

29 June 2021
20210629 - Gardens of Peace - Response to Deadline 9 - FINAL



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Dear Sir / Madam

Gardens of Peace Muslim Cemetery (Plot 1/8) – Response to Deadline 9

Savills (UK) Ltd has been instructed by the Trustees of Gardens of Peace Muslim Cemetery (“Gardens of Peace”) to act on its behalf in submitting a response to Deadline 8.

For the purpose of this submission, we do not intend on replying to each individual response made by the Applicant at Deadline 8 (REP8-016), to Gardens of Peace’s submission at Deadline 7. The reason for this is that many of the concerns of Gardens of Peace and the mitigating measures to alleviate these concerns are informally agreed, with the details being discussed between the relevant legal representatives and which are captured within the draft Tri-party Agreement. Therefore, and in light of the short period of time between Deadline 9 (Wednesday 30th June) and the closure of the examination period (7th July), we take this opportunity to reiterate the key outstanding concerns and to provide an update on negotiations in regards to the Tri-party Agreement between Gardens of Peace, the Applicant and Cadent Gas.

As referred to at Deadline 8 (REP8-031 and REP8-032), it is Gardens of Peace’s intention to work towards completing the agreement by the closing date of the examination period, however, this will be subject to the below outstanding concerns being agreed and for inclusion in the agreement;

- 1. Drainage** – There is a need for a temporary drainage scheme in order to prevent any run-off and potential pollution from the construction site of Plot 1/8 on to Gardens of Peace land, which is not within the DCO boundary. The Applicant has asked Gardens of Peace to accommodate the temporary drainage scheme on Gardens of Peace retained land, which does not fall within the Order limits. To date no proposal which meets the operational requirements of the cemetery, and is acceptable from a risk perspective to the Trustees, has been identified. The only proposal discussed between the relevant parties involved the discharge of water from Plot 1/8 into the wooded area in the middle of the cemetery. However, given the cemetery will be operational during the Scheme construction works, with this area designed for infant burials, this proposal was deemed unacceptable by Gardens of Peace and its professional advisors.

Gardens of Peace continue to work with the Applicant to find a suitable acceptable solution and as at the date of this submission, various options are still being considered.

- 2. Planning Application** – As referred to in the submission at Deadline 8 (REP8-032), there is a need for the Applicant to apply for planning approval for the temporary car park on land within the cemetery



which falls outside the order limits. The Applicant acknowledges this and is shortly to be submitting an application to the Local Planning Authority.

However, should approval not be granted for the car park, or should approval not be provided prior to the Applicant taking occupation of Plot 1/8, the cemetery will be without its main parking facility for cemetery visitors meaning the cemetery will not be able to operate once the Applicant takes occupation of Plot 1/8. This will cause substantial business disruption and an inability to meet the burial demands of the local Muslim community which the cemetery serves. It is therefore fundamental that temporary planning permission for the car park is granted prior to any occupation being taken of Plot 1/8. Furthermore, and in case of the construction period of the Scheme extending beyond the 6 month time frame provided by the Applicant, any planning reapplication (if required) must be made in good time by the Applicant to avoid any period of time where Gardens of Peace use of the temporary car park would be deemed unlawful.

- 3. Tree Belt** – The existing tree belt between the cemetery and the A12 acts as a visual and sound screen from the A12 and will provide screening from the Scheme construction works outside of the Gardens of Peace site. Up to the date of Deadline 7, the applicant had reassured Gardens of Peace that the tree belt will not be touched and thus no visual and sound effects over and above those of Plot 1/8, will be caused to the cemetery. However, as referred to at Deadline 8 (REP8-032), Gardens of Peace have subsequently been informed that tree felling would be required for the NMU Scheme. Gardens of Peace has requested clarification on which trees would be affected, and this has now been provided.

Gardens of Peace take this opportunity to reiterate that any tree felling will not only remove valuable screening from the effects of the Scheme construction works, but given the proximity of some of these trees to the burial areas which will be in use during the Cadent works, could additionally cause distress to mourners during burials taking place at the same time as the felling works.

Whilst acknowledging the commitment which the Applicant has now undertaken to the NMU Scheme, Gardens of Peace simply requests that the Applicant uses its best efforts to ensure that the proposed tree felling is undertaken at as late a date as is practicable with proposed felling time and date to be provided to Gardens of Peace in advance of the works. The Applicant should also make good its indication that TfL will be asked to commit to not pollarding those trees in the intervening period.

- 4. Timings** – Gardens of Peace have reviewed the Applicant's and Cadent Gas' recent proposal of taking entry on 1st March 2022 to carry out the proposed mitigation measures, ahead of gas main diversion works commencing 1st April 2022. This is acceptable to Gardens of Peace, provided that the mitigation measures, which are currently being discussed between the relevant parties, are agreed and in place prior to 1st April 2022.

Tri-party Agreement

Gardens of Peace's, the Applicant's and Cadent Gas' legal representatives are all working on agreeing the wording of the Tri-party Agreement that incorporates the mitigating measures to alleviate or eliminate concerns of Gardens of Peace that have been raised in previous submissions. Whilst many elements have been informally agreed, the above concerns remain unagreed and until they are agreed, the parties will not be in a position to complete the agreement. Furthermore, and whilst temporary drainage solutions are still being considered between parties, without any drainage provisions in place, it is not clear how the DCO will be deemed deliverable without an agreed drainage scheme in place.

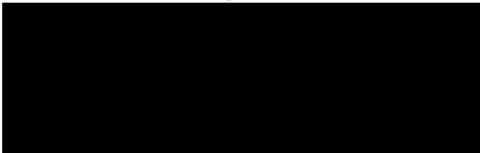
As per the submission at Deadline 8, at this late stage of the examination process, we find it concerning that the above issues are still outstanding. Without these matters mitigated, or otherwise, it puts Gardens of Peace



in a very precarious position in terms of the daily impacts of the Scheme on the cemetery and the potential substantial business interruption.

We hope we have provided the information you require.

Yours faithfully



Gwyn Church MRICS FAAV
Associate