

M25 junction 28 improvement scheme

TR010029

9.66 Applicant's response to action points from Issue Specific Hearing 2

Rules 8(1)(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

Development Consent Order 202[x]

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Author:	M25 junction 28 scheme, Project Team, Highways England

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1. Purpose of the document

- 1.1.1 The table in Section 2 provides the response from Highways England to the action points from the Issue Specific Hearing 2 (ISH2) on the draft DCO held on 5 March 2021.

2. Applicant's response to action points from Issue Specific Hearing 1

Action	Description	Highway England response
2	Applicant to consider or provide comment on removing article 18(2)(c) in relation to parking on any road.	<p>Having considered article 18(2)(c) further Highways England's position is that the provision should remain.</p> <p>This is a well precedented provision and reference to 'authorise the use as a parking space of any road' is in every Highways England DCO.</p> <p>The provision is intended to give Highways England flexibility necessary to construct the authorised development. Article 18(2)(c) is subject to the controls set out in articles 18(4) and 18(5). There are minimum timescales under article 18(5) for notice of the exercise of the powers to be given. Further, these notice periods follow consultation on the proposals under article 18(4) and traffic authority consent is needed (not to be unreasonably withheld). As such, the London Borough of Havering, as highway authority will be aware of the proposals as a result of consultation and its consent is required.</p> <p>As stated at ISH2, it is not Highways England's intention that this provision would be applied in respect of Woodstock Avenue.</p>
3	TfL to be included as a consultee on Requirements 3,5,6 and 8.	Requirements 3, 5, 6 and 8 of the draft DCO have been amended to include consultation with the relevant highway authority in the updated version submitted at Deadline 4.

Action	Description	Highway England response
4	Requirement 17 to be redrafted to include provision that consultee comments are submitted in full to the Secretary of State.	Requirement 18 (previously Requirement 17) of the draft DCO has been amended accordingly in the updated version submitted at Deadline 4.
5	Update on the discussions on Protective provisions between Applicant and Environment Agency.	Protective provisions have been agreed with the Environment Agency and these have been inserted into the updated version of the draft DCO submitted at Deadline 4.
6	Applicant to review policies cited by London Borough of Havering as to their justification for a s106 Agreement.	A response has been provided at (REP3B-006-15) of Highways England's response to the London Borough of Havering's Deadline 3B comments (TR010029/EXAM/9.49).
7	Applicant to consider and add a Requirement in respect to providing a site-specific plan for Grove Farm to deal with issues of noise prevention and acoustic fencing and landscaping (discussed at ISH1 Day 2)	Refer to Highways England's response to action point 16 in its responses to action points from Issue Specific Hearing 1 (ISH1) submitted at Deadline 4 (TR010029/EXAM/9.60).

Action	Description	Highway England response
8	Applicant to insert new Requirement for Arboricultural Method Statement, separating it from the CEMP (discussed at ISH1 Day 2).	A new Requirement 11 has been added to the updated version of the draft DCO submitted at Deadline 4.
9	Applicant to consider how the cycle link provision can be secured in the draft DCO.	<p>Highways England's position is that the appropriate approach is to deal with the cycle provision link as part of the wider corridor of upgrades to pedestrian and cycle facilities between Harold Hill and Brentwood, not as part of the Scheme. The designated funds scheme is specifically aimed at providing these additional benefits alongside Highways England's primary responsibility for the maintenance and upgrade of the SRN. Highways England considers that this is a more appropriate, and a more efficient use of resources, than including isolated improvements for NMUs at junction 28 in this DCO application.</p> <p>Notwithstanding this, provision could be made by way of inclusion of an additional works in the DCO. The works would involve the provision of a new shared footway/cycle track on the Brook Street approach to the circulatory and within the circulatory itself as well as the installation of toucan crossings where the route crosses the circulatory.</p> <p>The necessary works in Brook Street as it approaches the circulatory involve land outside the current Order limits. Accordingly,</p>

Action	Description	Highway England response
		<p>if Highways England were to pursue this change, a change request would need to be made to the ExA. It is unlikely that The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 would be fully engaged in that most of the land needed outside the Order limits is owned by Highways England or potentially by Essex County Council, although presumably the County Council would readily give its consent to its land being included in the DCO application for this purpose.</p>

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