongoing."</p>	<p>We have already referred to the meetings between all parties within this submission and this point is not being contested, but despite the meetings, <u>no meaningful engagement that has led to formal confirmation</u> on any of the mitigating measure to be undertaken by Highways England or Cadent has been put forward by Highways England.</p>	<p>The matters mentioned by Savills are proposed to be dealt with under the side agreement with the Trustees, draft Heads of Terms for which have been shared with the Trustees and their land agent.</p>

Response reference	Highways England response to written representation (REP2-029)	Gardens of Peace comments on Highways England's responses to Written Representations (REP3A-022)	Highways England response
REP3B-007-23	REP-029-47: "Highways England is submitting a formal request for proposed changes to the Scheme, including the reduction in the extent of permanent rights sought in respect of plot 1/8, at this Deadline 3a. Further details can be found in the Proposed Changes 1-4 Report, together with the (TR010029/EXAM/10.2). If the ExA agrees to these changes, they will become part of the application subject to this examination."	See response to "REP2-029-15"	See response to REP3B-007-10 above.
REP3B-007-24	REP-029-48: "There have been regular meetings between Cadent, the Trustees and Highways England and these are ongoing through the examination and during the detailed design of the gas pipeline diversion."	See response to REP2-029-46.	See response to REP3B-007-22 above.

Part 2 Summary of Key Comments on Responses by Highways England to Gardens of Peace Written Representation

Response Reference	Representation Issue	Highways England response
REP3B-007-25	<ul style="list-style-type: none"> A copy of the Written Representation was provided to the Valuation Office Agency (the Applicant's agent) on 28th January 2021. Subsequent to the above mentioned Written Representation, Gardens of Peace has had no engagement whatsoever from the Applicant, other than an email from the Applicant's agent dated the 3rd February 2021 requesting strongly that Gardens of Peace withdraw Section 7 of its Written Representation (please see additional submission submitted to the Examining Authority dated 19th February 2021). Since the outset of engagement between Gardens of Peace and Highways England, Gardens of Peace has made every possible effort to accommodate Highways England, Cadent and Atkins and allowed access to the burial ground to undertake inspections, surveys and to hold meetings (on site and virtually). Gardens of Peace has always been open to correspondence and engaged with Highways England as and when engagement was offered. Despite the meetings held between Highways England and Gardens of Peace and the Written Representation, which have both been reviewed and responded to by Highways England (as part of the examination process), no formal agreement by Highways England has been offered for any mitigation measures that may have been discussed with contractors or Highways England advisors on any of the matters highlighted within the submission. Savills recently submitted an additional submission (dated 19th February) to the Examining Authority with concerns about the Valuation Office Agency's approach to engagement. As it stands today, <u>none</u> of the concerns highlighted by Gardens of Peace during site and virtual meetings, and within the submissions to the Examining Authority, have been formally resolved by Highways England and thus all stated concerns 	<p>Contrary to the impression given by Savills in their representations, many constructive discussions with the Trustees and various members of their professional team have taken place and are continuing in order to endeavour to fully resolve matters of concern to the Trustees and formalise arrangements in a side agreement, draft Heads of Terms for which have been provided to the Trustees.</p> <p>So far as Highways England is concerned the upshot of these discussions and email correspondence is that satisfactory arrangements that respect the Trustees' wishes in respect of the prospective burial ground have been arrived at and it now remains for them to be reflected in a side agreement.</p> <p>As mentioned above Highways England has no intention of seeking to delay entering into an agreement until a DCO is made. To the contrary Highways England wishes to conclude such an agreement as soon as possible.</p>

Response Reference	Representation Issue	Highways England response
	<p>remain outstanding.</p> <ul style="list-style-type: none">▪ Gardens of Peace is concerned that given no formal confirmation of mitigating measures which reduce, eliminate or minimise any of the issues raised on a number of occasions, at this stage of the DCO process, it will be extremely difficult in the time remaining for Highways England to properly consider and resolve the outstanding issues.▪ Gardens of Peace is concerned that as a result of the Highways England reluctance to pay any of its professional fees, it has been restricted from properly engaging with Highways England at critical stages of the DCO process. <p>Gardens of Peace is concerned that Highways England is seeking to delay any formal agreement of mitigation measures until after the DCO is confirmed.</p>	

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