

## **LONDON BOROUGH OF HAVERING – RESPONSE TO POST HEARING SUBMISSIONS OF THE APPLICANT REGARDING ISH 4 AND ISH 7 (REP4-180 AND REP4-183)**

This response briefly considers some of the material submitted by the Applicant in its post hearing submissions in respect of ISH 4 and ISH 7. It deals with:

1. ISH 4 – The issue of funding wider network impacts.
2. ISH 7 – Commuted Sums.

### **1. Funding of Highway Works in Havering – REP4-180 – Paragraph B.6.2 page 48/49**

- 1.1 In the above paragraph the Applicant refers to alternative funding opportunities available to LBH, and the ability to bid to Transport for London (TfL) for funding if monitoring demonstrates the need for mitigation, which the Project is not delivering. Reference is made to the TfL Local Implementation Plan (LIP) fund and the fact that TfL itself can, in turn, bid for more money.
- 1.2 The LIP is a funding mechanism that boroughs can utilise to deliver the Mayor's Transport Strategy at a local level. In recent years, London Boroughs have seen a significant reduction in LIP Funding that has been available. This is because TfL are a self-funding organisation and rely on passenger fares and advertising as their main income streams. The 2023/24 financial year has been the first year where boroughs have experienced anywhere near the pre-covid funding levels. This financial year Havering has received a core LIP Funding allocation of £1.396m. As a result, a borough like Havering is behind on its delivery programme contained within its Transport Strategy document.
- 1.3 In addition, there are specific criteria that boroughs are expected to adhere to in terms of what LIP Funding can and cannot be spent on. In general terms, LIP funding has to be spent on schemes that support the Mayor's Vision Zero and Healthy Streets objectives and, therefore, the bulk of Havering's LIP programme is focussed on schemes that support active and sustainable travel and addressing collision rates. However, schemes that are focussed on improved capacity for private vehicles are unlikely to be allocated any LIP Funding if they do not meet the Mayor's objectives and targets.
- 1.4 For the reasons outlined above, it is simply unrealistic to expect Havering to fund any mitigation impacts from the Lower Thames Crossing project through a single source of external funding such as the LIP.

**2. Protective Provisions and Commuted Sums – REP4-183 – Paragraph 1.3.22 – 1.3.30**

- 2.1 In this section of its submissions, the Applicant seeks to provide further justification for not providing for payment of commuted sums in the protective provisions it put forward for local highway authorities.
- 2.2 In paragraph 1.3.22 the Applicant seeks to argue that National Highways (NH), as a matter of principle, should not be liable to pay commuted sums for maintenance of the local highway because its responsibility is solely for the SRN. However, it is known that there is no objection in principle because at least one DCO on the face of it has provision for payment of commuted sums to a local highway authority<sup>1</sup>. It is not known how many other DCO have related side agreements which secure such sums, nor does the Applicant's documents make this clear. It is also not clear as to the extent of any new highway, and therefore new maintenance liability, which is present in the DCO which are listed in 1.3.28 as not have any commuted sums payable.
- 2.3 The funding arrangements for highway maintenance referred to in paragraphs 1.3.23 and 1.3.24 do not apply to the London Borough of Havering – see LB Havering's response to the Applicant's comments on Written Representations **REP3-186**.
- 2.4 In paragraph 1.3.30 the Applicant refers to ADEPT published guidance on commuted sums. The first quote is a bullet point from the summary of the document on page 002. That bullet point identifies the relevant paragraphs in the document which it is drawn from. One of those is paragraph 3.1 which state: "*A general rule established in this guidance is that commuted sums will not be appropriate to be requested where existing funding streams are made available to the authority for the purposes of future maintenance of the specific assets*". It is clearly the case that there is no existing funding stream which will be made available to LB Havering to maintain the specific assets that it will be required to take over as a result of the Project.

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<sup>1</sup> Somerset County Council – A303 Sparkford to Ilchester Dualling Scheme, M25 J8.