

M25 junction 28 improvement scheme

TR010029

9.57 Applicant's response to action points from Compulsory Acquisition Hearing held on 1 March 2021

Rule 8(k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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The Infrastructure Planning (Examination Procedure) Rules 2010

M25 junction 28 scheme

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1. Introduction

1.1 Purpose of report

- 1.1.1 The table in Section 2 provides the response from Highways England to the action points from the Compulsory Acquisition Hearing (CAH) held on 1 March 2021.

2. Applicant's response to action points from Compulsory Acquisition Hearing 1 01 March 2021

Action	Description	Highway England response
1	Statement to set out progress of negotiations for Compulsory Acquisition (CA). Giving note of parties where there is agreement, where Heads of Terms are agreed, where there is no agreement and where there is no likelihood of agreement.	Please see the updated Compulsory Acquisition Schedule submitted at Deadline 4 (TR010029/APP/9.19(2)).
2	Clarify status of KPMG – agenda item 3.1 [EV-008]	<p>GeneSYS Telecommunications Limited was put in liquidation in 2019 and Mark Jeremy Orton and Nicholas James Timpson (both of KPMG) were appointed as liquidators. GeneSYS is still listed at Companies House as being in liquidation.</p> <p>As a telecommunications operator, GeneSYS's apparatus is protected by the protective provisions in the draft DCO (REP3A-004), for the protection of operators of electronic communication code networks.</p> <p>Highways England will contact the liquidators to determine who its assets have transferred to, and will update the ExA following this discussion during the examination.</p>
3	Additional clarity to define status of Network Rail and Essex County Council in the Book of Reference relating to agenda item 3.3 [EV008] – describe similar cases in a consistent fashion.	Highways England has removed Network Rail as owner of plot 4/2 in the Book of Reference submitted at Deadline 4 (TR010029/APP/9.58). The submission version of the Book of Reference (APP-021) included owners of bridges despite the bridges being excluded from the scope of compulsory acquisition powers. This was amended in later versions of the Book of

Action	Description	Highway England response
		<p>Reference. Network Rail has now also been removed for consistency in the Book of Reference submitted at Deadline 4 (TR010029/APP/9.58).</p> <p>Essex County Council was removed as an owner or reputed owner in respect of plot 4/4 (Nags Head Lane bridge) in the Book of reference submitted at Deadline 3a (REP3A-013).</p>
5	<p>Applicant to produce additional and larger scale drawings illustrating the extent of Plot 1/8 as shown on the Land plans at D3a to demonstrate there would be no infringement on the burial plots. Applicant to confirm how this would be secured unless this is to be done so via Point 9 below</p>	<p>Please see the plan that overlays easement and burial plots submitted at Deadline 4 (TR010029/EXAM/9.59). A copy was shared with the Trustees of the Gardens of Peace at a joint meeting held on 15 March 2021.</p> <p>With regard to securing these arrangements, Highways England hopes to enter into a side agreement with the Trustees of the Gardens of Peace and Cadent Gas Limited to deal with these matters. Draft Heads of Terms have been shared with the Trustees.</p>
6	<p>Gardens of Peace to receive wording of the easements obtain draft easement for GoP via Cadent</p>	<p>Highways England has obtained a copy of Cadent Gas Limited's standard draft easement. This was provided to the Trustees of the Gardens of Peace on 15 March 2021.</p>
7	<p>Gardens of Peace and the Applicant to respond on need for additional requirement in DCO to secure the extent of works proposed on Gardens of Peace land</p>	<p>As mentioned above Highways England proposes to secure the extent of works proposed for the Gardens of Peace land by way of side agreement. Accordingly, no requirement is necessary.</p>
9	<p>Consideration given and, if necessary, update Plot 1/3 of the Land plans from CA freehold to CA for new rights.</p>	<p>Following a progress meeting between TfL and Highways England on 8 March 2021, the following was explained:</p> <ul style="list-style-type: none"> Plot 1/3 – Following a further review of the powers sought, Highways England has reduced the scope of powers

Action	Description	Highway England response
		<p>affecting plot 1/3 from permanent acquisition to acquisition of permanent rights. Rights need to be acquired permanently in order to secure the appropriate powers to relocate utility works (including GTT and Telent) in this location as a result of the construction of the A12 off slip. Rights are also required for the proposed private means of access at the western end of this plot i.e. the start of Work No.19A (insofar as the land needed for the private means of access is not within the TLRN highway boundary).</p> <ul style="list-style-type: none"> Plot 1/1a – Highways England will need to make minor changes to the boundaries between plots 1/1a and 1/1d in order to take account of existing cross carriageway drainage and proposed linear drainage in this location. The result is a slight increase to the size of plot 1/1a to secure permanent rights for Highways England to maintain the existing cross carriageway and proposed linear drainage which serves not only the A12, but also the proposed new loop road. Highways England has explained to TfL that the rights required for plot 1/1a relate to utility diversionary works and drainage. Plot 1/6 – Highways England has explained to TfL that permanent rights are required for plot 1/6 in this location in order for Highways England to secure access to an existing drainage channel and outfall associated with the A12 but which will also serve the new loop road, for ongoing maintenance.

Action	Description	Highway England response
		TfL has since provided Highways England with further comments which are under consideration.
10	Applicant to send in clarification surrounding whether Plots 4/5, 4/6 and 4/7 hold Crown interests and if not, to update the required Examination documents together with supporting letter from the Forestry Commission	<p>Highways England has received confirmation from Forestry England that the Forestry Commission / DEFRA do not consider they have any rights over plots 4/5, 4/6 and 4/7.</p> <p>Highways England has requested formal confirmation of this from the Forestry Commission, in the form of a letter which will be submitted to the ExA when received.</p> <p>In the meantime, the Forestry Commission / DEFRA will be removed from the Book of Reference. An extract of the BoR addendum is submitted at Deadline 4 (TR010029/APP/9.58).</p>

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