



Havering
LONDON BOROUGH

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London Borough of Havering (20035775) - Comments on the Applicant's Deadline 9 Submissions

Dear Sir,

In response to the Applicant's submissions at Deadline 9, please find below the London Borough of Havering's (LBH) comments.

Draft DCO (dDCO) submitted by the Applicant at Deadline 9

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

The response to the issues raised by LBH contained in Section 5 of the Applicant's Responses to IP's comments on the dDCO at D8 submitted by NH at D9 (Doc 9.213) do not change the position.

The up-to-date position with regards to the Protective Provisions (PP) for the benefit of the local highway authorities is set out in the Response of the Local Highway Authorities to Section 2 of the Applicant's Responses to IP's comments on the Draft DCO at D8 submitted by NH at D9 (Doc 9.213), and is the subject of a separate D9A submission.

Applicant's Responses to Interested Parties' comments on the Draft Development Consent Order at Deadline 8

LBH notes the Applicant's position with regards to Commuted Sums, as set out in section 2.4 (paragraphs 2.4.1 – 2.4.2) of document 9.213. The funding that the Applicant refers to is additional funding the Government has recently allocated to TfL and London Boroughs for highways maintenance.

With the pressures the Council's highways maintenance budget is already under, any additional funding allocated to Havering will go to supporting maintenance of the existing network and will not be able to be used to cover maintenance of new assets.

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LBH maintains its position that Commuted Sums are required where Havering is taking on maintenance responsibilities for new assets being delivered as part of the project. If the Council is not to receive a Commuted Sum for taking on an additional asset, there is considerable risk that the new asset would have to close as a future date if Havering is unable to safely maintain the structure due to a lack of maintenance funding.

Draft Archaeological Mitigation Strategy and Outline Written Scheme of Investigation v6.0 (Tracked Changes)

LBH welcomes the latest iteration of the Archaeological Mitigation Strategy and Outline Site Waste Management Plan (AMS-OWSI).

Havering however would suggest that reference 4.6 in Table 3.1 still needs to reflect wide area excavation and monitoring as Palaeolithic mitigation methods.

Havering welcomes the references in the document to the Historic England Regional Science Adviser, and the inclusion of a Pleistocene zooarchaeologist.

It is noted that with regards to archiving (paragraph 8.6.5), the Applicant is now undertaking to arrange for storage of the finds and records until a repository can be found. Havering recommends that this paragraph be amended to state that:

8.6.5 If no relevant repository or repositories are identified, the Project will ensure the safe and appropriate stable storage of the archive until an appropriate repository is available.

It is welcome that the Palaeolithic addendum has taken into account the comments Havering provided at Deadline 9.

Outline Landscape and Ecology Management Plan v7.0 (Tracked Changes)

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

Framework Construction Travel Plan v6.0 (Tracked Changes)

LBH has reviewed the tracked changes contained within this document and the concerns set out in its submission at Deadline 9 remain.

Outline Traffic Management Plan for Construction v9.0 (OTMPfC) (Tracked changes)

LBH has reviewed the tracked changes contained within this document and the concerns set out in its submission at Deadline 9 remain.

In particular, Havering remains concerned 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).

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Carbon and Energy Management Plan V4.0 (Tracked Changes)

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

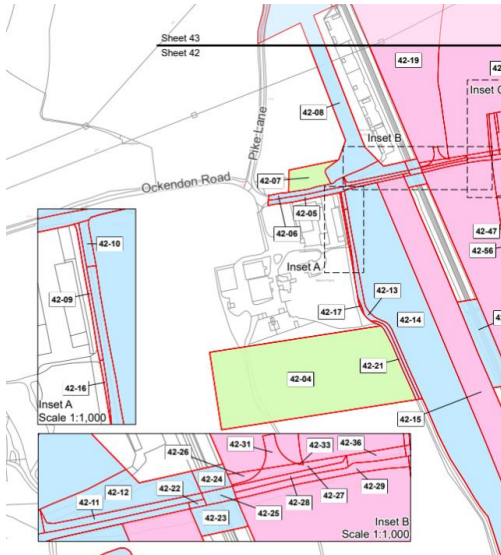
Stakeholder Action and Commitments Register (SACR) (Tracked Changes)

The changes to the SACR at D9 do not resolve all the outstanding issues with regards to Parts 2 and 3 of the SACR made by LBH in the LBH Response to the Commentary of the ExA to the dDCO (REP8 – 151). See paragraph 4.2 and Appendices 1 - 3.

However, LB Havering welcomes the additional commitment included in the SACR (SACR-027) concerning the handover of pre-construction baseline air quality and noise monitors to relevant local authorities.

LB Havering notes the additional commitment SACR-029 concerning a mechanism of the payment by National Highways of *“interim compensation payments in respect of evidenced financial losses incurred by the Manor Farm shop resulting from the temporary closure of Ockendon Road”*.

Havering has reviewed the Land Use Plans submitted by the applicant at Deadline 9 (2.2 Land Plans Volume C Sheet 42 – see extract reproduced below) and notes that the vehicular access to Manor Farm Shop is outside of the red line boundary and, as such, appears unaffected by the proposed construction works. LB Havering therefore cannot see any difference between the Manor Farm Shop and the South Essex Crematorium (SEC).



Havering believes that the situation with the Manor Farm Shop is analogous to the situation prevailing at Upminster Cemetery and SEC. As such, LBH does not see why such compensation should be limited to the Manor Farm Shop and, in particular, why such a compensation arrangement cannot also apply to Upminster Cemetery and the SEC.

Havering would suggest that such a commitment for compensation for the impact the Ockendon Road closure will have on Upminster Cemetery and the SEC should also be included within the SACR.

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At Issue Specific Hearing 8 Havering set out its concerns around the impact the closure of Ockendon Road would have on Upminster Cemetery and SEC and, in particular, the potential financial implications on what is a statutory service for the Council (see REP 6-146). These concerns for the Council remain and Havering finds it difficult to understand how the Applicant can include a commitment for compensation for one facility on Ockendon Road and not any others.

Can the Applicant please justify why such an arrangement is in place for Manor Farm Shop and not Upminster Cemetery and SEC?

It is disappointing that Havering's request in its Deadline 9 submission for a provision equivalent to (SACR 20) has not been addressed by the Applicant. The position Havering gave on this matter at Deadline 9 remains.

Wider Network Impact Position Statement

It is disappointing to see no changes have been made to the Wider Network Impact Position Statement despite Havering's submission at Deadline 7 (REP7-196) and Deadline 9. Havering maintains its position that it remains unsatisfactory, in particular with regards to mitigating wider network impacts.

Outline Site Waste Management Plan

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

Outline Materials Handling Plan

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

6.1 Environmental Statement Chapter 11 - Material Assets and Waste

LBH has reviewed the tracked changes contained within Chapter 11 Material Assets and Waste of the Environmental Statement, and notes the following.

LBH welcomes and supports the deletion of '70%' to clarify that contractors will be required to achieve diversion from landfill of 90% of non-hazardous excavated, construction and demolition wastes, set out in paragraph 11.4.12.

LBH welcomes further analysis of capacity of waste management facilities in the Study Area and agrees with the analysis that landfill capacity is likely to increase (following engagement with operators) and restoration is likely to present an outlet (for recovery) for excavation waste that is exported from site at future baseline date, and that treatment and transfer capacity is also likely to be similar to baseline (no evidence that capacity will be lost) (see paragraphs 11.4.34 – 11.4.40). However, LBH notes that this text does seem to be repeated (paragraphs 11.4.34-11.4.37 the same as 11.4.38-11.4.40) and that already presented (original text) at paragraphs 11.4.44-11.4.46.

LBH welcomes clarification that contractors' selection of off-site facilities using the sustainability scoring system should perform no worse than sites already identified in the Excavated Materials Assessment, as set out in paragraph 11/5/19 ii.

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LBH welcomes and supports the deletion of '70%' to clarify that contractors will be required to achieve diversion from landfill of 90% of non-hazardous excavated, construction and demolition wastes, as set out in paragraph 11.5.19 iii.

LBH supports clarification that the recovery rate of 'above 90%' can be achieved and deletion of '70-99%', as set out in paragraph 11.6.10.

LBH welcomes and supports the deletion of '70%' to clarify that the Applicant's target is for diversion from landfill of 90% of non-hazardous excavated wastes for management outside of Order Limits, as set out in paragraph 11.6.40.

Consents and Agreements Position Statement v8.0 (Tracked Changes)

Havering's position on its Section 106 with the Applicant is set out in its Deadline 9 submission. Whilst a Section 106 has been agreed with the Applicant, the Council will not have completed the internal governance arrangements for getting a Section 106 signed and sealed by Deadline 10. It remains Havering's intention to submit a signed and sealed Section 106 agreement to the Lower Thames Crossing Case Team as soon as it is possible, post the closure of the Examination.

Statement of Common Ground between the Applicant and the London Borough of Havering

LBH notes the Statement of Common Ground between the Applicant and the London Borough of Havering submitted to the ExA at Deadline 9. Havering acknowledges signature of this document and agrees with its content.

Yours faithfully,

Daniel Douglas

Team Leader Transport Planning

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