



**Havering**  
LONDON BOROUGH

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Dear Sir,

**London Borough of Havering and Essex County Council Response to Rule 17 Letter (PD-017)**

Thank you for the publication of the Rule 17 letter on Friday 16<sup>th</sup> April, which sought comments from the Local Authorities on the most appropriate way to secure enhancements to provision for Non-Motorised Users (NMUs) during the remaining Examination timetable.

This response has been drafted on behalf of London Borough of Havering, and Essex County Council.

Local Authorities position on securing NMU provision through Designated Funds

During the Examination, the Applicant has made representations stating that the most appropriate way of securing the NMU route proposed between Harold Hill and Brentwood would be through the Designated Funds process.

As Local Highways Authorities responsible for the network that the proposed route would be delivered within, we do not believe this is the most appropriate method of securing this route within the timeframe of the proposed development.

Specifically, we have a number of concerns with this approach that are set out below:

- We have concerns over the Applicant's preferred procurement and delivery approach, which would involve Local Highways Authorities leading on these matters. This would require extensive agreement across all parties to agree the financial, legal and works coordination elements.
- Discussions that Local Authorities have previously had with the Applicant raises concerns that no risk or contingency funding is included in the cost estimate at this stage.
- Both Essex County Council and Havering have been approached by the Applicant to establish whether a financial contribution can be made to the scheme. This raises

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legitimate questions as to whether the Applicant can successfully secure the funding required through Designated Funds.

- Over the last 12 months, the Pandemic has had a significant impact on Local Authority finances with funding and resources being prioritised to front line services. It is not viable for local authorities to make a financial contribution to this scheme in the current climate, nor is that position likely to change in the near future. In addition, we would not be able or willing to take on any additional risk or costs associated with the delivery of this project.
- It is not considered practical to undertake joint procurement and delivery of the scheme when three different Local Highway Authorities would be involved who have separate procurement arrangements with specific contractors. We would fully expect the Applicant to take on responsibility for both procurement and delivery of the route, and this should be LTN 1/20 compliant.

In summary, Local Authorities do not feel they have any certainty at this stage from the Applicant that the scheme will be delivered via Designated Funds.

### Policy Compliance

We would invite the ExA to consider that the route proposed is required from a National Planning Policy perspective.

We would suggest that the Applicant's current approach to NMU provision within the DCO Application is not policy compliant with National Networks National Policy Statement (NN-NPS) para 3.17 which states *"The Government expects applicants to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes. The Government also expects applicants to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems, retrofitting the latest solutions and ensuring that it is easy and safe for cyclists to use junctions"*.

### Local Authority suggested approach to securing NMU provision.

We support the approach advocated by the Applicant in its response to Written Question TA 2.7 at Deadline 5 (REP-041) which discusses how NMU provision from Brook Street through the junction could be secured as part of the DCO. Local Authorities recognise that securing connectivity through the junction from Brook Street is a key priority for a safety perspective. We would consider this as the "do-minimum" option for NMU provision as part of the DCO Application. Given the considerable impact that both LTN 1/20 and the Gear Change Government publications have had we consider that any design should strive to meet these requirements as it is highly unlikely that such a scheme could be introduced in the future after the J28 project has been implemented.

Given that in its response to Written Question TA 2.7, the Applicant has recognised that consultation on a section of the proposed cycle route could be carried out during the Examination, we see no reason why the entire route cannot form part of a Targeted Consultation. After consultation has been carried out, we would suggest the Applicant could then submit a Change request for the ExA to consider. Should this Change request be accepted then a requirement for the scheme can be included in the Draft DCO.

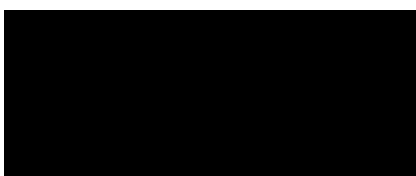
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In light of our continued concerns regarding the approach to securing the route through Designated Funds, we retain our position for the scheme to be incorporated as part of the DCO Application which would provide certainty to Local Authorities that the policy compliance of the scheme has been met.

In addition, Essex County Council are aware of the comments made by the Applicant in response to Written Question TA 2.7 in submission REP5-041 regarding the Consent required for works taking place in Brook Street that are outside the scheme Order limits.

The Applicant is correct to state that Essex County Council as landowner would have to agree for these works to be carried out. Essex County Council is able and prepared to give the Applicant the necessary Consents to the use of its land so that these works can be delivered.

Yours faithfully,



**Andrew Cook**

**Director of Highways & Transportation**

**Essex County Council**



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