

M25 junction 28 improvement scheme

TR010029

9.97 Applicant's response to action points from Issue Specific Hearing 3 held on 12 May 2021

Rules 8(k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9

May 2021

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

M25 junction 28 scheme

Development Consent Order 202[x]

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Rule Number:	Rule 8(k)
Planning Inspectorate Scheme Reference	TR010029
Application Document Reference	TR010029/EXAM/9.97
Author:	M25 junction 28 scheme, Project Team, Highways England

Version	Date	Status of Version
0	20 May 2021	Deadline 7

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1. Introduction

1.1 Purpose of report

- 1.1.1 The table in Section 2 provides the response from Highways England to the action points from the Issue Specific Hearing 3 (ISH3) on Environmental Matters held on 12 May 2021.

2. Applicant's response to action points from Issue Specific Hearing 3 12 May 2021

Action Point	Description	Highway England response
1	<p>Submit a written summary of what consultation was undertaken in relation to the NMU proposal</p> <p>To provide a response regarding the consultation for the Non-Motorised Users (NMU) scheme.</p>	<p>During the development of the Designated Funds Non-Motorised Users (NMU) scheme, a number of workshops were held with the local authorities to inform both optioneering and design development.</p> <p><u>24 and 25 June 2019</u></p> <p>A feasibility design workshop was held with representatives from London Borough of Havering, Transport for London (TfL), Brentwood Borough Council (BBC) and Essex County Council (ECC). The purpose of the workshop was to discuss options for the cycle facilities from Brentwood to Harold Wood including improved crossing facilities at M25 J28.</p> <p>The proposals included six feasibility design options west of junction 28 and four options to the east, all of which were presented and appraised by attendees at the workshop.</p> <p>A 'light touch' Business Case was produced in September 2019, which appraised the options using feedback from the workshop, including scheme benefits, value for money and deliverability and identified the preferred option to take forward.</p>

Action Point	Description	Highway England response
		<p><u>23 January 2020</u></p> <p>A workshop was held with BC, LBH, ECC and TfL at the commencement of the detailed design. The purpose of the workshop was to:</p> <ul style="list-style-type: none"> • Present and discuss recommended options for the western, central and eastern sections developed at the feasibility stage • Gather feedback from the local authorities so that their input is included in the design development <p>Both TfL and LBH were supportive of the overall proposals. It was observed that local councillors will favour segregated cycleways wherever possible, as opposed to on-carriageway facilities. It was decided that segregation will be provided where practicable to do so given the existing site constraints.</p> <p>LBH stated at this workshop that Havering Cycling Liaison Forum were very supportive of the scheme.</p> <p>Both ECC CC and BBC were supportive of the overall proposals. ECC confirmed that existing hatchings on the main carriageway can be narrowed where possible to provide a 3m wide cycleway.</p> <p><u>26 February 2020</u></p> <p>A workshop was held with LBH, BBC and Brentwood Cycle Group to discuss the design development. The purpose of the workshop was to discuss progress on the detailed design and gather further feedback ahead of finalising the drawings.</p>

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		<p>Key suggestions from stakeholders included moving the 30/50mph speed change sign on A1023 Brook Street closer to the M25 junction 28, providing a 1.9m offset for cyclists and pedestrians at the bus stop and the preferred route to reach Kavanaghs Road.</p> <p>Detailed discussions took place on the section of the route from Maylands Way to the point where it meets National Cycle Network (NCN) 136. It was agreed that there was not enough space on 'The Parade', adjacent to A12, for the provision of a two-way cycleway, plus re-allocating parking space would not be well received by residents. Therefore, there was support for the route going along Maylands Way / Greenway before linking with NCN 136.</p> <p><u>30 March 2021</u></p> <p>A virtual meeting was held via MS Teams with ECC and LBH.</p> <p>This meeting was arranged to update the local authorities on the forthcoming submission of the Designated Funds application (14 April 2021), and confirm their support for this submission. ECC and BBC suggested they were willing to continue their engagement and support Highways England during implementation of the Scheme.</p> <p>In addition, the design team has also liaised with the Trustees of the Gardens of Peace (the Trustees) to ensure the proposed cycle route can be accommodated alongside the access and egress proposed at the Muslim Burial Ground.</p>

Action Point	Description	Highway England response
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.	<p>The NMU scheme involves the conversion of approximately 3.1km of existing walking route into a high-quality shared use cycling and walking route, incorporating the shared use path that is complementary to the proposed M25 junction 28 DCO Scheme.</p> <p>The estimated cost of the NMU scheme is £3.474m. This funding has been approved and released by Highways England's Designated Funding team for the delivery of the NMU scheme. If the NMU scheme, in the event, exceeds this allocation of funds, then the Designated Funds team will be asked to release further funds. Highways England confirms that financial contributions would not be sought from other parties to fund the NMU scheme, although their co-operation is required to deliver it as most of the scheme affects highways not in the control of Highways England.</p> <p>Highways England expects that the NMU scheme will be delivered by its contractor, Grahams. The central section of the NMU scheme as it passes through junction 28 (which includes the small part of the route outside of the Order limits on the eastern side to reach the new route within the junction 28 roundabout) will be delivered by the Principal Contractor for the M25 junction 28 DCO Scheme. The central section of the NMU scheme would be completed before the new loop road opens.</p> <p>The approved funds for the NMU scheme will be available in 2022/23. The funds have been secured in accordance with Highways England's designated funds plan 2020-2025 (https://highwaysengland.co.uk/media/lh2ll0ao/designated-funds-plan-2020-2025.pdf) which required that it be demonstrated that the</p>

Action Point	Description	Highway England response
		<p>NMU scheme would be completed by 31 March 2025. The NMU scheme is expected to be completed by 31 March 2025. If, for any reason, this date is not met then a request would need to be made to extend the funding period.</p> <p>The only condition attached to the funding is that the NMU scheme is carried out in line with the project summary that formed part of the application for funds.</p>
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.	An amended version of the Outline Traffic Management Plan (TMP) providing the additional information requested has been submitted at deadline 7 (TR010029/EXAM/9.52(1)).
4	Submit a Community Engagement Plan into the Examination.	Highways England will submit a Community Engagement Plan into the Examination by Deadline 8.
5	Provide a response on the experience of current 'peak' noise levels/events and whether they have any bearing on living conditions.	This action point is directed at Grove Farm.
6	Consider removing the word "likely" from table 3.2 of Dust Noise and Nuisance Management Plan	Table 3.2 in the Outline Dust Noise and Nuisance Management Plan (DNNMP) has been amended to remove the word 'likely' from the title and will be titled 'Table 3.2: Control measures to be implemented during the construction activities and residual risks'. This update will be included in the next iteration of the Outline DNNMP that sits within Appendix F of the Outline Construction Environmental Management Plan (CEMP).

Action Point	Description	Highway England response
7	Submit an updated version of Transport for London's Protective Provisions into the draft DCO.	Highways England has submitted its proposed protective provisions for TfL to be included into the dDCO should a side agreement not be reached by the close of the Examination. Accompanying these is a short note and a comparison of the Highways England's proposed protective provisions with the protective provisions submitted by TfL at Deadline 4 (TR010029/EXAM/9.107) to highlight the areas of agreement and difference between the parties.
8	Consider and insert an additional Requirement for Grove Farm to ensure bespoke measures are delivered.	Please see new Requirement 5(3)(g) which explicitly secures the proposed mitigation measures at Grove Farm.
9	Consider and insert an additional Requirement, or advice on other mechanisms, to ensure Work No 32 is delivered.	<p>The delivery of Work No. 32 is intended to be secured by way of the side agreement currently under discussion between Highways England, Glebelands Estates Limited and Luddington Golf Limited. Should agreement not be reached by the end of the examination period then Highways England would suggest the following requirement be inserted into the dDCO. Highways England will keep the ExA updated as to the progress of the side agreement.</p> <p>Golf Course Accommodation Works</p> <p>Accommodation works to provide replacement facilities for Maylands Golf Course forming Work No. 32 must be undertaken prior to the opening to traffic of the new loop road forming Work No. 6.</p>
10	Include an amendment to Schedule 2 requirement 3 for an independent design review panel	Highways England has considered further whether the designs of structures should be subjected to an independent design review and

Action Point	Description	Highway England response
	Consider an additional paragraph to Schedule 2, Requirement 3 to ensure that the designs of structures are subjected to an independent design review.	remains strongly of the view that a separate requirement to impose an independent panel review of the Scheme is unnecessary. Highways England has submitted a summary of the design process of the Scheme at Deadline 7 (TR010029/EXAM/9.108)
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.	Reference to Work No.2 has been added, please see dDCO submitted at Deadline 7(TR010029/APP/3.1/(6)).
12	Confirm that additional wording for Requirement 9 in respect to trial trenching no longer needs to be inserted into the draft DCO.	This action point is directed at the London Borough of Havering.
13	Insert Outline Invasive Species Management Plan and Ecological Habitats and Species Plan into the next iteration of the Construction Environmental Management Plan.	The Outline Invasive Species Management Plan and Ecological Habitats and Species Plan will be included in Appendix F in the next iteration of the Outline CEMP.
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).	Highways England is waiting for comments back from the legal advisors for the Trustees of the Gardens of Peace (the Trustees). As outlined by both parties at Deadline 6 and in the ISH3 hearing (paragraph 6.14 of TR010029/EXAM/9.96), it is anticipated that the agreement will be signed by all parties. At the final Deadline of the Examination, Highways England will provide a statement to the ExA with an update on the status of the agreement.

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Printed on paper from well-managed forests and other controlled sources.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ
Highways England Company Limited registered in England and Wales number 09346363

