



**Havering**  
LONDON BOROUGH

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Rt Hon Grant Shapps MP  
Secretary of State for Transport  
Department for Transport  
Great Minster House  
33 Horseferry Road  
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Sent via:

[REDACTED]  
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29th October 2021

[www.havering.gov.uk](http://www.havering.gov.uk)

Dear Secretary of State,

**Responses by London Borough of Havering, Essex County Council and Transport for London (TfL) to Secretary of State letter to Interested Parties seeking further information**

Thank you for your recent letter seeking clarification on the Unilateral Undertaking relating to a new Non-Motorised User (NMU) route identified for the proposed development. London Borough of Havering, Essex County Council and Transport for London wish to submit a joint statement to the Secretary of State providing the latest position from the Local Highways Authorities perspective.

Towards the end of the six-month Examination into the proposed development, the Applicant put forward to the host authorities a proposed unilateral planning obligation concerning the delivery of the proposed Non-Motorised User Route (NMU). The obligation related solely to the junction of the proposed development and did not encompass the entire NMU route that the Applicant had stated during the Examination that it was committed to delivering.

LB Havering, Essex County Council and Transport for London (TfL) raised this as a key concern and communicated to the Applicant that the entire route needed to be included as part of the unilateral planning obligation.

Unfortunately, the host authorities and the Applicant were unable to resolve this matter by the time the Examination concluded. As the Secretary of State may be aware, the Applicant submitted to the Examining Authority a unilateral planning obligation under section 106 Town and County Planning Act 1990, at Deadline 10 of the Examination (REP10-23). The obligation was also given to LB Havering and Brentwood Borough Council as the relevant Planning Authorities.

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The Secretary of State will also be aware that LB Havering, Essex County Council and Transport for London submitted a revised version of the Unilateral Undertaking to the ExA for their consideration at Deadline 10 (REP10-019). This included some additional wording that all authorities feel is an essential requirement to provide the surety that the respective authorities need that the NMU route will be delivered in its entirety by March 2025.

The revised version included a covering letter (REP10-018) which stated that if the ExA was not satisfied with the proposed changes to the Unilateral Undertaking put forward by the above local authorities, the ExA is asked to give consideration to the provision of a Requirement in the draft DCO to secure the full NMU route.

Since the Examination concluded on 7<sup>th</sup> July, there has been no further movement on this matter, apart from LB Havering receiving a hard copy of the unilateral planning obligation from the Applicant.

LB Havering, Essex County Council and Transport for London continue to be concerned as to how the entire NMU route will be secured.

LB Havering, Essex County Council and Transport for London considers that to secure delivery of the full NMU route, the Secretary of State could include a requirement in the DCO for the Applicant to enter into a Unilateral Undertaking with the local planning authorities to deliver the full NMU route by March 2025, which is the timescale for which the funding to deliver the route is available.

If the Secretary of State considers that requiring the Applicant to enter into a Unilateral Undertaking to deliver the full NMU route is not reasonable, then we would invite you to consider including the provision of a Requirement in the DCO to commit the Applicant to, prior to the opening of the new loop road (Work No. 6) uses best endeavours to enter into agreements with the relevant highway authorities (LB Havering, Essex County Council and Transport for London) to deliver the full NMU route by March 2025. Coupled with the Unilateral Undertaking submitted by the Applicant at Deadline 10, this would ensure delivery of the entire NMU scheme as the requirement would not prevent the opening of the new loop road unless the Applicant had failed to use best endeavours to agree the delivery of the full NMU route.

Yours sincerely,



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**Andrew Cook**

**Director of Highways & Transportation**

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**Matthew Rheinberg**

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