

Appendix 1

Lower Thames Crossing – 9.54 Comments on LIRs Appendix F – London Borough of Havering

Traffic and Transport

Document Reference – Applicant’s comments	LBH Comments
<p>Construction Impacts Traffic Modelling (REP2-060 - pages 47, 48 and 49)</p>	<p><u>Construction traffic</u></p> <p>The response by the Applicant places heavy reliance on a monitoring regime that is currently ill defined and has no ring-fenced funding or commitment to fund measures identified from the monitoring activity. The response suggests that coordination with ‘other projects’ will be left to the contractors involved with only supervision by the Applicant’s traffic manager. Without any commitment to delivery and funding of mitigation deemed as necessary on review of the monitoring data, this proposal is at best a paper exercise only and guarantees nothing for LBH residents adversely affected by the construction activities.</p> <p><u>Ockendon Road Closure and Other Traffic Management</u></p> <p>Whilst LBH welcomes the formal commitment now offered in terms of the reduced time Ockendon Road will be closed, the Applicant’s response still fails to address the impact of the now 10 month closure on an operational Cemetery and Crematorium services and facilities. The Applicant also fails to comment upon the proposals put forward by LBH to support resilience on the network in this area</p> <p>LBH notes that a degree of traffic management will be necessary. It remains concerned that the effects of this on residents and businesses have not been fully explored. The Applicant appears to remain convinced without providing evidence that ‘things will be alright on the day’. This approach is inappropriate and leaves residents and businesses at the mercy of the Applicant’s contractors. Detailed traffic management plans need to be in place in advance of any works taking place.</p> <p><u>M25 slip roads</u></p> <p>The Applicant has recognised the need for the slip roads to be constructed at the earliest opportunity. It then seeks to defend its vague position on the construction period for the slip roads. This recognition should now be formalised in the SACR. In reality, the length of time suggested (up to 24 months) appears to be excessive.</p>

	<p>The new M11 junction 7a took 23 months to construct¹. This involved the development of a complete junction not the simple arrangements planned here. The M25 HS2 compound access slip roads (junctions 16-17) took no more than 15 months to complete (June 2017 to September 2018). From LBH’s perspective, this is the maximum length of construction time the Applicant should commit to.</p>
<p>Data Sets (REP2-060 pages 49 and 50)</p>	<p><u>Site accesses</u></p> <p>The Applicant has offered no evidence as to why, where or how any additional site compound accesses would be required and therefore, in the LBH view, the Applicant should be required to constrain its contractor’s freedom of action to the accesses submitted in the application. Havering does not agree with the suggestion that a strategic traffic model can determine very localised traffic impacts. Indeed, in the oTMPfC (para 2.4.20) the Applicant offers to conduct localised construction traffic modelling but only after problems have been recognised by the TMF. The construction data supplied to date does not differentiate between construction vehicles and diverted traffic, but only gives aggregate numbers for changes in flow of light vehicles (cars), LGVs and HGVs.</p>
<p>Mitigation (REP2-060 page 53)</p>	<p><u>Transfer of assets</u></p> <p>LBH does not agree with the proposal to pass liabilities for the rail / PRow overbridge on footpath 252 to the Local Authority. The position on PRow and highway maintenance funding in LBH is set out in the Council’s response to the Applicant’s comments on its Written Representation, also being submitted at Deadline 3.</p>
<p>Operational Traffic Impacts Traffic Modelling (REP2-060 pages 54 and 55)</p>	<p><u>Local traffic modelling</u></p>

¹ <https://essexhighways.org/m11-junction-7a>

	<p>The Applicant notes it has submitted Rep 1-187 which detailed local modelling across the LTC scheme. LBH has made its position clear on the inadequacies of the Applicant's local traffic modelling, in its Local Impact Report (LIR). LBH notes that the Applicant has not offered any detailed comments on the Cole Easdon Report submitted as Deadline 1 (REP1-247).</p>
<p>Data sets (REP2-060 page 56)</p>	<p><u>Data sets</u></p> <p>LBH reiterates the issue of the translation of strategic modelling outcomes to the local level. As discussed in relation to the local traffic modelling, LBH has no confidence that the local effects of the traffic analysis have been fully captured by LTAM.</p>
<p>Combined Modelling and Appraisal Report Comments (REP2-060 page 58)</p>	<p><u>Modelling outcomes</u></p> <p>LBH has not queried the detailed application of TAG to the LTAM modelling. The comments on the lack of distributional analysis of dis-benefits is a major concern for LBH, irrespective of the TAG status of the assessments made.</p> <p><u>Construction traffic modelling</u></p> <p>LBH has noted that it concurs that the strategic analysis of construction traffic is appropriate. However, LBH considers the suggestion that a strategic traffic model can determine very localised traffic impacts is inappropriate. Indeed, in the Outline Traffic Management Plan for Construction (oTMPfC) (para 2.4.20) the Applicant offers to conduct localised construction traffic modelling, but only after problems have been recognised by the TMF. The construction data supplied to date does not differentiate between construction vehicles and diverted traffic, but only gives aggregate numbers for changes in flow of light vehicles (cars), LGVs and HGVs.</p>
<p>Operational Impacts (REP2-060 page 59)</p>	<p><u>Wider Network Impacts</u></p>

	The Applicant has failed to address the issues LBH has raised in paras 7.4.1 and 7.4.2 of Havering's LIR.
DCO Requirements (REP2-060 page 60)	<p><u>Roads maintenance funding</u></p> <p>A detailed note setting out the roads maintenance funding process in London is submitted by LBH in its response to the Applicant's comments on the LBH Written Representation (WR). The Applicant has not acknowledged that the funding mechanisms in London are not those applied to 'provincial' authorities and the financial pressures that exist in Havering.</p>

Skills and Employment

Document Reference - Applicant's comments	LBH Comments
Local Plan Policy 22 Skills and Training (REP2-060 page 3)	The Council's position on scheme compliance with Local Plan Policy 22 as set out in its LIR remains.
Policy Context (REP2-060 pages 29 and 30)	The Council retains its position that local authority based workforce targets should be contained within the Skills and Employment (SEE) Strategy.
Assessment of Data Sets (REP2-060 page 30)	The Council retains its position concerning the S106 Heads of Terms document which is considered insufficient.
Assessment Process (REP2-060 page 31)	The Council's comments regarding the unsatisfactory nature with how comments on the SEE Strategy have been taken into account remain.
Construction Impacts (REP2-060 page 31)	The Council retains its position that local authority based workforce targets should be contained within the SEE Strategy.
Mitigation (REP2-060 page 32)	The Council retains its position that local authority based workforce targets should be contained within the SEE Strategy. Havering's concerns with regards to the S106 Heads of Terms and a resource to support delivery of the SEE Strategy in Havering remain.

Ecology

Document Reference - Applicant's comments	LBH Comments
Local Plan Policy 30 Biodiversity and Geodiversity (REP2-060 page 7)	The Applicant has replied that the requirement to consult with relevant planning authorities prior to submission to the SoS provides a suitable and sufficient opportunity for the Council to influence the mitigation measures needed to comply with LBH Policy 30: Biodiversity and Geodiversity and raise any queries or concerns.

Assessment of Data Sets (REP2-060 page 36)	LBH accepts that the Applicant is not claiming that the Project is achieving biodiversity net gain. LBH notes that the Applicant considers that the Project delivers a design of high biodiversity value and that the forecasted Metric performance is expected to improve during detailed design. LBH support the view that design refinements would seek to further reduce habitat loss during construction, minimise lags between habitat loss and creation and to maximise the condition and distinctiveness of habitats created, and the Project would seek to maximise biodiversity performance over the full Project lifecycle. These aims will continue to be scrutinised by LBH to ensure the best possible outcome for biodiversity.
Mitigation (REP2-060 page 37)	LBH accept that the Solar Park grassland will fulfil the function of reptile receptor site, as well as the site creating some Open Mosaic Habitat (OMH). This stacking is appropriate, although it should be made clear that whilst the grassland species could contribute to the floristic diversity, it would not be appropriate to seed wildflower meadow and/or flowering lawns for pollinators in this location. LBH welcome the acknowledgment that the comment on Table 8.35 [APP-146] and the inclusion of 0.13ha permanent habitat “gain” with respect to ancient and veteran trees, should be treated in the same manner as ancient semi-natural woodland and include the statement ‘Not considered a net gain due to the irreplaceable nature of the habitat lost’. LBH accept that this does not alter the overall outcome of the assessment.
North Ockendon Pit Mitigation (REP2-060 page 38)	The Applicant has clarified that the impacts on North Ockendon Pit SINC relate to OMH rather than woodland or grassland and that construction effects are predicted to <u>temporary and reversible</u> habitat loss (1.39ha representing 7.3% of the SINC) within the southern half of the SINC. The Council accepts that creation of 0.2ha of new OMH will avoid net loss of this Priority habitat and welcome confirmation that this will be located immediately adjacent to Ockendon Railsides SINC.
DCO Requirements (REP2-060 page 38)	As the Council is now satisfied with the bespoke compensation put forward by the Applicant for temporary loss of designated sites, no additional DCO Requirement is needed.

Upminster Cemetery and South Essex Crematorium

Document Reference - Applicant's comments	LBH Comments
Scheme Impacts (REP2-060 pages 69 and 70)	The Council welcomes the indicated reduction in full closure length from 19 months to a capped 10 months. However, the Council still considers this length of closure to be too long and that it will result in adverse impacts in the short and long-term, for Upminster Cemetery and South Essex Crematorium (SEC). The

	Council looks forward to discussion with the appointed Contractor Balfour Beatty in the near future where this can be discussed further. Havering's concerns regarding the impact construction works will have on Upminster Cemetery and SEC as set out in its LIR still apply.
Potential Loss of income (REP2-060 page 71)	The comments by the Applicant concerning the process of putting forward a compensation claim are noted.
Impact on wider stakeholders (REP2-060 page 72)	The Council's concerns regarding the wider impact of the closure of Ockendon Road on business that are supported by the SEC remain. The Council would welcome further discussion with the Applicant and appointed Contractor to further reduce the planned closure period of Ockendon Road.
Compensation and Financial Mitigation (REP2-060 page 74)	The Council's concerns relating to the need for suitable compensation financial mitigation to offset the impact the closure of Ockendon Road will have on the Cemetery and SEC remain.

Implications for Schools

Document Reference - Applicant's comments	LBH Comments
Construction Impacts (REP2-060 pages 65,66 and 67)	The Council welcomes the introduction of the Schools Working Group that has been set up by the Applicant and looks forward to working with the Applicant and the schools as this working group progresses. The Council's requests around school mitigation still apply, and looks forward to further discussions with the Applicant to agree a set of mitigation proposals before the Examination is concluded.
Operational Traffic (REP2-060 page 68)	The Council's comments concerning the impact the scheme will have on the ability of pupils living outside of Havering to access local schools remains.

Noise & Vibration

Document Reference - Applicant's comments	LBH Comments
Local Plan Policy 34 – Managing Pollution (REP2-060 page 7)	The Council will consider its position on this matter and respond accordingly at Deadline 4
Construction Noise Mitigation Measures (REP2-060 pages 17, 18 and 19)	The Council will consider its position on this matter and respond accordingly at Deadline 4
Construction noise impacts north of the A13 to the M25 (REP2-060 pages 19 and 20)	The Council will consider its position on this matter and respond accordingly at Deadline 4
Constriction Vibration Assessment (REP2-060 pages 20 and 21)	The Council will consider its position on this matter and respond accordingly at Deadline 4
General Compound Consideration – (REP2-060 pages 21, 22 and 23)	The Council will consider its position on this matter and respond accordingly at Deadline 4

DCO Requirements (REP2-060 page 23)	The Council will consider its position on this matter and respond accordingly at Deadline 4
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Archaeology

Document Reference - Applicant's comments	LBH Comments
Local Plan Policy 28 – Heritage Assets (REP2-060 page 5)	<p>The response here cites the submitted Planning Statement which merely states that the heritage harm of the scheme is justified by the public benefits of a new road. This fails to answer the Council's comments on sympathetic treatment and public benefits, as set out in paras 5.1.49 and 5.1.50 of Havering's submitted LIR. Public benefit now seems to relate only to a published monograph and a popular book, with any more tangible or legacy benefit left to be agreed years down the line, when budgets may not be available.</p> <p>Until this matter is satisfactorily addressed by the Applicant, the Council will consider the scheme to be non-compliant with Local Plan Policy 28 and National Policy.</p>
Assessment of Data sets/ Assessment Process/Construction Impacts/Operational Impacts/Mitigation (REP2-060 pages 10 – 16)	The responses on p10 onwards argue for sufficient archaeological evaluation having been already done and try to push any further work to a so far lightly-defined mitigation stage. This is disappointing as the Applicant has not addressed the risks of this approach as contained in Havering's LIR.
	Following review of the Applicant's comments on archaeological matters contained within Havering's WR, the Council maintains its position on these matters as it does not consider these to have been satisfactorily addressed.

Built Heritage

Document Reference - Applicant's comments	LBH Comments
Local Plan Policy 28 Heritage Assets (REP2-060 pages 5 and 6)	The Applicant agrees that the earthwork stockpiles would be detrimental to the setting of the Conservation Area (CA), and that their assessment of the impact (moderate) is accurate.
Assessment (REP2-060 pages 39 and 40)	The Applicant states that a 2-3m high bund will be put in place prior to the earth stockpiling which will be up to 6 meters in height. The Applicant states that whilst the stockpiling would be detrimental to the setting of the CA, it would not be sufficient to increase the impact from moderate to major. The moderate impact identified equates to 'less than substantial' harm in NPSNN terms and it is agreed that the effect of the compound and stockpiling would not be 'major' (i.e. a high level of 'less than substantial') as the impact is indirect affecting only part of the CA's setting.
Construction Impacts (REP2-060 page 40)	It is noted that the short-term construction route will skirt the edge of the CA boundary along the B186.
Mitigation (REP2-060 pages 41 and 42)	It is hoped that a level of recording can be agreed through future discussions to ensure the documentary history and group value are adequately recorded.

Non-Motorised Users/Public Rights of Way

Document Reference - Applicant's comments	LBH Comments
Public Rights of Way (REP2-060 page 76)	The Council recognises that the Applicant is undertaking feasibility work on the potential for a Non-Motorised Users (NMU) link to run parallel to Folkes Lane. A further update on progress has been sent to LB Havering, which is being considered. The Council looks forward to further discussions with the Applicant on this matter.

Access in Hole Farm from Folkes Lane Woodland (REP2-060 page 77)	The Council remains concerned that the M25 Footbridge linking Folkes Lane Woodland with Hole Farm is inadequate for the expected increase in usage by NMUs. The Council notes that the Applicant has commissioned feasibility work looking at establishing a new connection between the A127 and Folkes Lane Woodland that ultimately will connect with Hole Farm. The Council will review this feasibility work and looks forward to further discussions with the Applicant.
Footpath 252 on-going Maintenance (REP2-060 pages 77 and 78)	The Council reiterates its position that, at a time when local authority maintenance budgets are under severe pressure, it does not consider maintenance of the structure to be acceptable. Its funding issues and the need for commuted sums are set out in its response to the Applicant's response to LBH's WR.

Materials & Waste

Document Reference - Applicant's comments	LBH Comments
Local Plan Policy 34 Managing Pollution (REP2-060 page 7)	The Council will consider its position on this matter and respond accordingly at Deadline 4
Assessment Process – (REP2-060 page 8)	The Council will consider its position on this matter and respond accordingly at Deadline 4
Construction Impacts (REP2-060 page 9)	The Council will consider its position on this matter and respond accordingly at Deadline 4
DCO requirements (REP2-060 page 9)	The Council will consider its position on this matter and respond accordingly at Deadline 4

Flooding and Drainage

Document Reference - Applicant's comments	LBH Comments
Assessment Process (REP2-060 page 27)	The Council will consider its position on this matter and respond accordingly at Deadline 4
Scheme Design (REP2-060 pages 27 and 28)	The Council will consider its position on this matter and respond accordingly at Deadline 4

Construction Impacts (REP2-060 page 28)	The Council will consider its position on this matter and respond accordingly at Deadline 4
Mitigation (REP2-060 page 29)	The Council will consider its position on this matter and respond accordingly at Deadline 4
DCO Requirements (REP2-060 page 29)	The Council will consider its position on this matter and respond accordingly at Deadline 4

Air Quality and Carbon

Document Reference - Applicant's comments	LBH Comments
Climate Change Action Plan (CCAP) (REP2-060 page 1)	<p>The CCAP is referenced in the ES as indicated.</p> <p>It is agreed that further consideration of the AQAP is not required.</p> <p>It is confirmed that there are no predicted exceedances of AQS objectives predicted in LBH as a result of the Project.</p>
Local Plan Policy 33 Air Quality (REP2-060 page 7)	<p>Notwithstanding the ongoing objections to the traffic modelling, the results are considered to provide a suitable indication of impacts on air quality at human receptors within LBH based on the data used in the assessment. These therefore address the relevant planning policy requirements.</p> <p>Further consideration of impacts at ecological receptors is provided below.</p>
Air Quality – Assessment of Data Sets (REP2-060 pages 23 and 24)	It is maintained that the assessment of road vehicle exhaust emission impacts utilised data from the traffic modelling exercise. As such, any discrepancies in the data set, as currently being explored further by LBH, have the potential to affect the air quality assessment results.
Air Quality- Assessment Process (REP2-060 pages 24 and 25)	The response does not address the issue. The legal basis for the PM _{2.5} targets is not challenged. However, it would be appropriate to use 12µg/m ³ as the appropriate assessment threshold at individual human receptors as the standard has been defined for the protection of human health.

Construction Impacts (REP2-060 page 25)	<p>This does not address the original comment which related to ammonia (NH₃) concentrations at ecological designations, not nitrogen deposition.</p> <p>The original comment has therefore not been addressed and a further response is required.</p>
Operation Impacts (REP2-060 page 25)	<p>As above, the original comment related to NH₃ concentrations at ecological designations, not nitrogen deposition.</p> <p>The original comment has therefore not been addressed and a further response is required.</p>
Mitigation (REP2-060 page 26)	<p>The following specific comments have not been addressed:</p> <ul style="list-style-type: none"> • AQ006 does not provide sufficient detail on how any future requirement for monitoring will be determined. This should provide a methodology for the 'risk-based approach' stated in the measure or reference suitable guidance as a minimum; • AQ008 is not sufficiently detailed to fully determine how monitoring will be undertaken, for example 'appropriate survey instruments' is extremely vague, and it does not define how the trigger levels will be defined; and, • The outlined actions in the event of a trigger level exceedance are vague and no mechanism for providing site specific measures is provided within the measure. Reliance is provided on monitoring for particulate matter with an aerodynamic diameter of less than 10µm (PM₁₀) and PM_{2.5}, which may not relate to amenity impacts associated with depositional dust. These are more likely to occur and should be considered both as monitoring requirements and during the remedial action stage. <p>It is considered inappropriate to rely on Contractor input to define monitoring requirements without providing detailed parameters at the assessment stage. Without this information, it is not possible to conclude</p>

	that impacts will be controlled and monitored effectively. A further response is therefore required to address the initial issue.
DCO Requirements (REP2-060 page 27)	The original comment has not been addressed. A further response is therefore required.
Carbon - Assessment of Data Sets (REP2-060 page 33)	It is maintained that that the assessment of road vehicle exhaust emission impacts utilised data from the traffic modelling exercise. As such, any discrepancies in the data set, as currently being explored further by LBH, have the potential to affect the assessment results.
Carbon – Mitigation (REP2-060 pages 34 and 35)	Based on the response the initial assessment is considered misleading and the Applicant appears to be removing previously confirmed commitments to low carbon mitigation measures. The validity of the assessment results would therefore also be questioned given some of the adopted assumptions appear to be incorrect.

Landscape

Document Reference - Applicant's comments	LBH Comments
Assessment of Data Sets (REP2-060 page 44)	The Council will consider its position on this matter and respond accordingly at Deadline 4
Mitigation (REP2-060 pages 44 and 45)	The Council will consider its position on this matter and respond accordingly at Deadline 4