

Lower Thames Crossing

5.4.4.8 Draft Statement of Common Ground between (1) National Highways and (2) London Borough of Havering (Clean version)

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1.0	31 October 2022	DCO Application
2.0	18 July 2023	Examination Deadline 1

Status of the Statement of Common Ground

This is a Draft Statement of Common Ground with matters outstanding.

National Highways considers that this draft Statement of Common Ground is an accurate description of the matters raised by London Borough of Havering and the status of each matter, based on the engagement that has taken place to date.

A high-level overview of the engagement undertaken since the DCO application was submitted on 31 October 2022 is summarised in Table A.1 in Appendix A.

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1 Introduction

1.1 Purpose of the Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed A122 Lower Thames Crossing (the Project) made by National Highways Limited (National Highways) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008 on 31 October 2022.
- 1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between National Highways (the Applicant) and London Borough of Havering, and where agreement has not been reached. Where matters are yet to be agreed, the parties will continue to work proactively to reach agreement and will update the SoCG to reflect areas of further agreement.
- 1.1.3 This version of the SoCG has been submitted at Examination Deadline 1.

1.2 Principal Areas of Disagreement

- 1.2.1 On the 19 December 2022 the Examination Authority made some early procedural decisions to assist the Applicant, potential Interested Parties and themselves to prepare for the Examination of the DCO application.
- 1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).
- 1.2.3 The PADS Tracker would provide a record of those principal matters of disagreement emerging from the SoCG and should be updated alongside the SoCG as appropriate throughout the Examination with the expectation that a revised PADS Tracker should be submitted at every Examination deadline.
- 1.2.4 This SoCG should be read in conjunction with the London Borough of Havering PADS Tracker.

1.3 Terminology

- 1.3.1 In the matters table in Section 2 of this SoCG, “Matter not agreed” indicates agreement on the matter could not be reached following significant engagement, and “Matter under discussion” where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Matter agreed” indicates where the issue has now been resolved.

2 Matters

2.1 Movement of outstanding matters

Following submission of the previous version of this Draft SoCG between the Applicant and London Borough of Havering, further discussions on the outstanding matters have taken place. These discussions are summarised in Table A.1 in Appendix A and the outcome of these discussions is summarised below.

- 2.1.1 The following matters have moved from ‘matter under discussion’ to ‘matter agreed’:
- a. 2.1.9, Need for the Project; 2.1.11, Infrastructure strategy; 2.1.12, Waste management; 2.1.13, Waste management; 2.1.14, Open space; 2.1.19, Need for consultation/ engagement; 2.1.20, Adequacy of Consultation; 2.1.28, Logistics, materials, and operations; 2.1.38, Local plan growth; 2.1.52, Impacts; 2.1.54, Assessment methodology; 2.1.55, Project design and mitigation; 2.1.56, Project design and mitigation; 2.1.57, Assessment of likely significant effects and 2.1.74, Drainage.
- 2.1.2 The following matters have moved from ‘matter not agreed to ‘matter under discussion’:
- a. 2.1.58, Monitoring.
- 2.1.3 The following matters have moved from ‘matter not agreed’ to ‘matter agreed’:
- a. 2.1.69, WCH/active travel – design.
- 2.1.4 The following matters have moved from ‘matter agreed’ to ‘matter under discussion’:
- a. 2.1.53, Impacts.
- 2.1.5 Further to the matters raised in the original SoCG, London Borough of Havering submitted further comments on the DCO application which has led to new matters being included in Table 2.1
- 2.1.6 The new matters are 2.1.76, Assets; 2.1.77, Closures and diversions; 2.1.78, Road alteration and maintenance; 2.1.79, SEE Strategy and Supply Chain; 2.1.80, Project design and mitigation; 2.1.81, Consent Process; 2.1.82-83, Project design and mitigation; 2.1.84, Archaeology; 2.1.85, Community Fund; 2.1.86, Open Space and common land; 2.1.87, Project design and mitigation; 2.1.88, Assessment methodology; 2.1.89, Project design and mitigation; 2.1.90, Materials & waste handling; 2.1.91, Assessment methodology; 2.1.92, Project design and mitigation; 2.1.93, Assessment of likely significant effects; 2.1.94-6, Project design and mitigation.

- 2.1.7 Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) London Borough of Havering.
- 2.1.8 In the column 'Item No' in Table 2.1, 'Rule 6' indicates a matter entered in the SoCG as a result of a request in the Rule 6 letter, 'RRN' indicates a matter entered into the SoCG as a result of content in the Relevant Representation, 'RRE' indicates an existing SoCG matter that was also raised in the Relevant Representation and 'DL1' indicates a new matter added during examination at/around that deadline.
- 2.1.9 In Table 2.1, relevant issues relating to the draft DCO articles and Requirements in Schedule 2 to the draft DCO have been identified under the heading 'DCO and consents'.
- 2.1.10 At Examination Deadline 1 there are 96 matters in total, of which 30 are agreed, 7 are not agreed and 59 that remain under discussion.

Table 2.1 Matters

Topic	Item No.	London Borough of Havering Comment	National Highways' Response	Application Document Reference	Status
DCO and consents					
Consultation Discharge authority and the local authority's consultation role	2.1.1	<p>In its comments on the draft DCO, London Borough of Havering has objected to the Secretary of State acting as the discharging authority for key requirements in the manner presented. London Borough of Havering's position is that London Borough of Havering should be consulted during the approval process.</p> <p>London Borough of Havering further noted that key documents such as Traffic Management Plans, site specific Travel Plans, and Environmental Management Plans would be produced by contractors, and objected to the possibility that they may discharge these requirements.</p> <p>In its Relevant Representation and PADS Tracker, the Council repeated this request.</p>	<p>The Applicant maintains that the most appropriate discharging authority for the Project is the Secretary of State on the basis outlined in Sections 1.1.1 to 1.1.10 in the August response letter.</p> <p>The Applicant is solely responsible for submitting details to the Secretary of State to discharge the Requirements of the DCO. Even where Contractors or agents are appointed, they will be acting on behalf of the Applicant. See the outline management plans (oTMPfC, oSWMP, oMHP, oLEMP) and the Code of Construction Practice (CoCP) where the specific roles in connection with the discharge of requirements are set out in further detail.</p> <p>London Borough of Havering will be consulted on the discharge of Requirements 3, 4, 5, 6, 8, 10 (as well as any variation to the limitation of deviation under article 6); as set out in paragraph 18 of Schedule 2 to the draft DCO, representations from London Borough of Havering will be</p>	<p>Draft DCO [Additional Submission AS-038]</p> <p>ES Appendix 2.2: CoCP [Application Document APP-336]</p> <p>ES Appendix 2.2 Annex A: Outline Site Waste Management Plan (oSWMP) [Application Document APP-337]</p> <p>ES Appendix 2.2 Annex B: Outline Materials Handling Plan (oMHP) [Application Document APP-338]</p> <p>Outline Traffic Management Plan for Construction (oTMPfC)</p>	Matter Under Discussion

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			<p>provided to the Secretary of State and so its views will be properly represented to, and considered by, the Secretary of State.</p> <p>On 28/6/22 London Borough of Havering indicated it was considering its position and in its response to the 2022 Local Refinement Consultation noted that it sought a full draft copy of the DCO wording and supporting documents in order to do this. Draft DCO Schedules 2, 9, 12 and 13 plus parts 1-7 were shared between 3-9/8/22.</p> <p>At a meeting on 19/8/22, the Council supported the proposal for their comments to be supplied to the Secretary of State in the discharge submission. This matter is under discussion pending London Borough of Havering's consideration.</p> <p>No requirements in the draft DCO can be discharged by Contractors and the Applicant maintains responsibility to ensure the commitments and obligations are met.</p>	<p>[Application Document APP-547]</p> <p>Outline Landscape and Ecology Management Plan (oLEMP)</p> <p>[Application Document APP-490]</p>	
<p>Consent process</p> <p>Deemed consent</p>	<p>2.1.2</p> <p>RRE</p>	<p>London Borough of Havering has significant concerns about the general principle of 'deemed consent' in its</p>	<p>The Applicant considers the deemed consent provisions to be reasonable and necessary, having regard to the significance of this Project and the far-</p>	<p>Draft DCO</p> <p>[Additional Submission AS-038]</p>	<p>Matter Under Discussion</p>

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		<p>areas of statutory responsibility as applied throughout the draft DCO.</p> <p>At a meeting on 19/8/22, the Council proposed a minimum of 42 days as standard to respond instead of 28, as used in the recent M25 Junction 28 DCO.</p> <p>In its Relevant Representation and PADS Tracker, the Council repeated this request.</p>	<p>reaching consequences a failure to reach a decision in an expeditious manner could have on its delivery.</p> <p>The Applicant has proposed a reasonable period of time for the Council to determine such requests for approval, given the Council will have had time during the consultation and examination to better understand the particular impacts and proposals forming part of the DCO (in comparison to any usual approval unrelated to a DCO). The deemed consent provisions only take effect in relation to a failure to reach a decision, rather than a failure to give consent. If the Council consider insufficient time or information had been provided, it could refuse the relevant application. There is nothing in the draft DCO which would prevent the Council from refusing an application in this case. In circumstances where the Council does not consider it has received appropriate information, or it requires more than 28 days, there is no provision in the draft DCO which prevents the refusal of an application. Following such a refusal, the Applicant would determine whether it would utilise the appeal process</p>		

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			<p>(endorsed by the Council) or re-submit an application.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering.</p>		
<p>Safety</p> <p>Traffic responsibilities and New Roads and Street Works Act 1991 (NRSWA)</p>	<p>2.1.3</p>	<p>London Borough of Havering has concerns about the disapplication of NRSWA proposed, and expects its agreement regarding Access to Works. London Borough of Havering observed that a number of road safety responsibilities and considerations of route suitability would be place in the hands of contractors and was uncertain as to how a "risk-based approach" to traffic management would be implemented appropriately.</p>	<p>The disapplication of NRSWA provisions (which are designed primarily to regulate the carrying out of street works by utility companies in respect of their apparatus) is appropriate given the scale of works proposed under the draft DCO, the specific authorisation given for those works by the draft DCO (particularly article 3 and Schedule 1 to the draft DCO), and the provisions in the draft DCO (including the requirements) which would regulate the carrying out of the DCO works. The NRSWA provisions are intended to regulate a general power exercisable by utilities by virtue of their status or a street works licence. By contrast, the DCO would grant specific authority to carry out works, and it is therefore inappropriate for them to be subject to further approval as if they were general powers. The disapplications must also be seen in the context of requirement 10 in Schedule 2 to the</p>	<p>Draft DCO [Additional Submission AS-038] oTMPfC [Application Document APP-547]</p>	<p>Matter Under Discussion</p>

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			<p>draft DCO which sets out the requirement for a traffic management plan, which London Borough of Havering will be consulted upon and which the Secretary of State must approve. We note that these disapplications are heavily precedented for highways development consent orders. For completeness, please note temporary traffic diversion powers are contained in article 12.</p> <p>The Applicant had provided an outline Traffic Management Plan for Construction (oTMPfC) which outlines a number of measures, controls and processes. A Traffic Management Plan which is substantially in accordance with that outline plan will be consulted upon (including with London Borough of Havering), and then submitted to the Secretary of State. London Borough of Havering's submissions will be included in the submission to the Secretary of State. In addition, as set out in the management plan, even after a Traffic Management Plan is approved, there are number of measures and processes secured which ensure ongoing engagement with London</p>		

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			<p>Borough of Havering (e.g., the Traffic Management Forum). London Borough of Havering will therefore be involved in the consultation of the Traffic Management Plan, as well as the ongoing processes secured following any approval of such a plan. The outline management plan formed part of the Community Impacts Consultation, so comments (including those from London Borough of Havering) were considered when shaping the outline document in the DCO application submission.</p> <p>On 28/6/22, the London Borough of Havering indicated it was considering its position and in its response to the 2022 Local Refinement Consultation noted that it sought a full draft copy of the DCO wording and supporting documents in order to do this. Draft DCO Schedules 2, 9, 12 and 13 plus parts 1-7 were shared between 3-9/8/22.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering in light of the DCO application submission.</p>		

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<p>Environment</p> <p>Knowledge of access points</p>	2.1.4	<p>London Borough of Havering queried, at a meeting on 19/8/22, how it was possible for environmental impacts to be assessed as above under matter 2.1.3 "Traffic responsibilities and New Roads and Street Works Act 1991 (NRSWA)" without the access arrangements being confirmed. Compound locations cannot be identified without understanding the viability of access arrangements, e.g. swept paths which the response indicates are for the future. Comments about other developments emerging would be inappropriate given the Project would have safeguarding.</p>	<p>Whilst every effort has been made to identify all accesses and all works required to those accesses, it is possible that unknown or informal accesses exist or the need to improve an access or lay out a further access will only come to light at the detailed design stage, once the full construction methodology has been determined. For example, the precise layout of accesses to construction compounds will need to take into account factors such as the swept path of the construction vehicles together with appropriate landscape mitigation which cannot be fixed at this stage. In addition, accesses may change because of developments which are themselves not yet consented or anticipated. In addition, the exercise of the power would be subject to the requirements, in particular Requirement 4 which secures compliance with the measures in the CoCP, and (the updated) Requirement 10 which requires compliance with the oTMPfC. Accesses are indicatively shown in the latter document.</p>	<p>ES Appendix 2.2: CoCP [Application Document APP-336] oTMPfC [Application Document APP-547]</p>	<p>Matter Not Agreed</p>

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Consultation Provision of comments to the Secretary of State	2.1.5	In matters where the undertaker is required to consult the local planning authority, London Borough of Havering welcomes the inclusion of clause 16(3)(c) to supply consultation responses and an explanation of the undertaker's response to the Secretary of State, noting this should apply to all Requirements requiring consultation with the Local Planning Authority.	Noted. This clause applies across all Schedule 2 Requirements where the undertaker is required to consult.	Draft DCO [Additional Submission AS-038]	Matter Agreed
Environment Future conformity with outline management plans	2.1.6 RRE	London Borough of Havering has raised serious concerns about the clauses in the DCO requiring the Project to work "substantially in accordance" with control documents or for work to be performed to "a reasonable standard", in its response to the 2021 Community Impacts Consultation and subsequent meetings. It believes these wordings offer the Applicant a degree of flexibility that undermines the environmental assessments subject to the examination process or a lack of certainty as to what standard will be achieved. At a meeting on 25/8/22, London Borough of Havering strongly recommended the Applicant revises its wordings of "substantially in	The requirement to work "substantially in accordance" is necessary for the Project because it has not yet been designed in detail, and because the documents referenced are outline management plans. The existence of outline management plans provides a suitable framework of control, without impeding the flexibility and necessity for changes in the course of the construction and operation of the Project. The Applicant would emphasise that the level of control provided in the DCO application exceeds highway precedents. The Applicant would further emphasise that the controls ensure that there are no materially new or materially different environmental impacts as compared with the environmental	Draft DCO [Additional Submission AS-038]	Matter Under Discussion

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		<p>accordance" to "in accordance" in light of this being incorporated into the recent M25 Junction 28 DCO.</p> <p>In its Relevant Representation and PADS Tracker, the Council repeated this request and further requested stronger wording to replace "reasonable endeavours" and "best endeavours" in line with the M25 Junction 28 DCO.</p>	<p>statement. Changes to the preliminary scheme design which give rise to such different/new impacts are prohibited under Requirement 3 and article 6.</p> <p>The Applicant identified that this concern is about the specific "a reasonable standard" wording in Requirement 5(3) regarding landscaping works. "Reasonable standard" should not be read in isolation. The full provision states a reasonable standard which is "in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice". This provides certainty as to any standards or codes which would be utilised for the Project. It would not be acceptable to specify particular standards as these may change over time and potentially have the perverse effect of requiring a lower standard. The Applicant notes that leaving aside this Project-specific justification, this drafting has been endorsed in every single the Applicant DCO, and has given rise to no concerns during implementation across its portfolio.</p>		

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			<p>On 28/6/22 London Borough of Havering indicated it was considering its position and in its response to the 2022 Local Refinement Consultation noted that it sought a full draft copy of the DCO wording and supporting documents in order to do this. Draft DCO Schedules 2, 9, 12 and 13 plus parts 1-7 were shared between 3-9/8/22.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering.</p>		
<p>Consultation</p> <p>Clarification of legacy and mitigation</p>	2.1.7	<p>London Borough of Havering considers that there is a lack of evidence in the consultation material up to and including the 2021 Community Impacts Consultation to determine the difference between legacy schemes that will be used to support the scheme and mitigation that is required to make the Project acceptable environmentally. Until this difference is clarified, and mitigation is clearly cited, Havering is not able to support the scheme.</p> <p>After concluding this matter, the Council noted at a further meeting on 19/8/22 that there is a lack of confidence in how the Applicant will</p>	<p>The Applicant held a workshop with local authorities including London Borough of Havering on 3/11/21 to explain the difference between "mitigations, compensation or benefits", its approach to securing these within the DCO where appropriate, and which lay outside the DCO (e.g. benefits financed through the Applicant designated funds). Securing mechanisms may include S106 agreements. The Applicant aims to submit signed S106 heads of terms pre-examination, and final agreements by the end of examination. The workshop notes were issued on 29/11/21.</p>	<p>Draft DCO [Additional Submission AS-038]</p>	<p>Matter Agreed</p>

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		use these tools in future and a belief some legacy items should be in the ES as mitigations.	It was agreed at a meeting between the Applicant and London Borough of Havering on 13/12/21 that sufficient clarity had now been provided on this matter.		
Consent process Need for further DCOs for utility works	2.1.8	In its response to Local Refinement Consultation, London Borough of Havering noted that the consultation documents state that it is still unknown as to whether the utility works, power line changes etc, will require their own DCO. It requests that the Applicant states what impact that process will have on the proposed construction timescales.	<p>The Local Refinement Consultation stated on page 27 that '<i>we will continue to keep the legal assessment of whether the proposed works are Nationally Significant Infrastructure Projects (NSIPs) under review</i>'. This is to ensure due diligence in the application. The Borough's interface with the Project's energy NSIPs is limited to the completion of restringing and earthing operations at two existing pylons in the Borough (at pylons ZB038 and ZB039 for Work No. OH7).</p> <p>The powers to undertake the utility works required for the Project will be included within the DCO application and they will not require their own DCO. Pursuant to the relevant sections of the Planning Act 2008, some of the utilities diversions also constitute an NSIP in their own right. This is applicable for the following:</p> <ul style="list-style-type: none"> • Diversion of National Grid Electricity Transmission's (NGET) 	<p>Draft DCO [Additional Submission AS-038]</p> <p>ES Appendix 1.3: Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008 [Application Document APP-334]</p> <p>Explanatory Memorandum [Application Document APP-057]</p>	Matter Agreed

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			<p>overhead line (ZB018-027) (Work No. OH7).</p> <ul style="list-style-type: none"> Three gas pipeline diversions which constitute NSIPs pursuant to sections 14(1)(f) and 20 of the 2008 Act. The diversion of the National Grid Feeder 5 (Phase 1 and 2) (Work Nos. G2 and G4), and National Grid Feeder 18 high pressure gas pipelines (Work No. G3). <p>While these diversions are NSIPs, the draft DCO contains sufficient powers to authorise them.</p> <p>Further details are provided in ES Appendix 1.3: Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008, and Explanatory Memorandum Annex 2: Assessment of proposed electricity line works for purposes of section 16 of the Planning Act 2008.</p>		
<p>Consent Process</p> <p>Section 106 request for officer support funding</p>	<p>2.1.81</p> <p>DL1</p>	<p>Following consideration of the draft Section 106 Heads of Terms shared on 23/9/22, London Borough of Havering requested mitigation in the form of officer support contributions for construction and post-opening phases of the scheme.</p>	<p>The Applicant is considering a variety of options to address the Council's requests and provided a detailed update at a meeting on 21/2/23. This matter is under discussion pending further negotiations between the</p>	<p>N/A</p>	<p>Matter Under Discussion</p>

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			Applicant and the London Borough of Havering.		
Need for the Project					
Need for the Project	2.1.9 RRE	London Borough of Havering supports the Lower Thames Crossing scheme in principle. The Council recognises that the scheme will provide additional capacity to an important part of the Strategic Road Network (SRN) and the added resilience a tunnel crossing will bring.	Noted.	N/A	Matter Agreed
Planning Statement/policy					
Infrastructure strategy Planning statement and the NPS	2.1.10 RRE	<p>Compliance with NN NPS</p> <p>Havering has reviewed the proposed Project in the context of determining its compliance with the NN NPS December 2014. Havering is of the view that the proposed scheme is not compliant with the NN NPS on a number of fronts.</p> <p>Areas where the proposed scheme is considered non-compliant are listed below:</p> <p>Paragraphs 1.1.8, 2.9, 3.5, 3.10, 3.16, 3.17, 3.19, 4.4, 4.16, 4.19,4.62, 4.80, 5.2,5.7, 5.89, 5.167, 5.184, and 5.198.</p> <p>The London Borough of Havering will provide more details relating to this non-compliance in its Local Impact</p>	The Applicant submitted a revised Planning Statement in the DCO application, building upon the draft structures shared on 16/3/22 and 12/8/22. This contains an assessment of the Project against the draft NPS and in the light of emerging and adopted local planning policy. It is important to note that a DCO application must demonstrate accordance with national policy and refer to local policy where appropriate. A meeting was held with London Borough of Havering 10/2/22 to explain this position, with written responses issued 25/5/22.	Planning Statement [Application Document APP-495]	Matter Under Discussion

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		<p>Report should further negotiations on this matter with the Applicant prove unsatisfactory.</p> <p>The Council's Relevant Representation repeated these concerns and noted that the Applicant cites the overarching need for the scheme outweighing policy compliance. The Council does not consider that this is an appropriate approach where severe permanent effects are sustained, for example nitrogen deposition.</p> <p>This matter was amended on 28/6/23 to reflect the Council's change of position from overall objection to qualified support in principle for the Project.</p>	<p>It is the Applicant's position that the Project complies with the National Policy Statement for National Networks (NPSNN) and that the DCO application demonstrates accordance.</p> <p>This matter is under discussion pending further clarifications between the Applicant and the London Borough of Havering.</p>		
<p>Infrastructure strategy</p> <p>Lack of evidence in Community Impacts Consultation 2021</p>	2.1.11	<p>The NN NPS paragraph 5.2 states '<i>Sufficient relevant information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations Assessment and Flood Risk Assessment).</i>' Whilst the Applicant has discussed what information is required within Havering, for example traffic modelling data, this evidence has not been provided as part of this</p>	<p>The Project's traffic and environmental impacts, and mitigation measures, were duly reported in the consultation. These were based on sound data. The full extents of the datasets and methodologies will be included in the DCO submission.</p>	N/A	Matter Agreed

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		<p>consultation [Community Impacts Consultation 2021] leaving Havering in a position whereby it is unable to form a view of the accuracy of the data reported for air quality, noise, traffic disruption and traffic impacts. This gives rise to uncertainty for the London Borough of Havering.</p> <p>At a meeting on 19/8/22, the Council noted that at Community Impacts Consultation, older 2029 opening year traffic modelling was used for the maps and the 2030 opening year data was not shared publicly. No updated ES chapters were included. The Local Refinement Consultation did not include the North Ockendon compound location changes. These all mean these forms of evidence are unavailable to various parties until DCO submission.</p> <p>On 14/5/23, the Council advised that it considered the matter resolved.</p>			
<p>Waste management</p> <p>Waste handling arrangements</p>	<p>2.1.12</p> <p>RRE</p>	<p>The London Borough of Havering noted in its response to the 2021 Community Impacts Consultation that the NPS on National Networks requires that the Applicant sets out the proposed arrangements for managing any waste produced. The Applicant should set out the</p>	<p>The DCO submission will provide sufficient evidence of these arrangements for consent, with details of offsite waste management matters to be submitted for approval at the discharge of requirements stage in the future, to cater for the latest circumstances and the procured</p>	<p>ES Appendix 11.1: Excavated Materials Assessment [Application Document APP-435]</p>	<p>Matter Agreed</p>

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		<p>arrangements that are proposed for managing any waste produced. The arrangements described should include information on the waste recovery and disposal system for all waste generated by the development (para 5.42). It also requires the Applicant demonstrates that the waste generated can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area (bullet 2 para 5.43). Given that locations for off-site management are not identified (this is deferred to the to be appointed Contractor in the to be produced Construction Site Waste Management Plan), the documentation as it stands cannot be said to provide the assurances the Secretary of State is to seek.</p> <p>A meeting was held with the Applicant on 23/2/23 and the report supplied in advance welcomed the Applicant's response to date. The Council has confirmed the matter is resolved.</p>	<p>contractor's proposals. The Project's approach is set out in the oMHP and oSWMP and follows the principles of the waste hierarchy.</p> <p>Environmental Statement (ES) Appendix 11.1: Excavated Materials Assessment provides a framework for the Contractors to identify waste receiver site as well as alternative potential receiver sites not previously assessed or sites previously excluded, subject to such sites meeting the criteria established in this document. The methodology applied provides a standardised approach for identifying third-party potential receiver sites available to the Project. The Applicant is obliged to follow this methodology under REAC Commitment MW012. The Excavated Materials Assessment provides a list of potential sites that have been through the methodology and have met the criteria.</p> <p>It would be up to the appointed Contractor to source materials and manage waste during the construction of the proposed scheme, and typically they would look to use local (sub-regional) material sources and waste infrastructure wherever feasible to</p>	<p>ES Chapter 11 Material Assets and Waste [Application Document APP-149] ES Appendix 2.2: CoCP [Application Document APP-336]</p>	

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			<p>minimise the environmental impact and cost of transport, and support the economic well-being of local communities.</p> <p>Details of offsite waste management matters are to be submitted for approval at the discharge of requirements stage in the future, to cater for the latest circumstances and the procured contractor's proposals and avoid constraining the Project to specific material suppliers and waste management facilities at this stage. The arrangements will be reported through the processes set out in the control documents. London Borough of Havering will be consulted on the Environmental Management Plan 2, including waste handling, when this is submitted to the Secretary of State (SoS) before final handling plan approvals.</p> <p>The ability to use materials suppliers and waste management infrastructure from a wide range of locations would allow existing material resources and waste management capacity to be used effectively and efficiently, without resulting in local overcapacity to the detriment of the local economy.</p>		

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			<p>ES Chapter 11: Material Assets and Waste provides an assessment of likely significant effects of the Project's wastes on waste management facilities within the defined study area of Kent, Essex and East London Waste Authority. The assessment on landfill capacity within the study area has been based on a 'worst case' scenario using the Waste Framework Directive target of 70% recycling/recovery, whilst conservative assumptions on the generation of contaminated and/or hazardous waste, destined to leave site have been built into the waste and traffic assessments.</p> <p>Meetings were held with London Borough of Havering on 15/2/22 and 23/2/23 to explain the Project's position.</p>		
<p>Waste management</p> <p>Assumed waste management capacity</p>	<p>2.1.13</p> <p>RRE</p>	<p>The London Borough of Havering noted in its response to the 2021 Community Impacts Consultation that the Secretary of State should consider the extent to which the Applicant has proposed an effective process that will be followed to ensure effective management of hazardous and non-hazardous waste arising from the construction and operation of the</p>	<p>ES Chapter 11: Material Assets and Waste provides an assessment of likely significant effects of the Project's wastes on waste management facilities within the defined study area of Kent, Essex and East London Waste Authority. A review of the baseline capacity of waste management facilities within</p>	<p>ES Chapter 11: Material Assets and Waste [Application Document APP-149] ES Appendix 11.1: Excavated Materials Assessment</p>	<p>Matter Agreed</p>

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		<p>proposed development. The Secretary of State should be satisfied that the process sets out:</p> <ul style="list-style-type: none"> • any such waste will be properly managed, both on-site and off-site; • the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area; <p>Concern was expressed that assumptions appeared to have been made that as the Project is within SE England with a high density of registered carriers and licensed waste handling facilities, that capacity for waste requiring off-site management is adequate. No analysis appears to have been undertaken.</p> <p>It was noted that the documentation shared at consultation stated <i>'Excavated materials are anticipated to be the largest sources of waste from the Project. A target has been</i></p>	<p>the study area is presented in the ES chapter.</p> <p>The ES does not define the sites that Project wastes will be sent to, however, it does provide a list of third-party sites that could be potentially used by the contractor. At this point in time commitments to use specific locations have not been defined as the Project does not want to restrict future options for the Contractor.</p> <p>It would be up to the appointed Contractor to source materials and manage waste during the construction of the proposed scheme, and typically they would look to use local (sub-regional) material sources and waste infrastructure wherever feasible to minimise the environmental impact and cost of transport and support the economic well-being of local communities. Details of offsite waste management matters are to be submitted for approval at the discharge of requirements stage in the future, to cater for the latest circumstances and the procured contractor's proposals and avoid constraining the Project to specific material suppliers and waste management facilities at this stage.</p>	<p>[Application Document APP-435] ES Appendix 2.2: CoCP [Application Document APP-336]</p>	

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		<p><i>set to ensure that these would be diverted from landfill disposal. In order to validate this proposal, an Excavated Materials Assessment will be undertaken, which will verify that sufficient capacity is available in the study area to accept excavated materials for recovery activities.</i> This indicates that estimates require verification, that assessments of waste management capacity have not yet been undertaken, and so an assumption that this will be available. A meeting was held with the Applicant on 23/2/23 and the Council has confirmed the matter is resolved.</p>	<p>The arrangements will be reported through the processes set out in the control documents. London Borough of Havering will be consulted on the Environmental Management Plan 2, including waste handling, when this is submitted to the SoS before final handling plan approvals.</p> <p>The ability to use materials suppliers and waste management infrastructure from a wide range of locations would allow existing material resources and waste management capacity to be used effectively and efficiently, without resulting in local overcapacity to the detriment of the local economy.</p> <p>ES Appendix 11.1: Excavated Materials Assessment provides a framework and screening criteria for identifying potential receiver sites available to the Project to accept surplus excavated materials. The methodology applied provides a standardised approach for identifying third-party potential receiver sites available to the Project and will form the basis for the final selection completed by the appointed contractors. The Applicant is obliged to follow this methodology under REAC Commitment MW012. The</p>		

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			Excavated Materials Assessment presents suitable potential receiver site identified at the DCO stage. These potential sites have been assessed against the methodology and screening criteria and help demonstrate sufficient capacity to manage the surplus Project excavated wastes. Meetings were held with London Borough of Havering on 15/2/22 and 23/2/23 to explain the Applicant's position.		
Open space Loss of open space	2.1.14 RRE	London Borough of Havering requested that the Project reconsider its plans to replace open space affected by utility and widening works at Folkes Lane woodland and stretching south along the western edge of the M25 with land at the future Hole Farm woodland site in Brentwood Borough. London Borough of Havering noted that that Policy 18 of Havering's Local Plan states that where development results in a loss of Open Space, ' <i>Replacement provision of equivalent or better quantity and quality will be made in a suitable location</i> '. London Borough of Havering assert that this land should be inside	The Applicant emailed London Borough of Havering 3/12/21 to advise it reviewed and assessed potential suitable sites for replacement public open space taking into consideration the Planning Act tests. In 2021 the Applicant purchased Hole Farm directly east of the M25. Given its new ownership status and accessibility to the impacted area of public open space (via the footbridge), the Applicant is proposing approximately 29,179m ² of replacement open space at Hole Farm, which would be suitably preserved for public access. The proposal will link into the emerging proposals for the wider Hole Farm site	N/A	Matter Agreed

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		<p>the borough boundary to maintain the allocation within the local plan.</p> <p>London Borough of Havering accepts that the replacement land proposals (where applicable) meet the s131 tests under the Planning Act.</p>	<p>(e.g. plans for a community forest). The existing footbridge between Folkes Lane and Beredens Lane will connect the two spaces. There is a requirement to utilise land in the Applicant's ownership in preference to the use of compulsory acquisition powers, therefore following the purchase of Hole Farm this site is considered to meet the legal tests set out in the Planning Act 2008 and the policy requirements in the NPSNN.</p> <p>The mechanics of the selection process and clarification that the proposed location, although outside the borough, would be no less advantageous to residents (with the added pull factor of Hole Farm's status) was compliant with Planning Act obligations were explained at a meeting on 15/2/22. It was noted that the majority of land was not permanently lost, albeit some would gain restrictions on planting. The Applicant will compensate for permanent losses and long duration disruptions and exact area figures were provided 6/5/22. London Borough of Havering advised on 15/6/22 that if figures can be provided for other open space replacement in</p>		

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			<p>the borough, the total net loss/gain may allow a position to be agreed.</p> <p>On 25/7/22 the Applicant confirmed by email that there is a net gain of 6,643.05m² of open space within London Borough of Havering. This is entirely provided by the replacement associated with Thames Chase. The replacement associated with Folkes Lane lies entirely outside London Borough of Havering at Hole Farm and is in addition to the figure above. The absolute loss being compensated for at Folkes Lane is the strip along the M25 and the majority of land eventually returns to public open space, but with restrictions on use/planting, access rights to the gas main and after a substantial 9+ months access interruption.</p> <p>On 23/8/22 the Applicant confirmed by email that the replacement land will be of good quality due to the Design Principles that will be followed at Thames Chase Community Forest, with the key principle being S14.05: <i>'The design of new areas of woodland planting south of the Thames Chase Community Forest, including the location of memorial tree planting and replacement of trees planted by the</i></p>		

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			<p><i>community, shall be developed in collaboration with Thames Chase Trust and Forestry England.'</i></p> <p>The Applicant believes that the replacement land proposals (where applicable) meet the s131 tests under the Planning Act.</p>		
<p>Environment</p> <p>Heritage as an environmental factor</p>	<p>2.1.15</p> <p>RRE</p>	<p>The draft DCO Requirement 4 on Environmental Management Plans does not include heritage as an environmental factor. Requirement 4 (6) should reflect that where achievable, physical preservation of important remains is the most desirable management technique and should be robustly explored, to remain compliant with the NNNPS.</p> <p>In its PADS Tracker, the Council notes that the ES and Planning Statement defines the impacts of the scheme extensively but mitigation is not provided on the basis of the national need for the scheme. This is considered unacceptable by the Council, particular where severe adverse impacts are identified. Clear intervention are requested for agreement with the Council.</p>	<p>Requirement 9 of the draft DCO addresses the management and delivery of archaeological mitigation in line with the draft Archaeological Mitigation Strategy – Outline Written Scheme of Investigation (AMS-OWSI), which prominently states that the first principle of mitigation is to preserve or protect archaeological remains wherever possible.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering in light of the DCO application submission.</p>	<p>Draft DCO [Additional Submission AS-038]</p> <p>ES Appendix 6.9: Draft AMS-OWSI [Application Document APP-367]</p>	Matter Under Discussion
Environment	2.1.16	No mention of Biodiversity net gain in the document. It is important to	Biodiversity Net Gain (BNG) will become a mandatory requirement for	ES Chapter 8: Terrestrial	Matter Under Discussion

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Biodiversity net gain	RRE	ensure that Biodiversity enhancements deliver measurable net gain in line with The National Policy Statement for National Networks (NPSNN) Paragraph 5.33.	all major infrastructure projects in November 2025, following the Environment Act being passed into law in November 2021. The DCO Application Documents provide details of the BNG associated with the Project. This information is presented in ES Chapter 8: Terrestrial Biodiversity of the Environmental Statement with the detail of the BNG metric calculations provided in ES Appendix 8.21: Biodiversity Metric Calculations. This matter is under discussion pending London Borough of Havering's consideration of the DCO application submission.	Biodiversity [Application Document APP-146] ES Appendix 8.21: Biodiversity Metric Calculations [Application Document APP-417]	
Open Space and common land Rights retained over open space	2.1.86 DL1		Where the Applicant intends to retain rights over open space at Thames Chase Community Forest and Folkes Lane Woodland without providing replacement land, this is in accordance with the exemptions provided under s132(3) of the Planning Act 2008 (i.e. this does not lead to the land being any less advantageous). This matter is under discussion pending London Borough of Havering's consideration and further information from the Applicant.	N/A	Matter Under Discussion

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Route selection, modal alternatives and assessment of reasonable alternatives					
Route selection Route alignment	2.1.17	London Borough of Havering agrees with the proposed route alignment Or London Borough of Havering does not agree with the proposed route alignment	The Applicant awaits London Borough of Havering's position on this matter.	N/A	Matter Under Discussion
Consultation and engagement					
Adequacy of Consultation test	2.1.18	London Borough of Havering considers that, on the whole, the consultation process that the Applicant has undertaken following its withdrawal of its application in October 2020, has met with the requirements of the Planning Act 2008. However, there are a number of issues related to the adequacy of consultation that will be drawn to the attention of the Planning Inspectorate in the Adequacy of Consultation Report.	The Applicant notes London Borough of Havering's position on this matter as provided in their summary to the Planning Inspectorate.	N/A	Matter Agreed
Need for consultation/ engagement	2.1.19	London Borough of Havering informed the Applicant that 5 Gypsy & Traveller and Travelling Showpeople's sites identified in the Local Plan were in close proximity to the Order Limits.	The Applicant committed to providing ongoing updates on traveller engagement. Railway Sidings, Tyas Stud Farm and Fair Oaks were included in voluntary	N/A	Matter Agreed

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Engagement with gypsies, travellers and showpeople		<p>The sites were: Ashlea View, Laburnum Stables, Railway Sidings, Tyas Stud Farm and Fair Oaks showmen's quarters.</p> <p>London Borough of Havering raised concerns that without adequate information and support, residents may vacate sites when construction starts requiring the Council to identify alternative sites. London Borough of Havering noted that there are no public Gypsy and Traveller sites, (Council owned or registered provider) within the borough and there is no capacity/flexibility on privately owned sites. London Borough of Havering will not be making any additions or alterations to the sites that have been identified as the sites have been allocated in the emerging Local Plan to meet identified need. Assurances were sought that a suitable level and type of engagement was in place with these residents, accounting for potential literacy issues, to ensure they understood and could comment on the proposals.</p> <p>On 25/7/22, London Borough of Havering noted its contentment that wishes had been respected and will</p>	<p>negotiation letters in November 2021. On 13/12/21 the Communities and the Applicant explained the engagement approach, committing to in-person contact for all the sites flagged.</p> <p>In-person introductions were reported on 31/1/22 and 1/2/22 with notable positive reception at the three sites named above as directly affected. Contact details were exchanged with the communities team and the residents confirmed their understanding of the plans. The Railway Sidings are already familiar with pre-enabling works teams and Fair Oaks gave a warm reception, flagging their sole significant concern as maintenance of access during works.</p> <p>Targeted visits to Tyas Stud Farm during the Local Refinement Consultation have been positive and residents were pleased to learn of the reduced disruption and removal of proposed work from inside their site due to the revised utility work.</p> <p>Engagement continues as initiated by residents or periodically as the Project develops according to impact. A further update was presented to London Borough of Havering on</p>		

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		<p>share known contacts for the harder to contact sites.</p> <p>On 14/5/23, the Council advised that it considered the matter resolved.</p>	<p>25/7/22, reporting difficulties with access at Willow Tree Lodge and Ashlea View, with contact cards left. The Applicant will revisit these sites. The policy adopted by the Applicant is to engage where a change or activity will affect the residents. This has been consistently requested by residents.</p>		
<p>Adequacy of Consultation</p> <p>M25 compound changes at North Ockendon</p>	2.1.20	<p>In its response to the 2022 Local Refinement Consultation, London Borough of Havering noted the relocation of a works compound from North Ockendon Pit to an expanded compound close to residents in Church Lane, North Ockendon. This was due to the Applicant's decision to reduce its impact on a Site of Importance for Nature Conservation (SINC). It stated that whilst reducing the impact on North Ockendon Pit is welcome, the relocation of the construction compound should have been included within the Local Refinement Consultation itself, so that residents could better understand what the impact would be for them and have the opportunity to respond.</p> <p>The Council expects further information to be provided detailing the impact the construction compound relocation will have on residents and</p>	<p>At a meeting on 25/8/22, it was explained that the change was documented in the Landowner Engagement and Minor Refinements document issued online at the same time as the Local Refinement Consultation. Due the minor nature and extent of the changes, the Applicant wrote to those with a legal interest in the land on which the M25 construction compound would be located to let them know about the proposed change to its layout and to seek any feedback from them. The document explained the change.</p> <p>At the meeting, it was confirmed that due to the nature of the activities planned and the robust mitigation measures in the CoCP, the Applicant did not believe the change would materially alter the impacts on residents compared to those originally</p>	N/A	Matter Agreed

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		<p>businesses located in Church Lane, particularly with regard to noise, lighting and vibration.</p> <p>London Borough of Havering emailed the Applicant on 16/8/22 to follow up points raised at a meeting between the Applicant and the Council's Leader and cabinet about this site. A formal request was made for an officer briefing and for details of the change to be directly communicated to the affected residents together with an opportunity to formally respond despite the main consultation closing. It was noted that choosing not to do so would be unacceptable and would be a matter the Council would consider raising with the Planning Inspectorate when invited to comment on the Adequacy of Consultation (AoC). The Council believed that offering residents the opportunity to comment would remedy the oversight in the Local Refinement Consultation process and confirmed on 23/6/23 that the matter was resolved.</p>	<p>publicised in the 2021 Community Impacts Consultation.</p> <p>At the meeting it was agreed that to address the Borough's concerns, residents on Church Lane would be written to with this information and an opportunity to formally comment between 1/9/22 and 2/10/22 (this includes allowances for Royal Mail industrial action). The letter will also offer an option to book call-backs with specialists to discuss the change. This matter is under discussion pending completion of the engagement exercise.</p> <p>The engagement exercise was completed.</p>		
Land and compulsory acquisition					
Impacts	2.1.21 RRE	London Borough of Havering is concerned that a closure of up to 19 months on Ockendon Road is going to	At a meeting on 20/4/22, it was explained that the Applicant appreciates the impacts the closure	oTMPfC [Application]	Matter Under Discussion

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Business impacts on Upminster cemetery		<p>lead to severe disruption for traffic in the local area and this will have wider implications for other community facilities.</p> <p>Concerns have been raised about Upminster Cemetery. The Outline Traffic Management Plan for construction suggests that the section of Ockendon Road that goes over the railway would be closed for up to 19 months.</p> <p>During the 2021/22 Financial Year, Upminster Cemetery handled 2878 Cremations and 287 Burials. There continues to be concern about the impact construction over such an extended period of time will have on the Cemetery's ability to serve a wide catchment area. London Borough of Havering believes that these impacts will lead to reputational damage with stakeholders choosing to use Cemeteries and Crematorium in the wider region instead, impacting on the local economy.</p> <p>The Council has already begun discussions with local Funeral Services to better understand how they feel construction works are going to impact on their own business. The clear view it is getting from discussion</p>	<p>would cause and is actively seeking to reduce the closure duration by using methods such as rephrasing a water diversion and opening the underpass earlier. Any change will be accounted for in the oTMPfC road closure table in the DCO submission, although the proximity of the railway means a significant closure is considered unavoidable at this stage.</p> <p>Effects on businesses will be considered in line with a standard methodology – taking into account business type and localised effects (such as the closure of Ockenden Road) – within the Environmental Statement. On 17/8/22, the Applicant received a letter detailing the Council's evidence of the impacts. On 3/2/23 responded with its conclusion that no compensation would be payable. Temporary or permanent changes to traffic flows are a commercial risk that all businesses are likely to face at some point. Compensation is only payable where there has been an interference with a private right of access to an individual site. Even then, compensation for business losses is not payable. However, if a claimant can prove a</p>	<p>Document APP-547 ES Chapter 13: Population and Human Health [Application Document APP-151]</p>	

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		<p>with local Funeral Services is that diversions due to construction could add substantial mileage costs to local businesses. There is also a strong view that continual road closures, diversions and extended journey times will put a strain on local businesses such as Funeral Services.</p> <p>The Council welcomes the positive approach the Applicant has taken for trying to resolve this matter and it is noted that the Applicant will need to consider further information provided on the expected impacts before any further discussions can take place.</p> <p>In its PADS Tracker, the Council notes that the ES and Planning Statement defines the impacts of the scheme extensively but mitigation is not provided on the basis of the national need for the scheme. This is considered unacceptable by the Council, particular where severe adverse impacts are identified. Clear intervention are requested for agreement with the Council.</p> <p>Following consideration of the draft Section 106 Heads of Terms shared on 23/9/22, London Borough of Havering requested mitigation in the form of a wider range of business</p>	<p>reduction in the value of the land in such a case, compensation could be claimed for this loss of value.</p> <p>Through regular meetings and emails up to May 2023 and a meeting with the Council Leader on 7/2/23, the Applicant advised that work continues to seek a reduction in the closure duration, aided by the contractor beginning to mobilise. The Applicant is considering a variety of other options to address the Council's requests and provided a detailed update at a meeting on 21/2/23 and a site visit on 19/5/23.</p> <p>At the site visit it was confirmed that the closure duration will be capped at 10 months through a commitment in the Stakeholder Commitments and Actions Register (SACR). The draft text is as follows, with a full version to be shared at an Examination deadline:</p> <p><i>'The temporary full closure of Ockendon Road shall not exceed 10 months. The full closure covers point 38/D to point 38/C in the Streets Subject to Temporary Restrictions of Use Plans [Application Document APP-029], with the reference RNTM58 in the outline Traffic</i></p>		

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		support funding, including for Upminster Cemetery during the proposed 19 month closure of Ockendon Road. A site visit on 19/5/23 generated further ideas including timing of the works to avoid peak business periods.	<i>Management Plan for Construction [Application Document APP-547].</i> This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering as opportunities to reduce the impact are explored.		
Design – road, tunnels, utilities					
Green bridges Green bridge at Thames Chase Community Forest (TCCF)	2.1.22	At 2020 Supplementary Consultation and Design Refinement Consultation, London Borough of Havering expressed disappointment that unlike other bridges proposed over the Project, the walking cycling and horse riding (WCH) bridge linking east and west TCCF is not a 'green bridge'. Given the adverse impact the Project will have on the TCCF, London Borough of Havering strongly recommended the bridge is upgraded to a WCH green bridge so that it can also have the added benefits of acting as a wildlife corridor that connects habitats and therefore contributes to the wider green infrastructure network.	The Applicant's specialists met London Borough of Havering on 18/6/21 to explain the design choice for the bridge. This was followed by a paper shared on 17/1/22. The proposal for the new footbridge in this location resulted from conversations with Thames Chase Community Forest and Forestry England. They expressed concerns about the impacts of construction on the existing culvert (under the M25) which had come to be routinely used as a pedestrian link to the east side of the forest centre over the years. The parties raised their aspirations to improve access between the two sides of the site, and a bridge for non-motorised users (walkers, cyclists and horse riders) was requested. A green bridge was ruled out for ecological, design and cost reasons. It	N/A	Matter Agreed

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			<p>should be noted that the existing culvert access is not lost as a result of the Lower Thames Crossing, so provision of any extra route over the M25 exceeds the mandatory project requirements.</p> <p>At 220m long, the length makes any meaningful benefit of soft landscape for habitat improvement difficult to achieve without substantially increasing the width of the bridge structure. The bridge has been designed for WCHs as a shared Non-Motorised User (NMU) route. Any additional soft landscape would require widening the footbridge structure to accommodate for the provision of 'green space' and result in prolonged closures of the M25 during construction due to the increased size. The cost of the structure would also likely double. The Project does not create any new severance of habitat at this location therefore there will be no impact of this type with or without the proposed bridge.</p> <p>London Borough of Havering subsequently accepted this reasoning and the choice of design.</p>		

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Construction					
<p>Communication and community engagement</p> <p>Impact on schools in Havering – engagement</p>	<p>2.1.23</p> <p>RRE</p>	<p>In its response to the 2021 Community Impacts Consultation, London Borough of Havering reported serious concern about the impact of Project construction on schools located along St Mary's Lane where there is scheduled to be traffic management in place for several years, and a road closure nearby on Ockendon Road for up to 19 months. It was noted this is going to be disruptive for staff, parents and pupils accessing the school facilities.</p> <p>As some of these schools have catchment areas beyond the Havering boundary, this may have a greater impact on certain pupils who still have to travel by car.</p> <p>In addition, the Applicant's traffic modelling indicates that a number of junctions in the borough are likely to be operating close to capacity which will cause disruption for journeys to schools close to these junctions. Out of the 26 schools that are identified as affected, 15 are TfL STARS accredited at gold, and 2 at bronze, showing that the Council has a well-established Active Travel programme</p>	<p>The oTMPfC sets out general access requirements of school staff, parents and children and describes what should be addressed as a minimum in the Traffic Management Plan (e.g. maintaining safe access and egress, advance warning for sensitive events, Heavy Goods Vehicle (HGV) movements not permitted past school entrances during drop off and pick up times). Work is ongoing to identify whether additional measures may be required.</p> <p>Engagement with the Council has taken place specifically around mitigation measures for potentially affected schools. As acknowledged, a School Engagement Plan is in place for the Project, accompanied by a register of engagement activities undertaken with individual schools which records feedback about issues / concerns that individual schools express. The engagement programme with schools aims to raise awareness of the Project and to manage issues, for example environmental issues or those relating to access / travel to school.</p>	<p>ES Appendix 2.2: CoCP [Application Document APP-336]</p> <p>oTMPfC [Application Document APP-547]</p>	<p>Matter Under Discussion</p>

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		<p>amongst the schools that will be affected by the scheme.</p> <p>Given the impact the scheme will have on schools in the area, the Council would expect the Applicant to run a full engagement and communication programme with the schools to ensure they are fully aware of the Project, and its implications. Schools are important parts of a local community and need to be kept fully aware of any changes to the Project such as Project timescale etc, so these in turn can be communicated to parents and pupils.</p> <p>In its response to the 2022 Local Refinement Consultation London Borough of Havering acknowledged that the Applicant has produced a schools engagement plan setting out how it intends to work with schools impacted by construction works. The Council noted this is very welcome, and it is pleasing to see that the Applicant will be guided by the local authority and the schools themselves when determining the type of engagement activities.</p> <p>The Council remained of the view that the schools that will be part of this engagement exercise need to come</p>	<p>Additionally, the CoCP states that the Contractor's Communication and Engagement Plan (CEP) will specify a detailed programme of community engagement for specific stakeholder groups, including schools, identifying proposed methods and likely timing of consultation activities during the construction period. Community Liaison Groups are proposed to be open to attendance from the local community, which would include school representatives. Local community leaders from the CLGs will be identified and invited to attend the Traffic Management Forum (this could include school representatives).</p> <p>At the meeting on 25/7/22, it was confirmed that a Schools Working Group would be created for those most affected. The schools engagement coordinator continues to liaise directly with Council officers to set this up. The meeting also clarified the Council's expectation that the engagement would be phased according to construction/traffic impacts timeline and designed proportionate to scale of impact, to ensure it was manageable and relevant. This is also subject of liaison</p>		

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		<p>from a much wider catchment area. A wider list was discussed at a meeting on 25/7/22, based on those close to modelled traffic increases.</p> <p>The Council approved the Applicant's working group invitation letter on 6/2/23 and provided a list of recommended contacts on 28/2/23.</p>	<p>with officers in order to develop a plan per school.</p> <p>Invitations were issued to the Schools Working Group in early March 2023 using contacts recommended by the Council. As of 24/4/23, an introductory session date will be proposed once replies have been received following the end of the school holidays.</p> <p>This matter is under discussion pending London Borough of Havering's consideration and sufficient maturity of the engagement plans in advance of contractors mobilising.</p>		
<p>Mitigation</p> <p>Impact on schools in Havering – mitigation</p>	<p>2.1.24</p> <p>RRE</p>	<p>In addition to the points made above under "Impact on schools in Havering - engagement", in its response to the 2021 Community Impacts Consultation, London Borough of Havering requested specific mitigations for the construction impacts on schools.</p> <p>In its response to the 2022 Local Refinement Consultation London Borough of Havering provided a list of schools most affected on St Mary's Lane and Ockendon Road and reinforced its request for mitigation in the form of both physical infrastructure</p>	<p>The requests are noted. The Population and Human Health assessment includes impacts on educational facilities. Schools have been identified within a prescribed study area (500m from the Order Limits) which include schools along St Marys Lane. The results of the assessment will feed into the oTMPfC which will identify further related mitigation measures.</p> <p>It is noted that the Council has stated the level of additional mitigation ultimately requested will depend on the outcome of the school</p>	N/A	Matter Under Discussion

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		<p>improvements and behaviour change activities for the schools, fully funded by the Applicant, to be agreed with the Council and the schools themselves. In its PADS Tracker, the Council notes that the ES and Planning Statement defines the impacts of the scheme extensively but mitigation is not provided on the basis of the national need for the scheme. This is considered unacceptable by the Council, particularly where severe adverse impacts are identified. Clear interventions are requested for agreement with the Council.</p> <p>Following consideration of the draft Section 106 Heads of Terms shared on 23/9/22, London Borough of Havering requested mitigation in the form of school road safety and sustainable travel education scheme contributions and physical road safety improvements at the schools most impacted by the scheme.</p>	<p>engagement planning detailed in item 2.1.23.</p> <p>The Applicant is considering a variety of options to address the Council's requests and provided a detailed update at a meeting on 21/2/23. This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering.</p>		
<p>Closures and diversions</p> <p>Impact and duration of</p>	<p>2.1.25</p> <p>RRE</p>	<p>In its response to the 2021 Community Impacts Consultation and 2022 Local Refinement Consultation, London Borough of Havering raised serious concerns that the proposed 19 month closure of Ockendon Road is</p>	<p>At a meeting on 20/4/22, it was explained that the Applicant appreciates the impacts the closure would cause and is actively seeking to reduce the closure duration by using methods such as rephasing a water</p>	<p>oTMPfC [Application Document APP-547]</p>	<p>Matter Under Discussion</p>

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Ockendon Road closure		going to lead to severe disruption for traffic in the local area with wider implications for other community facilities. The Council is also very concerned that some roads may receive displaced traffic because of the closure of Ockendon Road.	diversion and opening the underpass earlier. The proximity of the railway means a significant closure is considered unavoidable at this stage. It was also explained that the oTMPfC commits the Project to a Traffic Manager and Traffic Management Forum, with attendees, consultees and contributors listed. The Traffic Management Forum, specifically, is intended to resolve issues through consultation and exploring the local knowledge that the relevant authority possesses and incorporating that knowledge into the Traffic Management Plans (TMPs). These TMPs will be developed post consent and in line with the controls and commitments in the oTMPfC. London Borough of Havering will be a consultee when developing TMPs. As part of the preparation of TMPs, temporary traffic management measure proposals will be consulted on with the relevant authority as set out in the oTMPfC. As such, the exact length, nature and duration of temporary traffic management measures will be discussed and relevant authority comments, issues considered and incorporated where		

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			<p>reasonably practicable. The level of detail sought by London Borough of Havering will be developed by the contractor as part of the TMPs, which will include principles and mechanisms that allow interface and dialogue between relevant stakeholders.</p> <p>Table 2.3 of the oTMPfC outlines the requirements of various stakeholders including community facilities and how the subsequent TMPs will address these when developed.</p> <p>Through regular meetings and emails up to May 2023, a meeting with the Council Leader on 7/2/23 and a site visit on 19/5/23, the Applicant has advised that work continues to seek a reduction in the closure duration. This has been aided by the contractor beginning to mobilise.</p> <p>At the site visit it was confirmed that the closure duration will be capped at 10 months through a commitment in the Stakeholder Commitments and Actions Register (SACR). The draft text is as follows, with a full version to be shared at an examination deadline: <i>'The temporary full closure of Ockendon Road shall not exceed 10 months. The full closure covers point</i></p>		

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			<p>38/D to point 38/C in the Streets Subject to Temporary Restrictions of Use Plans [Application Document APP-029], with the reference RNTM58 in the outline Traffic Management Plan for Construction [Application Document APP-547].'</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering as opportunities to reduce the impact are explored.</p>		
<p>Construction traffic impacts</p> <p>General construction traffic impacts</p>	<p>2.1.26</p> <p>RRE</p>	<p>In its response to the 2021 Community Impacts Consultation, London Borough of Havering welcomed engagement on traffic management to date but raised concerns about the traffic management measures for the scheme, and any displaced traffic, impacting other roads. For example, Front Lane which is a key route between A127 and St Marys Lane could see an increase in flows during construction.</p> <p>Traffic management in the wider areas needs to be planned carefully to minimise impact on residents and businesses. The Council's New Roads and Street Works team would need to</p>	<p>At a meeting on 20/4/22, it was explained that the oTMPfC commits the Project to a Traffic Manager and Traffic Management Forum, with attendees, consultees and contributors listed. The Traffic Management Forum, specifically, is intended to resolve issues through consultation and exploring the local knowledge that the relevant authority possesses and incorporating that knowledge into the Traffic Management Plans (TMPs). These TMPs will be developed post consent and in line with the controls and commitments in the oTMPfC. London Borough of Havering will be a consultee when developing TMPs.</p>	<p>oTMPfC [Application Document APP-547]</p> <p>Interrelationship with other Nationally Significant Infrastructure Projects and Major Development Schemes [Application Document APP-550]</p> <p>Transport Assessment [Application</p>	<p>Matter Under Discussion</p>

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		<p>be engaged in the planning of these traffic management measures given their statutory responsibilities for keeping traffic flowing and coordinating works on other parts of the road network. It is also important to note that there is a works embargo in the lead up to Christmas and this should be recognised within the final documentation.</p> <p>The Council considered that the early and swift construction of the haul roads and works accesses from the M25 was a practical step to reducing traffic impacts.</p> <p>The Council also noted the potential for disruption due to overlapping construction work for major projects, e.g. Gallows Corner or Lodge Avenue flyover improvements.</p>	<p>As part of the preparation of TMPs, temporary traffic management measure proposals will be consulted on with the relevant authority as set out in the oTMPfC. As such, the exact length, nature and duration of temporary traffic management measures will be discussed and relevant authority comments, issues considered and incorporated where reasonably practicable. The level of detail sought by London Borough of Havering will be developed by the contractor as part of the TMPs, which will include principles and mechanisms that allow interface and dialogue between relevant stakeholders.</p> <p>Table 2.3 of the oTMPfC outlines the requirements of various stakeholders including community facilities and how the subsequent TMPs will address these when developed.</p> <p>At the meeting on 20/4/22 it was explained that there will be 12-24 months of work before major earthworks. This span is reflected as the quoted window for building the M25 accesses. Enabling and utilities works will be carried out during this time. The Applicant appreciates that</p>	<p>Document APP-529 ES Chapter 16: Cumulative Effects Assessment [Application Document APP-154]</p>	

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			<p>these accesses take construction movements and deliveries off the local network, but noted the window must be flexible due to the number of third parties influencing the work.</p> <p>An 'Interrelationship with other Nationally Significant Infrastructure Projects and Major Development Schemes' document was issued with the DCO submission, providing information on interfaces with other projects and how they are to be managed.</p> <p>The traffic assessment for the Project has taken into consideration the impact of construction for other consented/approved schemes. Further assessment of cumulative effects are presented in ES Chapter 16 and the chapter includes consideration of further mitigation measures, in addition to those identified for individual topics.</p> <p>This matter is under discussion pending London Borough of Havering's consideration of the DCO submission.</p>		
Construction traffic impacts	2.1.27 RRE	In its 2021 comments on the Transport Assessment from the previous DCO submission, the	At a meeting on 20/4/22, it was explained that the oTMPfC commits the Project to a Traffic Manager and	oTMPfC [Application]	Matter Not Agreed

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Traffic Management Plans post-consent		Council objected to the reliance on full Traffic Management Plans (TMP) being developed post-consent.	<p>Traffic Management Forum, with attendees, consultees and contributors listed. The Traffic Management Forum, specifically, is intended to resolve issues through consultation and exploring the local knowledge that the relevant authority possesses and incorporating that knowledge into the Traffic Management Plans (TMPs). These TMPs will be developed post consent and in line with the controls and commitments in the oTMPfC. London Borough of Havering will be a consultee when developing TMPs.</p> <p>As part of the preparation of TMPs, temporary traffic management measure proposals will be consulted on with the relevant authority as set out in the oTMPfC. As such, the exact length, nature and duration of temporary traffic management measures will be discussed and relevant authority comments, issues considered and incorporated where reasonably practicable. The level of detail sought by London Borough of Havering will be developed by the contractor as part of the TMPs, which will include principles and mechanisms that allow interface and</p>	Document APP-547	

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			<p>dialogue between relevant stakeholders.</p> <p>The Applicant believes this is appropriate for this stage of development.</p>		
<p>Logistics, materials, and operations</p> <p>Use of river for construction transport</p>	2.1.28	<p>In its response to the 2021 Community Impacts Consultation, London Borough of Havering strongly encouraged the landing of aggregates and other construction materials at proximate wharves.</p> <p>In its report to a Material Assets & Waste meeting with the Applicant on 23/2/23, the Council noted that this issue had been covered adequately but that clarification was needed concerning applying an target to be set for 80% by weight of bulk aggregates to be imported via port facilities, equivalent to that proposed for the North Portal Construction Area. This should be embedded in the REAC.</p> <p>On 14/5/23, the Council advised that it considered the matter resolved.</p>	<p>The Applicant has now committed to a target for use of port facilities for transportation of bulk aggregates. This is defined in an updated outline Materials Handling Plan (oMHP), with a relevant extract shared on 5/4/22.</p> <p>Subject to exceptions, the Project shall utilise port facilities for at least 80% by weight of bulk aggregates imported to the North Portal Construction Area. This commitment translates into 35% of the total bulk aggregates across the Project being transported via port facilities. Materials supply lines and procurement will be developed by Contractors to align with their construction programmes, all within the framework of DCO control documents.</p>	ES Appendix 2.2 Annex B: oMHP [Application Document APP-338]	Matter Agreed
Closures and diversions	2.1.29	London Borough of Havering welcomes commitments from the Project to maintain public access to Folkes Lane Woodland during construction of the gas diversion.	Through engagement with the Cadent, the Applicant has obtained a commitment for the Utility Logistics Hub at Folkes Lane Woodland to be moved north. This permits the	N/A	Matter Under Discussion

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Access to Folkes Lane Woodland			Applicant to commit to retention of the public parking and transit of pedestrians along the right of way between Folkes Lane and the M25 footbridge during construction. This matter is under discussion until the finalised commitment is shared with London Borough of Havering. This is on hold pending drafting and consideration of any changes affecting corresponding work on the opposite side of the M25.		
<p>Construction traffic impacts</p> <p>Construction in the Transport Assessment</p>	<p>2.1.30</p> <p>RRE</p>	<p>In 2021, London Borough of Havering noted a number of changes to the revised draft Transport Assessment shared by the Applicant. It welcomed positive aspects including a move from 5 to 11 phases (giving more detail) across all areas rather than three areas, as construction traffic effects will be seen across the whole area irrespective of where they occur. Inter site and outbound movement of materials assumptions were also noted and HGV modelling at 2.5 PCUs per vehicle was confirmed to be in line with standard assumptions. The Council noted no detail of the HGV numbers assessment is provided i.e. how the number of HGVs have been built up for each site location and</p>	<p>The Applicant notes the feedback and considers the revised structure of the Transport Assessment to potentially be a Matter Agreed.</p> <p>This matter is under discussion pending London Borough of Havering's consideration.</p>	<p>Transport Assessment [Application Document APP-529]</p>	<p>Matter Under Discussion</p>

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		phase. The 20% buffer however, would appear to be a sensible buffer for a potentially robust analysis.			
<p>Closures and diversions</p> <p>Suitability of diversion routes</p>	<p>2.1.77</p> <p>RRN</p>	<p>In its Relevant Representation, the London Borough of Havering stated that there is a lack of surety in the Control Documents that the diversion routes proposed are appropriate for the type of vehicles that will be using them. This is of particular concern in relation to the potential 19 month closure of Ockendon Road.</p>	<p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering in light of the DCO application submission. It should be considered alongside the other mitigations being discussed regarding impacts on community facilities (namely Upminster Cemetery and South Essex Crematorium) under items 2.1.21 and 2.1.25, including a 10-month closure of Ockendon Road.</p> <p>To address the concern regarding the Ockendon Road diversion, further engagement and discussions with the local highway authority would be carried out in determining suitable diversion routes, which would be set out in the TMP.</p> <p>Table 4.5 in the Outline Traffic Management Plan for Construction (Application Document App-547) has set a proposed diversion route as a start point for further discussion via the Traffic Management Forum as stated in paragraph 4.7.3: The diversion route would be determined through discussions with the local</p>	<p>N/A</p>	<p>Matter Under Discussion</p>

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			highway authority closer to the time as other factors may need to be taken into account to make the decision (e.g., other works in the nearby area which may be external from the Project works).		
Road alteration and maintenance Section 106 request for highway maintenance funding during construction	2.1.78 DL1	Following consideration of the draft Section 106 Heads of Terms shared on 23/9/22, London Borough of Havering requested mitigation in the form of contributions towards impacts on the condition of Borough highways during construction.	The Applicant is considering a variety of options to address the Council's requests and provided a detailed update at a meeting on 21/2/23. This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering.	N/A	Matter Under Discussion
Materials & waste handling HGV movements associated with movement of material	2.1.90 DL1	In its report prior to a Material Assets & Waste meeting with the Applicant on 23/2/23, London Borough of Havering noted concerns remain about oMHP (paragraph 7.4.18) estimates of 19,000 HGV movements associated with transporting 165,000m ³ excavated material from Ockendon Road M25 compound. Mitigation proposed is using Ockendon Road for transport of material from the excavation site (M25 compound during its closure to traffic. The mitigation proposed appears reasonable, and transport necessary	This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering covering construction matters.	N/A	Matter Under Discussion

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		to make best use of excavated material in embankments to the south, however transport specialists are better placed to comment on impacts.			
Charging					
Local Residents' Discount Scheme Resident and business discount for Havering	2.1.31 RRE	London Borough of Havering considers the decision not to include the borough in the proposed local resident discount scheme (LRDS) for crossing charges to be unfair and unjustified and further believes this scheme should include local businesses. London Borough of Havering cites the fact it will 'host' part of the Project as will Thurrock and Gravesham. It notes that parts of boroughs included in the scheme are a similar or greater distance from the tunnel than parts of London Borough of Havering. London Borough of Havering considers that inclusion in the LRDS would mitigate scheme impacts on residents and businesses and will support the viability of local businesses and employment. The Council reiterated its concerns in its PADS Tracker and Relevant Representation. It requested that the Road User Charging Statement be brought in line with the draft DCO, as	It is proposed to offer a Local Residents' Discount Scheme (LRDS) on the same basis as that provided at Dartford. That is, the discount will be offered to residents living in boroughs that host a tunnel portal, which Havering does not. The option to include business travel within the LRDS, as well as to modify the geographical extent, were among several reviewed by DfT in 2012. Inclusion of business travel was rejected, as recorded in the 2013 Local Residents Discount Scheme and Dart-Tag Review report (DfT, 2013) since it would generate more traffic and reduce income and would be an extra cost to administer. The report also concluded that any extension of the LRDS to other boroughs or parts thereof generates more traffic, and leads to further boundary issues. Paragraph 5 of Schedule 12 of the draft DCO provides for the Secretary	Road User Charging Statement [Application Document APP-517] Draft DCO [Additional Submission AS-038]	Matter Not Agreed

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		the draft DCO offers the opportunity for all residents to apply to the Secretary of State for a discount.	of State to enter into a ' <i>local resident's agreement</i> ' regarding a reduced charge. However "local resident" is defined in paragraph 1 (Interpretation) as ' <i>a person who permanently resides in the borough of Gravesham or Thurrock</i> ', therefore there is no conflict with the LRDS proposed in the Road User Charging Statement.		
Charging DCO/policy issues Hypothecation	2.1.32	London Borough of Havering asserts that funding for proposed interventions should be hypothecated from the user charging revenue rather than other funds being sought to pay for mitigation. London Borough of Havering seeks further clarification as to the purpose of the charge, the destination of any income generated and whether it can be used to invest in local or national transport projects.	Revenues raised by the charge at Lower Thames Crossing will be accounted for in the Department of Transport's Main Supply Estimate which is voted for annually by Parliament. The charge at both Dartford and Lower Thames Crossing is a congestion charge and not a toll. They are not hypothecated, i.e. revenues from charges are not part of the funding mechanism for the crossing. Hypothecation is not a central feature of the UK tax system and governments have opposed its adoption on the grounds that spending priorities should not be determined by the way in which money is raised. Further information is available in the Road User Charging Statement.	Road User Charging Statement [Application Document APP-517]	Matter Not Agreed

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<p>Local Residents' Discount Scheme</p> <p>Consistency of charging with other crossings</p>	2.1.33	London Borough of Havering requests a comparable and consistent charging system to the Dartford Crossing including a toll discount for residents, employees and businesses of host boroughs. London Borough of Havering further requests for the Applicant to work closely with TfL/GLA regarding other future chargeable crossings (e.g. Silvertown and Blackwall) and in considering the strategic implications of charging schemes.	Following feedback from the 2018 Statutory Consultation, the Applicant has accepted feedback from the consultation stakeholders, that it is important to have consistency in charging between the crossings at Dartford and Lower Thames Crossing. Hence all charges, hours of operation, exemptions, enforcement are proposed to the same at both crossings. Charging regimes at Blackwall and Silvertown tunnels are a matter for the Mayor of London and the level of charges has not yet been announced. However, the Applicant and TfL are in ongoing discussions about the evolution of their plans and how they may interact for the primary purpose of operational coordination.	Road User Charging Statement [Application Document APP-517]	Matter Not Agreed
<p>Charging regime</p> <p>Provision for flexibility</p>	2.1.34	London Borough of Havering queried that at statutory consultation the Applicant intended to offer a “flexible” approach on charging. However, this changed at Supplementary Consultation and the proposal was to align charges at Lower Thames Crossing with Dartford.	In the 2018 Statutory Consultation comments were invited on charging flexibility in particular in relation to: <ul style="list-style-type: none"> • charge amounts • charged and non-charged hours • application of peak charges • vehicle classifications • emissions-based charging • accounts, discounts and exemptions 	Road User Charging Statement [Application Document APP-517]	Matter Not Agreed

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			The majority of local authority stakeholders that commented on charging flexibility stated that their preference was for charges at Lower Thames Crossing to equal those at Dartford. The Applicant supported this preference on the grounds of economies of scale, the performance of the scheme and better customer experience.		
Charging DCO/policy issues Charging from day one of operation	2.1.35	London Borough of Havering questioned whether the assumptions upon which the ES is based could be undermined by the DCO itself granting powers for, but not compelling, the SoS to implement the charging scheme as proposed.	The assessment is compatible with the powers sought under the DCO to introduce charging on the first day of the opening of the Project. The Secretary of State is the charging authority and will always have the power within the relevant legal framework to amend the charge as he/she sees fit. This matter is under discussion pending London Borough of Havering's consideration.	Road User Charging Statement [Application Document APP-517]	Matter Under Discussion
Charging DCO/policy issues Charging justification and the NPS	2.1.36	At a meeting on 19/8/22, London Borough of Havering challenged why charging was in place for demand management and not to pay for the infrastructure, as this contradicts the relevant part of the NPS.	Although charging revenue would not directly fund the Project, it would go to the Government and hence distribute the cost of the Lower Thames Crossing between the taxpayer and users. This is aligned with the National Policy Statement for National Networks paragraph 3.25. Further information is available in the Road	Road User Charging Statement [Application Document APP-517]	Matter Under Discussion

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			User Charging Statement. This matter is under discussion pending consideration by London Borough of Havering.		
Traffic and economics					
Modelling methodology Comprehensive traffic assessment	2.1.37 RRE	<p>London Borough of Havering requested sufficient modelling data to carry out a comprehensive review of the traffic impacts of the Project. Concerns were raised, based on the DCO1 transport assessment, that the strategic nature of the model impaired its accuracy in predicting local impacts and that the age of its 2016 base year may reduce its validity. It was felt that summaries shared in the Community Impacts Consultation 2021 did not supply a full picture of the detailed impacts predicted by revised modelling.</p> <p>The Council stated in its Relevant Representation that it agrees with the strategic approach that has been undertaken but is deeply concerned that granularity at a local level has not been presented. This supported comments made at a meeting with the Applicant on 16/1/23.</p>	<p>The scale of the Project requires a strategic model, but many local roads are included and cordons have been provided to London Borough of Havering for detailed analysis.</p> <p>Replies issued on 25/5/22 to confirm the Applicant considers growth in the Project's transport model, which is capped to DfT growth figures, is robust, especially as it is higher than growth within LoHAM (the London Highway Assignment Model, used by Transport for London).</p> <p>The Applicant does not agree that the age of the baseline data would reduce the validity of the model – 2016 is within the guidance of an acceptable model duration (validity period of the model). The Applicant notes that the last 'pre-Covid' year is 2019 which is only three years after the model's Base Year.</p> <p>Joint meeting held with TfL 17/2/22 to agree additional analyses required to understand the operational modelling</p>	Transport Assessment [Application Document APP-529]	Matter Under Discussion

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			<p>released on 23/7/21. Revised operational modelling was released on 29/4/22, based on a 2030 opening year. Additional analyses were delivered on 4/8/22.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering in light of the DCO application submission.</p>		
<p>Local plan growth</p> <p>Growth assumptions in traffic modelling</p>	<p>2.1.38 RRE</p>	<p>London Borough of Havering asked the Applicant to consider planned developments in boroughs, taking into account the housing targets and zones in the Havering Local Plan and the London Plan.</p> <p>At a meeting with the Applicant on 16/1/23, the Council noted that the strategic nature of the modelling did pose a challenge when accounting for local growth, but on 14/5/23 it advised that it considered the matter resolved.</p>	<p>The Project's transport model was built following the principles and processes set out in the Department for Transport's (DfT's) Transport Analysis Guidance (TAG).</p> <p>Growth within the transport model is capped in line with DfT traffic forecasts (TEMPro 7.2) and adjusted locally to account for developments close to the Project that are under construction, have a planning application and planning permission (as of 30 September 2021 for our DCO submission). A high growth scenario is also undertaken and reported within the Transport Forecasting Package (Appendix C of the ComMA), a copy of which has been provided to the authority dated October 2020.</p>	<p>Transport Assessment [Application Document APP-529] Combined Modelling and Appraisal Report (ComMA) [Application Document APP-517]</p>	<p>Matter Agreed</p>

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			Only developments from local plans that meet these criteria can be included.		
Wider Network Impacts					
<p>Wider Network Impacts approach</p> <p>Wider network impacts on local and strategic roads</p>	2.1.39 RRE	<p>London Borough of Havering requested mitigation by the Applicant for traffic impacts indicated by modelling on a number of local roads and junctions plus the A127. London Borough of Havering is concerned that these locations may already be close to capacity before any increase in traffic due to the Project.</p> <p>In its PADS Tracker, the Council notes that the ES and Planning Statement defines the impacts of the scheme extensively but mitigation is not provided on the basis of the national need for the scheme. This is considered unacceptable by the Council, particular where severe adverse impacts are identified. Clear intervention are requested for agreement with the Council.</p> <p>The Council reiterated its concerns in its PADS Tracker and Relevant Representation.</p>	<p>The Applicant continues to actively engage with London Borough of Havering regarding the traffic impacts of the Project. As part of this programme it has supplied outputs from modelling and held appropriate technical meetings, supported by further data assistance where necessary. This will subsequently enable a well-founded discussion of the Applicant' response to these concerns. The DCO application will contain the results of further traffic assessments, and present the traffic conditions on the wider road network. The Applicant considered comments when preparing the DCO application documents for submission to ensure confidence can be provided about the nature of future traffic conditions.</p> <p>The Applicant is working with London Borough of Havering and Transport for London to conduct a series of workshops and modelling exercises to interrogate the impacts of the Project on the wider road network in more</p>	<p>Wider Network Impacts Management and Monitoring Plan [Application Document APP-545] Draft DCO [Additional Submission AS-038] Transport Assessment [Application Document APP-529]</p>	Matter Under Discussion

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			<p>detail, led by the outputs from the main scheme modelling which has been shared with authorities. The Applicant is currently in joint discussions with relevant authorities in accordance with licence obligations to work with others to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users.</p> <p>At a meeting on 29/7/22, the Applicant explained its approach to Wider Network concerns from Local Authorities before and after the crossing opens. It was explained that the Applicant has assessed the wider network impacts of the Project and has considered these against the requirements set out in the National Policy Statement for National Networks (DfT, 2014), and considers that the adverse transport impacts are acceptable under this policy. Further information on policy compliance can be found within the Transport Assessment. As such, the Applicant is not committing to any direct additional funding for interventions on the wider network through the DCO.</p>		

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			<p>The Applicant is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks. If the monitoring identifies issues or opportunities related to the road network as a result of traffic growth or new third-party developments, then local authorities would be able to use this as evidence to support scheme development and case making through existing funding mechanisms and processes.</p> <p>An updated Wider Network Impacts Management and Monitoring Plan (WNIMMP) will be included in the application, providing information about the proposed traffic monitoring. The Applicant will also provide a briefing on the changes made to the WNIMMP since a draft version was shared in the July 2021 Community Impacts Consultation.</p> <p>The traffic impact monitoring scheme will be secured in Schedule 2 of the draft DCO and would require approval by the Secretary of State, after consultation with relevant local highway authorities, which would begin one year before the tunnel area opens.</p>		

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			<p>The Applicant is obligated to work with local highway authorities and others to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users (paragraph 5.19 of Highways England: Licence). The Applicant will continue to deliver against this obligation in its collaborative work with local authorities.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering in light of the DCO application submission.</p>		
<p>Non-Project highway improvements</p> <p>Gallows Corner</p>	2.1.40	<p>London Borough of Havering raised concern about the impacts of any traffic increase at this strategic junction either on its capacity or in hastening deterioration and closure of the flyover.</p>	<p>As noted above under item 2.1.39, the Applicant has assessed the wider network impacts of the Project and has considered these against the requirements set out in the National Policy Statement for National Networks (DfT, 2014), and considers that the adverse transport impacts are acceptable under this policy. Further information on policy compliance can be found within the Transport Assessment. As such, the Applicant is not committing to any direct additional funding for interventions on the wider network through the DCO.</p>	<p>Wider Network Impacts Management and Monitoring Plan [Application Document APP-545] Transport Assessment [Application Document APP-529]</p>	<p>Matter Under Discussion</p>

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			<p>TfL have confirmed the flyover will be removed or replaced by Project opening. A sensitivity test has been undertaken to specifically consider the effects with the flyover removed.</p> <p>In addition, the Applicant is proposing to monitor the impacts of the Project on traffic on the local and strategic road networks. If the monitoring identifies issues or opportunities related to the road network as a result of traffic growth or new third-party developments, then local authorities would be able to use this as evidence to support scheme development and case making through existing funding mechanisms and processes.</p> <p>The cordon data and technical note from the sensitivity test were shared with the Council on 22/11/22. These demonstrated localised impacts of flyover removal at the junction.</p> <p>Following the Council's comments at the meeting on 16/1/23, the Applicant believes this matter could potentially be agreed.</p>		
Local Wider Network Impacts concerns	2.1.41 RRE	At a meeting on 19/8/22, London Borough of Havering, with Transport for London, requested further modelling to understand impacts of the operation of junctions in Borough	At a meeting on 25/8/22, the Traffic & Economics team agreed to carry out work for key junctions where this would be of value, subject to London Borough of Havering providing an	N/A	Matter Under Discussion

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Junction operational impacts		<p>after the Project opens, following up on a point raised in the 2018 Statutory Consultation.</p> <p>The Council reiterated its concerns in its PADS Tracker and Relevant Representation.</p>	<p>updated list after consideration of the information shown by the latest modelling data cordon shared with both authorities. The results can then be considered in workshops if required. The modelling technical note was shared on 15/2/23 and the models themselves on 28/2/23.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering in light of the DCO application submission and the Council's review of the modelling.</p>		
Socio-economics					
<p>SEE Strategy and Supply Chain</p> <p>Borough-specific employment targets</p>	<p>2.1.79</p> <p>RRN</p>	<p>In its Relevant Representation and PADS Tracker, the London Borough of Havering stated that the Project's Skills, Education and Employment (SEE) Strategy needs to be revised to include Havering-specific targets to secure a proportion of the employment and apprenticeship opportunities for Borough residents.</p>	<p>The Applicant has held regular SEE meetings with the Council to develop the strategy and notes the request for ring fencing of social value (in this case sourcing of labour) in the London Borough of Havering. The Applicant' SEE Lead provided an update on SEE workforce figures at the SEE working group meeting on 31/1/23.</p> <p>The Applicant has committed to a target of 45% of its workforce based within 20 miles of the Project. This target has been central to the procurement process of our main works contracts. Delivery partners will</p>	N/A	Matter Under Discussion

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			<p>be required to engage with local job brokerage services and education providers to advertise jobs, and share details of roles for publication through local communication channels.</p> <p>The Applicant also commits to providing at least 1,000 local business leaders across the region with the opportunity to develop the skills needed to bid for work on the Project. This will improve their capability and capacity to gain new work not only on the Project but across the wider region. This will also support the Project's local workforce target.</p> <p>A skills and employment working group will operate throughout construction. This will provide a forum for the local authority to work with the Applicant to share emerging needs and local priorities and identify other opportunities to maximise local economic benefits.</p> <p>The use of a regional target rather than borough-specific targets is a proportionate way of maximising the use of the local workforce without unduly constraining the delivery of a Nationally Significant Infrastructure Project, ensuring there is a flexible approach to labour market issues.</p>		

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			This matter is under discussion pending feedback from the London Borough of Havering regarding their proposals for revised SEE strategy targets.		
Community Fund Community fund	2.1.85 DL1	In its PADS Tracker, the London Borough of Havering stated that the size of the proposed Community Fund needs to be substantially increased for Havering. This reflects the position adopted following the Applicant's meetings with local authorities in 2022 and in meetings on 6/2/23 and 21/2/23, during which the Council stated that the proposed fund fell short of responding to the section 106 requests for mitigation.	The Applicant provided a detailed update at a meeting on 21/2/23 and continues to engage with the Council regarding the fund in cross-authority working groups. This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering.	N/A	Matter Under Discussion
Air quality					
Assessment of likely significant effects Updated air quality assessments	2.1.42	London Borough of Havering noted in the Community Impacts Consultation 2021 that "National Highways are of the view that there are no significant adverse impacts on air quality from the Project during operation, so no mitigation for air quality affects is required." Updated assessments to support this position have been requested and the Council reserves its position until they are shared.	The Applicant has held workshops with local authorities to outline the key changes in environmental data since the original DCO submission. Air Quality was covered in a session on 3/10/22. In advance of this, a summary of the expected changes was shared on 11/5/22 and discussed at CIPHAG on 18/5/22. Full data was included in the DCO submission. This matter is under discussion pending London Borough of Havering's	ES Chapter 5: Air Quality [Application Document APP-143]	Matter Under Discussion

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			consideration of the workshops and the DCO application submission.		
<p>Monitoring</p> <p>Air quality monitoring pre and post construction</p>	2.1.43	<p>London Borough of Havering assert that any monitoring proposed will need to include the setting up of permanent noise and air quality monitoring stations at agreed points. This is to maintain current baseline data and to allow them to be used to monitor levels post completion by comparing with the predicted noise/pollution levels.</p> <p>In its PADS Tracker, the Council notes that the ES and Planning Statement defines the impacts of the scheme extensively but mitigation is not provided on the basis of the national need for the scheme. This is considered unacceptable by the Council, particular where severe adverse impacts are identified. Clear intervention are requested for agreement with the Council.</p> <p>Following consideration of the draft Section 106 Heads of Terms shared on 23/9/22, London Borough of Havering requested mitigation in the form of operational air quality monitoring.</p>	<p>The Applicant is following the advice of Design Manual for Roads and Bridges (DMRB) LA 105 with regards to operational air quality monitoring. The Applicant would only propose to undertake monitoring if its assessment predicted significant air quality effects which triggered the requirement for mitigation, which is not the case. The purpose of the monitoring would be to determine when and if the mitigation (for example speed restrictions) can be removed.</p> <p>Using operational monitoring to validate the air quality predictions in the EIA can be challenging as it can be difficult to differentiate the contribution of the Project from the baseline. Weather conditions can also have a significant influence on air quality, and any changes year on year are often strongly related to the weather. An example of this is if NO₂ increased at a given receptor between 2028 and 2029, little confidence could be attributed to Lower Thames Crossing being the cause. Using air quality modelling can quantify the</p>	ES Chapter 5: Air Quality [Application Document APP-143]	Matter Under Discussion

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			<p>impact as the Applicant is able to control for external variables.</p> <p>Post-completion monitoring is not intended to be provided in this package of works and therefore the Applicant will not commit to it at this stage. However, operational monitoring of impacts is currently being considered by the Project. The Applicant notes that London Borough of Havering have raised this concern in the past and will provide more information when a decision is made.</p> <p>The Applicant is considering a variety of options to address the Council's requests and provided a detailed update at a meeting on 21/2/23. This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering.</p>		
<p>Project design and mitigation</p> <p>Dust management commitments</p>	2.1.44	<p>London Borough of Havering noted in the Community Impacts Consultation 2021 that the Design Manual for Roads and Bridges (DMRB) Guidance LA 105 (Air Quality) states that '<i>The construction dust assessment shall be used to inform the best practice mitigation measures in the EMP depending on whether the project has a high or low dust risk potential</i>'. The</p>	<p>The good practice measures in the REAC, such as those set out in REAC Commitments AQ001 to AQ005, would apply across all of the Project. Implementation of these measures is not subject to the findings of any risk-based analysis.</p> <p>That should not be confused with the Applicant's proposed approach to dust</p>	<p>ES Appendix 2.2: CoCP [Application Document APP-336]</p>	Matter Under Discussion

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		<p>Council requests justification of the selected dust mitigation measures set out in the REAC, more specifically, that they correspond to a high-risk site.</p> <p>In line with the above guidance, the on-site and off-site inspections should be daily. As such, commitment no. 1 under REAC ref. AQ005 should be amended accordingly.</p> <p>In line with the above guidance, a record of complaints / exceptional dust events should be kept, as measures to monitor mitigation effectiveness. The Council would also require detailed actions that will be taken, should a dust complaint be submitted. These should be included in the REAC.</p> <p>In its PADS Tracker, the Council notes that the ES and Planning Statement defines the impacts of the scheme extensively but mitigation is not provided on the basis of the national need for the scheme. This is considered unacceptable by the Council, particular where severe adverse impacts are identified. Clear interventions are requested for agreement with the Council.</p>	<p>and particulate monitoring which would have regard for a risk-based approach having consideration for the details of the specific packages of work within the site boundaries and the location of receptors around the site. Should monitoring be required, the monitoring locations will be approved by the Secretary of State in consultation with the relevant local authority. This is to ensure the monitoring effort is focused, proportionate and linked to the action requirements set out in REAC Commitment AQ008, triggered by an alert system when a predetermined site action level approved by the Secretary of State in consultation with the relevant local authority, is reached.</p> <p>REAC Commitment AQ008 provides for the detail of dust monitoring to be approved by the Secretary of State in consultation with the relevant local authority. This would include approval for the frequency of monitoring or, where required, for continuous particulate monitoring. Actions taken to resolve the situation in the event that alert systems are triggered will be recorded in a site logbook and the</p>		

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			<p>relevant local authority notified of the event and actions by telephone or email, as soon as is reasonably practicable, after or during the dust event.</p> <p>Complaints regarding dust events will be recorded and managed in accordance with the proposed Community helpline, enquiries and complaints procedure, set out in Section 5.2 of the CoCP.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering in light of the DCO application submission.</p>		
Cultural heritage					
<p>Archaeology</p> <p>CoCP and archaeology</p>	2.1.45	<p>In its response to the 2021 Community Impacts Consultation, London Borough of Havering noted the inclusion of some of the past recommendations on archaeology in the new version of the REAC, but felt the CoCP currently still has less robust archaeological coverage than it would expect and would welcome further discussion with the Applicant to address this.</p> <p>It noted that as cultural heritage is excluded from the Environmental</p>	<p>Archaeological interests will primarily be controlled by means of site-specific written schemes of investigation. The Applicant proposes that the DCO would include a requirement to the effect that no part of the authorised development is to commence until, for that part, a site-specific written scheme for the investigation of areas of archaeological interest, reflecting the relevant mitigation measures set out in the draft AMS-OWSI, has been submitted to and approved in writing</p>	<p>ES Appendix 2.2: CoCP [Application Document APP-336]</p> <p>ES Appendix 6.9: Draft AMS-OWSI [Application Document APP-367]</p> <p>Draft DCO [Additional]</p>	Matter Under Discussion

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		<p>Management Plan (EMP) process and instead delegated to a separate Archaeological Mitigation Strategy - Outline Written Scheme of Investigation (AMS-OWSI), it advises that it is key that management of important archaeological remains uncovered during the Project is included in the CoCP. This is so that stakeholders are aware of the obligations and processes in this area and any implications from these on the wider EMP sphere and construction programme. Information around the timetabling of investigations, key receptors and different options for managing remains for example, should be included in the CoCP at this stage.</p> <p>The Council continues to recommend that it would be appropriate to include detailed protocol for unexpected archaeological discoveries in this section of the CoCP, to reflect what is now included in the REAC, and the DCO condition.</p> <p>In its PADS Tracker, the Council notes that the ES and Planning Statement defines the impacts of the scheme extensively but mitigation is not provided on the basis of the</p>	<p>by the Secretary of State, following consultation by the undertaker with the relevant planning authority on matters related to its function. This allows for the Council to be directly involved in the archaeological mitigation process.</p> <p>The REAC (which is now proposed to be directly incorporated into the CoCP) provides further commitments. The draft AMS-OWSI presented in ES Appendix 6.9 includes details of specifically identified measures to mitigate the impact to known heritage assets and a range of generic mitigation measures from which appropriate mitigation would be applied for currently unknown heritage assets that could be physically damaged by construction.</p> <p>Consideration for cultural heritage is not excluded from the Environmental Management Plan (EMP) process. Those cultural heritage mitigation measures committed to within the REAC will be worked into later iterations of the Environmental Management Plan as set out as a DCO requirement to the effect that no part of the authorised development is to commence until a EMP (Second</p>	<p>Submission AS-038</p>	

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		<p>national need for the scheme. This is considered unacceptable by the Council, particular where severe adverse impacts are identified. Clear interventions are requested for agreement with the Council.</p> <p>At the meeting with the Applicant on 20/2/23, the Council advised the matter could potentially be agreed once the security of provisions in the draft AMS-OWSI are clarified. As of 14/5/23, the Council is considering its position with its archaeological advisor.</p>	<p>Iteration), substantially in accordance with the CoCP, for that part has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority where the EMP (Second Iteration) must reflect the mitigation measures set out in the REAC.</p> <p>Nevertheless, the draft DCO contains requirements to the effect that:</p> <ul style="list-style-type: none"> • Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be retained <i>in situ</i> and reported to the relevant planning authority as soon as reasonably practicable from the date they are identified. • No construction operations are to take place within 10 metres of such for a period of 14 days from the date of any such notice served unless otherwise agreed in writing by the Secretary of State. • If the relevant planning authority determines in writing that the archaeological remains require further investigation, no 		

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			<p>construction operations are to take place within 10 metres of the remains until provision has been made for the further investigation and recording of the remains in accordance with details to be submitted in writing to, and, unless otherwise agreed by the Secretary of State, approved in writing by, the relevant planning authority.</p> <p>This allows for Havering and other stakeholders to be directly involved in the mitigation process for previously unidentified archaeology. As the draft DCO includes requirements to secure the mitigation of previously unidentified archaeology, the Applicant does not intend to duplicate or complicate this with a repeat commitment in the CoCP.</p> <p>The Applicant held a meeting with London Borough of Havering on 20/2/23 during which it was it was emphasised that the draft AMS-OWSI would be written in consultation with the Council. Requirement 9, paragraph 1 of the draft DCO secures accordance with this document:</p>		

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			This matter is under discussion pending feedback from the Council's advisor.		
Archaeology Outstanding archaeological investigations	2.1.46	<p>In its response to the 2021 Community Impacts Consultation, London Borough of Havering noted that although cultural heritage surveys have been carried out along many parts of the route, Havering's archaeological advisors are still awaiting important investigations into the Ockendon Channel and further trenching both in and north of Thames Chase Forest. These will be important in managing impacts on specific, high significance assets and may lead to further recommended updates to the CoCP.</p> <p>At the meeting with the Applicant on 20/2/23, the Council accepted the principles for working with the Project to address outstanding investigations. It considered the matter potentially agreed once a multi-disciplinary meeting is held to understand impacts at North Ockendon following changes to the compound layout. As of 14/5/23, the Council is considering its position with its archaeological advisor.</p>	<p>For Ockendon Channel, the Applicant's palaeolithic specialists have updated their assessment based on further work within the area of the Ockendon Channel. The draft AMS-OWSI will be updated in consultation with London Borough of Havering's archaeological advisors to set out appropriate mitigation prior to consent.</p> <p>For Thames Chase Forest, the boundary of the Project to the north of Thames Chase Forest has reduced and the impact is derived from a gas diversion running close to the existing M25, so no further trenching is required.</p> <p>The Applicant held a meeting with London Borough of Havering on 20/2/23 to discuss its approach to investigations, followed by a multi-disciplinary meeting about North Ockendon on 17/5/23.</p> <p>This matter is under discussion pending feedback from the Council's advisor.</p>	ES Appendix 6.9: Draft AMS-OWSI [Application Document APP-367]	Matter Under Discussion

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<p>Archaeology</p> <p>Redesign of works to protect archaeology</p>	2.1.47	<p>In its response to the 2021 Community Impacts Consultation, London Borough of Havering noted that Folkes Lane, Franks Farm, North Ockendon Conservation Area and others are sites where planned ancillary works may affect important remains, and where a redesign of their impacts may be appropriate.</p> <p>At the meeting with the Applicant on 20/2/23, the Council accepted the methodology proposed. As of 14/5/23, the Council is considering its position with its archaeological advisor.</p>	<p>At Folkes Lane, the works to complete a gas diversion require a pond to be constructed for ecological mitigation. This is close to an area of archaeological interest. Time has been allocated within the construction programme to allow archaeological investigation to inform the detailed design of the pond and any additional drainage.</p> <p>At Franks Farm, it is proposed that multi utility works follow the route of an existing 11kV high voltage underground cable. This will ensure that any areas of disturbance to potential buried archaeological remains is kept to a minimum. However, this is an archaeologically sensitive area, recorded as Warley Franks Manor, so archaeological mitigation will be required and this is set out in the draft AMS-OWSI.</p> <p>At North Ockendon Conservation Area, the ancillary works within the conservation area comprise multi utility works along Ockendon Road. The road already contains a number of utilities and routing the multi utility works along the road will ensure the minimum impact to any potential buried archaeological remains.</p>	<p>ES Appendix 6.9: Draft AMS-OWSI [Application Document APP-367]</p>	<p>Matter Under Discussion</p>

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			<p>However, the conservation area is archaeologically sensitive, so archaeological mitigation will be required and this is set out in the draft AMS-OWSI.</p> <p>The Applicant held a meeting with London Borough of Havering on 20/2/23 and explored the potential to alter works and undertake further investigations in consultation with the Council within its proposed methodology.</p>		
<p>Archaeology</p> <p>Protection of archaeological finds</p>	2.1.48	<p>In its response to the 2021 Community Impacts Consultation, London Borough of Havering noted it is particularly concerned that managing important middle Palaeolithic remains associated with the Ockendon Channel would necessitate complicated archaeological investigations parallel with the creation of the deep M25 link road cuttings and that physical and programme constraints may compromise that work if it is not planned for.</p> <p>Although the DCO provides a high-level obligation regarding reporting and protecting unexpected discoveries, the detail of how this would operate in practice is something</p>	<p>The presence of important Middle Palaeolithic remains has been identified and assessed within ES Chapter 6. The importance of these buried archaeological remains, and the complexity of the mitigation is reflected in the programme and is set out in more detail in the draft AMS-OWSI</p> <p>The DCO establishes the required process as explained above under item 2.1.45. The detail for any required investigation and recording of previously unidentified archaeological remains would be developed on a site specific basis in collaboration with the relevant planning authority.</p>	<p>ES Appendix 2.2: CoCP [Application Document APP-336]</p> <p>ES Appendix 6.9: Draft AMS-OWSI [Application Document APP-367]</p> <p>ES Chapter 6: Cultural Heritage [Additional Submission AS-044]</p>	Matter Under Discussion

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		<p>that the Council continues to recommend is set out in appropriate detail in the CoCP.</p> <p>The Council notes REAC ref CH006 as offering a protocol by which to preserve key remains in situ and CH007 and 008 to monitor and manage such work, which should be for the duration of the Project lifetime. It remains though that these aspirations are not always reflected appropriately elsewhere in the consultation documents.</p> <p>In its PADS Tracker, the Council notes that the ES and Planning Statement defines the impacts of the scheme extensively but mitigation is not provided on the basis of the national need for the scheme. This is considered unacceptable by the Council, particular where severe adverse impacts are identified. Clear interventions are requested for agreement with the Council. As of 14/5/23, the Council is considering its position with its archaeological advisor.</p>	<p>The REAC items are not 'aspirations'. They would be legally binding commitments required under the DCO.</p> <p>This matter is under discussion pending London Borough of Havering's consideration of this information and the DCO submission.</p>		
Archaeology	2.1.49	In its response to the 2020 Supplementary Consultation, London Borough of Havering expressed concern that the appropriate level of	Reports on the completed programme of archaeological evaluations have been shared with heritage stakeholders. The original DCO	ES Chapter 6: Cultural Heritage [Additional	Matter Under Discussion

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Archaeological evaluation prior to DCO application		archaeological evaluation is not going to be completed ahead of the DCO application. This work was due to commence in August 2019 but did not commence until December 2019. It is imperative that stakeholders have the opportunity to review this work ahead of the application being submitted. At the meeting with the Applicant on 20/2/23, the Council accepted the matter had been addressed. As of 14/5/23, the Council is considering its position further with its archaeological advisor.	application was withdrawn. A summary of these reports is included as an appendix within ES Chapter 6: Cultural Heritage. There are multiple reports, each of several hundred pages, so they may not be included in their entirety within the ES but will be available on request. The Applicant held a meeting with London Borough of Havering on 20/2/23 and confirmed that this was a historic concern following the preparation of reports for the new DCO application. The status will be changed once the London Borough of Havering confirms it is content to do so in writing.	Submission AS-044	
Archaeology Desk-based archaeological assessment	2.1.50	In its response to the 2020 Design Refinement Consultation and subsequent comments on the draft ES, London Borough of Havering has remained concerned that there continues to be a lack of evidence and detail from a completed archaeological desk-based assessment for the scheme. There is also a lack of information from archaeological trials trenching. The Council would like to see further information on this before the DCO application is submitted.	A meeting was held on 17/2/2022 with London Borough of Havering, their specialist advisor from the Greater London Archaeological Advisory Service. At this meeting their advisor agreed with the Applicant that following discussions with other key heritage stakeholders the desk-based assessment would be treated as a "fixed in time" document that would not be updated. However, the concerns made by the Council and other stakeholders have been considered. ES Chapter 6: Cultural	ES Appendix 6.9: Draft AMS-OWSI [Application Document APP-367 ES Chapter 6: Cultural Heritage [Additional Submission AS-044 Draft DCO [Additional	Matter Under Discussion

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		At the meeting with the Applicant on 20/2/23, the Council advised the matter could potentially be agreed once the security of provisions in the draft AMS-OWSI are clarified. It accepted that the desk-based assessment is now a fixed document from a point in time before the revised ES Cultural Heritage chapter was completed and submitted with the DCO application. As of 14/5/23, the Council is considering its position with its archaeological advisor.	Heritage and ES Appendix 6.9: Draft AMS-OWSI have been revised extensively since the previous DCO application submission and has taken into account the concerns of key heritage stakeholders including the advisor to London Borough of Havering. The revised approach was presented to Historic England, Essex Place Services and GLAAS (the London Borough of Havering's advisors) at a meeting on 24/5/22 and was received positively. The Applicant held a meeting with London Borough of Havering on 20/2/23 during which it was emphasised that the draft AMS-OWSI would be written in consultation with the Council. Requirement 9, paragraph 1 of the draft DCO secures accordance with this document: This matter is under discussion pending feedback from the Council's advisor.	Submission AS-038	
Archaeology Section 106 request for archaeological	2.1.84 DL1	Following consideration of the draft Section 106 Heads of Terms shared on 23/9/22, London Borough of Havering requested mitigation in the form of contributions towards high	The Applicant is considering a variety of options to address the Council's requests and provided a detailed update at a meeting on 21/2/23. This matter is under discussion pending further negotiations between the	N/A	Matter Under Discussion

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finds storage and presentation		quality archaeological finds storage and presentation.	Applicant and the London Borough of Havering.		
Landscape and visual					
Project design and mitigation Approach to tree/hedge mitigation and landscape management	2.1.87 DL1	At a meeting with the Applicant on 3/2/23 and through its specialist report, London Borough of Havering welcomed the establishment of an advisory group to help inform decision making throughout the duration of the Landscape and Environmental Management Plan, which would be to the point of establishment of habitat. The Council would welcome the opportunity to be a part of this, especially in relation to the Thames Chase Community Forest and surrounding land parcels. Satisfactory clarification was provided around matters including tree/hedge impacts and mitigation, visual impacts, woodland planting species mix (notably at Thames Chase) and assessment of veteran trees at the meeting and through follow-up email.	The Applicant provided a comprehensive response to queries in the meeting and through a follow-up email on 31/3/23.	N/A	Matter Agreed
Terrestrial biodiversity					
Planning	2.1.51	At Scoping Opinion stage, London Borough of Havering flagged that the ES must recognise that the railway corridor close to the route is identified	Information was shared about SINCs included in Project assessments at meetings with London Borough of Havering on 24/1/22, 21/2/22, 4/4/22	N/A	Matter Agreed

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Omission of SINCs from documentation		<p>as a Site of Importance for Nature Conservation (SINC).</p> <p>At 2021 Community Impacts Consultation, London Borough of Havering expressed concern that the Applicant appears to have omitted two SINCs that are identified in the emerging Local Plan, these are Folkes Lane woodland SINC and Tylers Wood SINC. They are also omitted from the Large Scale Land Use maps. It should also be noted that North Ockendon Pit will be upgraded to a Metropolitan SINC.</p> <p>In addition, there are a number of other SINCs that appear to have been omitted from the land use plans including Codham Hall West, Tomkyns East Pasture, Foxburrow Wood and Jermain's Wood.</p>	<p>and 20/4/22. Twenty-seven SINCs are being assessed by the Applicant, including the ones previously flagged as missing or subject to change by London Borough of Havering. The initial discrepancy was due to flaws in GiGL desk study data sets. The resubmitted DCO will take account of these and any revised impacts since 2020.</p> <p>On 21/2/22 the Applicant confirmed that Folkes Lane Woodland and Tyler's Wood lay outside the Order Limits and would suffer no habitat loss.</p>		
<p>Impacts</p> <p>Level of impact at selected SINCs</p>	2.1.52	<p>On 21/2/22, the Applicant advised 7 SINCs have been flagged as being adversely affected:</p> <ul style="list-style-type: none"> • Jermain's Wood • Codham Hall Wood SINC and ASNW • Frank's Wood ASNW • Ockendon Railsides SINC 	<p>At a meeting on 4/4/22 the Applicant confirmed impacts had been removed at these sites:</p> <ul style="list-style-type: none"> • Jermain's Wood – Previously the Order Limits included parts of the SINC site in error, but these have now been revised to exclude the SINC. • Fields south of Cranham Marshes – after review it was found that the 	N/A	Matter Agreed

Topic	Item No.	London Borough of Havering Comment	National Highways' Response	Application Document Reference	Status
		<ul style="list-style-type: none"> Thames Chase Community Woodland Fields south of Cranham Marsh North Ockendon Pit. <p>London Borough of Havering expressed concern at the number of SINC's directly impacted by the Project and requested reconsideration of Order Limits.</p> <p>On 14/5/23, the Council advised that it considered the matter resolved.</p>	<p>mapping was showing an error, and the Order Limits had no overlap with the SINC. The mapping has now been updated to reflect this – the Order Limits now sit outside the SINC boundary.</p> <p>London Borough of Havering welcomed the reductions made.</p> <p>Mitigation will be planned for impact on or loss of habitat across the Project, and to create new habitats that are designed to link up existing habitats across the Project and region.</p> <p>A major reduction in the impact at North Ockendon Pit has been agreed with the Council under item 2.1.53 "Level of impact at North Ockendon Pit".</p>		
Impacts Level of impact at North Ockendon Pit	2.1.53	<p>London Borough of Havering expressed concern at the level of impact on North Ockendon Pit, half of which is to house a temporary construction compound CA14, when alternative land appeared to be available nearby.</p> <p>London Borough of Havering welcomed the reductions made at the SINC but stressed that this did not equate to endorsement of the new</p>	<p>On 4/4/22 the Applicant confirmed that after review, the compound has been moved to an arable field to the west. A small strip along the southern edge of the SINC is still within the Order Limits so utilities can be installed in a trench for the compound.</p> <p>This change has benefited the ecological habitat of the SINC and been positive for the relationship with a landowner who will retain a field that</p>	N/A	Matter Under Discussion

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		location, which is addressed under item 2.1.20 "M25 compound changes at North Ockendon", above. As of 14/5/23, the Council is considering its position with its ecological advisor.	was going to be used for mitigation of the SINC land. On 20/4/22 the Applicant explained 90% of this SINC land use has now been removed but utility constraints preclude a practicable alternative to the remaining strip.		
Project design and mitigation Section 106 request for SINC loss mitigation	2.1.96 DL1	<p>London Borough of Havering has requested mitigation in the form of section 106 contributions to off-set loss of SINC which are being mitigated by woodland that is to be delivered at Hole Farm in Brentwood. The contribution would be used to extend and enhance exiting SINC within the London Borough of Havering.</p> <p>The Council has confirmed that the sites in question are:</p> <ul style="list-style-type: none"> • Codham Hall Wood SINC and ASNW • Frank's Wood SINC and ASNW • Ockendon RAILSIDES SINC • North Ockendon Pit SINC • Thames Chase Community Woodland SINC 	<p>The Applicant provided an update at a meeting on 21/2/23. The impact is being mitigated as per the Council's comment. The impact on SINC has also been reduced as described under items 2.1.52 "Level of impact at selected SINC" and 2.1.53 "Level of impact at North Ockendon Pit".</p> <p>There is no national policy support that requires compensation for impacts on local sites. Paragraph 5.31 of the NPSNN states consent should not be refused due to impacts on local sites.</p> <p>The Applicant is clarifying the type and location of mitigation proposed for the sites identified by the Council. This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering.</p>	N/A	Matter Under Discussion
Material assets and waste					

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<p>Assessment methodology</p> <p>Clarification of targets for waste diversion from landfill</p>	2.1.54	<p>The London Borough of Havering noted in its response to the 2021 Community Impacts Consultation that Table 2.6 of the Outline Site Waste Management Plan (oSWMP) reflects Table 6.1 of Outline Materials Handling Plan (oMHP), providing more detail of management route for categories of waste. The Borough welcomed targets for 95% diversion from landfill although it was not clear how targets (tonnages and % of anticipated management) for recovery/recycling and disposal have been derived. E.g. 485,000m³ (inc. 15,000m³ 'contaminated) excavation material identified in Section C 'Roads North', plus 799,000m³ (inc. 6,000m³ 'contaminated') from Section D 'Roads North'. Total inert to landfill 63,150m³ plus 1.2Mm³ 'diversion from landfill' requiring recovery. Also, 14,700m³ contaminated material goes to 'recovery/recycling' and 6,300m³ contaminated material to 'off-site disposal'.</p> <p>A meeting was held with the Applicant on 23/2/23 and the report supplied in advance welcomed the Applicant's response to date. On 14/5/23, the</p>	<p>Targets have been derived from professional judgement as well as reviewing construction information and practices gathered from other projects of national significance such as HS2, Thames Tideway, Crossrail and the Olympics, in particular the level of recycling/recovery performance achieved on these projects.</p> <p>The forecast waste data supporting ES Chapter 11 and the oSWMP is presented based on the contract areas, which comprise Kent Roads, Tunnels and Approaches, and Roads North of the Thames, providing an indication of where the waste will be generated. Details on the waste management infrastructure used during the Project would be detailed in the Site Waste Management Plan (SWMP), to be developed post consent.</p> <p>In addition, an Excavated Materials Assessment (ES Appendix 11.1) has been carried out to identify the capacity of potential receiver sites following the application of the screening criteria. This demonstrates the variety of potential receiver facilities that could be available to</p>	<p>ES Appendix 11.1: Excavated Materials Assessment [Application Document APP-435]</p> <p>ES Appendix 11.5: Waste Assessment Supporting Data [Application Document APP-439]</p> <p>ES Appendix 2.2 Annex A: oSWMP [Application Document APP-337]</p>	Matter Agreed

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		Council advised that it considered the matter resolved.	accept the Project's wastes and will form the framework for Contractors to select receptor sites, identify new alternative receiver sites or reassess previously excluded potential sites, subject to such sites meeting the criteria established in this document. The methodology applied in the environmental assessment provides a standardised approach for identifying third-party potential receiver sites available to the Project. The meeting on 23/2/23 included explanation of the targets and their basis.		
<p>Project design and mitigation</p> <p>Proximity principle and sustainability of disposal</p>	2.1.55	The London Borough of Havering noted in its response to the 2021 Community Impacts Consultation that the oMHP seeks to apply the 'proximity principle' to aggregates supply, and so should also apply the proximity principle to waste requiring off-site management, which would reflect the stated principle of minimising road miles and impact on the local road network and the National Planning Policy for Waste. The Materials Handling Plan to be produced by the Contractors should identify the actual locations where	A list of existing third-party waste management facilities within Essex, Kent and the East London Waste Authority study area has been provided in the appendices of ES Chapter 11. All the sites listed in ES Appendix 11.3 have been taken from the Environment Agency datasets and are appropriately permitted to accept the anticipated wastes generated by the Project. This demonstrates the variety of facilities available to the Project. The final selection of the receiver sites for surplus excavated materials would be carried out by the contractor using the screening criteria	ES Appendix 11.1: Excavated Materials Assessment [Application Document APP-435] ES Appendix 11.3: List of Third party Offsite Waste Infrastructure Receptors [Application Document APP-437]	Matter Agreed

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		<p>waste requiring off-site management will be dealt with.</p> <p>While the proximity principle applies to mixed municipal waste being recovered or disposed of at one of the nearest appropriate installations, the spirit of the principle should also be applied to other types of waste, particularly given wider objectives of reducing unnecessary vehicle movements and associated impacts including emissions.</p> <p>The Borough welcomed REAC commitment MW012 "Contractor to identify re-use sites that meet HE sustainability criteria" and stated that this should include the proximity principle in its criteria.</p> <p>On 14/5/23, the Council advised that it considered the matter resolved.</p>	<p>presented in ES Appendix 11.1: Excavated Materials Assessment. The screening criteria takes into consideration the proximity of the site, forecasted greenhouse gas emissions in transportation and handling of material and alternative mode of transport capabilities. Details on the types and quantities of waste anticipated to be generated by the Project are provided in ES Appendix 11.5.</p> <p>REAC Commitment MW012 commits the Contractors to using the screening criteria presented in the Excavated Materials Assessment (ES Appendix 11.1) when selecting receiver sites for managing surplus excavated material. The screening criteria account for proximity by setting a distance of 20km from the Order Limits. If the potential receiver site is within the 20km area, it passes with a green score. If a site is not within 20km but has an alternative transport option available (rail or river), it passes, scoring amber. If the site is not within 20km and only accessible by road, it scores red.</p>	<p>ES Appendix 11.5: Waste Assessment Supporting Data [Application Document APP-439]</p>	

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			A meeting was held with the Council on 23/2/23 to provide further clarifications.		
Project design and mitigation Waste commitments in the REAC	2.1.56	<p>The London Borough of Havering requested in its response to the 2021 Community Impacts Consultation that there could be more clarity over how REAC MW013 targets apply given there is apparent inconsistency between the target of 90% recovery of non-hazardous construction, demolition & excavation waste (is this by weight or volume?) and the expectation of the appointed Contractor to achieve a minimum recovery rate of 70% by weight. The targets applied are noted as broadly consistent with the Waste Management Plan for England, with its target of recovering at least 70% by weight of such waste by 2020. The Borough supported the requirement under MW011 for contractor to achieve diversion of 95% by weight of inert excavation materials for off-site management from disposal in landfill.</p> <p>On 14/5/23, the Council advised that it considered the matter resolved.</p>	<p>The updated assessment of likely significant effects on landfill capacity detailed in ES Chapter 11: Material Assets and Waste will now assume the worst case scenario achieving a minimum recovery of 70% (by weight).</p> <p>Targets have been derived from professional judgement as well as reviewing construction information and practices gathered from other projects of national significance such as HS2, Thames Tideway, Crossrail and the Olympics, in particular the level of recycling/recovery performance achieved on these projects.</p> <p>The 90% recovery of non-hazardous construction waste is by weight. REAC Commitment MW013 will be updated to reflect this.</p> <p>A target of 90% recovery of non-hazardous construction waste (by weight) has been set as a stretch target. England has been meeting the 2020 target of recovering at least 70% of non-hazardous construction & demolition waste for a number of</p>	<p>ES Appendix 2.2: CoCP [Application Document APP-336]</p> <p>ES Chapter 11: Material Assets and Waste [Application Document APP-149]</p>	Matter Agreed

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			<p>years, with recovery rates of 90% and above since 2010.</p> <p>REAC Commitment MW011 will be updated and the term 'seek' will be removed to strengthen the commitment to achieve a target of 95% (by weight) of inert excavated materials diverted from final disposal in landfill.</p> <p>REAC Commitment MW0015 also commits to diverting 70% of hazardous waste from landfill. The 90% recovery target relates to non-hazardous construction & demolition waste.</p> <p>A meeting was held with the Council on 23/2/23 to provide further clarifications.</p>		
<p>Assessment methodology</p> <p>Details of demand for aggregates to inform planning</p>	<p>2.1.88</p> <p>DL1</p>	<p>In its report prior to a meeting with the Applicant on 23/2/23, London Borough of Havering noted that the Material Assets Assessment (ES Appendix 11.4) quantifies the amount of primary and recycled and secondary aggregates that will be used in the sections of the scheme. The ES does not consider the significance of the effect of consumption of primary aggregates on aggregates reserves and</p>	<p>In the meeting on 23/2/23, the Applicant explained that the DMRB LA 110 requirements differ from IEMA guidance on landbank calculations. As agreed, a Local Aggregates Assessment was shared on 4/4/23. The meeting also clarified that the information detailed in Table 11.3 in ES Chapter 11 was taken from the published local aggregates assessments and aggregates monitoring reports. With respect to the</p>	<p>ES Chapter 11: Material Assets and Waste [Application Document APP-149]</p>	<p>Matter Under Discussion</p>

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		<p>landbanks (land won) or supply (marine via wharves) – but applies the target of 70%-99% material recovery as (substitute for primary materials) to determine no significant effect. There is no identification of reserves/sites that could be expected to supply primary aggregates.</p> <p>Clarification was requested regarding the calculation of landbanks in the ES, which appeared inaccurate as it should be a function of the 10 year average of sales divided by permitted reserves (which indicates landbanks are larger). It was accepted that the source of primary aggregates used in construction will be dependent of contractual arrangements, but identification of potential sources would be helpful. The Council recommended that the ES should also assess the significance of the effect of estimated consumption of primary aggregates by the scheme on aggregates reserves in the ES Study Area (in line with IEMA Guide to Materials & Waste in EIA).</p> <p>The Council noted that this matter will remain under discussion until a Local Aggregates Assessment note is shared.</p>	<p>calculations of the 10 years sales figures provided in Table 11.3, these figures are not ones that the Applicant has calculated and were published figures detailed in the local aggregates assessments and aggregates monitoring reports.</p> <p>This matter is under discussion pending London Borough of Havering's consideration of the information supplied."</p>		

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Project design and mitigation Prioritising use of rail to transport materials	2.1.89 DL1	In its report prior to a meeting with the Applicant on 23/2/23, London Borough of Havering noted that the potential for direct rail links has been investigated and determined not viable in the oMHP. It identifies that several sites that may supply the scheme have rail paths for delivery of rock and multi-modal options including rail imports to facilities, onward by road to project, use of ports on the north side of the Thames for river transport, and conveyors within the Order Limits. The Council stated it was content this issue had been adequately addressed.	Noted.	N/A	Matter Agreed
Noise and vibration					
Assessment of likely significant effects Updated noise assessments	2.1.57	In the Community Impacts Consultation 2021 London Borough of Havering requested updated noise assessments. On 14/5/23, the Council advised that it considered the matter resolved.	The Applicant has held workshops with local authorities to outline the key changes in environmental data since the original DCO submission. Noise and vibration was covered in a session on 3/10/22. In advance of this, a summary of the expected changes was shared on 11/5/22 and discussed at CIPHAG on 18/5/22. Full data was included in the DCO submission.	N/A	Matter Agreed
Monitoring	2.1.58	London Borough of Havering assert that any monitoring proposed will	Operational noise monitoring will be reviewed in ongoing environmental	ES Chapter 12: Noise and	Matter Under Discussion

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Noise monitoring pre and post construction		<p>need to include the setting up of permanent noise and air quality monitoring stations at agreed points. This is to determine that the current baseline data are then maintained so that they can be used to monitor levels post completion to compare with the predicted noise/pollution levels.</p> <p>Following consideration of the draft Section 106 Heads of Terms shared on 23/9/22, London Borough of Havering requested mitigation in the form of operational noise monitoring.</p>	<p>assessment work and will be guided by DMRB LA 111. Where there are likely to be significant effects, evaluation works would be proposed to consider the effectiveness of proposed mitigation measures as described in Section 12.8 of ES Chapter 12: Noise and Vibration.</p> <p>The Applicant is considering a variety of options to address the Council's requests and provided a detailed update at a meeting on 21/2/23. This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering.</p>	Vibration [Application Document APP-150]	
Project design and mitigation Section 61 agreements	2.1.59	In the Community Impacts Consultation 2021 London Borough of Havering requested that with regards to Table 4.2 Consents and permits that may be required in the Code of Construction Practice (CoCP), Section 61 agreements should be in place for works outside core hours, Sunday work and works that are described or deemed to be 'noisy'.	CoCP Table 4.2 provides for Section 61 control over construction works universally, so this is covered by default.	ES Appendix 2.2: CoCP [Application Document APP-336]	Matter Agreed
Project design and mitigation	2.1.82 DL1	Following consideration of the draft Section 106 Heads of Terms shared on 23/9/22, London Borough of Havering requested mitigation for	The Applicant is considering a variety of options to address the Council's requests and provided a detailed update at a meeting on 21/2/23. This	N/A	Matter Under Discussion

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Section 106 request for noise mitigation		severe adverse noise impacts during construction.	matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering.		
Population and human health					
Worker transport Framework Construction Travel Plan (FCTP) governance	2.1.60	<p>In its response to the 2021 Community Impacts Consultation, London Borough of Havering questioned several aspects of the governance of the draft FCTP as presented:</p> <ul style="list-style-type: none"> The wording of para 1.1.7 suggests that the Travel Plan Manager (TPM) will report on the 'effectiveness' of the FCTP. Effectiveness is not defined The role of the TPM is welcomed, but the lack of commitment to the TPM being a person of sufficient seniority and gravitas within Highways England and the Project management team to operate at the level of the Joint Operations Forum (JOF) is not. It is suggested will operate at Director level. The Borough's view is that the TPM must be of this level of influence to avoid dilution of the very intent of the 	<p>Text has been provided in Section 6.4 of the FCTP explaining how the hub locations, and the specific details of their operation (such as set down and pick up locations) would be agreed with the relevant local highway authority and/or public transport operator and would follow the relevant approval processes. Additional text is also provided separately, setting out the estimated level of transport impacts at the Upminster hub.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering in light of the DCO application submission.</p>	Framework Construction Travel Plan [Application Document APP-546]	Matter Under Discussion

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		<p>FCTP within the overall framework of the LTC project</p> <ul style="list-style-type: none"> The Borough notes that no assessment of operation of the Travel Hubs, including that in the Havering area at Upminster has been provided. The Borough would wish to be satisfied that local highway and environmental issues will not occur at this location. 			
<p>Worker transport</p> <p>Net zero targets in the FCTP</p>	2.1.61	<p>In its response to the 2021 Community Impacts Consultation, London Borough of Havering noted the initial proposals for targets and felt the lack of commentary on zero net carbon travel solutions was stark. The suggestion that only outcomes which result in a 'substantial shortfall' against target will be reported into the Travel Plan Liaison Group (TPLG, upon which the Borough sits) escalation process is felt to fundamentally miss the point of the supervisory role the TPLG plays. Circumstances change and the TPLG should be a position to set more challenging targets by agreement rather than simply reacting to failure of</p>	<p>A new sentence has been added in Section 10.3 of the FCTP stating that where targets were being met early, more challenging ones would be set to strive for greater levels of sustainability.</p> <p>Charging points for electric vehicles has been moved to a tier 1 measure in Section 8.2. A reference to REAC documents with regards to vehicle emissions commitments has been added.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering in light of the DCO application submission.</p>	<p>Framework Construction Travel Plan [Application Document APP-546]</p>	<p>Matter Under Discussion</p>

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		matters that are perceived as substantially off-course.			
Worker transport TPLG principle and site/regional targets	2.1.62	In its response to the 2021 Community Impacts Consultation, London Borough of Havering welcomed the TPLG concept, however noted the framework presented at Plate 4.2 indicates an indirect link between the site-specific travel plan targets and the overall FCTP targets policed by the TPLG. In its view, this must be a direct link. It is appreciated that individual sites may have circumstances that require the targets to be flexible in their application. Each site specific travel plan must make a direct and measurable contribution to the overall set of targets.	The Applicant appreciates the Borough's support for the concept in principle and can confirm the diagram has been updated to give a direct link between site-specific and Project-wide targets, and an explanation included to define the difference between the solid and dashed line. This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering in light of the DCO application submission.	Framework Construction Travel Plan [Application Document APP-546]	Matter Under Discussion
Worker transport FCTP control of utilities staff	2.1.63	In its response to the 2021 Community Impacts Consultation, London Borough of Havering noted the FCTP establishes the concept of utility logistics hubs (ULHs). Whilst these are noted as being necessary to ensure that utilities diversions for the Project are achieved in a timely manner, it is not clear what degree of control the FCTP will place on utilities	As stated in paragraph 2.1.5 of the FCTP, the FCTP sets out guidance for developing Site-Specific Travel Plans (SSTPs) for each construction compound, or compounds where these are closely located with similar levels of accessibility. This includes the Utility Logistic Hubs (ULHs) required for Statutory Undertakers to carry out the utility-specific works.	Framework Construction Travel Plan [Application Document APP-546]	Matter Under Discussion

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		staff and their contractors in terms of sustainable travel.	The SSTPs will be developed by the contractors as set out in the Requirements and produced following the latest guidance and best practice. The SSTPs will be subject to review (and approval) by the Secretary of State (SoS), in consultation with relevant local planning authorities. This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering in light of the DCO application submission.		
Worker transport FCTP technical details	2.1.64	In its response to the 2021 Community Impacts Consultation, London Borough of Havering welcomed the TPLG concept and the FCTP's mention of behaviour change, but queried a number of details of the operation of the overall FCTP with the Applicant including: <ul style="list-style-type: none"> Whilst the FCTP does indicate that each site compound will have a contractor developed Travel Plan (TP) there is no recognition that personnel may move between sites during the working day. Alternatively, if this type of movement is not going to occur, 	The Applicant provided a number of answers including: <ul style="list-style-type: none"> A new section has been added at the end of Section 5.4 which set out details around inter compound movements for the workforce. It is expected that the level of demand for inter compound movements would be minimal. The workforce would generally attend the compound associated with their worksite and travel along the haul road where movements are required. As set out in paragraph 7.1.4, the Project-wide targets within the FCTP have been categorised as 	Framework Construction Travel Plan [Application Document APP-546]	Matter Under Discussion

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		<p>the FCTP does not make that clear</p> <ul style="list-style-type: none"> • The FCTP identifies its key theme as minimising adverse traffic. It however suggests only that “behavioural change” will be explored. It is clear that changing travel behaviour of the workforce will be an essential element of the management of construction traffic impacts and therefore would appear to be an essential element of the FCTP rather than “something to be explored” • Clarifications around Public Right of Way interfaces, relevance of bus routes, terminology, application of coordinators to contractors or sites, worker catchments and accommodation 	<p>changing the modal split (e.g. higher proportion journeys by bicycle) and travel behaviour (e.g. reducing the need for travel). This sets out the high-level aspirations for the SSTP targets, which will be refined as appropriate for each construction area and compound, to be developed further as ‘SMART’ targets. Targets categorised as 'Influencing travel behaviour' have been identified as reducing the distance and need to travel. While this has been developed as much as possible (for example through the provision of worker accommodation, trip consolidation and reduced travel to the enterprise office) the extent to which this can be rolled out is still relatively constrained given the type of work and activity required onsite at the compound locations. Therefore, the main focus for the target categories falls under 'changing the forecast modal split'.</p> <ul style="list-style-type: none"> • Multiple changes and clarifications were relayed to the Borough on 25/5/22 addressing the FCTP. 		

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			This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering in light of the DCO application submission.		
Worker transport Hierarchy of interventions in the FCTP	2.1.65	In its response to the 2021 Community Impacts Consultation, London Borough of Havering noted that where the FCTP and site-specific measures are described in para 3.2.11 no attempt is made to provide or commit to establishing a hierarchy of interventions. It is clear that single occupancy car travel could be one of two bands – either it attracts the most attention because the travel plan is designed to reduce this to the lowest level possible or conversely it could be the area in which the lowest effort is directed due to aggressive pursuit of the other activities which reduce car travel to the highest degree possible. The FCTP needs to make this distinction.	Paragraph 3.2.12 sets out the broad categories which have been considered suitable for the Project at this stage. These are further set out in Chapter 8 under a tiered system, in line with the size and existing levels of accessibility and location of a particular compound. This method has been applied to take into account the measures that would be possible to successfully implement at each construction area or compound. Section 7.2 states that targets with regards to reducing single occupancy vehicle trips would seek to increase the share of multiple-occupancy car trips made to construction areas and compounds, through car-sharing incentives. In turn, this will be supported through the provision and promotion of public transport, workforce transport, and walking/ cycling to increase the number of trips made using sustainable modes. This matter is under discussion pending further negotiations between	Framework Construction Travel Plan [Application Document APP-546]	Matter Under Discussion

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			the Applicant and the London Borough of Havering in light of the DCO application submission.		
<p>Cross-river WCH and sustainable travel</p> <p>Cross river walking, cycling and public transport opportunities</p>	2.1.66	In its response to the 2018 Statutory Consultation, London Borough of Havering noted that strategic transport improvements will be required, including better north/south public transport connectivity.	<p>The Project provides additional connectivity, including for public transport, for north south movements across the Thames, including at the Dartford Crossing, which is forecast to see journey time reliability increase, and journey times reduce as a result of the Project.</p> <p>It should be noted that the Applicant has also set up a Sustainable Transport Working Group involving local authority stakeholders to investigate sustainable travel and cross-river connectivity enhancements that could be delivered in future to complement the Project. The Group has proposed several local priorities and opportunities for feasibility studies for future funding applications (as stated in the Sustainable Transport Complementary Measures report of March 2021). Should the Project gain consent, the Applicant will also use the STWG up until opening as a forum to engage Local Authorities and operators to build awareness and develop improvements to existing commercial services and potential</p>	N/A	Matter Under Discussion

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			<p>new services to make best use of the opportunities provided by the new crossing. The Applicant considers that supporting this collaboration between Local Authorities on both sides of the Thames is the most effective and sustainable solution.</p> <p>This matter is under discussion pending consideration by London Borough of Havering.</p>		
<p>WCH/active travel – design</p> <p>Request for WCH bridge west of M25 junction 29</p>	2.1.67	<p>In its response to the 2021 Community Impacts Consultation, London Borough of Havering noted the proposals for pedestrians and cyclists to navigate junction 29 of the M25 on the northern side rather than the southern side of the junction which was originally proposed as part of the Supplementary Consultation.</p> <p>The Borough had concerns that it will remain very challenging for residents to access this new route from the southern side of the A127 Carriageway as it can only be accessed by an uncontrolled crossing point at the Front Lane junction with the A127. It requested that the Order Limits are extended westwards to allow for the provision of a safe crossing for pedestrians and cyclists. It should be noted that cyclists can</p>	<p>Following stakeholder feedback and a review of the proposed WCH provision, the Applicant has added a WCH bridge west of junction 29, connecting the A127 carriageway footways between Moor Lane and Folkes Lane to the Project. This was consulted on in the 2022 Local Refinement Consultation and the Applicant notes that the Borough "fully supports" and "welcomes" the proposed bridge.</p>	N/A	Matter Agreed

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		access NCN 136 from the A127 at the junction with Hall Lane and it is important that this route remains accessible for cyclists once the Project becomes operational.			
WCH/active travel – design Closure of uncontrolled crossing west of M25 junction 29	2.1.68	<p>In its response to the 2022 Local Refinement Consultation, London Borough of Havering noted that with a new bridge in place over the A127 at Front Lane/Moor Lane, this will negate the need for the uncontrolled crossing point that exists at the junction of the A127 with Front Lane. This is regarded as an extremely dangerous crossing point for pedestrians (a collision between a car and a gas main recently occurred at this junction) which the Council believes should be “stopped up” as part of the creation of the new crossing point further east. The Applicant is strongly encouraged to work with Transport for London to ensure this can be delivered as part of the Project.</p> <p>The Council is strongly of the view that the Order Limits should be significantly extended further west along the A127 in order to accommodate this “stopping up” of the uncontrolled crossing point at the junction of the A127 and Front Lane,</p>	<p>The Project has provided an alternative safe crossing provision for all WCH. The decision to stop-up the existing uncontrolled staggered shared use crossing is not considered to be a decision for the Applicant to take because the Project's proposed bridge improves the current offer in terms of safety and access regardless of whether other crossings exist. This would need to be led by London Borough of Havering engaging with Transport for London as the highway authority responsible for the crossing. The Applicant has advised London Borough of Havering that Transport for London have raised initial concerns about unintended consequences (e.g. jumping the barriers unpredictably to maintain the existing desire line) should this crossing be closed. There are no plans to close this crossing.</p>	N/A	Matter Not Agreed

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		which is a natural desire line for WCH users.			
WCH/active travel – design Location of WCH bridge west of M25 junction 29	2.1.69	In its response to the 2022 Local Refinement Consultation, London Borough of Havering noted that whilst a safe crossing of the A127 is clearly welcome, it has previously brought to the attention of the Applicant that it would be more desirable for such a crossing to be located at the junction of the A127 and Front Lane which is considered a more natural desire line for WCH users. It was noted that the Applicant has indicated that the proposed location has been chosen as a result of discussions with horse riders, land take matters, utilities investigations and desire line. However the Council has previously requested a note setting out the rationale for the crossing location in further detail, and this is yet to be received. It also suggested that this rationale should have been included as part of the consultation material so that residents could understand the reasoning for it. It is disappointing that this has not taken place.	A note summarising the optioneering of the proposed crossing of the A127, to the west of the M25 junction 29 has been shared with Havering following the consultation, on 1/7/22. This outlined why the crossing was needed, the selection process for its location and why a grade separated crossing is proposed at that location rather than at the A127 junction with Front Lane. There are no plans to change the bridge location.	N/A	Matter Agreed

Topic	Item No.	London Borough of Havering Comment	National Highways' Response	Application Document Reference	Status
		<p>As a result, Havering requests that the crossing is located at the junction of A127 and Front Lane.</p> <p>On 14/5/23, the Council advised that it considered the matter resolved.</p>			
<p>WCH/active travel – design</p> <p>Approaches to WCH bridge west of M25 junction 29</p>	<p>2.1.70 RRE</p>	<p>In its response to the 2022 Local Refinement Consultation, London Borough of Havering noted that whilst the footbridge allows safe access across the A127 itself, it remains concerned that the approach paths leading up to the proposed bridge remain in an unsuitable condition for pedestrians, cyclists and horse-riders. The Council would like to see the Project include proposals to improve Moor Lane and Folkes Lane, which is necessary if they are to accommodate significant numbers of WCH users and connect the existing off-road paths. Further details have been supplied to the Applicant.</p> <p>Notwithstanding its separate request for the bridge to be moved, the Council considers that the Order Limits should be extended further north at the junction of Folkes Lane/A127 to accommodate a section of Folkes Lane where improvements need to be made. Equally, they should be extended further south at the</p>	<p>The Applicant proposes to provide a safe crossing for WCH across the A127 in light of the necessary changes needed at M25 junction 29 in order to maintain connectivity, and provide for the north-south desire line whilst not unduly impacting on WCH journey time. This connects to the existing shared use cycle/footway routes along the A127, and access to Moor Lane and Folkes Lane. It is noted that improvements to Moor Lane and Folkes Lane may be needed to upgrade existing WCH provision. However, although improvements may be achievable on Moor Lane, this may not necessarily be the case for Folkes Lane, due to factors including the narrow road and overlapping properties. The Applicant is currently investigating the opportunity to include these as part of designated funding whereby a feasibility study would be needed to assess potential improvements to these existing WCH routes, for</p>	N/A	Matter Under Discussion

Topic	Item No.	London Borough of Havering Comment	National Highways' Response	Application Document Reference	Status
		<p>junction of A127/Moor Lane so that similar improvements can be made.</p> <p>The Council reiterated this issue in its PADS Tracker and Relevant Representation. On this basis, Havering cannot fully support the statement that the Applicant states that the proposed scheme is compliant with the National Policy Statement for National Networks on this matter.</p>	<p>implementation prior to the Project opening. The study is currently underway and a workshop was held with the Council on 8/3/23 to take feedback on the initial proposals, including an off-road WCH route parallel to Folkes Lane. A further meeting will be held to demonstrate progress.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering in light of study progress.</p>		
<p>WCH/active travel – design</p> <p>WCH strategy</p>	2.1.71	<p>In its response to the 2022 Local Refinement Consultation, London Borough of Havering welcomed the announcement earlier in the year by the Applicant concerning proposed connections for pedestrians, cyclists and horse riders along the Project route.</p> <p>It noted that Officers have been in discussions with the Applicant concerning the feasibility of a new cycle route between Upminster and Brentwood. The Borough is pleased that designated funds have been allocated to commission a feasibility study into this route and looks forward</p>	Noted. The Applicant appreciates the Borough's engagement.	N/A	Matter Agreed

Topic	Item No.	London Borough of Havering Comment	National Highways' Response	Application Document Reference	Status
		to working with the appointed consultant as this study develops.			
Lighting Design of bridge between Dennis Road and Footpath 252	2.1.72	At 2018 Statutory Consultation, London Borough of Havering requested sufficient time to review the final design for the proposed new footbridge between Dennis Road in Thurrock and Public Footpath 252 in Havering, with appropriate illumination/lighting prior to submission of the DCO. The Council welcomes discussion at a future technical meeting with the Applicant once lighting plans for the construction period and lighting plans for the completed Scheme have been further developed.	The bridge is at a relatively early design stage. It is noted that lighting may not be relevant given the very rural location. The Design team remains open to presenting an update at a mutually convenient date, but notes that discussions requested by the Council for summer 2023 regarding wider issues of adoption and maintenance of bridges are likely to take precedence.	N/A	Matter Under Discussion
WCH impacts during and after construction WCH impacts during and after construction	2.1.73	In its response to the 2022 Local Refinement Consultation, London Borough of Havering requested further information showing the specific impacts on Public Rights of Way (PRoWs) for Havering. The Applicant has agreed to provide quantitative analysis on routes that are being permanently closed, diverted and new routes created. The Council looks forward to receiving this information.	The Applicant provided listings of these impacts with accompanying maps on 8/8/22. This matter is under discussion pending a technical meeting between the Applicant and London Borough of Havering to review the Council's response to the listed impacts.	N/A	Matter Under Discussion

Topic	Item No.	London Borough of Havering Comment	National Highways' Response	Application Document Reference	Status
<p>Project design and mitigation</p> <p>Section 106 request for overall mitigation</p>	<p>2.1.80 RRN</p>	<p>In its Relevant Representation and PADS Tracker, the London Borough of Havering stated that the Section 106 Heads of Terms document does not give the Council surety that the Applicant can satisfactorily manage the impacts of the scheme, and offers very little recompense to Havering residents for the disruption during construction.</p>	<p>The Applicant provided draft Heads of Terms for comment on 23/9/22 and provided a detailed update to the Council's response of 26/10/22 at a meeting on 21/2/23.</p> <p>With regards to the Council's comments that it remains concerned about the impacts of the Project, the need for mitigation and surety provided by the Section 106 Heads of Terms in this regard, it should be noted that the mitigation referred to in the Environmental Statement is secured directly through the legally binding Requirements of the DCO rather than a Section 106 Agreement.</p> <p>The Register of Environmental Actions and Commitments (REAC) presented within APP-336, 6.3 Environmental Statement Appendices, Appendix 2.2, Code of Construction Practice, First Iteration of Environmental Management Plan, sets out the mitigation measures arising from the environmental impact assessment process. The delivery of these measures would be legally secured under Requirement 4 of Schedule 2 to the Development Consent Order (DCO).</p>	<p>N/A</p>	<p>Matter Under Discussion</p>

Topic	Item No.	London Borough of Havering Comment	National Highways' Response	Application Document Reference	Status
			<p>Notwithstanding the mitigations already proposed and secured as referenced above, the Applicant will continue to consider the justification for any additional measures proposed by the Council during negotiations, to be secured through a Section 106 agreement.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering.</p>		
Road drainage and water environment					
<p>Assessment methodology</p> <p>Sequential and Exception Test</p>	2.1.91 DL1	<p>In its report in advance of a meeting with the Applicant on 2/3/23, the Council raised queries about elements of the Flood Risk Assessment including:</p> <ul style="list-style-type: none"> The need for the Sequential and Exception Test to consider all other sources of flooding following changes to the National Planning Policy Framework (NPPF) in July 2021. Certain paragraphs also appear not to be referenced. Incorrect references to the London Borough of Havering Lead Local Flooding Authority acting as such 	<p>At the meeting with the Council on 2/3/23 and in the follow-up notes, the Applicant addressed the concerns as follows:</p> <ul style="list-style-type: none"> It was noted that groundwater and surface water sources are assessed within the Flood Risk Assessment, groundwater flood risk is limited, and surface water risks vary. An explanation was provided as to how the NPPF is reflected. Erroneous references to Brentwood Borough have been identified for correction. 	N/A	Matter Under Discussion

Topic	Item No.	London Borough of Havering Comment	National Highways' Response	Application Document Reference	Status
		<p>for Brentwood Borough Council when this is not the case</p> <ul style="list-style-type: none"> The Flood Risk Assessment states that no flood defences are present within the section of the scheme within Havering. Whilst there are no formal flood defences (defined by the Environment Agency), de facto flood defences are likely to be present. 	<ul style="list-style-type: none"> Amendments are to be made to recognise "no formal flood defences". <p>The corrections will be made in errata or document changes as appropriate. This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering.</p>		
<p>Project design and mitigation</p> <p>Surface water flood risk</p>	2.1.92 DL1	<p>In a meeting with the Applicant on 2/3/23, the Council raised concerns about a specific watercourse (DI-1N14ZZZ2) that had been scoped out of the hydromorphology assessment. The Council recommended the ditch diversion should be given further consideration to minimise culverting and ensure changes to the gradient to not cause increase flooding or maintenance burdens.</p>	<p>At the meeting on 2/3/23 and in the follow-up notes, the Applicant confirmed that further topographical surveys are being undertaken to verify the watercourse diversion. Results will be shared with the Council.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering following the survey.</p>	N/A	Matter Under Discussion
<p>Assessment of likely significant effects</p> <p>Groundwater flood risk</p>	2.1.93 DL1	<p>In its report in advance of a meeting with the Applicant on 2/3/23, the Council noted '<i>Consideration of groundwater flood risk is considered reasonable</i>'.</p>	Noted.	N/A	Matter Agreed
<p>Project design and mitigation</p>	2.1.94 DL1	<p>In its report in advance of a meeting with the Applicant on 2/3/23, the</p>	<p>At the meeting with the Council on 2/3/23 and in the follow-up notes, the</p>	N/A	Matter Under Discussion

Topic	Item No.	London Borough of Havering Comment	National Highways' Response	Application Document Reference	Status
Surface water drainage		<p>Council raised queries about surface water drainage including:</p> <ul style="list-style-type: none"> '[The] <i>proposed minimum discharge rate of 1l/s is considered to be too low and could increase the risk of blockages. Further consideration should be given to whether the discharge rate is appropriate or whether mitigation measures are required to manage the blockage risk.</i>' '<i>It is proposed that the basins are designed for the 100 year + 20% climate change event with a sensitivity check for the 40% climate change event. However, based on the lifetime of the scheme, the basins should be designed for the 100 year + 40% climate change rather than using this as a sensitivity test.</i>' <p>At the meeting, the Council confirmed it was broadly satisfied with the discharge rates following the explanation provided.</p>	<p>Applicant addressed the queries as follows:</p> <ul style="list-style-type: none"> It was explained that recent technical innovations mean this can be kept lower and 1l/s remains adequate The drainage design was to the standard at the time of 100 year + 20% uplift for climate change. There was an update to the climate change guidelines in May 2022, which recommended an allowance of 40%. This rainstorm has been simulated and the design tested to check the capacity of the retention ponds and basins. Notes of the simulation were shared. <p>Several minor clarifications were also provided in the meeting.</p> <p>This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering.</p>		
Project design and mitigation	2.1.95 DL1	In its report in advance of a meeting with the Applicant on 2/3/23, the Council noted ' <i>The risk of increased pollution from both routine runoff and</i>	Noted.	N/A	Matter Agreed

Topic	Item No.	London Borough of Havering Comment	National Highways' Response	Application Document Reference	Status
Pollution		<i>accidental spillage has been considered and mitigation proposals are general considered to be appropriate.'</i>			
Climate					
Project design and mitigation Section 106 request for Borough carbon target funding	2.1.83 DL1	Following consideration of the draft Section 106 Heads of Terms shared on 23/9/22, London Borough of Havering requested mitigation in the form of contributions towards meeting carbon targets in Havering's Climate Change Action Plan.	The Applicant is considering a variety of options to address the Council's requests and provided a detailed update at a meeting on 21/2/23. This matter is under discussion pending further negotiations between the Applicant and the London Borough of Havering.	N/A	Matter Under Discussion
Protective Provisions					
Drainage Protective provisions: drainage and flooding	2.1.74	London Borough of Havering requested suitable protective provisions for drainage and flooding, including liabilities and maintenance responsibilities, to be established in the DCO and confidence that this will be fulfilled. In its report in advance of a meeting with the Applicant on 2/3/23, the Council noted "Maintenance of drainage features would be carried out in accordance with DMRB and the maintenance schedule is robust. It is also proposed that a specific maintenance plan for the scheme	At a meeting on 15/2/22, London Borough of Havering clarified their concerns and the Applicant noted that the DCO wording had been revised and improved. The Applicant shared the draft Schedule 14 wording and, as noted by London Borough of Havering in its response to the 2022 Local Refinement Consultation, is awaiting the opinion of London Borough of Havering's legal team before a meeting can be scheduled to determine if the wording gives sufficient confidence. Draft DCO Schedule 14 was shared in August	N/A	Matter Agreed

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		<p>would be worked up as part of the design. Highways England would be obliged to carry out maintenance in accordance with DMRB and the maintenance plan. If there is a concern that this would not be done then Havering could request annual submissions of maintenance activities completed, against the maintenance plan. This would require additional resources from Havering, however."</p> <p>At the meeting the Council acknowledged any resourcing support would be linked to wider section 106 requests.</p> <p>The Council reiterated the request for suitable protective provisions in its Relevant Representation. On 14/5/23, the Council advised that it considered the matter resolved.</p>	<p>2022 to further assist London Borough of Havering, plus Part 7 of the Flood Risk Assessment and a summary of the drainage commitments on 13/9/22.</p> <p>At a meeting with the Council on 2/3/23, it was confirmed that a REAC commitment secures the maintenance requirements schedule referenced by the Council in its report.</p>		
<p>Assets</p> <p>Protective provisions: other maintenance</p>	2.1.75	<p>At a meeting on 15/2/22, London Borough of Havering requested clarity on the maintenance liability for the new WCH bridge to be built over the A127 at Moor Lane/Folkes Lane and technical engagement with the highways team regarding its installation and commissioning.</p>	<p>The Applicant has confirmed that TfL would be responsible for the bridge owing to its position across their highway. Full highways technical engagement will take place between the Applicant, TfL and London Borough of Havering when the development process reaches appropriate maturity.</p>	N/A	Matter Agreed

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<p>Assets</p> <p>Protective provisions: highways and new structures</p>	<p>2.1.76 RRN</p>	<p>The London Borough of Havering has a number of concerns regarding the current drafting of the draft Development Consent Order. The document lacks any Protective Provisions for Havering in terms of maintenance of new structures (Part 3 Streets, Article 10 subsection 5). The Council would wish to see Protective Provisions drawn up for the protection of the Local Highway Authority regarding vehicular and non-vehicular highways.</p> <p>The current side agreement drafted by the applicant does not provide the surety that local highways will be protected. It is noted that the applicant does not wish to see this side agreement scrutinised by the Examining Authority. The Council believes that this is an inappropriate approach.</p>	<p>The Applicant introduced a draft side agreement at a meeting on 5/12/22 and has considered the detailed comments provided by the Council on 5/3/23 regarding its content.</p> <p>The proposed DCO already provides protection for local highway authorities (LHAs), including London Borough of Havering, by including approval powers and maintenance functions directly within the works powers – for example see Articles 9 and 10 of the dDCO. These provisions make a discrete set of protective provisions unnecessary. Statutory undertakers do not have those protections directly built into the order powers so do need separate protection. The dDCO then enables the Applicant and the LHAs to enter into agreements fleshing out the protections within the Order. A side agreement is a more appropriate and suitable instrument and the best place to deal with the detail to address specific circumstances in respect of different LHAs. Given that side agreements may contain terms that are bespoke to the LHA concerned and some of which may give rise to commercial sensitivities, it is appropriate and necessary to keep</p>	<p>N/A</p>	<p>Matter Under Discussion</p>

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			<p>the contents and terms of the agreements confidential. The existence of the proposed agreement and the status of negotiations is not confidential and can be disclosed to the ExA. During the examination LBH could also raise matters which are not covered by the agreement, which they think should be provided by the Applicant. This approach strikes the right balance, in the Applicant's view, between transparency of the examination process and any commercial sensitivity of third party negotiations.</p> <p>NH does consider that the proposed side agreement provides sufficient and appropriate protection for the local highway network and that NH will continue to engage with LBH in respect of the proposed side agreement in an attempt to resolve any outstanding concerns.</p> <p>This matter is under discussion pending further negotiations between National Highways and the London Borough of Havering regarding the content and justification for the use of a side agreement.</p>		

Appendix A Engagement activity

Table A.1 Engagement activities between the Applicant and London Borough of Havering since the DCO application was submitted on 31 October 2022

Date	Overview of engagement activities
2 November 2022 to 30 June 2023 (14 instances)	Regular approx. fortnightly meetings to discuss general progress and selected SoCG issues. Including 21 February 2023 section 106 requests discussion.
14 and 16 November 2022	DCO Briefing
14 November 2022	Schools engagement meeting to resolve SoCG matters
25 November 2022	Ecology and biodiversity briefing for local authorities
16 January 2023	Traffic modelling meeting to resolve SoCG matters
3 February 2023	Landscape & visual meeting to resolve SoCG matters
7 February 2023	Meeting with council Leader, cabinet members and officers including discussion of Ockendon Road closure
20 February 2023	Cultural heritage meeting to resolve SoCG matters
23 February 2023	Material assets and waste meeting to resolve SoCG matters
23 February 2023	Land and property meeting to resolve SoCG matters
2 March 2023	Flooding and drainage meeting to resolve SoCG matters
3 May 2023	Flooding and drainage meeting notes email including additional information, to resolve SoCG matters
17 May 2023	Skills, education and employment meeting to resolve SoCG matters
17 May 2023	Construction multi-disciplinary meeting to resolve SoCG matters including impacts at North Ockendon
19 May 2023	Multi-site visit to resolve SoCG matters including construction impacts on Ockendon Road, South Essex Crematorium, schools and concerns about access to Folkes Lane woodland
15 June 2023	Land and property meeting to resolve SoCG matters
20 June 2023	Noise and vibration meeting to resolve SoCG matters

Appendix B Glossary

Term	Abbreviation	Explanation
Department of Transport	DfT	The government department responsible for the English transport network and a limited number of transport matters in Scotland, Wales and Northern Ireland that have not been devolved.
Design Manual for Roads and Bridges	DMRB	A comprehensive manual which contains requirements, advice and other published documents relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations (National Highways, Transport Scotland, the Welsh Government or the Department for Regional Development (Northern Ireland)) is the highway authority. For the A122 Lower Thames Crossing, the Overseeing Organisation is National Highways.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
Electric Vehicle	EV	Electric vehicles are vehicles that are either partially or fully powered on electric power.
Environment Agency	EA	A non-departmental public body of Defra, established under the Environment Act 1995. It is the leading public body for protecting and improving the environment in England and Wales. The organisation is responsible for wide-ranging matters, including the management of all forms of flood risk, water resources, water quality, waste regulation, pollution control, inland fisheries, recreation, conservation and navigation of inland waterways.
Environmental Impact Assessment	EIA	A process by which information about environmental effects of a proposed development is collected, assessed and used to inform decision making. For certain projects, EIA is a statutory requirement, reported an Environmental Statement.
Environmental Management Plan	EMP	For the Project, a plan setting out the conclusions and actions needed to manage environmental effects as defined by the Design Manual for Roads and Bridges standard LA 120. The CoCP is the equivalent of the first iteration of the EMP (EMP1). The contractor's EMP would be EMP2 and the end of construction EMP would be EMP3.
Environmental Management System	EMS	N/A
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental

Term	Abbreviation	Explanation
		Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
Framework Construction Travel Plan	FCTP	A document which sets out a framework to reduce the impact of the Project's construction workforce on the road network as a result of travel to and from construction areas and compounds (including Utility Logistic Hubs). The FCTP sets out proposed ways in which this would be done, including by reducing single occupancy vehicle trips and encouraging sustainable and active travel.
Flood Risk Assessment	FRA	An assessment of the risk of flooding from all flooding mechanisms, the identification of flood mitigation measures, and identification of actions to be taken before and during a flood.
Footpath	FP	A footpath is a type of thoroughfare that is intended for use only by pedestrians and not other forms of traffic such as motorized vehicles, bicycles and horses. They can be found in a wide variety of places, from the centre of cities, to farmland, to mountain ridges.
Frequency	N/A	Sound consists of vibrations transmitted to the ear as rapid variations in air pressure. The more rapid the variations in air pressure, the higher the frequency of the sound. Frequency is defined as the number of pressure fluctuations per second and is expressed in Hertz (Hz).
Greater London Authority	GLA	The Greater London Authority (GLA), colloquially known by the metonym "City Hall", is the devolved regional governance body of Greater London. It consists of two political branches: the executive Mayorality (currently led by Sadiq Khan) and the 25-member London Assembly, which serves as a means of checks and balances on the former. Since May 2016, both branches have been under the control of the London Labour Party. The authority was established in 2000, following a local referendum, and derives most of its powers from the Greater London Authority Act 1999 and the Greater London Authority Act 2007.
Good practice	N/A	In the context of the Project, standard approaches and actions commonly used to avoid or reduce environmental impacts of infrastructure development. These are typically applicable across the whole Project.
Greenspace information for Greater London	GiGL	GiGL is a Community Interest Company that acts as the official custodian of environmental records for London boroughs and the City of London.

Term	Abbreviation	Explanation
Greater London Archaeological Advisory Service	GLAAS	Part of Historic England's London Local Office, providing advice for the whole of Greater London, with the exception of the City of London and the London Borough of Southwark who have their own archaeological planning advisers.
Ground investigation	GI	Several levels of investigation from desk-based research to onsite sampling to evaluate challenges related to soil/ground.
Heavy Goods Vehicle	HGV	A large, heavy motor vehicle used for transporting cargo.
Heritage asset	N/A	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listing).
Highways Agency	HA	Precursor to Highways England. No longer exists but still mentioned in reference to previous projects or in older documents.
Highways England	HE	Former name of National Highways.
Historic England	N/A	The public body that looks after England's historic environment. An executive non-departmental public body of the UK Government sponsored by the Department for Digital, Culture, Media and Sport, and the Government's advisor on heritage.
Joint Operations Forum	JOF	The JOF is an executive level forum made up of National Highways and its Contractors. National Highways will establish and chair a JOF, attended by senior representatives from the Contractors.
Landfill	N/A	A site for the disposal of waste materials.
Local plan	N/A	A Local Plan sets out local planning policies and identifies how land is used, determining what will be built where. Adopted Local Plans provide the framework for local development across England.
London Highway Assignment Model	LoHAM	A strategic model representing routing and congestion of motorised highway trips using London's highway network.
Local Planning Authority	LPA	A local planning authority is the local authority or council that is empowered by law to exercise statutory town planning functions for a particular area of the UK. May also be referred to as 'local authority'.
Local Residents' Discount Scheme	LRDS	Accounts that offer discounts on road user charges but are subject to location-based eligibility criteria.
Local Road Network	LRN	The Local Road Network is that portion of the Road Network for which a Local Government is responsible

Term	Abbreviation	Explanation
		and is eligible for funding from the State Government to operate and maintain.
Lower Thames Area Model	LTAM	Transport model designed to forecast impacts of providing additional road based capacity across the River Thames at locations at or east of the existing Dartford Crossing.
M25 junction 29	N/A	Improvement works to M25 junction 29 and to the M25 north of junction 29. The M25 through junction 29 will be widened from three lanes to four in both directions with hard shoulders.
M25 Motorway	M25	Orbital motorway that encircles most of Greater London.
Materials Management Plan	MMP	N/A
National Cycle Network	NCN	A series of traffic-free paths and quiet, on-road cycling and walking routes that connect to every major town and city.
National Grid Electricity Transmission	NGET	A UK company that builds and maintains the electricity transmission network in England and Wales.
Nitrogen dioxide	NO2	A reactive gas introduced into the environment by natural causes, including entry from the stratosphere, bacterial respiration, volcanos, and lightning. It is also introduced by the emissions of internal combustion engines burning fossil fuels.
National Policy Statement	NPS	There are 12 designated National Policy Statements (NPSs), setting out government policy on different types of national infrastructure development, including energy, transport, water and waste. NPSs provide the framework within which Examining Authorities make their recommendations to the Secretary of State.
National Policy Statement for National Networks	NPSNN	The NPSNN sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects on the national road and rail networks in England. It provides planning guidance for promoters of Nationally Significant Infrastructure Projects on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
New Roads and Street Works Act 1991	NRSWA	N/A
Nationally Significant Infrastructure Project	NSIP	Major infrastructure developments in England and Wales, such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects, etc. that require a development consent under the Planning Act 2008.

Term	Abbreviation	Explanation
Non-hazardous waste	N/A	Any waste not defined as 'hazardous' under the Hazardous Waste Directive (91/689/EEC).
Non-motorised user(s)	NMU	Users of non-motorised vehicles (eg cyclists, horse riders) and pedestrians
Outline Landscape and Ecology Management Plan	oLEMP	A document which outlines the proposed management of the landscape and ecological elements of the A122 Lower Thames Crossing.
Outline Materials Handling Plan	oMHP	A document which sets out the approach and high-level principles for handling construction materials and waste on the Lower Thames Crossing Project, both inside and outside the Order Limits.
Outline Site Waste Management Plan	oSWMP	The Outline Site Waste Management Plan (oSWMP) sets out the overarching principles and procedures that would be applied for the management of waste during the construction phase of the Project.
Outline Traffic Management Plan for Construction	oTMPfC	The outline Traffic Management Plan for Construction (oTMPfC) has been produced to provide an outline framework and principles that will be applied for the design and management of construction traffic management and transport logistics for the Lower Thames Crossing Project.
Open space	N/A	Open space is defined in section 19 of the Acquisition of Land Act 1981 as 'any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground'.
Overhead line	OHL	An electrical conductor, suspended on towers or poles, used for transmission and distribution of electrical energy. It consists of one or more conductors (commonly multiples of three).
Passenger Car Unit(s)	PCU	A metric to allow different vehicle types within a traffic model to be assessed in a consistent manner.
Planning Inspectorate	PINS	An executive agency of the Department for Levelling Up, Housing and Communities. The Planning Inspectorate deals with planning appeals, national infrastructure planning applications, examinations of local plans and other planning-related and specialist casework in England and Wales.
Project Manager	PM	The person with lead responsibility for a project or a workstream within a project.
Public Right of Way	PROW	A right possessed by the public to pass along routes over land at all times. Although the land may be owned by a private individual, the public may still gain access across that land along a specific route. The mode of transport allowed differs according to the type of Public Right of Way, which can consist of footpaths, bridleways and open and restricted byways.

Term	Abbreviation	Explanation
Register of Environmental Actions and Commitments	REAC	The REAC identifies the environmental commitments that would be implemented during the construction and operational phases of the Project if the Development Consent Order is granted, and forms part of the Code of Construction Practice (Application Document 6.3, ES Appendix 2.2).
Road Investment Strategy	RIS	The Government's long-term strategy to improve England's motorways and major A roads. The first RIS (known as RIS 1) was published in 2015 and covers the period 2015-2020. A second RIS (RIS 2) was published in 2020 and covers the post-2020 period.
Site of Importance for Nature Conservation	SINC	Locally designated nature site protected through the planning system. See also 'LNR' and 'SNCI'.
Secretary of State	SoS	The Secretary of State has overall responsibility for the policies of the Department for Transport.
Site Specific Travel Plans	SSTPs	Site Specific Travel Plans will be developed by contractors in respect of the sites which they are responsible (either an individual construction area or compound, or a number of construction areas and compounds where these are closely located with similar levels of accessibility), following the latest policy advice and best practice documents.
Site Waste Management Plan	SWMP	A document which sets out how resources will be managed, and waste controlled during the Project. Plans usually involve recording the amount of waste that will be produced and details the proposed methods of waste disposal.
Skills, Education and Employment (SEE) Strategy	SEE Strategy	The Skills, Education and Employment Strategy introduces how National Highways aim to provide long-term benefits to communities close to the Project through new jobs and work, higher skills and education. It also begins explains how National Highways will set the standard for construction in a low carbon world. This document will be revised every two years throughout the delivery of the Project to remain current and responsive to local and national needs.
Small and Medium Sized Enterprise	SME	The UK definition of SME is generally a small or medium-sized enterprise with fewer than 250 employees. The EU also defines an SME as a business with fewer than 250 employees, a turnover of less than €50 million, or a balance sheet total of less than €43 million
Social Impact Assessment	SIA	N/A
Social Value Framework	SVF	The LTC Social Value framework is reflective of local needs and priorities and sets out the wider opportunities that are realised through the way we

Term	Abbreviation	Explanation
		design and build the crossing. It also aligns with the Government's Social Value Model, published December 2020.
Statement of Common Ground	SoCG	A Statement of Common Ground is a written statement containing factual information about the proposal which is the subject of the appeal that the appellant reasonably considers will not be disputed by the local planning authority.
Strategic Outline Business Case	SOBC	First stage of drawing together evidence pertaining to a transport scheme, focusing on the strategy or reasons why change may be required.
Strategic road network	SRN	The core road network in England managed by National Highways.
Supplementary Planning Guidance	SPG	Documents which provide supplementary information in respect of the policies in current or emerging Local Plans or national policy.
Sustainable Drainage System	SuDS	A drainage system designed to reduce the potential impact of new and existing developments with respect to surface water drainage discharges.
Sustainable Travel: Active, Responsible, Safe	STARS	TfL's accreditation scheme for London schools and nurseries. STARS inspires young Londoners to travel to school sustainably, actively, responsibly and safely by championing walking, scooting and cycling.
Sustainable Transport Working Group	STWG	A stakeholder group set up by National Highways to develop and deliver improvements to integrated sustainable transport infrastructure, including maximising use of the River Thames and improving connectivity and accessibility for walkers, cyclists and horse-riders.
National Planning Framework	NPF	The National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied.
The Third Road Investment Strategy	RIS3	RIS3 sets out the government's aims and proposals for investment in the strategic road network from 2025 to 2030.
Thames Chase Community Forest	TCCF	An area of forest open to the public on the Essex/London border, maintained and improved for the benefit of wildlife and residents.
Trip End Model Presentation Program	TEMPro 7.2	The version of the DfT traffic forecasts used to cap growth within LTAM.
Transport for London	TfL	The integrated body responsible for London's transport system
Tilbury Link Road	TLR	An option considered, following PRA in developing the preliminary design for Statutory Consultation.

Term	Abbreviation	Explanation
Tonnes of carbon dioxide equivalent	tCO2e	A metric relating to emissions of carbon dioxide and the resultant climate change impact adopted by the UN.
Traffic Management Forum	TMF	The TMF would review planned traffic management arrangements and receive comments as to their appropriateness. The TMF would also monitor, review, and provide updates to the TMPs when required.
Traffic Management Plan	TMP	The approach to carrying out temporary traffic management for the safe construction of the Project. It will also explain management measures available to our Contractor to reduce the impact on the local community (including journey time reliability, access, and safety).
Transport Analysis Guidance	TAG	National guidance document produced by the Department for Transport.
Travel Plan Liaison Group	TPLG	A group set up by National Highway to administer the Framework Construction Travel Plan.
Transport Assessment	TA	A document that sets out assessments of the transport implications of development, and Transport Statements are a ‘lighter-touch’ evaluation to be used where this would be more proportionate to the potential impact of the development (i.e.. in the case of developments with anticipated limited transport impacts).
Tunnel boring machine	TBM	Machine used to excavate tunnels with a circular cross-section.
UK Power Networks	UKPN	An energy network operator. Owns and maintains the electricity cables in South East England, the East of England and London.
United Kingdom Accreditation Service	UKAS	The United Kingdom Accreditation Service is the sole national accreditation body recognised by the British government to assess the competence of organisations that provide certification, testing, inspection and calibration services
Utilities Logistics Hub	ULH	The ULH receives, stores and distributes the plant machinery and materials for specific utility works.
Walkers, cyclists and horse riders	WCH	Walkers, cyclists and horse riders.
Web-based Transport Appraisal Guidance	WebTAG	Former name given for the Department for Transport’s web-based multi-modal guidance on appraising transport projects and proposals, now known as Transport Analysis Guidance (TAG).
Wider Network Impacts Management and Monitoring Plan	WNIMMP	A plan detailing the operational traffic impact monitoring to be implemented to comply with DCO requirements.

Term	Abbreviation	Explanation
Worker Accommodation Report	WAR	The Worker Accommodation Report (Application Document 7.21) sets out the estimated number of workers at the peak construction phase of the Project who would require temporary accommodation, what type of accommodation these workers are anticipated to seek and where, and a consideration of this demand in the context of supply and the operation of the accommodation market
World Health Organization	WHO	The WHO is a specialised agency of the United Nations that is concerned with international public health.
Waste and Resources Action Programme	WRAP	A registered charity which works with businesses, individuals and communities to achieve a circular economy through helping them reduce waste, develop sustainable products and use resources in an efficient way.
Written Scheme of Investigation	WSI	Sets out the scope, guiding principles and methods for the planning and implementation of archaeological assessment.

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