



Havering
LONDON BOROUGH

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Date 18th July 2023
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London Borough of Havering (20035775) – Written summary of oral comments made at Issue Specific Hearings 1 and 2

Dear Sir,

Thank you for the opportunity to submit a written summary of the oral comments LB Havering delivered at Issue Specific Hearings 1 and 2.

Written summary of oral comments made at Issue Specific Hearing 1

- **e) Routing and intersection design**

i) What consideration has been given to possible alternative routes and/or alignment design mitigations at route 'pinch points', specifically in open land between North and South Ockendon, at Baker Street and between the hamlet of Thong and Riverview Park?

LB Havering made the ExA aware that detailed comments on the route alignment between North Ockendon and South Ockendon would be set out in the authority's Local Impact Report (LIR) to be submitted at Deadline 1. This would include matters in relation to the M25 construction compound proposed to be located just outside the North Ockendon Conservation Area, North Ockendon Pit, which would see a loss of 7.3% as a result of the compound, and matters concerning the layout of the construction compound.

vi) Has adequate provision been made for the provision/restoration of connectivity across the LTC alignment for non-motorised users (NMUs).

LB Havering stated that a number of non-motorised user (NMU) routes were proposed as part of the project and that these routes were welcome. LB Havering suggested to the panel that whilst such routes are welcomed, in order for there to be compliance with paragraph 3.17 of the National Policy Statement for National Networks (NPSNN), there needed to be adequate connectivity to those particular crossing points. LB Havering stated that such connectivity for some of those crossing options was not currently in place.

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In particular, LB Havering raised concerns about the approach routes to the proposed NMU bridge over the A127 between Moor Lane and Folkes Lane. LB Havering considers that the approach roads towards the proposed crossing point are not adequate for pedestrians, cyclists or horse riders. LB Havering explained that further information on this point would be provided in Havering's LIR.

Written summary of oral comments made at Issue Specific Hearing 2

- **c) The relationship between the dDCO and plans securing the construction and operational performance of the proposed development**
- **d) The discharging role of the Secretary of State and other local and public authorities**

LB Havering endorsed the comments made by Transport for London (TfL) concerning the need for relevant authorities to be properly consulted before any requirements are discharged.

LB Havering also raised the issue concerning the amount of time that local authorities, whether Local Planning Authorities or Local Highway Authorities, may need to approve matters linked to some requirements. LB Havering brought to the ExA's attention Requirement 9 which concerns the historic environment and, in particular, sub paragraph 5 which states that, *'no construction operations are to take place within 10 metres of the remains, referred to in subparagraph 4, for a period of 14 days from the date of any notice served, under subparagraph 4, unless otherwise agreed in writing with the Secretary of State.'* LB Havering is of the view that 14 days is too short and that a minimum of 28 days would be more appropriate consultation period.

LB Havering stated that it considers the current timeframe for deemed consent of 28 days is too short and should be longer. LB Havering sign-posted the ExA to the M25 Junction 28 Development Consent Order (DCO), which was approved by the Secretary of State (SoS) on 16th May 2022 (Order Number 573). LB Havering reported that the Applicant for this project was also National Highways (NH) and had put forward a 28 day consultation period. The SoS increased the deemed consent to 42 days following a recommendation to do so from the ExA.

LB Havering raised the issue of consultation for Requirements 3 and 9. LB Havering stated that it needs to be made clearer in those requirements where there is going to be consultation with local authorities and, specifically, where this is the Local Planning Authority or Local Highway Authority (or both) involved. LB Havering further stated this issue could also be applied to other requirements where just the Local Planning Authority is stated as to be consulted. LB Havering explained that whilst it is the Local Planning Authority, for some parts of its road network TfL is the Local Highway Authority. LB Havering further stated that it needed to be recognised within the requirements that there are different authorities with different responsibilities within an area that may need to be consulted.

LB Havering raised concerns regarding the phrase "*substantially in accordance with*" that is mentioned in several requirements including 4 ,5 ,10 and 11. LB Havering is of the view that the word "substantially" is not an appropriate term to use and should be removed. For example, LB Havering stated that where this phrase is cited in relation to the approval of final Management Plans, it does not give the Council the surety it needs that the final Management Plans will be in accordance with the outline Management Plans.

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LB Havering invited the ExA to consider the M25/J28 DCO, specifically paragraph 9.3.22 of the ExA's report and paragraph 135 of the SoS's decision letter, where the word "substantially" was removed from various requirements. LB Havering further referenced the ExA's report into the M25/J28 Scheme where a further DCO was cited (Southampton to London Pipeline Order 2020), where the phrase "in accordance" was used. LB Havering suggested that there was, therefore, sufficient precedent for the word "*substantially*" to be removed from the DCO requirements.

g) Road charging provisions

LB Havering raised concerns in relation to road user charging provisions. LB Havering stated that it does not think the Road User Charging Strategy (APP-517) is compliant with paragraph 3.25 of the NPSNN. LB Havering stated that the strategy indicates that the road user charge is being applied to manage traffic demand in the area, as opposed to directly funding the project. LB Havering invited the ExA to consider paragraphs 3.23, 3.24 and 3.25 of the NPSNN, which set out further information on the government's position on road user charging.

LB Havering commented on the proposed Local Residents Discount Scheme (LRDS). LB Havering stated that the road user charging statement made it clear that the residents discount would only apply to residents of the Gravesham and Thurrock Council areas, because this would provide consistency with the discount applied at the Dartford Crossing, where the discount is applied to the local authorities in which the portals are located in.

LB Havering suggested to the ExA that the main difference between the Lower Thames Crossing (LTC) project and the Dartford Crossing is that the existing crossing is confined to the Thurrock and Dartford authorities, whilst the LTC project extends much wider than that down to the M2 in Kent and up to the M25/J28, and further north up towards the M25/J28.

LB Havering further stated that, as a host local authority, the scheme will severely impact upon local residents and, as such, considered that Havering residents should be entitled to the same discount as residents of Thurrock and Gravesham. LB Havering further stated that additional information on this matter would be submitted at Deadline 1 as part of the Council's LIR and Written Representation submissions.

LB Havering was questioned by the ExA as to whether all host authorities should receive a discount. LB Havering responded suggesting that from a consistency point of view all host authorities should be entitled to a discount and that it should not just be applied to one or two local authorities.

h) Protected provisions

LB Havering is seeking protected provisions for Havering's Highway network. LB Havering stated that the Applicant is expecting Havering to take on the maintenance responsibilities for the section of footpath 252 that goes over the Essex Thameside railway line. However, Havering does not have the financial capacity to pick up additional maintenance of structures that are being delivered by other organisations. LB Havering reported that discussions are ongoing with the Applicant on this matter and that further discussions will be taking place later in July.

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LB Havering raised the issue that the Applicant has proposed a side agreement with LB Havering to cover matters such as dealing with defects and other maintenance matters related to Havering's highway network. LB Havering explained that whilst the Council was having ongoing discussions with the Applicant about matters concerning the side agreement, Havering is of the view that such matters should be secured through protected provisions through the DCO rather than a side agreement itself. LB Havering also stated that if protected provisions cannot be secured through the DCO, then the side agreement should at least be scrutinised during the Examination.

Issue Specific Hearing 2 – Action Points

- Action Point 6

In response to Action point 6 following Issue Specific Hearing 2, LB Havering offers the following comments.

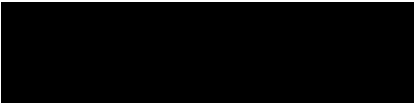
LB Havering is content with the DCO Requirements being approved by the SoS for Transport.

LB Havering is of the view that the requirements need to make it clear whether consultation will take place with Local Plan Authority, Local Highway Authorities or both. This is considered particularly important for areas where two different authorities have Planning and Highway function responsibilities.

LB Havering welcomes sub paragraph 2 under Requirement 20 *Details of Consultation*, which confirms that, on request, local authorities or other statutory bodies can get an extension of at least 42 days from the provision of any documents that are being consulted upon to respond to that particular consultation.

Further comments on the consultation process relating to requirements can be found in a separate Deadline 1 submission, which concerns Havering's comments on the text within the draft DCO.

Yours faithfully,



Daniel Douglas

Team Leader Transport Planning