

M25 junction 28 improvement scheme

TR010029

9.126 Position statement on status of agreement with third parties

Rule 8(1)(k)

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1. Introduction

1.1.1 This document and table below provides a position statement on the status of agreements between Highways England and:

- (i) Trustees of the Gardens of Peace and Cadent Gas;
- (ii) Glebelands Estates Limited and Luddington Golf Limited;
- (iii) Transport for London (TfL);
- (iv) Cadent Gas;
- (v) UKPN/EPN; and
- (vi) National Grid Electricity Transmission Ltd (NGET) and National Grid Gas (NGG).

1.1.2 Details of the status of agreement with all third parties is contained within the Compulsory Acquisition Schedule, submitted at Deadline 9 (TR010029/EXAM/9.19(7)).

Gardens of Peace and Cadent Gas	<p>Further to Highways England’s last update on the status of the proposed agreement with Gardens of Peace and Cadent Gas Limited (“Cadent”) (REP8-012), the current position is as follows upon the main issues outstanding:</p> <ul style="list-style-type: none">- Temporary Drainage. Following a number of discussions between technical experts from Cadent and Gardens of Peace, it was understood that there was an agreed position on drainage. The works area within plot 1/8 to be used by Cadent was substantially reduced and the working arrangements revised to reflect this position on the basis that Cadent could drain the works into the nearby wooded area. However, following discussions on the legal agreement, it has become apparent that Gardens of Peace are no longer content with that arrangement. Highways England has discussed this matter with Cadent and were an agreement on drainage not forthcoming from Gardens of Peace, one alternative solution would be for Cadent to install tanks within plot 1/8 and/or 1/8a to store water and they would need to be emptied from time to time, using lorries. This solution would probably result in a reduction or removal of the temporary spoil area proposed to be located within Plot 1/8 which Gardens of Peace would need to temporarily relocate elsewhere on their own land.- Temporary car park. As the Examining Authority is aware, Gardens of Peace are seeking the temporary replacement of a relatively small number of car parking spaces (18 of the 120 spaces provided on site) during the Cadent diversion works. The temporary car parking area is proposed to be located outside the Order limits and would require planning permission from the local planning authority. The planning application is not expected to be contentious. Highways England has agreed to apply for this planning permission itself, subject to the approval of Gardens of Peace and has requested certain details necessary to complete the application from Gardens of Peace, which are still awaited. If planning permission is not forthcoming and/or agreement cannot be reached with Gardens of Peace on the issue, Gardens of Peace would need to rely upon their existing car parking spaces elsewhere on their land.- Draft easement. The draft was provided to Gardens of Peace on 15 March 2021 and relates to the Cadent pipeline to run beneath Gardens of Peace’s land. Cadent therefore require an easement to ensure they retain access and associated rights to their apparatus and in order to

	<p>protect it. The easement will be directly between Gardens of Peace and Cadent. Gardens of Peace has not yet commented on the draft. Compulsory acquisition powers are sought in the draft Order to protect Cadent’s position in case an agreement is not reached.</p> <ul style="list-style-type: none"> - Trees on the A12 – A report has been provided in draft form to the Gardens of Peace showing the trees on or overhanging the A12 adjacent to the Gardens of Peace affected by the creation of the upgraded facilities for non-motorised users between Brentwood and Harold Hill. The report in final form is provided to the ExA at Deadline 9. <p>The latest draft of the agreement was issued to parties on 3 June 2021. Comments on the latest draft agreement have been provided by Cadent but are awaited from Gardens of Peace. Highways England hopes that these matters can still be resolved. Highways England will therefore continue to engage with Gardens of Peace and will inform the Secretary of State directly when an agreement is reached if after the end of examination on 7 July 2021.</p> <p>The Examining Authority will note that Highways England’s response to Gardens of Peace Deadline 8 response [TR010029/EXAM/9.123] at REP8-032-02 includes suggested wording for a requirement, should the Secretary of State consider such a requirement appropriate, in order to protect the interests of Gardens of Peace, as follows:</p> <ol style="list-style-type: none"> (1) No part of Work No. 29 is to commence within plot No’s 1/8a or 1/8 until a site specific construction plan has been submitted to and approved in writing by the Secretary of State following consultation with the Gardens of Peace and Cadent Gas. (2) Work No. 29 within plot No’s 1/8a and 1/8 must be constructed in accordance with the approved site specific construction plan referred to in sub-paragraph (1).
<p>Glebelands Estates Ltd and Luddington Golf Ltd</p>	<p>Further to Highways England’s last update on the status of the proposed agreement with Glebelands Estates Ltd (GEL) and Luddington Golf Ltd (LUL) (REP8-019), Highways England can summarise the current position as follows:</p>

	<p>Highways England circulated a draft tri-party agreement to GEL and LGL on 20 April 2021. Both GEL and LGL have since been instructing solicitors and reviewing the need for various other consultants. Legal comments are awaited but updated plans have recently been circulated.</p> <p>The parties are seeking to develop a specification for the golf course reconfiguration works which could be used to set Highways England’s maximum financial commitment. Highways England has recently approved LGL’s fees for this preliminary design work. The contents of the agreement are summarised in Highways England’s previous update to the Examining Authority (REP8-019). The key outstanding issues are as follows:</p> <ul style="list-style-type: none"> - Maximum financial commitment. Highways England is currently reviewing the funds required for the golf course reconfiguration works. This is expected to be resolved shortly. - Property agreements. Under the terms of the agreement, GEL and LGL need to enter into property agreements between themselves (a new lease). Highways England has reserved compulsory acquisition powers for the relevant works and would be able to rely on such powers were an agreement not forthcoming. <p>The Examining Authority will note the requirement relating to GEL and LGL in the draft Order (see para 15 of Part 1 to Schedule 2). Highways England has committed to undertaking the golf course reconfiguration works (Work No. 32) prior to opening to traffic the new loop road. Highways England believes that this requirement should alleviate any concerns around an agreement not being reached.</p> <p>Highways England will continue to engage with both parties and will inform the Secretary of State directly when an agreement is reached after the end of examination on 7 July 2021.</p>
<p>TfL</p>	<p>Highways England and Transport for London have now reached an agreement in relation to all matters which TfL have sought to be covered in their proposed Protective Provisions at Deadline 8, with the exception of the provisions in relation to the commuted sums and costs. These outstanding issues will be a matter for the Secretary of State’s determination.</p> <p>The following matter not forming part of the protective provisions discussions, also remains outstanding between the parties, namely the basis on which the integrated non-motorised users</p>

	<p>scheme (between Green Way/Harold Court Road and A1023/Kavanaghs Road junction) will be secured by the Order and undertaken as part of the Project by Highways England.</p> <p>Highways England's position on this matter can be found in its Deadline 9 submission in response to TfL's Deadline 8 submission, please see (REP8-038-27).</p>
Cadent Gas plc	<p>Highways England has been unable to reach an agreement on protective provisions with Cadent Gas. Highways England's proposed form of protective provisions were submitted at Deadline 6 (REP6-017) and that submission also summarises its position on the key substantive outstanding points</p> <p>Highways England will continue to engage with Cadent Gas and will inform the Secretary of State directly if an agreement is reached after the end of examination on 7 July 2021.</p>
UKPN/EPN	<p>Highways England can confirm that an agreement on protective provisions has been reached with UKPN/Eastern Power Networks.</p>
National Grid Electricity Transmission (NGET) and National Grid Gas (NGG)	<p>Highways England can confirm that separate agreements have been settled with both NGET and NGG and these are proceeding to completion. Highways England will inform the Secretary of State directly if these agreements are not concluded by the end of examination on 7 July 2021.</p>

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