

M25 junction 28 improvement scheme

TR010029

9.94 Applicant's response to Rule 17 request for information dated 16 April 2021

Rule 17

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9

April 2021

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

M25 junction 28 scheme Development Consent Order 202[x]

**9.94 Applicant's response to Rule 17 request for information dated 16
April 2021**

Rule Number:	Rule 17
Planning Inspectorate Scheme Reference	TR010029
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Author:	M25 junction 28 scheme, Project Team, Highways England

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1. Purpose and structure of this response

- 1.1.1 This document provides the comments of the applicant, Highways England, in response to Examining Authority's Rule 17 request for information dated 16 April 2021 (PD-017).
- 1.1.2 Highways England has sought to provide comments where it is helpful to the Examination to do so, for instance where a representation includes a request for further information or clarification from Highways England or where Highways England considers that it would be appropriate for the Examining Authority (ExA) to have Highways England's views in response to a matter raised by an Interested Party in its representations. Where issues raised within a representation have been dealt with previously by Highways England, for instance in response to a question posed by the ExA in its first round of written questions or within one of the application documents submitted to the Examination, a cross reference to that response or document is provided to avoid unnecessary duplication. The information provided in this document should, therefore, be read in conjunction with the material to which cross references are provided.
- 1.1.3 Highways England has not provided comments on every point made within the representation (for instance, Highways England has not responded to comments made about the adequacy of its pre-application consultation given that Highways England has already provided a full report of the consultation it has undertaken as part of its application for the Development Consent Order (DCO)) and the Planning Inspectorate has already confirmed the adequacy of the pre-application consultation undertaken when the application was accepted for Examination. In some cases, no comments have been provided, for instance, because the written representation was very short, or because it expressed objections in principle to the Scheme or expressions of opinion without supporting evidence.
- 1.1.4 For the avoidance of doubt, where Highways England has chosen not to comment on matters raised by Interested Parties, this is not an indication Highways England agrees with the point or comment raised or opinion expressed.

2. PD-017 Rule 17 Request for Further Information

Response reference:	Representation Issue	Highways England Response
PD-017-03	<p>If the ExA were minded to accept the Applicant's position that it would not be appropriate to secure a pedestrian and cycle route within the draft DCO [REP5-011], the ExA would require evidence that the enhancements for cycle and pedestrian users would be capable of being delivered through a different mechanism or agreement between the parties concerned. The ExA has therefore made a Procedural Decision to request the views of all relevant IPs in writing by Deadline 6, Tuesday 27 April 2021 on the most appropriate way to secure enhancements to provisions for NMUs within the time remaining in the Examination, to ensure that the pedestrian and cycle route would be delivered within the timeframe of the Proposed Development.</p>	<p>Highways England maintain the position set out in response to Action 9 of Highways England's to action points from ISH2 (REP4-026) that the Scheme would be best dealt with through the Designated Funds scheme.</p>
PD-017-04	<p>The Applicant's engagement with residents of Putwell Bridge Caravan Park</p> <p>The ExA acknowledges London Borough of Havering's (LBH) submission at Deadline 5 [REP5-062] outlining its concerns over the level of engagement with the residents of Putwell Bridge Caravan Park and its invitation for the ExA to consider whether the engagement and consultation carried out has met the standards of the Equalities Act 2010.</p>	<p>Highways England has met the standards set out in the Equality Act 2010 (the "2010 Act") with regards to engagement on the Scheme, in particular with regards the occupiers of the Putwell Bridge Caravan Park (the "Caravan Park") who have characteristics protected by the 2010 Act. Under the 2010 Act Highways England is subject to the public sector equality duty under section 149 which requires a public authority to have due regard to the need to i) minimise disadvantages suffered by those with a protected characteristic and ii) take steps to meet the needs of persons who</p>

Response reference:	Representation Issue	Highways England Response
		<p>share a protected characteristic that are different from the needs of persons who do not share that characteristic.</p> <p>During the pre-application stage Highways England's Agents contacted the Caravan Park with a Land Interest Questionnaire. The address used for all subsequent postal correspondence was provided by a resident of the Caravan Park in response to the Land Interest Questionnaire in November 2018.</p> <p>Highways England during the pre-application stage met with residents of the Caravan Park on 3 October 2019. Highways England also invited the London Borough of Havering's liaison officer, [REDACTED] (whose role includes communications on behalf of London Borough of Havering with communities such as those living at the Caravan Park), to the meeting to ensure that communications were clear and appropriate and the residents were not at any disadvantage. At that meeting it was confirmed by the residents that they were aware of the Scheme but were not concerned given that it did not affect their land. A query was raised with regards to the boundary line with the neighbouring Gardens of Peace Muslim burial ground. The resident also asked about road closures and Highways England confirmed that it would aim to minimise disruption and these would most likely take place at night. During the meeting it was also explained that a supplemental consultation was to commence in November 2019 and that the residents should expect to receive correspondence accordingly. The residents commented that they had no issues and were grateful for</p>

Response reference:	Representation Issue	Highways England Response
		<p>the update. A copy of the minutes of the meeting have been appended to this response.</p> <p>On 14 May 2020 a land negotiation letter was sent by Highways England to the owner of Plot 1/9, being one of the residents of the Caravan Park. Following this, Highways England received a telephone call from him on 19 May 2020 (on the number set out at the bottom of the letter sent on 14 May 2020) regarding the inclusion of Plot 1/9 and the intention to acquire Plot 1/9 permanently. Highways England's Project Manager returned the resident's telephone call on 1 June 2020 and it was explained that Highways England intended to use Plot 1/9 temporarily only.</p> <p>On 2 July Highways England wrote to the resident of the Caravan Park confirming what was said during the telephone call on 1 June 2020 clarifying that Highways England was only seeking to acquire Plot 1/9 temporarily for construction.</p> <p>A follow up letter was subsequently sent to the resident by Highways England on 5 August 2020 confirming that Plot 1/9 was no longer needed for the Scheme. Copies of the 1 June 2020 and 5 August 2020 letters are appended to this response.</p> <p>It is Highways England's view that the residents of the Caravan Park have been satisfactorily engaged and that Highways England has met its public sector equality duty under the 2010 Act. Highways England considers it likely that nothing further has been heard from the residents of the Caravan Park as their concern – regarding Plot 1/9 – had been satisfactorily addressed with the removal of Plot 1/9 from the DCO. Moreover, the ES identifies that the Scheme would</p>

Response reference:	Representation Issue	Highways England Response
		have a slight adverse impact upon the Caravan Park during construction in terms of noise and visual impact and a slight adverse impact during operation in terms of visual impacts. As a result the communication undertaken have not only been in compliance with the 2010 Act but also proportionate to the effects of the Scheme on the residents.
PD-017-05	The ExA seeks the Applicant's response by Deadline 6, Tuesday 27 April 2021 and in particular wishes to be informed whether a meeting with the occupiers of the Putwell Bridge Caravan Park will or needs to be arranged.	Highways England has arranged a meeting with the residents of Putwell Bridge Caravan Park on Thursday 29 April 2021 and has again invited [REDACTED] from the London Borough of Havering. Highways England will update the Examining Authority with regards to that meeting at Deadline 7.

Appendices

Appendix A. Putwell Bridge Caravan Farm Engagement Meeting 3 October 2019



Minutes

Project:	M25 junction 28 improvement scheme		
Subject:	Putwell Bridge Caravan Farm Engagement Meeting		
Meeting place:	Putwell Bridge Caravan Park	Meeting no:	1
Date and time:	3rd October 2019 2pm – 3pm	Minutes by:	[REDACTED]
Attendees:	[REDACTED]	Representing:	Atkins (PM) Atkins (Planning Lead) Highways England (PM) LB Havering Liaison Officer Putwell Bridge resident Putwell Bridge resident

ITEM	DESCRIPTION	RESPONSIBLE
1.	Introduction PG, DS and BG gave an introduction into their role on the project.	ALL
2.	Project overview PG provided an overview of the scheme and the proposals outlining that recent design amendments necessitated a diversion of the high pressure gas main which brought the red line boundary south of the A12. [REDACTED] noted he was aware of the Scheme but not familiar with the detail. Noted that he was not concerned with the scheme given it did not affect his land and had no issue. [REDACTED] raised a query over the boundary line to the neighbouring Muslim Burial Ground. PG noted this would need to be addressed with the owners of the burial ground. [REDACTED] raised a query over road closures. PG noted that any closures would aim to minimise disruption and would likely take place at night. Noted the construction is unlikely to be until early 2023.	PG



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ITEM	DESCRIPTION	RESPONSIBLE
3.	Supplemental Consultation PG noted that a Supplemental Consultation event would be taking place in November 2019 and to expect a notification letter. Mr Dooley noted they did not have any issues and were grateful for the update.	PG

Appendix B. Letter to [REDACTED] dated 2 July 2020



Ref: PILS06

[REDACTED]
Putwell Bridge Caravan Park
Colchester Road
Romford
RM3 0FF

[REDACTED]
Highways England
Bridge House
1 Walnut Tree Close
Guildford
GU1 4LZ

Tel: 0300 123 5000

02 July 2020

Dear [REDACTED]

M25 junction 28 scheme

Thank you for taking my call on the 1 June 2020 which was in return of your query with Highways England's Customer Contact Centre.

Please accept this letter as confirmation that since this call, I have been working to clarify our position with regards to the temporary use of your land. As you informed us that the section outlined in the Land Plan as Plot 1/9 has been 'closed off' due to the owners of the Peace Gardens providing a permanent wall, the project team are currently establishing the effects of this on the scheme proposal.

I also note from your original call to Highways England your query regarding compensation. When I write to you next, following our review of Plot 1/9, I will ensure I provide relevant details to answer your query on this also.

If you have any other queries prior to receiving further correspondence from myself, please contact me using the following details

- email – M25j28@highwaysengland.co.uk
- telephone – 0300 123 5000; or
- by writing to me using the address given at the top of this letter.

Yours sincerely

[REDACTED]

[REDACTED]

Project Manager, Regional Investment Programme (South East)
Highways England

Appendix C. Letter to [REDACTED] dated 5 August 2020



Ref: PILS06

[REDACTED]
Putwell Bridge Caravan Park
Colchester Road
Romford
RM3 0FF

[REDACTED]
Highways England
Bridge House
1 Walnut Tree Close
Guildford
GU1 4LZ

Tel: 0300 123 5000

5 August 2020

Dear [REDACTED]

M25 junction 28 scheme

Further to my letter dated 2 July 2020, I am writing to you to confirm the position of the use of your land.

I have established that the land, identified as Plot 1/9, will not be needed as part of the scheme proposed by Highways England in a temporary or permanent manner.

Thank you for your patience in this matter. If you have any other queries regarding the scheme, please contact me using the following details

- email – M25j28@highwaysengland.co.uk
- telephone – 0300 123 5000; or
- by writing to me using the address given at the top of this letter.

Yours sincerely

[REDACTED]

[REDACTED]
Project Manager, Regional Investment Programme (South East)
Highways England

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