

TRANSPORT FOR LONDON

M25 JUNCTION 28 IMPROVEMENTS – IMPROVEMENTS FOR NON-MOTORISED USERS

27 APRIL 2021

1. Introduction

- 1.1 This document provides TfL's response to the Examining Authority's (ExA's) Rule 17 letter requesting further information on the most appropriate way to secure enhancements to provisions for Non-Motorised Users (NMUs) within the time remaining in the Examination, to ensure that the pedestrian and cycle route would be delivered within the timeframe for the Proposed Development.
- 1.2 TfL's view is that the only way of securing improvements to the NMU route is through the DCO for the reasons set out in this document.

2. Designated funds approach

- 2.1 The Applicant has stated that it considers the most appropriate way of securing improvements to the NMU route is through the designated funds process. However, there is no guarantee that a bid through the designated funds route will be successful, nor if it was successful would the timescale for delivery be secured. TfL therefore does not consider this to be an appropriate means of securing improvements to the NMU route within the timeframe of the Proposed Development.
- 2.2 Furthermore, TfL has discussed the designated funds approach with the Applicant and local authorities and including the Applicant's proposals to split responsibilities for delivery which leads to several concerns:
- TfL does not consider it viable to split procurement and delivery responsibilities between the Applicant, TfL, the London Borough of Havering and Essex County Council. Each authority has its own procurement arrangements with different sets of contractors. A joint scheme would require complex agreements between the multiple parties and would result in inefficient delivery due to the need for extensive co-ordination.
 - TfL and the local authorities have been asked to consider financially contributing to the scheme, which leads TfL to conclude that there is no certainty the designated funds bid will be successful. TfL does not currently have a financial settlement to support its operations and delivery into the future and therefore currently needs to focus its available finances on the safe operation of its existing network so it has no funding available for enhancements. Any contribution to facilitate delivery of enhancements to the NMU route within the timescales for the Proposed Development is unlikely to be possible.
 - TfL is concerned that it would also be asked to take on risks associated with delivery of the project to upgrade the NMU route, which it is not willing or able to do at the present time.
- 2.3 Given these concerns, TfL does not consider that delivering via the designated funds route provides any certainty that the project will be delivered within the necessary timescales.

3. Securing enhancements to the NMU route through the DCO

- 3.1 The Applicant has suggested it could submit a change request for improvements to the pedestrian and cycle route around the M25 Junction 28 roundabout. TfL considers this would be a suitable approach to secure the improvements to this route which are required to address the severance issues caused by the strategic road network at this location. It would provide certainty that the upgrade to the route would be delivered within the necessary timescales for delivery of the Proposed Development.
- 3.2 TfL remains of the view that the Applicant should demonstrate that the crossings of the slip roads are safe as part of any upgrade to the NMU route. As set out in TfL's comments on the Applicant's response to TfL's written summary of hearings also submitted at Deadline 6, TfL is not convinced that a lack of any accidents involving pedestrians and cyclists over the past ten years at this location is sufficient evidence that the design of the junction is safe, given the current low usage of these crossings because of the unattractiveness of the existing route. Upgrading the NMU route including the crossings of the slip roads would ensure compliance with Paragraph 3.17 of the National Policy Statement for National Networks which states that "applicants should use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes" and applicants should address barriers 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".
- 3.3 TfL has considered potential alternative approaches for securing improvements to the NMU route in the DCO, either as a requirement or through some other form of planning condition preventing opening of the Proposed Development to traffic until the enhancements to the NMU route are delivered. TfL concluded that modifying the scope of the Proposed Development in the DCO to include the upgrade of the NMU route within the DCO boundary was the optimum approach to ensure there is security that the severance issues caused by the strategic road network at this location will be addressed by the scheme.