



Havering
LONDON BOROUGH

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London Borough of Havering (20035775) - Comments on the Applicant's Deadline 8 Submissions

Dear Sir,

In response to the Applicant's submissions at Deadline 8, please find below London Borough of Havering's comments.

Draft DCO submitted by Applicant (REP8-007)

The changes to the dDCO do not resolve the outstanding issues of LB Havering which are set out in the Havering response to the Commentary of the ExA to the dDCO (REP8-151). See paragraphs 4 and 10.

Code of Construction Practice including Register of Environmental Actions and Commitments (REAC), First Iteration of Environmental Management Plan V8.0 (REP8-045)

LB Havering is content with the additional Commitments contained within the REAC relating to Biodiversity, Flooding and Drainage.

Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation v5.0 (Tracked Changes) {REP8-049}

- Comments on the AMS-OWSI

Table 3.1 row 4.6 should be updated to reflect the range of mitigation options being identified in the Palaeolithic Addendum, row 7.3 should include digital archiving.

Section 8.6 Archiving – the updated AMS-OWSI now undertakes to develop a strategy for archiving in the future. NPSNN 5.140 requires that applicants “be required to deposit the archive generated in a local museum or other public depository willing to receive it”. The decision to delay formulating the archiving plan until after a PINS decision is concerning, due to the risk created that no suitable long term home will be found for the finds and

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records, effectively reducing any public benefit from them being preserved and accessible. LB Havering will not be in a position to approve the AMS-OWSI until a more robust archiving solution is identified.

LB Havering welcomes the updates to the PEAR.

- Comments on the new Palaeolithic addendum

LB Havering welcomes the inclusion of the Palaeolithic Addendum to the AMS-OWSI.

This addendum helpfully builds on the useful recent modelling work but it is limited by the constraints on our understanding of the profile, orientation, dimensions and significance of the asset as well as uncertainty about the depth and the scale of impact from the new North Ockendon M25 junction cutting. The extant borehole/evaluation dataset is limited and the engineering details of the cutting have not been shared.

A key aspect is in capturing and assessing evaluation data early enough and in sufficient detail to inform a workable and effective mitigation strategy, as well as in ensuring that engineering activities are designed early on with the scope to safely carry out deep and potentially complex archaeological mitigation as well, over a wide area. It is not completely clear from the current addendum how this is to be achieved.

LB Havering recommends that refining the existing geoarchaeological model with evaluation information, then comparing it to the extant, nature and depth of harms in these areas and then agreeing mitigations with the Local Planning Authorities (LPA) and the Historic England Regional Science Advisor (HE RSA) be made explicit in the process.

LB Havering recommends that the test pitting and deep excavation approaches be separated out in the addendum, as currently they are mixed together.

Havering also recommends that the scope for managing wide areas of identified channel side geoarchaeology that may be identified in a refined model are explicitly considered in the mitigation options. This is likely where cultural activity will be concentrated, but our understanding of impacts there from the scheme is still poor.

Applying the overall SSWSI model is sensible, though there will need to be a way of differentiating between, and flagging up the existence of, what will often be two separate SSWSIs, one for the Holocene and one for the deeper material, on the same footprint.

More specific comments concerning the Addendum are set out below:

- C.1.1 – project team should also include a zooarch with a Pleistocene specialism
- Regarding the detail of a mitigation stage, deep excavation is described, and is intended as a mitigation technique. This is described as being limited to 10m squares (C.3.37), similar to the 10m square test pitting methodology (C.3.35) is that correct?
- C.3.41 – this additional method statement is key and will need to be agreed as soon as possible and agreed with the LLPA archaeological adviser and HE RSA, bearing in mind the principles of the DCO condition, CoCp and REAC.

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Outline Landscape and Ecology Management Plan v6.0 (Tracked Changes) {REP8-081}

LB Havering has reviewed the tracked changes contained within this document and is content with them.

Framework Construction Travel Plan v5.0 (Tracked Changes) {REP8 – 085}

LB Havering notes the track changes that are included in REP8-085. Havering maintains the position it set out during Issue Specific Hearing 12 on the FCTP and contained in REP 8-146 and in response to the Applicant's D7 Submissions (REP8-147). The fact that there is no specific modal shift targets in the FCTP is of concern to Havering.

Outline Traffic Management Plan for Construction v8.0 (OTMPfC) (Tracked changes) {REP8- 087}

LB Havering welcomes the inclusion of paragraph 4.2.12 committing the Contractor to implement measures which reduces the amount of time it takes for the slip roads from the M25 to the M25 Construction compound being built.

Havering maintains the position it set out in its Deadline 7 Submission REP8-147. In particular Havering remains concerns that Table A.4 (ref RNTM58) still has the duration of the closure of Ockendon Road at 19 months which is contrary to the Commitment contained within the Stakeholder Actions and Commitments Register (SACR-007).

Havering very much hopes that this can be clarified by the Applicant at Deadline 9A.

Carbon and Energy Management Plan V3.0 (Tracked Changes) {REP8-089}

LB Havering has reviewed the tracked changes contained within this document and is content with them.

Stakeholder Action and Commitments Register (SACR) (Tracked Changes) {REP8-091}

The changes to the SACR at D8 do not resolve all the outstanding issues with regard to Parts 2 and 3 of the SACR made by LB Havering in the Havering Response to the Commentary of the ExA to the dDCO (REP8 – 151). See paragraph 4.2 and Appendices 1 - 3.

It is noted that there is a new commitment contained within the SACR (RACR-20) for Thurrock Open Space Community Engagement Officers. Specifically, this is to fund two community engagement officer posts for three years during construction with both posts at 0.6 FTE. The table further states that the beneficiaries of this will be residents in "high sensitive wards affected by construction activities.

LB Havering sees no reason why this commitment is only being applied to one host authority. All host Authorities will contain high sensitive wards affected by construction activities. LB Havering would expect to have a similar commitment, and is of the view that one post of 0.6 FTE should be funded to support similar activities within Havering.

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Applicant's Post event submissions, including written submission of oral comments for ISH12 (REP8-111).

LB Havering welcomes the written submission confirming the comments made by the Applicant at ISH12 that designated funds have been made available to improve the bridge over the M25 linking Folks Lane Woodland with Hole Farm. LB Havering requests clarification from the Applicant as to how this is to be secured through the DCO.

Applicant's Response to IP comments on dDCO submitted at D7 (REP8-116)

The response of the Applicant to the LB Havering comments at D7 do not resolve the outstanding issues of Havering in respect of the drafting of the dDCO. The most recent position is set out in the Havering Response to the Commentary of the ExA to the dDCO (REP8-151). See paragraphs 4 and 10.

Applicant's Comments on IPs' submissions regarding Wider Network Impact Position at D7 {REP8-123}

In Appendix B of the above document the Applicant purports to address the submissions on behalf of LB Havering made in its D7 response to the Wider Network Impacts Position Statement (REP7- 196). It is a restatement of the Applicant's position and contains nothing new. LB Havering's position remains as set out in REP7 – 196.

The key issue is that the Applicant continues to assert it is a special case and that it is entitled to rely on others to fund mitigation found to be properly required to satisfactorily mitigate the impacts of its scheme on the wider networks. The result being that such mitigation may well not be delivered.

The argument has become confused. It is not about whether or not the impacts are acceptable having regard to the overall balance and no party is asserting that all impacts need to be mitigated. The point is that the Applicant itself acknowledges that there might be a need for mitigation arising from the impact of its scheme on the wider network. The Applicant included the requirement to monitor the impacts in the dDCO to identify any such necessary mitigation.

Having acknowledged the need to monitor and identify any necessary mitigation, the Applicant is then refusing to accept responsibility to deliver that mitigation.

There is no basis for that special case within the NPSNN. The Applicant has not been able to point to any paragraph of the NPSNN which states, or even suggests, that where mitigation is identified as being required by monitoring then, if the scheme being pursued is a road scheme like the Lower Thames Crossing, the Applicant is entitled to rely on existing funding frameworks for the delivery of that mitigation.

The ExA and Secretary of State must apply the NPSNN as written and not as the Applicant would have like it to have been written.

Applying the policies of the NPSNN and having regard to the Applicants acknowledgement that mitigation might be identified as necessary as a result of the monitoring, a "Silvertown Tunnel" type requirement which secures both the monitoring of impacts and funding of mitigation is essential. The LB Havering position on that is set out in the Havering Response to the Commentary of the ExA to the dDCO (REP8- 151), see paragraph 10.1.

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Transport for London's Comments on Applicant's submissions at Deadline 7 (REP8-171)

LB Havering notes the comments made by Transport for London in their Deadline 8 submission REP8-171. In particular, the Council would like to endorse the comments made by TfL in relation to Wider Network Impacts and Monitoring (paras 3.1-3.3), funding for mitigation (para 4.3), comments concerning walking, cycling and horse-riding issues, (4.4-4.7) and comments on Protective Provisions and Commuted Sums (paras 5.1 – 5.3).

Yours faithfully,

Daniel Douglas

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