

M25 junction 28 improvement scheme

TR010029

9.96 Written submission of Applicant's case put orally at Issue Specific Hearing 3 on Environmental matters held on 12 May 2021

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M25 junction 28 scheme

Development Consent Order 202[x]

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ISSUE SPECIFIC HEARING 3 (ENVIRONMENTAL MATTERS) 12 MAY 2021

1. Introduction

- 1.1.1 This document summarises the case made orally by Highways England at the third Issue Specific Hearing (ISH3) which took place virtually on 12 May 2021 in relation to the M25 J28 Improvements Scheme (the Scheme).
- 1.1.2 Mark Challis (MC) of BDB Pitmans represented Highways England.
- 1.1.3 In what follows, Highways England's submissions on the points raised follow the agenda for the ISH3 set out in the Examining Authority's (ExA) agenda published on the Planning Inspectorate website on 5 May 2021.

2. Agenda item 1 – Welcome, introductions and arrangements for the hearing

- 2.1.1 No questions of an introductory or preliminary nature were raised by Highways England or by other attendees at the ISH3.

3. Agenda item 2 – Traffic and access – Provision for non-motorised users

Agenda item 2.1 – An explanation of the Designated Funds Scheme

- 3.1.1 The ExA thanked Highways England for providing the letter dated 7 May 2021 which explained that the Designated Funds Scheme had been approved (AS-041). The ExA explained that as a result of this letter there would be less discussion surrounding Agenda item 2 during the ISH3. The ExA then asked Highways England to provide a brief overview of the contents of the letter for the benefit of those attending the hearing.
- 3.1.2 MC explained that Highways England's purpose in submitting the letter was to ensure there was visibility of the Designated Funds Non-Motorised Users proposal (the NMU Scheme) in advance of the hearing.
- 3.1.3 MC explained that Designated Funds are funds from Highways England, which are made available for an application in relation to a project that goes above and beyond Highways England's core function of managing the strategic road network (SRN). A successful application is one likely to meet most or all of the 14 published funding principles for the use of designated funds. MC listed some of the key principles:
- to go over and above Highways England's traditional focus of road investment, adding value to customers, local communities and other stakeholders;
 - to include only capital costs;
 - be completed by 31 March 2025, the relevant funding period; and
 - be on the Highways England estate or have a clear relationship with it.
- 3.1.4 MC confirmed that funding for the NMU Scheme had been approved and is expected to cost in the region of £3.5 million. MC then invited Pete George (PG) of Atkins to further describe the NMU Scheme.
- 3.1.5 PG explained that the NMU Scheme is separate to Highways England's core work of operating, maintaining and improving the SRN. As such the wider NMU Scheme has been progressed by a separate team alongside the M25 junction 28 improvement scheme (the DCO Scheme), and that there has been close co-ordination between the teams.
- 3.1.6 PG stated that in this case, Highways England sought designated funding for an integrated NMU scheme to address many of the problems that have been discussed during the examination of the Scheme, primarily the existing severance issues between communities either side of the M25 motorway.
- 3.1.7 PG explained that Highways England had engaged and consulted stakeholders in relation to the NMU Scheme throughout the feasibility and design phases.

- 3.1.8 The NMU Scheme includes sections of the A12 and A1023 (Brook Street) network beyond the extent of the DCO Scheme.
- 3.1.9 At junction 28, Highways England looked to overcome the barriers associated with the existing uncontrolled crossing of the M25 southbound on-slip exit from the junction 28 roundabout.
- 3.1.10 The junction 28 NMU improvements have been developed as part of this wider strategy and programme of works to deliver a comprehensive and coordinated approach to improving the corridor along with the A1023 and the A12 between Brentwood and Harold Hill.
- 3.1.11 In developing the wider integrated NMU Scheme, Highways England has:
- looked to improve the amenity for NMUs through the upgrade of 3.1km of the existing walking route into a high-quality shared use cycling and walking route between A1023 / Kavanaghs Road junction and Harold Wood via the M25 junction 28. This would link with the National Cycle Network (NCN) route 136 in Harold Wood;
 - included improvements for crossing the M25 junction 28 roundabout to connect and further enhance the corridors on the A12 and A1023 Brook Street;
 - engaged and consulted with Essex Country Council (ECC), London Borough of Havering (LBH), Brentwood Borough Council (BBC) and Transport for London (TfL) throughout the feasibility, option assessments and design phases of the Designated Funds project. Stakeholder feedback on the scheme has informed the final design of the NMU Scheme.
- 3.1.12 The NMU Scheme will allow pedestrians and cyclists to negotiate the junction 28 roundabout via the inside of the roundabout island accessed by controlled toucan crossings. This is achieved by:
- extending and improving the shared use path on the northern side of Brook Street to the junction 28 roundabout;
 - providing additional new toucan crossings on the A12 eastbound off slip and the eastern circulatory carriageway; and
 - providing an additional new toucan crossing across the southern section of the circulatory carriageway to connect with the existing controlled crossing at the M25 northbound off-slip.
- 3.1.13 The NMU Scheme is expected to cost in the region of £3.5 million and Highways England has confirmed in its letter dated 7 May 2021 that the application for implementation of the designated funding NMU Scheme has been accepted. As such Highways England can now deliver the NMU Scheme.
- 3.1.14 The elements of the NMU Scheme at junction 28 will be delivered by the time the DCO Scheme is complete and open to traffic.

- 3.1.15 Highways England will also work separately with the highway and planning authorities to implement the NMU Scheme improvements on the wider local networks.
- 3.1.16 Whilst the NMU Scheme has been developed alongside the DCO Scheme, the NMU scheme is wholly compatible with the DCO Scheme. PG confirmed that it:
- has no effect on the physical works of the DCO Scheme;
 - only required integration with the traffic signal stop lines and signal settings; and
 - does not affect the Order limits in that the central section of the NMU Scheme, as it passes through junction 28, is all within the limits, apart from the small piece of ECC controlled land required to integrate the J28 NMU improvements with the existing pathways on Brook Street. PG confirmed that ECC have previously indicated that they are prepared to give their consent to use its land to deliver these works at junction 28.
- 3.1.17 The ExA asked PG if the toucan crossings are shared between cyclists and pedestrians and whether there would be signals for each mode.
- 3.1.18 PG confirmed that a toucan crossing is a shared facility for pedestrians and cyclists, and that the crossing is comparable to a pedestrian crossing, but slightly wider, with signal aspects with both a “green man” and a “green cycle” for the crossing. PG explained that the name of the “toucan crossing” arose from the fact that “two can” use it.
- 3.1.19 The ExA then asked if these changes to the crossings would have an effect on any transport assessments that have been carried out in relation to the DCO Scheme.
- 3.1.20 PG confirmed that inclusion of the NMU crossings at junction 28 would not result in any change to the assessment results that have been submitted in the Transport Assessment Supplementary Information Report (TASIR) (PDB-003). PG explained that this is due to the NMU crossings operating when traffic is stopped by the traffic signals on the circulatory.
- 3.1.21 The ExA then asked for a description of the route that residents from Woodstock Avenue and Kenilworth Avenue should take to use these crossings.
- 3.1.22 PG explained that during the option identification stage of the NMU Scheme, the team produced a number of options using the southern and northern sides of the A12. Assessments were made on these options and local authorities were consulted on them. It was concluded that the preferred option was to develop the route option using the southern side of the A12 which would be accessed via the existing subway adjacent to Petersfield Avenue to cross from the north side of the A12. PG explained that the existing crossing points from the northern side of the A12 at junction 28 would still be maintained, and that the NMU scheme offered a safer alternative. PG also explained that the subway crossing of the A12 by Petersfield Avenue is part of the existing NCN route 136.

- 3.1.23 The ExA asked for clarification in relation to the co-operation needed from ECC and how the required ECC land would be secured.
- 3.1.24 PG explained that the land needed is to tie-in the NMU scheme improvements with the existing Brook Street footway, and MC further explained that this land is under ECC control and outside the Order limits. MC clarified that Highways England will need permission to do work on this land to allow to share the footway on the north side of Brook Street so that they can safely reach the toucan crossing. MC confirmed that ECC had in correspondence acknowledged their support for the NMU Scheme and Highways England is confident that there will be co-operation.
- 3.1.25 MC explained that Highways England intended to enter into a section 106 obligation to create the “central section” of the NMU Scheme which is within the Order limits plus the small section on ECC land that needs to be adjusted to join the “central section”. MC and PG clarified that this area is shown by a yellow highlighted section on the last page of Attachment B of the letter submitted into examination by Highways England on 7 May 2021 (AS-041).
- 3.1.26 The ExA then asked PG to provide some clarity on the route that cyclists would need to take as the enhanced provision on the northern side (on the A12 eastbound) is just for pedestrians.
- 3.1.27 PG explained that there is an underpass close to Petersfield Avenue which should be used as the northern route along the A12 off-slip to junction 28 is a footway for pedestrians.
- 3.1.28 In response to comments made by a resident from Woodstock Avenue, PG explained that the existing underpass is a part of the existing national cycle network (NCN136). PG explained that there are signs for cyclists to go through the underpass and Highways England proposed to link into this route.
- 3.1.29 In relation to a request raised by a resident from Woodstock Avenue, Highways England agreed to provide details of the consultation process undertaken in relation to the NMU Scheme by Deadline 7.
- Action 1 – To provide a response regarding the consultation for the Non-Motorised Users (NMU) scheme.**
- Response – See Highways England's response to action point 1 in its response to actions points from Issue Specific Hearing 3 (TR010029/EXAM/9.97) submitted at Deadline 7.**
- 3.1.30 The ExA asked, following concerns raised by LBH and TfL in relation to deliverability, for details of how much the “central section” and the link onto ECC land would cost.
- 3.1.31 MC explained that Highways England would not be asking TfL or ECC for financial contributions for the construction of the “central section”, the link onto ECC land or any other part of the NMU Scheme. MC confirmed that the cost of

the “central section” and link onto the ECC land would be provided by Highways England and that the works would be carried out by Highways England.

- 3.1.32 MC explained that an obligation in a section 106 agreement would provide all parties with assurance that the “central section” and the link onto ECC land would be delivered as part of the DCO Scheme. The section 106 agreement is proposed to be between Highways England and LBH as the vast majority of the DCO Scheme is located within their borough. MC did not consider a requirement in the DCO to be suitable as this relates to a process that sits within the Designated Funds process, which is outside of the DCO process, and does not concern the primary function that Highways England has of managing the SRN. The section 106 obligation would set out that the “central section” and the link onto ECC land would be completed before the new loop road opens.
- 3.1.33 The ExA asked if this obligation would be contained in a unilateral undertaking, if not contained in a section 106 agreement.
- 3.1.34 MC explained that Highways England would prefer to have a section 106 agreement with LBH, but that if this is not agreed then this obligation would be contained in a unilateral undertaking which would be submitted to the ExA before the end of examination.
- 3.1.35 The ExA then asked what the consequences would be if the NMU Scheme was not completed by 31 March 2025 or if the estimated cost of £3.5m was exceeded.
- 3.1.36 MC explained that as a general principal a designated funds scheme is to be completed before the “relevant funding period” which is 31 March 2025. MC stated that he did not think it was likely that funds would disappear if this deadline was not met. MC confirmed that Highways England would clarify this position in a submission at Deadline 7.
- 3.1.37 MC reiterated that Highways England would not be asking for financial contributions from ECC, LBH or other parties and that the £3.5m is a cost estimate for the provision of the NMU Scheme. MC explained that his understanding is that Highways England had committed to providing the funds for this NMU Scheme regardless of any shortfall or an exceedance of the cost estimate.
- 3.1.38 The ExA confirmed that they would want this in writing at Deadline 7.

Action Point 2 – To provide further information on the NMU improvements in respect of delivery and cost both within and outside the Order limits, time limits and conditions of the Designated Funds.

Response – See Highways England's response to action point 2 in its response to actions points from Issue Specific Hearing 3 (TR010029/EXAM/9.97) submitted at Deadline 7.

Agenda item 2.2 - *Answers to the questions (TA 2.7) raised by the ExA in Further Written Questions [PD-015] and in the ExA's Rule 17 letter dated 16 April 2021 [PD-017]*

Agenda item 2.3 - *The Applicant's proposals for enhancements to the provision for Non- motorised Users (NMUs) within the Order Limits*

Agenda item 2.4 - *An explanation of how the enhancement to the provision for NMUs is to be secured in the event that the Designated Funds Scheme application is unsuccessful*

3.1.39 Agenda items 2.2, 2.3 and 2.4 were not discussed at ISH3 as a result of the approval gained for the designated funds NMU Scheme.

Agenda item 2.5 - *Whether the draft Development Consent Order (draft DCO) [REP6-005] should include provision for the NMU*

3.1.40 This agenda item was discussed at Agenda item 2.1 and is summarised at paragraph 3.1.25.

Agenda item 2.6 - *The adequacy of the outline Traffic Management Plan (TMP)*

3.1.41 The ExA invited parties to raise their comments in relation to the outline TMP. In response to the points raised by LBH, TfL and a resident from Woodstock Avenue, MC explained that the next iteration of the outline TMP will pick up a number of the points raised. These being:

- details of the temporary closures of the A12 eastbound off-slip;
- escorting of emergency services through road closures;
- details of routes and restrictions for construction vehicles specifically where U-turns are permitted;
- clarification on narrow lanes on the A12 eastbound main carriageway; and
- commitment to include a workforce travel plan in the final TMP.

3.1.42 MC also reminded all parties that this document is an outline and under Requirement 10(1) there will be a full, detailed, version of the TMP which will be subject to consultation with the relevant highway authority and then approved by the Secretary of State. This provides another level of scrutiny to the TMP. MC invited Steve Katesmark (SK) of Atkins to talk about some of the details of the forthcoming outline TMP.

3.1.43 SK explained that short term overnight closures of the A12 off-slip are unavoidable and confirmed that details of these would be included in the next submission of the outline TMP. SK stated that Highways England was keen to minimise disruption and that these closures would be at night. The resulting diversion journey would be to travel to the next junction to the east on the A12. SK clarified that this would add 12 to 15 minutes to journey times. This journey would not be longer than the journey using the off-slip at peak times. SK assured

parties that the emergency services would be able to be escorted through the A12 off-slip, dependant on the emergency.

- 3.1.44 SK clarified that the new iteration of the outline TMP at Deadline 7 would include a clarification in relation to the narrow lanes on the eastbound A12 off-slip being in place during peak times. Lane closures would only be in the inter peak and modelling has indicated that this does not result in any significant increase in delays.
- 3.1.45 SK also stated that the outline TMP would include a statement that the Principal Contractor will produce a workforce travel plan (WTP) which would be included in the final TMP. This statement would briefly explain the types of measures to be considered as part of the WTP.
- 3.1.46 SK confirmed that construction traffic would be directed to make a U-turn at Gallows Corner. SK explained that it would be too difficult in practical terms to have different vehicle types using different routes, so all construction vehicles would follow this route. The final TMP will include details of these lorry routes for accessing work sites and temporary signs would be used to direct construction traffic. The Principal Contractor would ensure that all suppliers and sub-contractors would be informed of the routes to use and instructed not to make a U-turn at Petersfield Avenue.
- 3.1.47 SK confirmed to the ExA that the swept path analysis for Petersfield Avenue was now redundant as all construction vehicles would be directed to Gallows Corner. SK explained construction vehicles would have a negligible impact on the operational performance of Gallows Corner as the additional flow represents an insignificant proportion of existing traffic demand. It has been calculated that there would be approximately 10 to 12 vehicles per hour using Gallows Corner, which represents around one extra vehicle every 4 to 5 minutes. This does not represent sufficient demand on background levels and does not warrant further modelling as it is a tiny proportion of current traffic demand at the junction.
- 3.1.48 In response to the ExA's question as to what temporary meant in the context of the TMP. SK confirmed that temporary is the terminology used to describe any measure that would not be there permanently. SK explained that due to site restraints, the closures of the A12 eastbound off-slip are necessary and diversions are required. SK also confirmed that the temporary inter-peak land closures on the A12 eastbound carriageway closures have been modelled and the impact reported in Table 6-1 of the TASIR (PDB-003).
- 3.1.49 SK explained that Highways England does recognise that there is more impact on residents of Woodstock Avenue, but the DCO Scheme cannot be built without some level of disruption. The Principal Contractor is aware that there is no alternative route for these residents which is one of the reasons why Highways England are trying to minimise closures and restricting them to being overnight and as infrequent as possible to minimise the impact.
- 3.1.50 SK explained that the Principal Contractor will notify all sub-contractors and suppliers of the routes to use to and from the worksite. All construction vehicles

will have identification on them so that if anyone observes the vehicles not following the rules to U-Turn at Gallows Corner then they can report the vehicle to the hotline. The Principal Contractor would then take appropriate action to prevent further incidents.

3.1.51 SK also confirmed to the ExA that the next iteration of the outline TMP, at Deadline 7, would provide an indication of the frequency, duration and timing of closures to the A12 eastbound off-slip.

Action Point 3 - Provide an updated version of the Outline Traffic Management Plan, that will provide further clarification of the time night closures will take place, including a more detailed definition of the word 'temporary' in the context of night-time road closures.

Response – See response to action point 3 from Issue Specific Hearing 3 (TR010029/EXAM/9.97) submitted at Deadline 7. Highways England has submitted another iteration of the Outline TMP (TR010029/EXAM/9.52(1)) which includes the following additional information:

- details of the temporary closures of the A12 eastbound off-slip;
- escorting of emergency services through road closures;
- details of routes and restrictions for construction vehicles specifically where U-turns are permitted;
- clarification on narrow lanes on the A12 eastbound main carriageway; and
- commitment to include a workforce travel plan in the final TMP.

Agenda item 2.7 - Following the submission by the Applicant at Deadline 5 of a signposting document: comment on the requirement or otherwise for a Code of Construction Practice (CoCP) to be submitted to the Examination

3.1.52 MC responded to the ExA by stating that the outline Construction Environment Management Plan (CEMP) is a substantial document, even in its outline form. The final document will contain more details. MC explained that the CEMP does the same job as a CoCP so it is not necessary or appropriate for a CoCP to be produced when a CEMP is already to be produced.

3.1.53 MC explained that Highways England is using the Design Manual for Roads and Bridges (DMRB) standards, which are widely used for these types of schemes. In relation to the development of the outline CEMP, the DCO Scheme has adopted IAN 183/14, IAN 183/16 (W), which recently has been replaced by LA120 guidance. This guidance does not call for a CoCP to also be produced.

3.1.54 MC explained that none of the other statutory environmental bodies has raised issues on the suitability of the outline CEMP or Register of Environmental Actions and Commitments (REAC). Highways England's view is that the outline CEMP and REAC are appropriate and no other DCO requirements are needed for the DCO Scheme. This is consistent with numerous other Highways England DCOs.

- 3.1.55 Highways England engaged with LBH during the preparation of the DCO application on draft versions of the outline CEMP and REAC. In LBH's response to the initial application there were no comments to suggest that a CoCP document would be needed.
- 3.1.56 MC then explained that LBH's letter of 27 April 2021 (REP6-034) noted their concerns, but the points LBH mentioned that needed to be covered in a CoCP are already covered in the outline CEMP. For example, in relation to waste and materials, the CEMP will include a Site Waste Management Plan. The Workplace Travel Plan is being produced under the TMP. LBH also mentioned the need for a community engagement plan and Highways England has already included an obligation to deliver one in the CEMP at Requirement 4(2)(m) of the draft DCO.
- 3.1.57 Some other schemes have a CoCP such as the A14 Cambridge to Huntingdon Improvement Scheme (the first Highways England DCO (2016) and the only one with a CoCP), and also the Esso Southampton to London Pipeline scheme but these schemes are of a different order of magnitude to the Junction 28 Scheme.
- 3.1.58 The A14 Cambridge to Huntingdon Improvement Scheme involved works stretching for over 20 miles, and the Southampton to London Esso pipeline DCO involves works over 90km. Both schemes involve numerous different local authorities and no doubt different characteristics for different sections of the route.
- 3.1.59 MC responded to the LBH's point and confirmed that Highways England is not producing a CoCP and a CEMP for Lower Thames Crossing as they are in essence the same thing.
- 3.1.60 MC concluded that Highways England sees no role for a CoCP over and above that already fulfilled by the CEMP and the TMP.
- 3.1.61 The ExA questioned the approach to include construction processes in an environmental management plan. MC replied that there is an overlap between these issues as environmental impacts are a major concern to the construction processes. MC confirmed that, with a couple of exceptions, this is how Highways England has approached the documentation of construction processes.
- 3.1.62 The ExA then asked if the Community and Engagement Plan would be submitted into examination. MC confirmed that this was not Highways England's intention, instead this would be included in the final CEMP which under Requirement 4(1) would be subject to consultation with the relevant planning authority, relevant highway authorities and the Environment Agency ahead of an approval process with the Secretary of State.
- 3.1.63 The ExA explained that they would find it helpful for this document to be submitted into examination in outline. MC confirmed that Highways England would produce this.

Action Point 4 - Submit a Community Engagement Plan into the Examination.

Response – Highways England confirms they are preparing an Outline Community and Engagement Plan, and this will be provided by Deadline 8. See response to action point 4 from Issue Specific Hearing 3 (TR010029/EXAM/9.97) submitted at Deadline 7.

4. Agenda item 3 – Noise and vibration

Agenda item 3.1 - *Whether the Outline Dust Noise and Nuisance Management Plan, submitted as Appendix F of the Construction Environmental Management Plan (CEMP) [REP5-027] is sufficient to deal with construction noise.*

- 4.1.1 The ExA noted that LBH had raised concerns in relation to the outline Dust Noise and Nuisance Management Plan (DNNMP). In response, MC invited Evelina Maier (EM) to detail the steps taken to address the concerns raised.
- 4.1.2 EM explained that since reviewing LBH's responses, LBH and Highways England have met to discuss concerns. Highways England has been in contact with air quality specialists from LBH to ensure that LBH is satisfied with the outline DNNMP. EM confirmed that having taken into consideration initial feedback, Highways England has taken away any ambiguities in the wording and added in further detail of the mitigation measures that are likely to be implemented, in order to give comfort to LBH. Highways England is awaiting feedback from the air quality specialists on this matter.
- 4.1.3 EM added that the outline DNNMP provides satisfactory information which cannot be progressed further at this stage, as this would mean stating the construction methodologies. EM believes that the plan is robust enough for this stage of the process, as reflected by Highways England's comments in the Statement of Common Ground (SoCG) with LBH (REP4-004).
- 4.1.4 The ExA asked whether there will be an update to the outline DNNMP following discussions with LBH and their air quality specialists. EM confirmed that there will be and that the plan will be updated to reflect continuous noise monitoring at Grove Farm.
- 4.1.5 The ExA asked whether LBH would be satisfied if the word "likely" was deleted in relation to the implementation of control measures. LBH confirmed that they would be satisfied. MC reiterated that this is currently an outline plan, which will eventually become a detailed plan, but at this stage not every detail can be known, and some flexibility is needed. MC confirmed that Highways England would consider removing the word "likely" and would update the ExA at Deadline 7.

Action Point 6 - Consider removing the word "likely" from table 3.2 of Dust Noise and Nuisance Management Plan.

Response – Highways England confirms that this term will be removed from the next iteration of the Outline DNNMP. See response to action point 6 from Issue Specific Hearing 3 (TR010029/EXAM/9.97) submitted at Deadline 7.

- 4.1.6 In response to LBH's request for information relating to s.61 CoPA applications and the definition of "noisy works", Adam Lawrence (AL) of Atkins for Highways England confirmed that Highways England would be submitting s.61 applications for activities outside of normal working hours. Highways England is of the view

that the appropriate definition of noisy works is if a noise generates a significant adverse effect.

- 4.1.7 LBH responded that “significant effect” would need clarification, to which AL confirmed that these works are those identified as having a significant effect in the Environmental Statement. Highways England will make s.61 applications for these works. AL confirmed that anything outside of the normal working day would also be subject to a s.61 application.

Agenda item 3.2 - *The impact of peak noise levels on the occupants of Grove Farm and the contribution of these levels to the cumulative impact on the occupants and whether justification exists for a noise barrier as opposed to a visual barrier.*

- 4.1.8 The ExA wanted clarification on how noise levels are measured. AL explained that the unit used is ‘LA10’ which represents the highest 10% noise levels. For example, if the level is 70, then for 10% of the time the noise level is above 70dB and for 90% of the time the noise level is below 70dB. The annual average weekday traffic is measured covering the period between 6am and midnight. This index has been shown to have a reasonably good correlation with community response, which means that if the LA10 increases then the community adverse response generally increases too. AL confirmed to the ExA that when measured the noise level is sampled several times per second and the sound level meter automatically calculates the LA10 level.
- 4.1.9 AL added that the unit used for night-time noise levels is ‘LAeq’ which is measured as an equivalent constant noise level between the hours of 11pm and 7am. The night-time calculation is made on an energy average basis. AL noted that the as general pattern of traffic noise on roads is very similar across the country. The LAeq does not provide information on peak noises.

Post-hearing note – Highways England notes that the LAeq night time period is referred to in the assessment as the Lnight index.

- 4.1.10 The ExA asked for confirmation that the noise levels at Grove Farm were similar at day-time and night-time, even though they were measured in different ways. AL explained that the day-time is higher than the night-time but stated that he could not recall the exact Grove Farm measurements. When discussing the differences between the Grove Farm measurements and prediction AL confirmed that these measurements were taken at a point between the Grove Farm farmhouse and the two bungalow dwellings, and the prediction point for Grove Farm farmhouse is 1 metre from the farmhouse itself. AL confirmed that the measurements were not taken at the same point as the assessment point, and the location of the assessment is set so that an accurate prediction of the impacts at the farmhouse is made.

Post-hearing note – Highways England confirms the levels of noise at Grove Farm at day time are [72-73dB LA10] and at night time are [64-65dB Lnight] as set out in Tables 6.1 and 6.2 in Appendix 6.3 (REP5-024).

- 4.1.11 The ExA understands that the Grove Farm residents' concern was that a bedroom faces the roundabout and queried whether Highways England had approximate levels for loud vehicles travelling around this junction. AL confirmed that there was a noise prediction point used at each side of the farmhouse. AL confirmed that the A12 slip-road is moving approximately 20 metres towards the property from its current position, resulting in an estimated maximum 4dB increase in noise of peak noises from individual vehicles. Highways England stated that peak noises from traffic on the M25 roundabout and the M25 slip-road would not change, and that background noise is generally driven by mainline M25 traffic, which does not move at all.
- 4.1.12 The ExA queried whether noises from diesel lorries and motorbikes are higher than background noise and whether a noise barrier would effectively mitigate peak noises or make a difference. AL explained that the noise levels measured would have incorporated those vehicle noises. Highways England considers that the overall noise levels at Grove Farm do not change by much – the assessment shows the changes to be negligible. Any distinctive sounds in the traffic, for example a siren, can be heard from some distance anyway. AL confirmed that a 10dB change in noise is likely to be perceived as a sound twice as loud or half as loud.
- 4.1.13 AL stated that a noise barrier alongside the repositioned A12 slip road would reduce overall noise levels at Grove Farm by up to around half a decibel. Reductions are small due to the continuous M25 noise which is elevated above the junction. AL confirmed that a noise barrier could have a small effect on peak noises but would not affect the overall noise because you would hear the noise before and after the noise passed the barrier. AL confirmed that the noise barrier would have some mitigation effect on a particularly loud peak noise but only whilst the noise is directly behind the barrier. It is considered unlikely that a noise barrier would affect the overall perception of peak noises as those sounds would remain distinctive within the overall noise climate.
- 4.1.14 The ExA queried why the range of decibel figures above the LA10 figures have not been provided in the Environmental Statement. It was also queried why an assessment has not been carried out on the peak noises and their individual effects. AL explained that the calculation for the assessment is for LA10 and LAeq only. The range of noise for that top 10% is not calculated by the assessment method. There are no agreed standard methods for predicting peak noise levels from individual vehicles with the traffic stream, and so these noises cannot be robustly quantified.
- 4.1.15 The ExA queried whether there was a way of measuring impacts on individuals, and AL explained that the LA10 is used for its correlation with community response and this is based on an average annoyance across the overall community.

Agenda item 3.3 - *Whether control of noise should form a separate Requirement in the draft DCO [REP6-005].*

- 4.1.16 MC explained that Highways England is of the opinion that the control of noise should not form a separate requirement in the draft DCO as it is already dealt with under the CEMP and the DNNMP, and it cannot see why there should be a separate requirement, as s.61 applications would appropriately deal with any noisy works.
- 4.1.17 MC further offered the assurance that as the DNNMP would be included in the final CEMP, under Requirement 4(1) this, would be subject to consultation with the relevant planning authority, relevant highway authorities and the Environment Agency ahead of an approval process with the Secretary of State.

5. Agenda item 4 – The draft Development Consent Order

Agenda item 4.1 - *Schedule 2 and how the proposed measures for Grove Farm including additional planting and the appropriate screening as indicated in the REAC Commitment LV 0.6 and Commitment LV 1.11 [REP5-028] and as the planting is shown on the Engineering Drawings submitted at Deadline 5 [REP5-007] would be secured in the draft DCO [REP6-005].*

- 5.1.1 The ExA asked how the delivery of the proposed visual mitigation would be secured, so that Highways England is not only allowed to carry out these measures but is also compelled to do so.
- 5.1.2 MC took the visual barriers as an example of a proposed measure by Highways England. This would be illustrated in the Preliminary Environmental Design which would include annotations of any fence and planting. This would then feed into the final Landscape and Ecological Management and Monitoring Plan (LEMP) which is subject to Requirement 5 of the draft DCO. The landscaping scheme has to be substantially in accordance with the Preliminary Environmental Design (which is a drawing). The fact that this measure will be in the LEMP provides the compulsion and security that Highways England will do what they say and what they wish to do as regards these amenity measures for the residents of Grove Farm.
- 5.1.3 The ExA asked if they were not assured by the mechanism via the LEMP, what an alternative option would be. MC responded that, if needed, another specific requirement could be added as Requirement 5(3)(g). The ExA asked MC to consider whether an additional Requirement for Grove Farm to ensure bespoke measures are delivered was necessary and to submit Highways England's conclusion at Deadline 7.

Action Point 8 - Consider and insert an additional Requirement for Grove Farm to ensure bespoke measures are delivered.

Response – Highways England confirms that a new requirement at 5(3)(g) has been added to the draft DCO submitted at Deadline 7. See response to action point 8 from Issue Specific Hearing 3 (TR010029/EXAM/9.97) submitted at Deadline 7.

- 5.1.4 In response to TfL raising that this visual barrier would need to be maintained by TfL and further details would be needed, MC stated that TfL would be involved in consultation in relation to the final LEMP as the relevant highway authority under Requirement 5(1).
- 5.1.5 The ExA stated that the same premise applied to Work No. 32 and the golf course. The ExA asked how Highways England would be compelled to carry out these works. MC explained that Highways England was drawing up an agreement with the landowner, Glebelands Estates Limited, and the owner of the golf course, Luddington Golf Limited, which would control these works. The ExA asked MC to confirm by Deadline 7 whether a private agreement or an additional requirement is appropriate.

Action Point 9 - Consider and insert an additional Requirement, or advice on other mechanisms, to ensure Work No 32 is delivered.

Response – Highways England has provided text for a proposed requirement, should an agreement not be reached with Glebelands Estates Limited and Luddington Golf Limited by the end of the examination period. See response to action point 9 from Issue Specific Hearing 3 (TR010029/EXAM/9.97) submitted at Deadline 7.

Agenda item 4.2 - In respect to Part 5, Articles 31 and 32, Transport for London to explain further its concerns as outline in paragraph 2.10 in its Written Representations at Deadline 6 [REP6-044].

5.1.6 The ExA asked for Highways England's position in relation to a side agreement or Protective Provisions with TfL. MC stated that there is a draft side agreement being discussed and that there were some sticking points, but Highways England remain keen to finalise a side agreement with TfL within the examination period. MC explained that if a side agreement could not be agreed, then Highways England would submit its preferred Protective Provisions into examination for the ExA to consider. MC stated that Highways England hopes that this will not be necessary.

5.1.7 MC agreed with the ExA's proposal to include Protective Provisions with TfL in the next iteration of the draft DCO as a fallback position. These would be removed if a side agreement between Highways England and TfL is agreed.

Action Point 7 - Submit an updated version of Transport for London's Protective Provisions into the draft DCO.

Response – Highways England has submitted proposed Protective Provisions with TfL at Deadline 7 (TR010029/EXAM/9.107). See the response to action point 7 from Issue Specific Hearing 3 (TR010029/EXAM/9.97) submitted at Deadline 7.

5.1.8 MC acknowledged that TfL's concerns in relation to articles 31 and 32 of the draft DCO were reasonable and Highways England accepted that a mechanism is needed to transfer the necessary land and rights to TfL so it can fulfil its obligations as highway authority for the TLRN. MC confirmed that this would be resolved in the side agreement but failing that the Protective Provisions.

Post-hearing correction – MC stated that articles 31 and 32 were inserted into the draft DCO at Deadline 4. This was an error, articles 31 and 32 have been inserted in the draft DCO since Highways England's application (APP-015) and article 32 was amended at Deadline 2 (REP2-017).

Agenda item 4.3 - Schedule 2, Requirement 3 and whether wording should be added to ensure that the final designs of structures be subjected to an independent design review (as was the case for the A14 2016 Order).

- 5.1.9 MC noted that the A14 Cambridge to Huntingdon Improvement Scheme 2016 Order was the first Highways England DCO. This was made before Highways England had established its own design panel. The A14 scheme is significantly different to the Junction 28 Scheme.
- 5.1.10 MC noted that the A14 scheme was in a much more environmentally sensitive area and the issue of design was campaigned for by the local authority and the Campaign for Better Transport.
- 5.1.11 In relation to the Junction 28 DCO Scheme, Highways England has engaged with key stakeholders throughout preliminary design and no issues have been raised about bridge design from the Environment Agency or local planning authorities. MC appreciated that the ExA has raised this point and does not undermine its importance but Highways England considers that the Scheme is different in character, scale and sensitivity to the A14 scheme and this is why Highways England considers it does not need to go through an independent design panel review for the DCO scheme.
- 5.1.12 The bridges in the DCO Scheme have limited public access and there is limited visibility to Duck Wood and Alder Wood bridges. The area of the DCO Scheme is not very sensitive in landscape terms.
- 5.1.13 The ExA raised the good design consideration as detailed in the National Policy Statement for National Networks (NPS NN). MC stated that consideration had been given to good design and this had been balanced with other factors mentioned in the NPS NN such as: being fit for purpose, function and costs.
- 5.1.14 MC also noted that the vast majority of DCOs do not contain this requirement, and Highways England does not consider the Scheme to be sufficiently different or sensitive to warrant the inclusion of this requirement.
- 5.1.15 MC noted that insofar as the ExA considered this approach necessary, it would be more appropriate for the review to go to Highways England's own design panel than one that has been assimilated. The ExA asked MC to consider whether the wording in the requirement should be amended and to submit any changes at Deadline 7.

Action Point 10 - Consider an additional paragraph to Schedule 2, Requirement 3 to ensure that the designs of structures are subjected to an independent design review.

Response – Highways England has not updated Schedule 2, Requirement 3 in the draft DCO submitted at Deadline 7. Highways England has submitted a response to this Action point 10 at Deadline 7 (TR010029/EXAM/9.108). See response to action point 10 from Issue Specific Hearing 3 (TR010029/EXAM/9.97) submitted at Deadline 7.

Agenda item 4.4 - Schedule 2, Requirement 13(2) and whether Work No 2 should be added.

- 5.1.16 MC confirmed that Requirement 13(2) of the draft DCO will be amended for Deadline 7 to include reference to Work No.2. MC noted that Highways England has shared the proposed wording with TfL who are happy with the suggestion.

Action point 11 - Update Requirement 13(2) to ensure Work No 2 is added to those works not commenced until deer fencing is installed. Applicant to also consider provisions for deer fencing during construction.

Response – Highways England confirms that Schedule 2, Requirement 13(2) has been amended in the draft DCO submitted at Deadline 7. Highways England has set out in its response to action point 11 about how deer are to be controlled during construction. See response to action point 11 from Issue Specific Hearing 3 (TR010029/EXAM/9.97) submitted at Deadline 7.

Agenda item 4.5 - *Transport for London [REP4-038, App A], [REP6-044] and London Borough of Havering [REP4-029], [REP5-061], and [REP6-035] to update the ExA from their respective written submissions and on outstanding concerns with the draft DCO not discussed above.*

- 5.1.17 The ExA proposed to only discuss those concerns with the draft DCO where they were not already aware of the position.
- 5.1.18 TfL raised that the draft DCO should include a new article 31 to clarify who is liable for compensation claims under Part 1 of the Land Compensation Act 1973. MC noted that section 19 of the 1973 Act provides the definition of “appropriate highway authority” for this purpose and that the DCO is not the appropriate place for a clarification point as the DCO is a statutory instrument.
- 5.1.19 MC proposed that this clarification could instead be included in the explanatory memorandum, to which TfL responded that this was a sensible suggestion and would confirm agreement.

Post-hearing note – Highways England confirms this note will be added to the final version of the explanatory memorandum and TfL has written to Highways England confirming it is content with this approach and that an additional article is not required in the DCO.

- 5.1.20 In response to LBH’s submission that they wished to approve the discharging of requirements in the DCO, MC responded that it is standard practice for the Secretary of State to hold the position of approving the discharge of requirements for Highways England DCOs. MC stated that Highways England is firmly of the view that this should be the case for the DCO Scheme, like all other Highways England schemes.
- 5.1.21 MC also mentioned that there will be a new version of Requirement 14 in relation to the “intergreen” which will be included in the next iteration of the draft DCO submitted at Deadline 7. MC explained that the wording had been agreed with TfL, LBH and ECC.

Agenda item 4.6 - Updates on the Schedule 9 Protected Provisions for Cadent Gas, Transport for London and (the removal of) Network Rail with updates to be actioned by Deadline 7, Thursday 20 May 2021.

- 5.1.22 MC provided the ExA with an update to the status of Protective Provisions. MC explained that in relation to Cadent Gas, Highways England has provided comments on the Protective Provisions that Cadent Gas submitted at Deadline 6 (REP6-017) which included a version of Highways England's proposed Protective Provisions with Cadent Gas. MC noted that the outstanding points were:
- the breadth of the indemnity;
 - cost sharing; and
 - betterment.
- 5.1.23 MC stated that Highways England hoped these issues would be resolved soon and then the ExA would have one set of agreed Protective Provisions to consider.
- 5.1.24 MC then summarised the position in relation to Network Rail. Highways England is currently waiting for response from Network Rail's lawyers with regard to the revised Works plans submitted at Deadline 6 submission (REP6-003) and the revised draft DCO (REP6-010). The revised version of the works plans make it plain that Work 7 will begin well away from the Poplars railway bridge and will not affect Network Rail assets, which is also reflected in the draft DCO.
- 5.1.25 There is therefore no need for there to be any protective provisions for Network Rail on the face of the order, which has always been Highways England's position.
- 5.1.26 MC confirmed that once a response from Network Rail has been received, Highways England will update the SoCG and submit this into the examination.

6. Agenda item 5 – Matters for clarification

Agenda item 5.1 - Biodiversity: *Comments from the parties as to the adequacy of the Outline Ecological Habitats and Species Plan (EHSP) and Outline Invasive Species Management Plan (ISMP) submitted at Deadline 6 [REP6-019], having specific regard to Chapter 2 of the EHSP. Confirmation that both documents will be added to the next iteration of the CEMP.*

- 6.1.1 The ExA welcomed any comments from interested parties and asked Highways England to confirm that the EHSP and the ISMP will be added to the CEMP.
- 6.1.2 TfL and LBH both confirmed that their only concern in relation to the EHSP and ISMP was around the mitigation for deer during construction. MC agreed with the need to put in place mitigation measures to protect the deer population and motorists on account of deer.

Action point 11 - Update Requirement 13(2) to ensure Work No 2 is added to those works not commenced until deer fencing is installed. Applicant to also consider provisions for deer fencing during construction.

Response – Highways England has considered how deer should be controlled during construction and this is set out in the response to action point 11 from Issue Specific Hearing 3 (TR010029/EXAM/9.97) submitted at Deadline 7.

- 6.1.3 MC also confirmed to the ExA that both the outline ESHP and outline ISMP will be added to the outline CEMP.

Action point 13 - Insert Outline Invasive Species Management Plan and Ecological Habitats and Species Plan into the next iteration of the Construction Environmental Management Plan.

Response – Highways England confirms that these plans will be included in the next iteration of the Outline CEMP. See response to action point 13 from Issue Specific Hearing 3 (TR010029/EXAM/9.97) submitted at Deadline 7.

Agenda item 5.2 - Geology and Soils: *In response to the updated Register of Environmental Actions and Commitments (REAC) submitted at Deadline 5 [REP5-028] where it is stated that excavations in certain areas (near exploratory location ATK-092) would not be permitted below a certain depth, and recommends mitigation is risk identified. The Applicant to clarify the estimated extent of gas generating material, identify what material this is likely to be and what would happen if this material is breached by the Proposed Development during any works, and to state when this material is likely to be identified and submitted in a future revised REAC.*

- 6.1.4 Suzanne White (SW) of Atkins for Highways England explained that elevated concentrations of methane and carbon dioxide were recorded at exploratory hole location ATK-092. The response zone of this monitoring well was within clay containing decomposed wood fragments and black organic matter between 1.45 and 5.35 metres below ground level, which is considered to be the likely source

of ground gas. Significant concentrations and flows of ground gas were not recorded at the three other monitoring wells within the historical landfill which suggests that the source of ground gas at ATK-092 is localised and not widespread across the area.

- 6.1.5 The Ground Investigation Report states that the preliminary design includes a proposed access road to Infiltration Pond 2 at ATK-092 and it is unlikely that excavations required will extend to the depth of the clay material or that they would redirect gas flow towards the building to the south.
- 6.1.6 Following LBH's request for reassurance, Highways England added the point into the REAC to confirm that the low likelihood of excavation works extending to the clay material depth or causing gas redirection would be checked during the works and that if this risk materialises, appropriate mitigation would be introduced.
- 6.1.7 SW confirmed that if there was disturbance to the material in proximity to ATK-092, this could introduce potential risks to construction workers and any enclosed spaces to be introduced in this area. Appropriate mitigation measures are listed in the REAC, including the incorporation of appropriate hazard signage, ventilation of any construction phase temporary structures and the adoption of appropriate working practices and PPE by construction workers.
- 6.1.8 SW confirmed that Highways England and LBH had agreed that this matter could be addressed further in the Contaminated Land Management Plan, as set out in the Outline CEMP. SW also noted that the Environment Agency have reviewed the changes to the REAC submitted at Deadline 5 and had no further comments.
- 6.1.9 **Agenda item 5.3 - Landscape and Visual: The Applicant to confirm its response at Deadline 6 [REP6-013] that it will incorporate the suggested changes advanced by the London Borough of Havering in its response to WQ2 LV 2.4 [REP5- 057] to the outline Landscape and Ecological Management Plan (LEMP) [APP-072]. Applicant to confirm the tree loss and replacement numbers as specified in paragraphs 5.2.6 and 6.1.2 of the Arboricultural Method Statement submitted at Deadline 5 [REP5-040].**
- 6.1.10 MC explained that the changes were discussed with LBH and that Highways England will update the Outline LEMP to reflect these discussions. MC noted that Highways England is able to do this for Deadline 7 but was concerned about overburdening interested parties with too many versions of the document, as any acceptances of the changes requested by Highways England would lead to further amends to the outline LEMP.
- 6.1.11 MC added in response to the ExA's tree loss query, that the numbers are as set out in the Outline Arboricultural Method Statement (AMS). EM explained that the number of trees as set out in the Outline AMS was derived from a combination of the Arboricultural survey, topographical survey and National Tree Mapping (NTM) data which was used in locations where trees were recorded as tree group areas or woodland group areas.

- 6.1.12 As explained at paragraph 6.1.2 of the Outline AMS, 3.8 hectares of woodland would be planted as part of the Scheme and the assumption is that there would be 0.25 trees per square metre, with these planted on staggered rows set 2 metres apart.
- Post-hearing note –This equates to 2,500 trees per hectare using a 2m x 2m spacing as referenced in the Forestry Commissions Technical Paper no.27, page 9 – Woodland Creation.**
- 6.1.13 Highways England intends to amend the AMS to provide further clarity on how the replacement figure was calculated. EM suggested that Highways England's request for Proposed Changes 7 and 8 should be considered by the Examining Authority before Highways England submits an updated AMS as the numbers of trees lost and replaced will need to be updated to reflect the changes.
- 6.1.14 The ExA noted that paragraph 5.2.6 of the AMS sets out some 900 trees will be lost, and 9000 will be replaced. The ExA understands that the tree to shrub ratio would be 70:30. EM confirmed that more trees would be planted than are being lost, as Highways England wishes to take into account the success rate of tree planting and to ensure that appropriate re-planting is implemented by the Scheme. As part of requirement 11 the final AMS will have the confirmed numbers of tree removals and replacements.
- 6.1.15 **Agenda item 5.4 - People and Communities: Either Luddington Golf Ltd, Glebelands Estates Ltd (or the Applicant on their behalf) to confirm whether Maylands Golf Course will be responding to our Procedural Decision letter [PD-018] response to the Applicant's Change Request 7 [REP6-002]. Applicant to confirm whether the tri-party agreement with the Gardens of Peace Muslim Cemetery will be submitted into the Examination.**
- 6.1.16 The ExA confirmed that Luddington Golf and Glebelands Estates have made representations which will be published the Deadline 7, effectively agreeing to Applicant's Change Request 7. Luddington Golf has also confirmed withdrawal of concerns that they had with the application in respect of effect on the golf course.
- 6.1.17 The ExA questioned whether the tri-party agreement with Gardens of Peace (GoP) will be submitted into the examination or whether there will be a SoCG, if there are confidentiality issues.
- 6.1.18 MC confirmed that Highways England will either submit a redacted version of the actual agreement or a summary of the main points in order to inform the ExA appropriately. MC confirmed that discussions are continuing, and Highways England hopes to finalise the agreement before the end of examination.
- 6.1.19 MC confirmed that the proposed temporary car park is outside the Order limits and stated that Highways England is happy to apply for planning permission from LBH in respect of this element.

- 6.1.20 MC also confirmed, in response to concerns raised by GoP, that Highways England has no intention of interfering with the tree belt owned by TfL which is within the Order limits but unaffected by the DCO Scheme.

Post-hearing note – Highways England confirms that as part of the DCO Scheme no trees owned by TfL which are within the Order limits would need to be removed to facilitate the DCO Scheme along the A12 verge adjacent to the Gardens of Pease site. However, to facilitate the Designated Funds NMU scheme some trees within the grassed verge adjacent to the Gardens of Peace site that are owned by TfL would need to be felled to allow for the construction of the shared use cycleway. The current number of trees that would need to be removed is 9. The potential to retain any of these trees is being reviewed as part of a detailed design process. Similarly, the potential to compensate for these losses with new tree planting along the verge is being considered and TfL is to be consulted on this matter. No trees within the Gardens of Peace itself would need to be felled for the purposes of the designated funds NMU Scheme.

Agenda item 5.5 - Statements of Common Ground (SoCG): Applicant to update the ExA on the completion timescales of the outstanding SoCGs as indicated in the Statement of Commonality for SoCGs submitted at Deadline 5 [REP5- 032].

- 6.1.21 The ExA queried when Highways England expects to have signed some of the outstanding SoCGs. MC acknowledged that there is a D7 requirement to produce finalised SoCGs and that that is Highways England's intention. MC invited Dave Stengel (DS) to summarise the current status of the various SoCGs.
- 6.1.22 DS confirmed that Highways England is hopeful it will submit final versions of SoCGs at Deadline 7 with LBH, ECC, TfL, Natural England, the Environment Agency, UK Power Networks / Eastern Power Networks, Cadent Gas and National Grid. DS noted that the ExA had already received the final version of the SoCG with BBC.
- 6.1.23 DS confirmed that Protective Provisions are currently being discussed with National Grid, Cadent Gas and UK Power Networks / Eastern Power Networks. Highways England is hopeful that these points will be resolved.
- 6.1.24 DS noted that there are a number of outstanding issues in the SoCG with TfL, but a final version will be submitted at Deadline 7 to confirm points agreed and not yet agreed.
- 6.1.25 DS also noted that a SoCG is no longer required with DEFRA and that Highways England awaits a response from Network Rail regarding whether a SoCG is required or not.
- 6.1.26 The ExA noted that this Deadline 7 requirement is not to prejudice Highways England from submitting another updated SoCG before the close of examination if progress is made. DS thanked the ExA and confirmed that any subsequent agreed points will be submitted in an updated SoCG.

Post-hearing note – Highways England has submitted the following SoCGs at Deadline 7:

- Environment Agency (TR010029/APP/8.1(4))
- London Borough of Havering (TR010029/EXAM/9.8(2))
- Transport for London (TR010029/EXAM/9.8(2))
- National Grid (TR010029/EXAM/9.12(1))
- Cadent (TR010029/EXAM/9.12(1))
- Eastern Power Networks (TR010029/EXAM/9.14(1))
- Natural England (TR010029/EXAM/9.15)).

7. Agenda item 6 – AOB

- 7.1.1 In response to submissions made by Gardens of Peace, MC agreed to update the ExA, at Deadline 8, of the progress of the tri-party agreement between Highways England, Gardens of Peace and Cadent Gas.

Action point 14 - Update on discussions and submission of a statement confirming agreement has been reached and signed with the Gardens of Peace Muslim Cemetery (Gardens of Peace).

Response – See response to action point 14 from Issue Specific Hearing 3 (TR010029/EXAM/9.97) submitted at Deadline 7.

- 7.1.2 MC raised that the ExA had yet to decide whether to accept submitted Change 7, and the forthcoming Change 8 and perhaps it would cause less confusion if updates to certain documents were made following the ExA's decisions on all current and forthcoming change requests so as to minimise iterations of documents
- 7.1.3 The ExA acknowledged that this was a reasonable request and that they would assess what documentation was needed and by when.

8. Agenda item 7 – Action points arising from the hearing

8.1.1 As a summary of actions, the ExA confirmed that they expected Highways England to:

- provide a response regarding the consultation for the NMU scheme by Deadline 7;
- provide further information on the NMU improvements in respect of delivery and cost both within and outside the Order limits, time limits and conditions of the Designated Funds by Deadline 7;
- provide an updated version of the Outline Traffic Management Plan, that will provide further clarification of the time night closures will take place, including a more detailed definition of the word “temporary” in the context of night-time road closures by Deadline 7;
- submit a Community Engagement Plan into the Examination by Deadline 8;
- consider removing the word “likely” from table 3.2 of Dust Noise and Nuisance Management Plan by Deadline 7;
- submit an updated version of TfL’s Protective Provisions into the draft DCO by Deadline 7;
- consider and insert an additional Requirement for Grove Farm to ensure bespoke measures are delivered by Deadline 7;
- consider and insert an additional Requirement, or advice on other mechanisms, to ensure Work No 32 is delivered by Deadline 7;
- consider an additional paragraph to Schedule 2, Requirement 3 to ensure that the designs of structures are subjected to an independent design review by Deadline 7;
- update Requirement 13(2) to ensure Work No 2 is added to those works not commenced until deer fencing is installed. Applicant to also consider provisions for deer fencing during construction by Deadline 7;
- insert Outline Invasive Species Management Plan and Ecological Habitats and Species Plan into the next iteration of the Construction Environmental Management Plan by Deadline 7; and
- update on discussions and submission of a statement confirming agreement has been reached and signed with the Gardens of Peace Muslim Cemetery (Gardens of Peace) by Deadline 8.

9. Agenda item 8 – Close

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