



Havering
LONDON BOROUGH

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Dear Sir,

London Borough of Havering (20025659) – Written Summary of Hearing Oral Submissions

Thank you for the opportunity for LB Havering to attend and give evidence and the Examination Hearings for the M25/J28 Improvement Scheme Development Consent Order (DCO).

I have set out below a summary of the submissions presented by LB Havering at the Hearings.

Compulsory Acquisition Hearing (CAH).

LB Havering offered no comments during the Compulsory Acquisition Hearing (CAH). Following a review of the evidence presented during the CAH, LB Havering has no further comments to make.

Open Floor Hearing

LB Havering offered no comments during the Open Floor Hearing (OFH). Following a review of the evidence presented during the OFH, LB Havering has no further comments to make.

Issue Specific Hearing One

Traffic and Transport

2.1 Baseline Data presented in the Transport Assessment Report (APP-089) and Transport Assessment Supplementary Information Report submitted at Procedural Deadline B (PDB-003)

LB Havering is concerned that the traffic modelling deployed by the Applicant does not take into account Sub-Regional growth, and in particular growth that is set out in the now adopted London Plan. LB Havering would like to see sensitivity testing carried out by the

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Applicant so that the impact on the network of the proposed development once this growth has been taken into account can be fully understood.

LB Havering is not suggesting that the model itself is wrong, but simply that Havering would like to get a more complete understanding of the impact the scheme will have on the road network when sub regional growth has been fully taken into account.

Furthermore, the Council is of the view that the Microsimulation model covers a narrow stretch of the network, taking into account M25/J28 and the A12 up to but not including Gallows Corner Junction. It does not include the traffic signals at the Gubbins Lane Junction of the A12 or Squirrels Heath Road and Gubbins Lane. LB Havering would like to see the model extended so that the impact of the scheme on these roads can be better understood.

LB Havering is not suggesting that the applicant should cater for or mitigate against the growth that LB Havering has identified be delivered through its emerging Local Plan. LB Havering is aware of its responsibilities as set out in the 2004 Traffic Management Act to maintain the movement of traffic both on its own and other road networks.

2.2 Whether an Assessment on the Proposed Development at Gallows Corner is required and if so, the likely effects the Proposed Development would cause.

The Council would like to see the Microsimulation model extended to include Gallows Corner junction. Whilst it is noted that the strategic model used by the Applicant covers this junction, this only looks at the junction from a traffic flow perspective and not how the junction will operate in future years. LB Havering would like to see the microsimulation model extended to include Gallows Corner.

2.3 Extended inter-green signalling at Brook Street presented within the Transport Assessment Supplementary Information Report (PDB-003)

LB Havering offered no comments during the Issue Specific Hearing concerning this matter. Following a review of the evidence presented during the ISH1, LB Havering has no further comments to make, other than to say that LBH supports the ExA suggestion that the inter-green signalling should become a requirement of the DCO.

2.4 The absence of an outline Traffic Management Plan (TA 1.1) and whether sufficient information is contained within the Supplementary Information Report PDB-003)

LB Havering welcomes confirmation by the Applicant at the CAH Hearing that an Outline Traffic Management Plan will be submitted to the Inspector at Deadline 4. LB Havering looks forward to reviewing this document and will provide comments at Deadline 5.

2.5 Matters concerning connectivity to non – vehicular traffic and community severance following the Applicant's response to WQ TA 1.11 and TA 1.12.

LB Havering is concerned that the scheme as it currently stands does not adequately cater for pedestrians and cyclists. Specifically Havering is concerned that the scheme does not provide adequate provision for pedestrians or cyclists to safely navigate around the Brook Street roundabout.

There are a number of uncontrolled crossing points, particularly on the M25 southbound on-slip and the A12 westbound on-slip, which are very dangerous.

LB Havering is of the view that without such NMU provision being made, the scheme is not compliant with the Council's LDF Core Strategy CP9 *Reducing the need to travel*, CP *Sustainable Transport* and emerging Local Plan Policy 23 *Connections* policies.

Furthermore, the scheme does not comply specifically with paragraph 3.17 of the National Networks National Policy Statement (NN NPS).

LB Havering notes the comments provided by the Applicant that they are exploring a new cycle route between Harold Hill and Brentwood via the Brook Street roundabout, but Havering is concerned that this is being progressed through Highways England's designated funds programme, which brings uncertainty as to whether the project will be delivered.

LB Havering welcomes the suggestion by the ExA for the Applicant to consider including it as a Requirement within the DCO and looks forward to hearing the Applicant's response to this request at Deadline 4.

LB Havering is concerned with the impact any closure of the A12 Eastbound off-slip will have on the local residents of Woodstock Avenue and Kenilworth Avenue. Should the A12 Eastbound off-slip require a full night time closure, this would mean that residents would have to travel to Junction 12 of the A12 simply to turn around and travel west. This would require a 14 km detour for residents which Havering considers unacceptable.

LB Havering notes the comments made by the Applicant that this would result in an 11 minute diversion. However, Havering is of the view that it could be longer than that.

2.6 Suggested alterations to proposed Applicants response to WQ TA 1.11 and TA 1.12 prepared by representatives of the Jones Family submitted at Deadline 2.

LB Havering had no comments to make on this matter at ISH1. Having reviewed the evidence presented at the Hearing, Havering has no further comments to make.

3. Historic Environment

3.1 The Adequacy of the baseline data and assessment of Tyler's Hall Farm and the Grove.

LB Havering raised concerns within its Local Impact Report with regards to the effects of the scheme on Tylers Hall Farm which Havering did not feel had been evidenced.

Since the submission of the Local Impact Report at Deadline 1, this has been discussed with the applicant and has reached a satisfactory conclusion.

It is considered that due to the distance from the site and the nature of the works taking place along the M25 to the south of the site, the settings of the listed buildings at Tylers Hall Farm are not impacted and their significance remains unharmed.

An additional form of words has been agreed with the Applicant and will be included in a progressed Statement of Common Ground that the Applicant will submit at Deadline 4.

LB Havering has also reached an agreement with the Applicant in reference to the concerns LB Havering expressed in its Local Impact Report (paras 13.1.13 – 13.1.17) concerning the collections of buildings at The Grove.

The explanation that the Applicant has provided for excluding the buildings at The Grove from any further assessment and reconsidering their identification within the DBA as non-designated heritage assets is considered to be fair and proportionate. It is acknowledged that their setting is already heavily compromised and is limited in its contribution to any low significance the buildings may have.

A form of words has been agreed with the Applicant and is included as part of the progressed Statement of Common Ground that the applicant will submit at Deadline 4. LB Havering considers this matter now resolved.

3.2 The Applicant to summarise the contents of the outline Archaeological Management Plan, submitted by the Applicant at Deadline 3A (REP3A-029).

GLAAS is providing advice to the London Borough of Havering on Archaeological matters on the M25/J28 DCO. GLAAS has an in principle policy issue with the approach in the AMP and with the approach to providing information to inform the DCO decision.

The key matter revolves around an archaeological discovery in 2018 immediately south of the scheme site at the Gardens of Peace cemetery. Gardens of Peace is separated from the scheme site by the A12 which follows the line of the Roman Road from London to Colchester. At the application scheme location, the Roman road is also crossed by the Ingrebourne River.

In 2018, at the northern edge of the Gardens of Peace site, closest to the A12, was found an early to middle Saxon occupation or activity site, dating AD 450 to 650. Although the insertion of the major gas main along the northern edge of the site had damaged it, visible features still indicated possible structures.

The work also recovered a small sample of earlier, Roman pottery from the Saxon features. The results post-date the 2017 archaeological assessment prepared to accompany the application.

Roman and later Saxon settlement sites are often located at Roman road river crossings – Romford, Stratford, Old Ford in Tower Hamlets all have their roots in similar settings. There is therefore a testable hypothesis here that a possible Roman and Saxon settlement site straddles the A12 at the application scheme location and is present, potentially in a better preserved state, within the southern edge of the application site.

Historic England's *Scheduling Selection Criteria Guide for Settlement Sites to AD1500* is the key secondary guidance here in ascribing significance to a site like this.

It advises that all early Saxon settlements are candidates for national importance and implies strongly that sites that preserve a transition from Roman to Saxon are also unusual enough to merit consideration for national importance. This is because they preserve evidence of both continuity and change between the two periods.

The ExA will be aware of NPSNN 5.124 which confirms that undesignated archaeological heritage assets of demonstrable significance to scheduled monuments should be treated

as designated heritage assets in decision making, i.e. that harm to them from a consented scheme should be exceptional, if not in fact wholly exceptional.

It is the view of GLASS on behalf of LB Havering that the applicants have not assessed this potential, or any other archaeological potential at the site, using appropriate measures and that field survey work should inform a decision according to the process set out in NPSNN 5.127

Instead, the applicant has submitted an incomplete plan for post-consent archaeological recording, something which would not permit the appropriate management of significant archaeological remains as policy requires.

The AMP is not informed by fieldwork, it does not show why its proposed approach has been adopted in favour of other management techniques and it also currently omits any firm undertakings on public benefit.

It is Havering's view that archaeological fieldwork should inform the DCO decision and also the content of any AMP, if only to understand and manage the significance of any further part of the Gardens of Peace archaeological site.

LB Havering welcomes the Applicant's comment that they would look to see if trenching can be carried out during the Examination and LB Havering notes the challenges the Applicant has had with getting access to the necessary land.

Following the Hearing LB Havering has had a further meeting with the Applicant to try and agree a way forward. LB Havering welcomes the intention by the Applicant to undertake some targeted trenching on the site.

For surety, LBH also seeks an additional Requirement to secure trial trenching, pre commencement of the scheme, to ensure that the Archaeological Management Plan is effective in dealing with archaeological sensitive areas that have not been assessed through baseline field work for this scheme.

Information on the current position (post hearing) between LB Havering and the Applicant on this matter can be found in the progressed Statement of Common Ground that will be submitted by the Applicant at Deadline 4.

Issue Specific Hearing 1 Continued

4. Design and Landscaping

4.1 The adequacy of the design of the scheme, focusing on the bridge, following the Applicant's response to WQ LV 1.6 to 1.9 (REP2-11)

LB Havering had no comments to make at *IAH1 Continued* on this matter. Havering reviewed the evidence presented at the Hearing, Havering has no further comments to make.

4.2 The Applicant's approach to management and mitigation of trees and the adequacy of the Arboriculture Management Plan submitted with the outline Construction Environmental Management Plan submitted at Deadline 3A (REP 3A-010).

LB Havering welcomes that an outline Arboricultural Method Statement (AMS) has been included as part of an Updated Outline CEMP. LB Havering welcomes that an Ecological Clerk of Works (ECoW) will be appointed by the Principal Contractor. This will provide an opportunity for LB Havering to ensure that tree protection measures are appropriate and protect trees considered to be at risk by the Local Planning Authority. LB Havering would like the ECoW to be a qualified arboriculturalist.

LB Havering would recommend that where the outline AMS seeks either the ECoW or the Arboriculturalist, that the text clarifies if this is sufficient or that agreement from both is needed to avoid any disagreement or misunderstanding.

Despite our recommendation for cross referencing to be made in outline CEMP to checks for bat roost features in any trees to be removed for management or safety requirements, there appears to be no reference to bats in section 5 (tree works) in the outline AMS.

LB Havering also notes that there appears to be no reference to the tree works to veteranising younger trees as compensation for losses within the site boundary.

5. People and Communities

5.1 The effects of the proposed Development on the living conditions of the occupiers of Grove Farm.

The mitigation measures set out in the Outline CEMP include a noise barrier to be installed. LB Havering is of the view that this should be solid with no penetrations, fully sealed with the ground and should be a minimum of 2m above working ground height.

With regards to work taking place at night time for the tie-in of the loop road and the A12 Eastbound off slip, LB Havering would expect this work to take place in the early part of the contractor's night shift to reduce the impact it would have on the local residents.

5.2 The effects of the proposed development on the operations of Maylands Golf Course.

LB Havering had no comments to make on this matter at *ISH1 Continued*. Having reviewed the evidence presented at the Hearing, LB Havering has no further comments.

6. Matters for Clarification

7.1 Whether the IP's are generally content with the outline Construction and Environmental Management Plan submitted at Deadline 3A, and the inclusion of the outline Dust Noise and Nuisance Management Plan and the outline Surface Water Management Plan, and London Borough of Havering to expand on its comments on those other Environmental Plans as listed in the draft Development Consent Order.

LB Havering is concerned that the commitment which is set out within the REAC may not be adhered to by the Principal Contractor if changes need to be made to the Final CEMP that do not make it consistent with the Outline CEMP.

LB Havering is further concerned that the Final CEMP and the associated documents to be included within it will be approved by the Secretary of State for Transport following only consultation with relevant local authorities and consent being granted for the Development Consent Order. LB Havering is of the view that such documents should be agreed with the Local Authorities prior to being submitted to the Secretary of State.

LB Havering notes in the Outline CEMP that the contractor would be required to discuss Section 61 agreements with the Local Authority. LB Havering would expect night time working to be part of a Section 61 agreement.

7.2 Applicant to update ExA on matters around ground conditions/waste/land contamination and discussions with EA and to set out when it will submit a Materials Management Plan as recommended by the Ground investigation Report submitted by the Applicant at Deadline 1

LB Havering offered no comments on this matter at the Hearing. Following a review of the evidence Havering has no further comments to make.

7.3 In response to WQ1 GQ 1.9, whether a more detailed explanation of work nos 11-32 would be more helpful.

LB Havering offered no comments on this matter at the Hearing. Following a review of the evidence Havering has no further comments to make.

7.4 In response to WQ1 GQ 1.9, the applicant to clarify the Proposed Development's contribution to the emissions target set within the Government's fourth Carbon Budget

LB Havering offered no comments on this matter at the Hearing. Following a review of the evidence Havering has no further comments to make.

7.5 Applicant to summarise mitigation measures within the proposed Development in response to concerns raised by IP's over flooding around the Brook Street junction.

LB Havering offered no comments on this matter at the Hearing. Following a review of the evidence Havering has no further comments to make.

Draft Development Consent Order

2 Ownership, Management and maintenance responsibilities for Transport for London

LB Havering offered no comments on this matter at the Hearing. Following a review of the evidence Havering has no further comments to make.

3. Matters of concern raised with the draft DCO

3.1 Part 1 – Definition of “commerce”

LB Havering offered no comments on this matter at the Hearing. Following a review of the evidence Havering has no further comments to make.

3.2 Part 1 – Definition of “Maintain”

LB Havering offered no comments on this matter at the Hearing. Following a review of the evidence Havering has no further comments to make.

3.3 London Borough of Havering to outline concerns for Articles 13, 18, 19, and 22 of the draft DCO.

The Council's key concern with regards to these articles is that of “Deemed Consent”. LBH would seek to amend the clause to allow for a period of 10 working days to review the draft documentation that the Applicant would be seeking approval for to ensure that all the correct documentation is in place. LBH would seek a further 10 working days in which to request any further information from the Applicant should any information be missing. Following this, a period of 28 days would then begin for the Local Authority to process the request from the Applicant.

LB Havering is not seeking to have Deemed Consent removed from the Articles, Havering is simply seeking additional time to be included as part of the process.

LB Havering is of the view that Article 13 should be restricted specifically to the Order limits. As the Article is currently worded Havering is of the view that the Article is too broad with the phrase in point (1) “use of any street” particularly concerning.

With regards to Article 18 point (2c) the article refers to the creation of car parking on the carriageway. LBH would like to understand more about what is intended in terms of creating on street parking that may affect LBH Streets potentially beyond the order limits.

3.4 London Borough of Havering and Applicant to confirm whether or not Part 5, Articles 35 relates to highway land.

With regards to Article 35, if this article does indeed refer to Highways land, LB Havering would like some additional wording inserted into this clause that the “highway land should be reinstated to the Local Highway Authority’s satisfaction”.

LB Havering notes that the Applicant suggested at the Hearing that Highway Land in respect to other local authorities would be relevant to this article. Havering’s position on an amendment to the article remains.

3.5 Whether requirement 4 as worded is adequate

LB Havering is of the view that the Requirement as drafted is not adequate.

The main concern that LB Havering has is with regards to the extent of the management plans that are being scrutinised in the Examination.

Some management plans such as the Outline Archaeological Management Plan, Dust Noise and Nuisance Management Plan and Arboriculture Management Plans have been submitted at Deadline 3A which is welcome.

However, a number of the plans set out in Requirement 4 will only be produced by the Principal Contractor once consent has been granted. LB Havering is concerned that any

comments that it offers on these documents may not be taken seriously once the broader scheme has received Consent from the Secretary of State.

LB Havering would suggest that a number of the management plan documents have interlinkages, for example the Ecological Habitats and Species Plan and Invasive Species Management Plan with the Arboricultural Method Statement.

LB Havering is of the view that it would be better for stakeholders to have the opportunity to review them now and to be able to input into them at this stage. Whilst Havering notes that it will have the opportunity to comment on them through consultation, it is considered that comments will have more weight during the Examination stage than in a post consent phase.

3.6 The Consultation parties to be applied to Requirements 3,4,5,6,8 and 10.

LB Havering did not offer any comments at the Hearing but welcomes the comment made by the Applicant that it would be the intention to submit stakeholders' comments made on the various Requirements through consultation in a full report to the Secretary of State

This is something that LB Havering strongly welcomes. LB Havering also welcomes the comments by the ExA that the Applicant may wish to consider making that clearer within the wording of the draft DCO.

Should a clear commitment regarding consultation comments be included within the draft DCO, this would address LB Havering's concerns with regards to consultation and approval of relevant plans.

3.7 Time limits prescribed with Articles 18 (5), 18(11), 19(9), 22(2), 35(2) and requirement 17

LB Havering offered no comments on this matter at the Hearing. Following a review of the evidence Havering has no further comments to make.

4. Consents, licenses and other agreements

4.1 The Applicant will be asked to provide an update of progress and timescales for completion.

LB Havering offered no comments on this matter at the Hearing. Following a review of the evidence Havering has no further comments to make.

4.2 The need for section 106 agreements as indicated by London Borough of Havering.

At the Examination Hearing the London Borough of Havering set out the specific obligations it was seeking as detailed in section 25 of its Local Impact Report. Following the Hearing, further consideration has been given to the specific obligations LB Havering is seeking and these have been set out below.

- In order to support emerging Local Plan Policy 22 Skills and Training, LB Havering requires the Applicant to prepare, for its approval, a Local Training Skills and Brokerage Strategy.

- To support the delivery of Local Development Framework *CP9 Reducing the need to travel and CP 10 Sustainable Transport*, the Council is seeking a financial contribution of £100k per annum over a three year period to support the continued delivery of free cycle training for school children and local residents.
- To mitigate the impacts of Traffic re-routing during construction, the Council is seeking a contribution to support the Council's sustainable, active travel and road safety agenda of £200k per annum over a three year period.
- LB Havering is seeking a contribution of £100k from the applicant to enable Electric Vehicle Charging Points to be delivered in the vicinity of the scheme, to be paid to the Council when the scheme becomes operational.
- Installation of a real-time PM10 Continuous monitoring station to provide accurate information on air quality outputs given the uncertainty of the air quality data sets that have been used.
- To monitor the delivery of the CEMP and also Environmental Control Plans, the Council is seeking a contribution for the Council to employ 1FTE post at a cost of £59,376.

LB Havering is of the view that the above obligations comply with *Planning conditions and obligations* paragraphs 56 and 57 of the NPPF.

The Planning Obligations that LB Havering is seeking meet paragraph 56 of the NPPF for the following reasons:

- a) LB Havering is seeking the contribution to make sure that the development is acceptable from a planning policy perspective. LB Havering set out in its Local Impact Report (REP1-030) that the proposed development does not comply with Local Plan Policy 22 Skills and Training, Local Development Core Strategy CP9 and CP10. The obligations are directly related to the development as the planning obligations would not be sought for LBH if the development was not to go ahead.
- b) The obligations are reasonably related in scale and kind in terms of cost. LB Havering is seeking a total contribution of just over £1m, which is comparable to the overall scheme cost which is currently expected to be in the regional of £124m (paragraph 2.1.1 of Funding Statement APP-020). Furthermore, the Council is of the view that the BCR for the proposed scheme is not adversely affected. LB Havering is of the view that the BCR will still remain above 2 which is the level required by the Department for Transport to make the proposed scheme acceptable in monetary terms.

LB Havering would also invite the ExA to consider paragraph 5.2.11 of the NN NPS when considering the above obligations. This is set out below:

“The Examining Authority and the Secretary of State should give due consideration to impacts on local transport networks and policies set out in local plans, for example, policies on demand management being undertaken at the local level”.

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Thank you for the opportunity to submit a Written Statement to the Oral Submissions delivered at the Hearings held in relation to the M25/J28 Improvement Scheme.

Yours faithfully,



Daniel Douglas
Team Leader Transport Planning