

From: [REDACTED]
To: [M25 Junction 28](#)
Cc: [REDACTED]
Subject: London Borough of Havering Deadline 5 Submission TR010029 -Response to Written Questions (PD-015)
Date: 13 April 2021 19:56:04
Attachments: [LB Havering Response to PD-015 - 13042021.pdf](#)

Dear Planning Inspectorate,

Please find attached the London Borough of Havering (20025659) submission for Deadline 5 for the M25/J28 Improvement Scheme (TR010029). This submission concerns LB Havering's response to further Written Questions that were published on 25th March (PD-015).

regards,

Daniel

Daniel Douglas| Team Leader Transport Planning

London Borough of Havering | Planning
Mercury House, Mercury Gardens, Romford, RM1 3SL

[REDACTED]
www.havering.gov.uk

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Application by Highways England for the M25 Junction 28 Project

The Examining Authority's Further Written Questions and requests for information (WQ2)

Issued on Thursday 25 March 2021

The following table sets out the Examining Authority's (ExA) Further Written Questions and requests for information – WQ2. If necessary, the Examination Timetable enables the ExA to issue a further round of Written Questions in due course. If this is done, the further round of questions will be referred to as WQ3.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code and then an issue number (indicating that it is from WQ2) and a question number. For example, the first question on General Questions in respect to the list of work numbers is identified as GQ 2.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact Paige Hanlon and include 'M25 Junction 28' in the subject line of your email.

Responses are due by Deadline 5: Tuesday 13 April 2021

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GQ	General Questions		LB Havering Comments
GQ 2.1	<p><i>List of Works and Requirements</i></p> <p>The Applicant</p>	<p>In its response to the Examining Authority's (ExA) Written Questions (WQ1) [REP2-011], the Applicant provided additional descriptions of the works. The Applicant's response to Action Point 19 [REP4-021] arising at the Issue Specific Hearing 1 on Environmental Matters (ISH1) held on Wednesday 3 and Thursday 4 March 2021 [EV-010] (Annex A) goes into further detail.</p> <p>Confirm when a revised version of Chapter 2 of the Environmental Statement (ES), which reflects the current revisions to the Proposed Development is to be submitted to the Examination.</p>	
GQ 2.2	<p><i>Signposting of Interdependent Subject Matters</i></p> <p>The Applicant</p>	<p>In its Deadline 4 response [REP4-030], London Borough of Havering (LBH) questioned the Applicant's recognition of interdependencies between the outline Construction Environmental Management Plan (CEMP), Register of Environmental Actions and</p>	<p>London Borough of Havering welcomes the ExA request that a signposting document be provided, which would help to address the concerns LB Havering raised at Deadline 4.</p>

		<p>Commitments (REAC) and Management Plans provided in its response at Deadline 3B [REP3B-003].</p> <p>Provide a signposting document that demonstrates the interdependencies between the subject matters covered by the outline CEMP, REAC and Management Plans identified in [REP3B-003] and how these interdependencies will be addressed by the Principal Contractor during the construction phase.</p>	
GQ 2.3	<p><i>Outline Arboricultural Method Statement</i></p> <p>The Applicant</p>	<p>At ISH1 [EV-009], LBH suggested that although they had recommended cross referencing be made in the outline CEMP to checks for bat roost features in any trees to be removed for management or safety requirements, no reference is made to bats in section 5 (tree works) of the outline Arboricultural Method Statement (AMS) submitted as Appendix F to the outline CEMP at Deadline 3A [REP3A-024].</p> <p>Clarify where this topic is / will be addressed.</p>	<p>LB Havering understands that an updated outline Arboricultural Management Plan (AMS) will be submitted by the Applicant at Deadline 5.</p> <p>We look forward to reviewing the update to the outline AMS and providing a response on its adequacy at Deadline 6 to ensure that it addresses the inadequacies identified and secures the details recommended.</p>
GQ 2.4	<p><i>Consents and Licences</i></p>	<p>At the Issue Specific Hearing 2 (ISH2) held on Friday 5 March 2021 [EV-010],</p>	

	<p>Natural England The Environment Agency Essex County Council</p>	<p>the ExA asked the Applicant for a progress update on the Consents and Agreements Position Statement [APP-017] in respect to obtaining other consents and licences needed for the Proposed Development. The Applicant responded, confirmed in its written summary of oral submissions submitted at Deadline 4 [REP4-017] that most consents, permits and licences are agreed but that the following are outstanding:</p> <ul style="list-style-type: none"> i) Disapplication of s23, 30 and 32 of the Land Drainage Act 1991 agreement from Essex County Council; ii) Protected species licence for great crested newts from Natural England; and iii) Waste recovery permit in relation to controlled waste from Grove Farm from the Environment Agency (EA). <p>Confirm the consents, licences and permits required for the Proposed Development and that the above is an accurate reflection of matters</p>	
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		outstanding.	
GQ 2.5	<i>Associated Development</i> The Applicant	<p>i) Confirm that the Ancillary Development, listed as works (a) to (q) after Work No. 32 in the draft DCO [REP4-002] is the Associated Development for the Proposed Development.</p> <p>ii) If so, signpost where in the ES Associated Development works are explained and justified.</p>	
GQ 2.6	<i>Working Hours</i> The Applicant	<p>LBH commented at ISH1 [EV-009], confirmed in LBH's written summary of oral submissions put at a Hearing [REP4-031], that it would expect night-time working to be part of a Section 61 agreement (of the Control of Pollution Act 1974).</p> <p>i) Clarify whether the wording of section 5.3 of the outline CEMP (Tracked) submitted at Deadline 3a [REP3A-024] is intended to confirm that night-time working will be agreed in advance with the LBH.</p> <p>ii) If so, consider rewording this section to avoid any remaining</p>	

AQ	Air Quality	doubt.	LB Havering Comments
AQ 2.1	<p><i>Methodology</i> The Applicant</p>	<p>In response to the ExA WQ1, AQ 1.6 [PD-008], the Applicant stated [REP2-011] that in accordance with the methodology of the Design Manual for Roads and Bridges (DMRB), the receptors identified in Figure 5.1 of Chapter 5 of the ES Air Quality Figures [APP-040] are not considered to be sensitive and can therefore be excluded. The ExA is concerned that a site-specific assessment has not been undertaken in order to justify the exclusion of these receptors.</p> <p>Detail the methodology of the assessment which led to this conclusion.</p>	
AQ 2.2	<p><i>Methodology</i> The Applicant</p>	<p>In response to the ExA's WQ1 AQ 1.9 [PD-008], the Applicant explained [REP2-011] how an assessment of construction impacts with regards to the emission of dust to nearby receptors was not undertaken in terms of categorising the magnitude of</p>	

		<p>impacts and significance of effect. The Applicant states that the receptors were identified but DMRB guidance does not require a consideration of magnitude of impacts and effects as dust should be suppressed with on-site mitigation.</p> <p>Clarify how this mitigation would be secured through the draft Development Consent Order (draft DCO) [REP4-002].</p>	
AQ 2.3	<p><i>Assessment of Effects</i></p> <p>The Applicant London Borough of Havering Interested Parties</p>	<p>In response to the ExA's WQ1 AQ 1.10 [PD-008], the Applicant stated [REP2-011] that a qualitative dust assessment is standard practice and was carried out in accordance with the DMRB as explained at paragraph 5.5.4 of Chapter 5 of the ES [APP-027]. The DMRB requires a qualitative rather than a quantitative assessment, as does the Institute of Air Quality Management (IAQM) guidance (referred to in AQ.1.18) which uses a risk-based approach.</p> <p>Furthermore, in response to the ExA's WQ1 AQ 1.11 the Applicant stated that the methodology requires a qualitative assessment to be undertaken taking into account the nature of the</p>	<p>The Applicant has provided an updated Dust, Noise Nuisance Management Plan (DNNMP), which includes a construction dust risk assessment, in line with the latest DMRB guidance LA105 air quality. Havering welcomes this addition, however the mitigation measures set out in table 3.2 of the DNNMP are provided only as examples of measures and therefore there is no commitment for any of these measures.</p> <p>Havering would expect to see the following additional elements in the DNNMP:</p>



		<p>construction activity and the location of sensitive receptors, but DMRB and IAQM guidance do not require the magnitude of impacts and significance of effect prior to implementation of mitigation to be categorised. The effects of any dust generated during construction should be mitigated, as described at paragraph 5.9.1 of Chapter 5 of the ES, with appropriate mitigation measures incorporated into the outline CEMP [REP3A-010].</p> <p>The draft Statement of Common Ground (SoCG) between the Applicant and LBH submitted at Deadline 4 [REP4-004] indicates a position that the risk of the construction dust impacts should have been assessed and this is considered necessary, as it will be used as a basis for the selection of appropriate mitigation measures.</p> <p>Confirm the relative positions on this matter.</p>	<ul style="list-style-type: none">• Specific mitigation measures to address the Scheme's high dust risk potential (for receptors within 100m from construction activities), as per the risk assessment. The DMRB LA105 guidance states that 'The construction dust assessment shall be used to inform the best practice mitigation measures in the EMP depending on whether the project has a high or low dust risk potential'. The measures should therefore be linked to the risk assessment.• Specific measures to monitor mitigation effectiveness, including on and off site inspections, record keeping of complaints and/or other monitoring, as per table 2.108.1 of the above guidance.
BHR	Biodiversity and Habitats Regulations		LB Havering Comments

<p>BHR 2.1</p>	<p><i>The Ecological Habitats and Species Plan and Invasive Species Management Plan</i></p> <p>The Applicant</p>	<p>At ISH2, the ExA asked the Applicant and LBH about the Environmental Plans to be submitted as part of the final CEMP in order to discharge Requirement 4 of the draft DCO [REP4-002]. While some of the listed plans in Requirement 4 are before the Examination, the majority are not. LBH considered all should be before the Examination. Transport for London (TfL) noted that if that were not feasible, the Ecological Habitats and Species Plan and Invasive Species Management Plan should be as they are related to the AMS.</p> <p>The ExA is of the view that if these plans are necessary for mitigation, particularly for significant environmental effects identified in the ES, then these <u>must</u> be submitted for the Examination in outline form so that it is clear that the mitigation will be secured as intended.</p> <p>i) Provide a response or submit outline versions of the Ecological Habitats and Species Plan and Invasive Species Management Plan</p>	<p>LB Havering would agree with point (ii) and would expect a separate requirement stating that the final management plans need to be in accordance with the outline counterparts.</p>
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		<p>into the Examination.</p> <p>ii) Explain whether the draft DCO needs to be updated to either create separate requirements for these plans or ensure that the final versions are in accordance with the outline counterparts.</p>	
CA	Compulsory Acquisition		LB Havering Comments
CA 2.1	<p><i>Plots 1/31 and 3/5</i></p> <p>The Applicant</p>	<p>At the Compulsory Acquisition Hearing 1 (CAH1) held on Monday 1 March 2021 [EV-008], the ExA asked for further justification for the need to Compulsorily Acquire (CA) the freehold of the southbound carriageway of M25 when, aside from two areas of Limits of Deviation as indicated on the Works plans [APP-006], no works are proposed. The Applicant responded, as conformed in its written summary of oral submissions, summary submitted at Deadline 4 [REP4-014] that the CA powers are being requested to “cleanse” the land.</p> <p>If the ExA were to recommend, and the Secretary of State (SoS) agreed, that</p>	

		Plots 1/31 and 3/5, excluding the Limits of Deviation areas were not justified to be CA, explain what bearing if any this would have on the delivery of the Proposed Development.	
CA 2.2	<p><i>Plot 1/6, and Plots 1/3 and 1/1(a) to (d)</i></p> <p>Transport for London</p>	<p>At the CAH1, TfL cited concerns with the need for Plot 1/6 to be CA for the freehold. The Applicant responded, confirmed in its written summary of oral submissions put at a Hearing [REP4-014] and in its response to Action Point 9 [REP4-018] that Plot 1/6 was necessary <i>"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"</i>. The Applicant goes on to state that <i>"TfL has since provided...further comments which are under consideration"</i>.</p> <p>i) Update the ExA as to whether objections to Plot 1/6's CA remain.</p> <p>ii) Respond to the Applicant's response to Action Point 9 in respect to Plots 1/1(a) to (d) and Plot 1/3.</p>	

CA 2.3	<p><i>Plot 1/8</i></p> <p>The Applicant</p> <p>Gardens of Peace Muslim Cemetery</p>	<p>Following a request to do as Action Point 5 [REP4-018], the Applicant submitted a Gardens of Peace Muslim Cemetery Overlay Plan at Deadline 4 [REP4-020] in which it is demonstrated that Plot 1/8 would not extend over the burial plots.</p> <p><u>For the Applicant:</u></p> <p>i) Explain how this plan is secured in the draft DCO [REP4-002] as a certified document and whether it forms would form part of the Land plans [REP3A-003].</p> <p><u>For the Gardens of Peace Muslim Cemetery:</u></p> <p>ii) Respond to the Gardens of Peace Muslim Cemetery Overlay Plan submitted at Deadline 4 [REP4-020].</p>	<p>LB Havering notes the submission by the Applicant at Deadline 4 of REP4-018.</p> <p>LB Havering awaits confirmation of the views of the Gardens of Peace Cemetery and will update the ExA with regards to the Policy Compliance matter Havering has previously raised relating to the potential loss of burial plots, accordingly.</p>
DCO	Draft Development Consent Order (dDCO)		LB Havering Comments

DCO 2.1	<p><i>Part 1, Definition of "Commence"</i></p> <p>The Applicant</p>	<p>In response to the ExA's WQ1 DCO 1.5 [PD-008] as to whether pre-commencement works could fall outside the scope and assessment of the ES, the Applicant responded [REP2-011] that pre-commencement works "<i>were not likely to have a significant environmental effect</i>". The ExA does not find this answer to be reassuring as "<i>not likely</i>" is not categoric.</p> <p>Consider Inserting after "<i>operations</i>" with the words "<i>which do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement</i>" which, as with other definitions in the draft DCO [REP4-002] provides the assurance that such pre-commencement works cannot fall outside the scope and assessment of the ES.</p>	
DCO 2.2	<p><i>Schedule 2 – Requirement 11</i></p> <p>London Borough of Havering</p> <p>Brentwood Borough Council</p>	<p>Comment on the wording in the draft DCO submitted at Deadline 4 [REP4-002] where new Requirement 11 has been inserted in respect to the AMS.</p>	<p>The Council remains concerned that the wording for Requirement 11 included the phrase "substantially in accordance with". LB Havering has raised this concern in respect of other management plans and remain of the view that the word "substantially"</p>

	Essex County Council		<p>should be removed in such cases.</p> <p>The current wording provides no surety for the Council that the final AMP will be in accordance with the draft AMS and leaves the risk of changes being made by the Appointed contractor.</p>
DCO 2.3	<p><i>Schedule 2 – Requirement 18</i></p> <p>London Borough of Havering</p> <p>Brentwood Borough Council</p> <p>Essex County Council</p> <p>Transport for London</p>	<p>Comment on the wording in the draft DCO submitted at Deadline 4 [REP4-002] in respect to consultation responses being advanced to the SoS before any Requirement is discharged.</p>	<p>LB Havering welcomes the updated wording set out in REP4-002 in respect to consultation responses.</p> <p>The updated wording addresses the concerns LB Havering has previously raised in earlier submissions with regards to how management plans will be approved.</p>
DCO 2.4	<p><i>Draft Protective Provisions for Transport for London</i></p> <p>The Applicant</p>	<p>Action Point 1 from the ISH2 [EV-037] requested that TfL submit into the Examination its suggested Protective Provisions to be inserted into the draft DCO [REP4-002]. TfL did so at Deadline 4 [REP4-038].</p> <p>While the Applicant opined [REP4-017] that such matters regarding</p>	

		<p>maintenance of the new A12 off slip and other areas would be best served by private asset agreement, such an agreement may not be in place by the time the SoS makes their decision, and the SoS may wish to insert such Protective Provisions to ensure TfL's assets and responsibilities are defined and protected.</p> <p>To provide this comfort to the SoS, comment on the draft Protective Provisions submitted by TfL at Deadline 4 and advise whether, by the close of the Examination, a private asset agreement will likely be in place to make the inclusion of this Protective Provision unnecessary.</p>	
DCO 2.5	<p><i>Schedule 9 - Protective Provisions for Eastern Power Networks</i></p> <p>The Applicant Eastern Power Networks / UK Power Networks</p>	<p>In its Relevant Representations (RR) [RR-008] and as set out in the ExA's WQ1 CA 1.20 [PD-008], Eastern Power Networks raised concerns with the Protective Provisions as set out in the draft DCO[REP4-002]. The Applicant responded [REP2-011] and at ISH2 that discussion remain ongoing with its parent company UK Power Networks.</p> <p>Update the ExA on these discussions</p>	

		and whether Eastern Power Networks / UK Power Networks will be withdrawing its RR before the close of the Examination.	
DCO 2.6	<i>Schedule 9 – Protective Provisions for the Environment Agency</i> The Environment Agency	Comment on the revised wording of the Protective Provisions for the EA submitted in the updated draft DCO at Deadline 4 [REP4-002].	
FDW	Flood Risk, Drainage and Water		LB Havering Comments
FDW 2.1	<i>Outline Surface Water Management Plan</i> The Applicant	In its response at Deadline 2 [REP2-025] the EA have not indicated that the realignment of the two channels (Weald Brook and the Ingrebourne River) is an outstanding issue. However, the EA have recommended that a Surface Water Management Plan (SuWMP) be submitted prior to commencement of works which demonstrates, amongst other things, how sustainable drainage will be managed for both the short and long-term to ensure the effectiveness of	

		<p>the proposed drainage system.</p> <p>Respond to the EA's statement on this matter and confirm whether the outline SuWMP at Deadline 3A [REP3A-010] includes this.</p>	
FDW 2.2	<p><i>Outline Surface Water Management Plan</i></p> <p>London Borough of Havering</p> <p>Essex County Council</p> <p>Environment Agency</p>	<p>Comments on the adequacy of the outline SuWMP provided at Deadline 3A as an appendix to the outline CEMP [REP3A-010].</p>	<p>As a Local Lead Flood Authority LB Havering is generally satisfied with the SuWMP.</p> <p>The SuWMP covers the construction phase of the works and is an outline document – it covers the main points and forms framework for the detailed document to be provided by the contractor.</p> <p>LB Havering would reiterate the point that has been made in regard to the other management plans and would expect the final SuWMP to be in accordance with the outline SuWMP.</p> <p>The mitigation measures for the impact of scheme appear to have been addressed.</p> <p>LB Havering would suggest that there is an opportunity for improving</p>

			catchment control for these areas, attenuation etc to provide some additional flood protection to areas downstream such as Romford or Rainham.
GS	Geology and Soils		LB Havering Comments
GS 2.1	<p><i>Ground Investigation Report</i></p> <p>London Borough of Havering</p> <p>Transport for London</p> <p>Environment Agency</p>	<p>Comment on the adequacy of the Ground Investigation Report (GIR) submitted at Deadline 1 [REP1-023, REP1-024 and REP1-025] and the Applicant's response as set out at ISH1, confirmed in its oral submissions at Deadline 4 [REP4-016] that an outline Materials Management Plan does not need to be submitted into the Examination.</p>	<p>LB Havering is of the view that the ground investigation report, submitted at deadline 1, is adequate.</p> <p>LB Havering considers that no additional documentation is required during the Examination.</p>
GS 2.2	<p><i>Pollutant Linkage</i></p> <p>The Applicant</p>	<p>Paragraphs 122 to 124 of the GIR submitted at Deadline 1 [REP1-023] stated that a potential source of ammonium concentrations in shallow (potentially perched) groundwater, and a potential receptor, the Weald Brook, has been identified at the site. However, the GIR goes on to state that the pollutant linkage is uncertain as there is only a limited viable pathway</p>	

		<p>between them. The GIR recommended that this linkage is considered during the development of the detailed design to ensure that construction and operation of the Proposed Development does not result in an increase in risk to surface water bodies from the creation of a potential pathway between the identified source and receptor. Alternatively, that suitable mitigation is proposed to remove the potential source of contamination.</p> <p>Explain how it is intended to address this matter in the design and any mitigation required during the construction and operation of the Proposed Development.</p>	
GS 2.3	<p><i>Table 12.1 of the updated Construction Environmental Management Plan</i></p> <p>The Applicant</p>	<p>Within Table 12.1 of the outline CEMP (tracked changed version) submitted at Deadline 4 [REP4-024], the ExA notes that a number of measures associated with contaminated land have been removed.</p> <p>Clarify what the reasoning for this is, and whether the removed measures are considered elsewhere as part of the application (as part of the proposed</p>	

		environmental permit request / Materials Management Plan for the re-use of surplus construction materials and the arisings from the Brook Street landfill for example).	
HE	Historic Environment		
HE 2.1	<p><i>Archaeological Management Plan Trenching Works</i></p> <p>London Borough of Havering</p>	<p>At ISH1 [EV-009], the adequacy of the Archaeological Management Plan (AMP) submitted at Deadline 3 [REP3A-029] was discussed. LBH and the Greater London Archaeology Advisory Service (GLAAS) expressed concerns that trial trenching was not undertaken to inform the conclusions reached in the AMS. In response to Action Point 7 [REP4-021], the Applicant stated that a programme of works for trial trenching has been agreed with the LBH / GLAAS which is targeted for May 2021; and an updated outline AMP will be submitted at Deadline 5.</p> <p>In its response at Deadline 4, LBH / GLAAS stated [REP4-029] that an additional Requirement should be inserted into the draft DCO [REP4-002] which secures "<i>trial trenching, pre</i></p>	<p>LB Havering confirms that a programme of works has been agreed with the Applicant for Archaeological trial trenching with a target date for May 2021.</p> <p>LB Havering would like to see trial trenching take place to inform the DCO Examination process.</p> <p>LBH is concerned that this may not take place because of a number of underlying factors making the timetable uncertain, most notably being accessing the land and the procurement process.</p> <p>Should the Trial Trenching not take place during the Examination process the Council would consider the additional requirement to still be necessary.</p>

		<p><i>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".</i></p> <p>Explain why an updated AMS, secured by Requirement 9 of the draft DCO is incapable of ensuring the above would be secured.</p>	
LV	Landscape and Visual		LB Havering Comments
LV 2.1	<p><i>Revised photomontage view(s)</i></p> <p>The Applicant</p>	<p>The Applicant's Change Request No 2, submitted at Deadline 3A [REP3A-002] was accepted into the Examination on Friday 19 March 2021 [PD-013].</p> <p>Current photomontage views which cover the area(s) affected by the Change Request are based on the original layout and design.</p> <p>Confirm when revised photomontage views which consider the proposed environmental bund will be provided to the Examination?</p>	

<p>LV 2.2</p>	<p><i>Visual Impact Assessment</i></p> <p>The Applicant</p> <p>Luddington Golf Ltd</p> <p>Mr & Mrs Jones (Grove Farm)</p>	<p>In respect to Change Request No 2, submitted at Deadline 3A [REP3A-002] and which was accepted into the Examination on Friday 19 March 2021 [PD-013], the Applicant submitted the scheduled changes required to Chapter 9 of the ES [REP3A-035]. Paragraph 9.8.9 states that changes to existing landform by bund creation would result in an uncharacteristic alteration of ground levels compared to the surrounding. However, this would only be experienced at a local level and would therefore not be significant.</p> <p><u>For the Applicant:</u></p> <p>i) Confirm that a full assessment of the visual impact of the proposed bund has been undertaken in line with Guidelines for Landscape and Visual Impact Assessment (Third Edition).</p> <p><u>For Luddington Golf Ltd and Mr & Mrs Jones of Grove Farm:</u></p> <p>ii) Respond to the submission and detail any consultation with the Applicant.</p>	
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LV 2.3	<p><i>Mitigation</i></p> <p>The Applicant</p>	<p>The LBH has requested in its Local Impact Report [REP1-031] that vegetation planted as visual mitigation is installed as early as possible in the construction phase. It is noted that this is listed by the Applicant as the responsibility of the principal contractor [REP3A-020].</p> <p>Confirm that either as part of the outline CEMP [REP3A-010] or other documentation that a programme of planting is to be provided.</p>	
LV 2.4	<p><i>Tree Replacement and Management and the Outline Landscape and Ecological Management and Monitoring Plan</i></p> <p>The Applicant</p> <p>London Borough of Havering</p> <p>Natural England</p>	<p>At the ISH1, the Applicant clarified that the outline Landscape and Ecological Management and Monitoring Plan (LEMP) contains the strategy and approach for tree replacement and mitigation, whereas construction effects including the identification of tree loss and protection are covered in the outline CEMP [REP3A-010].</p> <p><u>For LBH and Natural England:</u></p> <p>i) Comment on the adequacy of the outline LEMP in respect to the strategy, approach, quality and quantity of species to be replaced</p>	<p>Generally LB Havering is satisfied with the proposals put forward with the Outline LEMP. However, LB Havering provided comments last year on the draft outline LEMP prior to the document being submitted to PINS and gave recommendations for management technique and species changes. LB Havering has since reviewed the submitted Outline LEMP (Appendix 7.16) and the following considerations have not been taken into consideration:</p> <ul style="list-style-type: none"> ▪ Para. 5.1.10 discusses

		<p>and their long-term management.</p> <p><u>For the Applicant:</u></p> <p>ii) Confirm whether the outline LEMP is to be updated at Deadline 5, alongside the outline AMS which will also reflect Change Request 2 which was accepted into the Examination on Friday 19 March 2021 [PD-013], especially in respect to the environmental bund planting strategy and approach.</p>	<p>the initial thinning of the new woodland. LBH advised that thinning is undertaken in the third year following woodland planting. This should be a thorough formative prune of the developing trees (reaching heights between 1-2.5 metres) to prevent against the formation of co-dominant leading stems that would eventually result in weaker, smaller and potentially hazardous trees. Depending on the rate of tree development, a further thinning of the new woodland would then be undertaken between 5 and 8 years following planting (as stated in the Outline LEMP), removing 10 to 15% of stock to encourage the broadening spread of the crowns, and again 15 to 20 years after planting</p>
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			<p>for the same result.</p> <ul style="list-style-type: none"> ▪ The illustrative species mix for hedgerow planting is provided in Table 5.7. We would ask that this is amended to include the following species mix: <ul style="list-style-type: none"> - Hawthorn <i>Crataegus monogyna</i> (45%) - Field Maple <i>Acer campestre</i> (20%) - Blackthorn <i>Prunus spinosa</i> (15%) - Hornbeam <i>Carpinus betulus</i> (10%) - Hazel <i>Corylus avellane</i> (10%) <p>Hedgerows should be planted in double staggered rows with about 15 to 20 cm between the rows and 30 to 35 cm between the plants.</p> <p>It's also worth noting that no specification for spiral guards has been provided at this stage. However, to reduce the use of standard plastics</p>
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			we would expect biodegradable guards to be used. Given many of the products on the market need to be removed and composted in industrial facilities to biodegrade, LBH would also have a preference for plastic free guards where possible, as these do not necessarily have to be removed at the end of their lifespan.
LV 2.5	<p><i>Design Panel Review</i></p> <p>The Applicant</p>	<p>The ExA notes the response given by the Applicant at ISH1 [EV-009] and confirmed in its Written submission of Applicant's case put orally at ISH1, submitted at Deadline 4 [REP4-016] that the design of the Proposed Development was submitted to the Applicant's design panel, and it was decided that this project did not warrant any further review.</p> <p>Provide the reasoning given by Highways England's Strategic Design Panel for the assessment that no further review of the design was necessary.</p>	
LV 2.6	<i>Design Principles</i>	In response to Action Point 8 [REP4-021] from ISH1 [EV-009], the Applicant	



	The Applicant	<p>noted that “<i>as the principles in ‘The road to good design’ have been embedded into the preliminary scheme design, the subject of the DCO application, there is no need for it to be secured in the draft DCO</i>”. The ExA remains concerned that there appears to be no meaningful way to secure the design quality of the structures proposed as part of the development.</p> <p>Provide further evidence to support the statement that the principles set out in ‘The road to good design’ have been embedded into the design of the structures proposed. The ExA would be assisted in their Examination of this matter by the following documents:</p> <ul style="list-style-type: none">i) The aesthetic design brief for each of the structures proposed, giving a description of the aesthetic quality that the Applicant aspires to achieve in each case.ii) The design team’s response to this brief, showing how the design of the proposed structures will address the brief requirements.iii) Site analysis carried out to inform	
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		<p>the design approach for proposed structures, indicating key site-specific challenges, including any sensitive areas that may be especially affected by the Proposed Development.</p> <p>iv) The design team’s response to this analysis, showing how they will successfully address the challenges identified and what specific design responses are required to ensure that areas that are most adversely affected by the proposed structures and/or are most visible in the public realm would satisfactorily mitigate adverse effects and achieve the highest possible aesthetic quality. The ExA is particularly interested in further detail that describes how the design of the proposed structures will seek to enhance their context while being true to their structural necessities.</p> <p>v) Further justification to demonstrate that the aesthetic of the existing bridges over the A12 at junction 28 is a suitable contextual response to apply to bridges over the existing</p>	
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		<p>re-formed landscape adjacent to the A12</p> <p>vi) Illustrated examples of the design language proposed for Alder Wood and Duck Wood bridges, that the Applicant believes can successfully be applied in the context of the Proposed Development.</p> <p>vii) Illustrated examples of the material options that will be explored during the detailed design stage for each of the proposed structures.</p>	
LV 2.7	<p><i>Detailed Design Review</i></p> <p>The Applicant</p>	<p>i) Set out the design review process during the detailed design stage.</p> <p>ii) Provide an explanation of what parties would be involved in the process for agreeing detailed design matters in line with the design principles embedded at the initial design stage.</p> <p>iii) Explain how Local Authorities, landowners, community and environmental groups, members of the public and employer groups would be engaged during</p>	

		the detailed design stage.	
LV 2.8	<p><i>Outline Arboricultural Method Statement</i></p> <p>London Borough of Havering</p> <p>Natural England</p> <p>Brentwood Borough Council</p> <p>Essex County Council</p>	<p>In its response to Action Points 12, 13 and 14 [REP4-021] from ISH1 [EV-009], the Applicant stated that an update to the outline AMS will be submitted at Deadline 5, Tuesday 13 April 2021. The ExA expects the updated document to address some of the identified inadequacies in respect to identification of lost Tree Preservation Order (TPO) trees and protection measures of ancient and mature woodlands, TPO trees and veteran trees.</p> <p>Provide a response on the adequacy of this document at Deadline 6, Tuesday 27 April 2021.</p>	<p>LB Havering looks forward to reviewing the update to the outline AMS and providing a response on its adequacy at Deadline 6 to ensure that it addresses the inadequacies identified and secures the details recommended.</p>
NV	Noise and Vibration		LB Havering Comments
NV 2.1	<p><i>Appendices 6.2 and 6.3 of Chapter 6 of the Environmental Statement</i></p> <p>The Applicant</p>	<p>The Applicant submitted updates to Appendix 6.2 (Construction Noise Vibration) and Appendix 6.3 (Noise Sensitive Receptors) of the Environmental Statement at Deadline</p>	

		<p>3A [REP3A-027 and REP3A-028]. The ExA notes that these contain a number of additional receptors.</p> <p>i) Confirm that the amended noise assessments have been updated to include the proposed changes 1 – 4 to the works.</p> <p>ii) Confirm that the receptors listed are consistent between the submitted documents and any separate appendices (namely the noise sensitive receptors appendix)</p>	
NV 2.2	<p><i>Outline Dust, Noise and Nuisance Management Plan</i></p> <p>London Borough of Havering</p> <p>The Applicant</p>	<p>In its response at Deadline 4, LBH stated [REP4-029] that an additional Requirement should be inserted into the draft DCO [REP4-002] “to provide surety that residents are protected from noise during construction [because] the Applicant has not provided surety from its responses through the Examination that the matter of noise disruption during construction has been adequately dealt</p>	<p>Requirement 4 as it is currently worded in the draft DCO does not provide the local authority with the surety that residents will be adequately protected from noise.</p> <p>Table 6.20 of Chapter 6 of the Environmental Statement (ES) states the residents that will be affected by construction noise after the mitigation measures in Section 6.9 of the ES have been implemented.</p>



		<p>with”.</p> <p>i) Explain why Requirement 4 of the draft DCO [REP4-002] is incapable of ensuring the above would be secured.</p> <p>ii) Explain how the outline Dust, Noise and Nuisance Management Plan would need to be updated to address the concerns raised.</p>	<p>Table 6.12 sets out the potential impact of night time construction noise and identifies Grove Farm as having an “Adverse effect” which LB Havering would consider to still be a potential disturbance. Whilst it is recognised that a motorway barrier has been identified as mitigation from noise for Grove Farm, LBH would suggest that the DNNMP needs to be updated to ensure temporary barriers are placed as all receptor sites if possible. This also needs to be a commitment in the REAC.</p> <p>In addition all works that evoke an adverse and significant adverse impact at a receptor should be accompanied with a specific S61 agreement so LB Havering knows the duration and likely noise levels, mitigation measures etc.</p> <p>LB Havering would also recommend attended sound monitoring periodically for the adverse impact residents and full unattended monitoring at Grove Farm. This is because night-time disruption must be kept to a minimum and trigger level</p>
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			exceedances should be acted on immediately and appropriately.
PC	People and Communities		LB Havering Comments
PC 2.1	<p><i>Grove Farm</i></p> <p>The Applicant</p>	<p>At ISH1 [EV-009], the ExA requested plans of the area around Grove Farm at a scale equivalent to those submitted by representatives of Grove Farm at Deadline 2 [REP2-033]. This request was confirmed and agreed as Action Point 5 [EV-032]. The Applicant submitted drawings at Deadline 4 [REP4-022] in response. The ExA notes that the drawings submitted by the Applicant are all described in the scale field of the drawing title block as being "NTS", which the ExA understands to mean "Not To Scale".</p> <p>Explain how it believes the ExA is assisted by the submission of drawings that are not at a measurable scale in</p>	

		<p>this instance.</p> <p>[N.B the Applicant is requested to provide drawings at a larger measurable scale (minimum 1:1000) of the area around Grove Farm dwellings].</p>	
PC 2.2	<p><i>Revised Engineering Section Drawings</i></p> <p>The Applicant</p>	<p>The Applicant submitted revised engineering section drawings D-D and E-E at Deadline 4 [REP4-025]. The line of section D-D appears to have been altered to cut through the site at a different location.</p> <p>i) Confirm this is correct.</p> <p>ii) If so, provide updates to any drawings that are affected by this change to the Examination.</p>	
PC 2.3	<p><i>Revised Engineering Section Drawings</i></p> <p>The Applicant</p> <p>Mr & Mrs Jones (Grove Farm)</p>	<p>The ExA notes the addition of proposed tree planting indicatively shown on sections D-D and E-E of the revised Engineering Sections submitted at Deadline 4 [REP4-025].</p> <p><u>For the Applicant:</u></p> <p>i) Explain how the 15-year indicative growth height of 8m would provide adequate year-round mitigation for the significant adverse landscape and</p>	

		<p>visual effects on the property identified in the ES.</p> <p><u>For Mr & Mrs Jones of Grove Farm:</u></p> <p>ii) Comment on the adequacy of the proposed tree planting.</p>	
PC 2.4	<p><i>Grove Farm</i></p> <p>The Applicant</p>	<p>At the ISH1 [EV-009], the ExA raised its concerns over the potential individual and cumulative effects of the Proposed Development on the living conditions of Mr & Mrs Jones; whose property is within close proximity of the Order limits. The ExA heard oral evidence from Mr & Mrs Jones on their desire to remain at the property, but to have a protective, acoustic fence installed on their boundary with the Proposed Development to protect against the potential harmful effects it could bring.</p> <p>In its response to Action Point 16 submitted at Deadline 4 [REP4-021] in respect to whether a site specific plan could be inserted into the draft DCO [REP4-002] which could deal with a specific set of mitigations for the property, the Applicant stated that it:</p> <p><i>"is not required or appropriate. As</i></p>	



		<p><i>regards provision of a noise barrier, the noise assessment findings reported that for the operational stage, the change in noise levels are expected to be negligible at Grove Farm, and as such the provision of a permanent noise barrier is not required. As regards a broader requirement related to design this would not be appropriate due to the potential for unworkable knock-on effects for the rest of the Scheme. With regard to landscaping, proposed planting of woodland and grassland is provided for in the Preliminary Environmental Design (Figure 2.2, APP-039), with a proposed long-term management programme set out in the outline LEMP, In particular, with regards to Grove Farm, the following management areas W7, W6, G8, G9 and W13 apply."</i></p> <p>Given the ES findings [APP-038] which confirms that there would be a residual large adverse effect on visual receptors even at year 15 when any planting had established, as well as a residual large adverse effect on land take, severance and amenity to Mr & Mrs Jones, the ExA remains concerned that the Proposed Development could potentially render</p>	
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		<p>the property and its garden area as unusable and uninhabitable.</p> <p>i) Given the refusal to address matters in the draft DCO through a site specific plan of mitigation, if the SoS concluded the harm to the living conditions of Mr & Mrs Jones were of such significance, what options are available to them to address these concerns.</p> <p>ii) If there are no other options, should the SoS withhold consent for the Order.</p> <p>The ExA requests that the Applicant work with Mr & Mrs Jones to explore ways and suggest solutions in which Mr & Mrs Jones's property could be acceptably and appropriately screened and protected from the Proposed Development. Provide this update at Deadline 5, Tuesday 13 April 2021.</p>	
PC 2.5	<p><i>Maylands Golf Course</i></p> <p>The Applicant Luddington Golf Limited</p>	<p>At ISH1 [EV-009] and confirmed in its written summary of oral submission put at a Hearing, at Deadline 4 [REP4-016], the Applicant stated that discussions with Maylands Golf Course are ongoing with a potential to an amicable solution being reached shortly between the two</p>	

		parties. Provide an update.	
TA	Traffic and Access		LB Havering Comments
TA 2.1	<i>Code of Construction Practice</i> The Applicant	<p>In WQ1 GQ 1.6 [EV-009], the ExA requested a Code of Construction Practice (CoCP) be submitted into the Examination. The Applicant responded [REP2-011] declining to do so, and at ISH1 [EV-009] argued that that such measures are incorporated into the outline CEMP [REP3A-010] and outline Traffic Management Plan (TMP) [REP4-013] and which are secured by Requirements 4 and 10 of the draft DCO [REP4-002].</p> <p>Provide a signpost or navigation document explaining where such measures are set out in each document, clarifying why such measures are split between the two.</p>	
TA 2.2	<i>Extended Intergreen Signalling at Brook Street Roundabout</i>	<p>In its response to ISH1 Action Points 2 [REP4-021] received at Deadline 4, the Applicant confirmed that it has agreed, following a meeting on 8 March 2021, to address the matter of intergreen</p>	

	The Applicant Transport for London	<p>signalling at Brook Street as part of a separate legal agreement.</p> <p>i) Confirm that the legal agreement described will be completed before the close of the Examination.</p> <p>ii) Submit a draft version of the separate legal agreement to the Examination at Deadline 5, Tuesday 13 April 2021.</p>	
TA 2.3	<p><i>Proposed Access / Egress at Grove Farm</i></p> <p>The Applicant Transport for London London Borough of Havering</p>	<p>The representatives of Mr & Mrs Jones submitted revised proposals at Deadline 4 [REP4-036] for access / egress to and from their property.</p> <p>Provide comments on these proposals.</p>	<p>The proposals put forward by Mr and Mrs Jones concerns highways infrastructure that is the responsibility of Local Highways Authorities other than Havering as such LB Havering has no comments to make.</p>
TA 2.4	<p><i>Outline Traffic Management Plan</i></p> <p>The Applicant Interested Parties</p>	<p>An outline TMP was submitted by the Applicant at Deadline 4 [REP4-013]. The ExA notes that the outline TMP does not appear to address the impact of temporary closures to the A12 eastbound off slip to junction 28 and any associated diversions during</p>	<p>The OTMP as drafted does not seek closure of the A12 eastbound off-slip on a temporary basis. The issue for the LB Havering is that the OTMP commentary is not supported by the necessary wording in the updated draft DCO or the outline CEMP.</p>

		<p>construction work.</p> <p><u>For the Applicant:</u></p> <p>i) Confirm that temporary closures are no longer considered necessary for this section of road. If this is not the case indicate where the diversion caused by such a closure is described in the outline TMP.</p> <p><u>For Interested Parties:</u></p> <p>ii) Comment on the outline TMP.</p>	<p>LB Havering has already made comment at Issue Specific Hearings One and Two in respect of the need for certainty in the management of scheme construction and how the certified documentation must support this outcome.</p> <p>At this stage, unless the OTMP proposal is backed by satisfactory wording within the dDCO and Outline CEMP LB Havering maintains its objection to any opportunity for closure of the A12 eastbound off slip at junction 28.</p>
TA 2.5	<p><i>Outline Traffic Management Plan</i></p> <p>The Applicant</p> <p>Interested Parties</p>	<p>The ExA notes the Petersfield Avenue vehicle swept path analysis submitted in Appendix E of the outline TMP [REP4-013] and observes that this analysis appears to show that articulated vehicles carrying out the proposed u-turn will mount the kerb before (or while) crossing the eastbound carriageway.</p> <p><u>For the Applicant:</u></p> <p>i) Confirm whether the ExA's interpretation of the swept path</p>	<p>LB Havering concurs with the applicant's analysis and the ExA view that the A12 / Petersfield Avenue junction is not appropriate on safety grounds for HGV u-turns and poses the risk of damage to the public highway and street furniture.</p> <p>The matter concerning LB Havering is how the applicant intends to police this limitation on movement. The Applicant in the OTMP offers no HGV management strategy, routing guide</p>

		<p>analysis is correct.</p> <p><u>For Interested Parties:</u></p> <p>ii) Comment on the appropriateness of the proposed u-turn manoeuvre based on the swept path analysis.</p>	<p>or contractor penalties for non-compliance beyond general recognition that HGV construction traffic would need to use the congested Gallows Corner A12 / A127 roundabout junction.</p> <p>LB Havering is therefore of the viewpoint that the Outline TMP as drafted is inadequate in both content and commitment to the management of HGV construction traffic.</p>
TA 2.6	<p><i>Outline Traffic Management Plan</i></p> <p>The Applicant</p> <p>Interested Parties</p>	<p>In its response to Action Point 2 [REP4-026] of ISH2 [EV-010], the Applicant declined to delete Part 3, Article 18(2)(c) which authorises the use as a parking place on any road. The Applicant confirms that Woodstock Avenue would not be used for operative or construction parking.</p> <p>Confirm whether the outline TMP [REP4-013] contains within it a construction parking strategy for operatives and / or identifies which of the surrounding road network would be used under this Article in the draft DCO [REP4-002].</p>	<p>LB Havering is disappointed to note that the applicant has failed to address this issue at its source in the revised dDCO.</p> <p>The Outline Traffic Management Plan provides no clarity as to whether any off site parking may be necessary, to support the construction activity, its location, nor to its management should it be required.</p> <p>As the Applicant and contractor is committed through the DCO to establishing significant temporary works , LB Havering remain of the view that formal off-site parking for</p>

			construction operatives and plant is unnecessary and therefore invites the ExA to recommend that the associated wording be removed from the recommended DCO.
TA 2.7	<p><i>Integration of Safe Cycle and Walkway Routes</i></p> <p>The Applicant</p>	<p>The ExA notes the Applicant's response to Action Point 4 [REP4-021] from ISH1 [EV-009], and requests, as a minimum, to be updated on the progress of the proposals described in line with the designated funding project stages at Deadline 5, Tuesday 13 April 2021 and by the close of the Examination. The ExA further notes the Applicant's response to ISH2 [EV-010] Action Point 9 [REP4-026].</p> <p>Clarify how a Change Request, in which an additional work no. would be inserted into the draft DCO [REP4-002] would secure the delivery of a safe cycle and walkway route.</p>	
TA 2.8	<p><i>Traffic Modelling for the Opening Year</i></p>	<p>Clarify, in relation to the Transport Assessment Report [APP-098 and PDB-003], why traffic modelling and air quality forecasting within the transport</p>	



	The Applicant	assessment has not been carried out for opening year in 2024.	
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ANNEX A

Abbreviations Used

AMP	Archaeological Management Plan	HEMP	Handover Environmental Management Plan	SPA	Special Protection Area
AIA	Arboricultural Impact Assessment	HRA	Habitats Regulations Assessment	SPR	Source Pathway Receptor
AMS	Arboricultural Method Statement	IAN	Interim Advice Note	SuWMP	Surface Water Management Plan
AP	Affected Person	IP	Interested Party	TfL	Transport for London
AQMA	Air Quality Management Area	km	Kilometre	TGN	Technical Guidance Note
ARN	Affected Road Network	LEMP	Landscape and Ecology Management and Monitoring Plan	TLRN	Transport for London Road Network
BoR	Book of Reference	LSE	Likely Significant Effect(s)	TMP	Traffic Management Plan
CA	Compulsory Acquisition	LTC	Lower Thames Crossing	TP	Temporary Possession
CEMP	Construction Environmental Management Plan	m	metre	TPO	Tree Preservation Order
CoCP	Code of Construction Practice	NE	Natural England	tCO ₂ e	Tonnes of Carbon Dioxide emissions
CO ₂ e	Carbon Dioxide Emissions	NIA	Important Area for Noise	WQ1	Written Questions
DCO	Development Consent Order	NN NPS	National Networks National Policy Statement	WQ2	Further Written Questions
DEFRA	The Department of the Environment, Food and Rural Affairs	NO ₂	Nitrogen Dioxide	WSI	Written Scheme of Investigation

DMRB	Design Manual for Roads and Bridges	NSER	No Significant Effects Report	CAH1	Compulsory Acquisition Hearing held on Monday 1 March 2021
DNNMP	Dust Noise and Nuisance Management Plan	PDA	Procedural Deadline A	OFH1	Open Floor Hearing held on Monday 1 March 2021
EA	Environment Agency	R	Receptor	ISH1	Issue Specific Hearing on Environmental Matters held on Wednesday 3 and Thursday 4 March 2021
ECP	Environmental Control Plan(s)	REAC	Register of Environmental Assessment Commitments	ISH2	Issue Specific Hearing on the draft Development Consent Order held on Friday 5 March 2021
EM	Explanatory Memorandum	RIS	Ramsar Information Sheet	Gardens of Peace	Gardens of Peace Muslim Cemetery
ES	Environmental Statement	RPA	Root Protection Area	LBH	London Borough of Havering
ExA	Examining Authority	RR	Relevant Representation	GLAAS	Greater London Archaeology Advisory Service
GCN	Great Crested Newt	SoCG	Statement of Common Ground		
GI	Ground Investigation	SoR	Statement of Reasons		
GIR	Ground Investigation Report	SoS	Secretary of State		