

M25 junction 28 improvement scheme

TR010029

9.11 Statement of Common Ground with Transport for London

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9.11 STATEMENT OF COMMON GROUND WITH TRANSPORT FOR LONDON

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Transport for London



Project Manager
on behalf of Highways England
Date: [DATE]

Signed.....
[NAME]
[POSITION]
on behalf of Transport for London
Date: [DATE]

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1. Introduction

1.1 Purpose of this document

- 1.1.1. This Statement of Common Ground ("SoCG") has been prepared in respect of the application ("the Application") for the M25 junction 28 improvement scheme ("the Scheme") submitted by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the DCO" ") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2. This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All Application documents are available on the Planning Inspectorate website.
- 1.1.3. The SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify, and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1. This SoCG has been prepared by (1) Highways England as the Applicant and (2) Transport for London ("TfL").
- 1.2.2. Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3. TfL is the integrated transport authority for London with responsibilities including the maintenance, management and operations of London's main roads, known as the Transport for London Road Network ("TLRN").

1.3 Terminology

- 1.3.1. In Table 3-1 in the Issues section of this SoCG:
 - "Agreed" indicates area(s) of agreement
 - "Under discussion" indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue to determine whether they can reach agreement by the end of the examination
 - "Not agreed" indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point.

- 1.3.2. It can be assumed that any matters not specifically referred to in the Issues section of this SoCG are not of material interest or relevance to TfL, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to TfL.

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2. Record of engagement

- 2.1.1. A summary of the meetings and correspondence that has taken place between Highways England and TfL in relation to the Application is outlined in Table 2-1.

Table 2-1: Record of engagement

Date	Form of correspondence	Key topics discussed and key outcomes
28/11/2018	Letter / email out to TfL (Road Space Management)	To inform TfL of scheme and statutory consultation.
29/01/2018	Letter out to TfL	Confirmation that the January 2018 consultation was postponed to allow further development work on the design, taking into account all the key considerations. Confirmation that this process is nearly complete and that the dates of the 6 week consultation period and how you can get involved will be provided before August 2018.
30/11/2018	Email out to TfL	Notification of statutory consultation.
30/11/2018	Letter out to TfL	Notification of statutory consultation as prescribed consultation bodies and statutory undertakers.
26/07/2019	Email out to TfL	Request for comment on Transport Assessment scoping report.
30/10/2019	Letter out to TfL	Notification of supplementary consultation as prescribed consultation bodies and statutory undertakers.
11/05/2020	Email exchange with TfL	Highways England provided latest versions of various documents to TfL including Road Safety Audit, copies of draft DCO Works Plans and other DCO documents for review and comment.
22/05/2020	Email from TfL	Providing high level comments on the draft DCO.
29/06/2020	Meeting with TfL.	Meeting to go through issues raised by TfL following an email from TfL dated 21/05/20.
15-16/07/20	Email exchanges with TfL	Clarifying meeting arrangements.
21/07/2020	Letter out to TfL	Notification under section 56 of Planning Act 2008 of accepted application.
27/07/2020	Email out to TfL	Provision of draft minutes from June meeting and a plan of existing Cadent gas pipeline beneath A12.
28/07/2020	Meeting via Teams with TfL	Progress meeting.
19/08/2020	Meeting via Teams with TfL	Traffic modelling meeting.

Date	Form of correspondence	Key topics discussed and key outcomes
26/8/2020	Email out to TfL	Provision of draft agenda for September meeting and draft minutes of August traffic modelling meeting.
27/8/2020	Email in from TfL	Provision of example draft Cost Recovery Agreement from Lower Thames Crossing project.
03/09/2020	Meeting via Teams with TfL	Progress meeting.
3-8/9/2020	Email in from TfL and subsequent exchange	TfL provided a draft copy of their relevant representation with a follow up response from Highways England.
4/9/2020	Email out to TfL	Provision of shapefiles showing Highways England's interests following August meeting.
11/9/2020	Email out to TfL	Provision of minutes from September meeting.
14/9 – 21/01/2021	Email exchanges	Cost Recovery Agreement.
2/10/2020	Email out to TfL	Provision of draft agenda for October meeting, minutes of September meeting, and modelling information.
05/10/2020	Meeting via Teams with TfL.	Progress meeting.
7-8/10/2020	Email exchange with TfL	Sharing modelling information with LB Havering.
23–26/10/2020	Email exchange Highways England / TfL	Maintenance responsibilities.
26/10/2020	Email in from TfL and subsequent exchanges	Book of Reference clarifications.
28/10/2020	Email exchanges with TfL	Provision of draft agenda for forthcoming meetings and draft minutes of October meeting and subsequent follow up.
29/10/2020	Meeting via Teams with TfL	Meeting to focus on maintenance and land issues.
02/11/2020	Meeting via Teams with TfL	Progress meeting.
4/11/20	Letter in from TfL	Letter providing further details regarding maintenance of the A12 eastbound slip road.
20/11 – 2/12/2020	Email exchanges between TfL / Highways England	Clarifications regarding maintenance responsibilities.
23/11/2020	Email to TfL	Provision of draft minutes of November meeting and agenda for December meeting.
2–8/12/2020	Email chain with TfL	Correspondence with TfL seeking regarding contact with the GLA and their role.
6/12/2020	Email out to TfL	Provision of draft agenda for January meeting.

Date	Form of correspondence	Key topics discussed and key outcomes
7/12/2020	Meeting via Teams with TfL.	Progress meeting.
8/12/2020	Email out to TfL	Provision of draft contractor's programme and Highways England's maintenance details.
8/12/2020	Email in from TfL and subsequent exchange	Clarifications on maintenance responsibilities.
23/12/2020-07/04/2021	Email exchanges with TfL	Email exchanges between TfL and Highways England regarding the draft SoCG and subsequent related correspondence.
29/12/2020	Letter out to TfL	Formal response to TfL's letter of 4/11/20 concerning maintenance aspects on the A12 eastbound slip road.
06/01/2021	Email out to TfL and subsequent exchange	Provision of draft minutes from December meeting and agenda for January meeting and clarification re SoCG and Cost Recovery Agreement.
11/01/2021	Meeting via Teams with TfL.	Progress meeting.
18/01/2021	Email exchange with TfL	TfL's position would be to accept responsibility for maintenance of the new A12 eastbound off slip road and associated assets to be agreed, subject to receiving a commuted sum from Highways England.
18/01/2021 – 08/04/2021	Email exchanges	Email correspondence re Side Agreement
20/01/2021 – 11/03/2021	Email in from TfL and related exchange	TfL's response and comments to the first draft SoCG with subsequent email exchanges.
08/02/2021	Meeting via Teams	Progress meeting between HE and TfL
04/02/2021	Letter in from TfL	Confirmation that TfL do not have any comments pursuant to the targeted consultation for Changes 1-4.
01/03/2021	Meeting via Teams	Meeting with TfL, Cadent Gas and HE.
02/03/2021	Email exchange	Grove Farm access
14/02/2021	Heads of Terms from TfL	Draft Heads of Terms received from TfL
08/03/2021	Meeting via Teams	Progress meeting between HE and TfL
11/03/2021	Meeting via Teams	SoCG progress meeting between HE and TfL
16/03/2021	Email to TfL - Head of Terms	HE comments on draft Heads of Terms
25/03/2021	Meeting via Teams	SoCG progress meeting between HE and TfL
26/03/2021	Email from TfL	Heads of Terms
01/04/21	Meeting via Teams	To discuss Heads of Terms for a side agreement.

- 2.1.2. It is agreed that this is an accurate record of the key meetings and other forms of consultation and engagement undertaken between (1) Highways England and (2) TfL in relation to the issues addressed in this SoCG.

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3. Issues

3.1 Introduction and general matters

- 3.1.1. This document sets out the 'issues' which are agreed, not agreed, or are under discussion between TfL and Highways England.
- 3.1.2. On 12 November 2020, the Examining Authority issued a letter under Section 88 of the PA 2008 and Rules 4, 6 and 9 of The Infrastructure Planning (Examination Procedure) Rules 2010 (known as the '*Rule 6 Letter*'). Annex D sets out a request for SoCGs between Highways England and various parties, including TfL. For TfL the '*Rule 6 Letter*' advises that the following issues should be in the SoCG:
- The effects on the highway network from construction and operational phases
 - Scope of works and design information
 - Landownership and rights
 - Environmental impacts
 - The draft DCO.
- 3.1.3. The '*Rule 6 Letter*' also advises that the SoCGs should cover where relevant:
- Methodology for environmental assessments including assessment of cumulative effects
 - Data collection methods
 - Baseline data
 - Data/statistical analysis, approach to modelling and presentation of results
 - Full expression of expert judgements and assumptions
 - Identification and sensitivity of relevant features and quantification of potential impact
 - Likely effects, including construction and operational effects
 - Feasible and deliverable mitigation and method of securing such mitigation within the DCO.
- 3.1.4. Table 3-1 shows those matters which have been agreed or yet to be agreed by the parties, including a reference number for each matter, and the date and method by which it was agreed (if relevant).

Table 3-1: Issues and matters to be agreed

3.1.5. Table 3-1 has been discussed with TfL, but as of 15 January 2021, written feedback is awaited.

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Transport for London and reasons for any difference in views	Matters to be addressed/agreed
1.0 EFFECTS ON THE HIGHWAY NETWORK FROM CONSTRUCTION AND OPERATIONAL PHASES				
1.1	RR-028 paras 7.1 to 7.6 APP-015	The proposals set out in the Requirements of the draft DCO (APP-015) to minimise traffic impacts of the Scheme on the TLRN during construction are appropriate.	Under discussion. Highways England submitted an Outline Traffic Management Plan (TMP) at Deadline 4 (REP4-013) which it considers includes the information TfL noted it would expect to see in the Outline TMP (see TfL Deadline 4 submission para 3.5.1 (REP4-038). TfL is currently reviewing the Outline TMP.	
1.2	RR-028 paras 3.8, 7.3 and 7.5	The construction and operation of the Scheme will not give rise to significant adverse effects on the TLRN as presented in the Transport Assessment Supplementary Information Report (TASIR) (PDB-003) submitted on 21 December 2020.	Under discussion Pending completion of a review by TfL of the Outline TMP submitted by Highways England at Deadline 4.	
1.3	RR-028 paras 4.1 and 5.6 APP-015	The impact of the Scheme on traffic during the construction phase would be managed through the Traffic Management Plan that is secured in the dDCO (APP-015) through Requirement 10 and would involve consultation with TfL as the relevant highway authority. The proposed traffic management	Under discussion. Pending completion of a review by TfL of the Outline TMP submitted by Highways England at Deadline 4.	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Transport for London and reasons for any difference in views	Matters to be addressed/agreed
		of the Scheme during construction would ensure the safety of road users and minimise additional traffic congestion and delay on the TLRN as far as reasonably practicable. The Outline Traffic Management Plan is appropriate to address the impacts of construction of the authorised development on the TLRN.		
2.0 SCOPE OF WORKS AND DESIGN INFORMATION				
2.1	RR-028 paras 3.6 and 5.5 APP-032	The parts of the Scheme affecting the TLRN have been designed to and will meet the requirements of the DMRB.	Agreed.	
2.2	RR-028 paras 2.2 and 4.2	To enable detailed design to come forward, the drafting of Requirement 3 is appropriate for the Scheme.	Agreed.	
2.3	RR-028 para 7.6	The non motorised user (NMU) proposals within the Scheme are proportionate and appropriate.	Under discussion. TfL supports the securing of improvements to the NMU route around the Junction 28 roundabout in the DCO. Highways England's position is that the appropriate approach is to deal with NMUs as part of the wider corridor of upgrades to pedestrian and cycle facilities between Harold Hill and Brentwood, not as part of the Scheme.	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Transport for London and reasons for any difference in views	Matters to be addressed/agreed
			<p>The designated funds scheme is specifically aimed at providing these additional benefits alongside Highways England's primary responsibility for the maintenance and upgrade of the SRN. Highways England considers that this is more appropriate, and a more efficient use of resources, than including isolated improvements for NMUs at junction 28 in the DCO application.</p> <p>TfL is seeking assurance that the design of the NMu route is consistent with the upgrade to be provided if the Road Investment Strategy 2 bid is successful, with particular regard to the crossings of the A12 and M25 slip roads at the Junction 28 roundabout.</p> <p>Highways England's position is that the designated funds scheme is not inconsistent with proposals in the DCO Scheme and together they would provide a holistic improvement to connectivity.</p>	
2.4	RR-028 paras 5.4 and 9.1	TfL should be consulted upon the details for diversion of the high-pressure gas pipeline beneath the A12.	<p>Under discussion.</p> <p>Highways England is currently in ongoing discussions with TfL regarding the proposed Scheme and its interface with the TLRN. This includes details relating to the Cadent gas diversion</p>	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Transport for London and reasons for any difference in views	Matters to be addressed/agreed
			<p>under the A12. The outcome of these discussions will be set out in a side agreement or alternatively through protective provisions in the dDCO.</p> <p>A meeting was held between Cadent and TfL on 1 March 2021 to discuss the diversion and issues from that relating to the TLRN.</p>	
3.0 LAND OWNERSHIP AND RIGHTS				
3.1	RR-028 paras 6.1 to 6.4	The Book of Reference correctly records the existing land ownership and highway authority responsibilities for plots affecting TfL land and/or rights.	Agreed.	
3.2	RR-028 paras 2.2, 6.2 and 6.3	The scope of the compulsory acquisition powers over plots for which TfL has ownership and/or rights sought in the DCO are required for the development, are required to facilitate or are incidental to the development.	<p>Under discussion.</p> <p>Highways England submitted revised details to the ExA at Deadline 4 (17 March 2021) to address concerns raised by TfL.</p> <p>TfL maintain some queries regarding powers sought, and discussions between both parties continue.</p>	
4.0 ENVIRONMENTAL IMPACTS				
4.1 Policies				
4.1.1	RR-028 paras 5.1 and	The correct policies and guidance have been	Under discussion.	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Transport for London and reasons for any difference in views	Matters to be addressed/agreed
	8.1 APP-095	taken into consideration in assessing the Scheme as presented in section 5 of the Case for the Scheme (APP-095), and the Scheme is compliant with the relevant policies.	TfL has asked that evidence be given to show how the Scheme is compliant with the London Environment Strategy and Mayor's Transport Strategy. HE will submit an update to the relevant section of the Environment Statement to reflect this at Deadline 5.	
4.1.2	Himalayan balsam	The DCO incorporates appropriate mitigation measures in relation to Himalayan balsam.	Agreed.	
4.2 Cumulative and in-combination effects on, and with, other major projects and proposals				
4.2.1	RR-028 paras 2.2 and 7.2	Appropriate assessments in accordance with Department of Transport's (DfT) Transport Analysis Guidance (TAG) have been undertaken to assess the potential cumulative and in-combination effects of the Scheme on, and with, other major projects and proposals.	Under discussion. TfL has advised it needs to review in more detail the performance of the new layout for Junction 28 with the Lower Thames Crossing in place.	
4.3 Traffic Modelling and Transport Assessment				
4.3.1	RR-028 paras 7.2 to 7.4 APP-098	The methodology and scope of the traffic modelling carried out for the Scheme has been undertaken in accordance with DfT's TAG and is robust and appropriate in respect of: <ul style="list-style-type: none"> Baseline monitoring (Chapter 3 of the Transport Assessment Report (TAR) (APP-098)) Demand forecasting (section 5.3 of the 	Under discussion TfL has reviewed the TASIR and the additional information provided which has resolved some of TfL's concerns. However, TfL has some further queries on some issues and continues to seek additional sensitivity tests regarding growth forecasts in London which requires further discussion.	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Transport for London and reasons for any difference in views	Matters to be addressed/agreed
		<p>TAR (APP-098))</p> <ul style="list-style-type: none"> Future year modelling (Chapter 5 of the TAR (APP-098). <p>The TASIR (PDB-003) submitted on 21 December 2020 presents information that demonstrates that:</p> <ul style="list-style-type: none"> the Scheme would provide journey time benefits under both the low and high traffic growth forecast scenarios the Scheme would improve journey times for all traffic including buses on the A1023 the Scheme would not have a significant impact on the operational performance of Gallows Corner. 	<p>HE does not consider there to be a need for sensitivity tests to be undertaken.</p> <p>Highways England accepts that a requirement to deal with the operation of the traffic signals on M25 junction 28 roundabout to mitigate the impacts of the Scheme on Brook Street can be included in the DCO and a Requirement (no.14) has been included in the draft DCO submitted at Deadline 5 (TR010029/APP3.1(4)).</p>	
		<p>The 2015 base flows used in the traffic modelling and reported in Chapter 3 of the TAR (APP-098) are robust and derived from reliable sources.</p>	Agreed.	
5.0 THE DRAFT DCO				
5.1	<p>RR-028 paras 3.1, 3.3 to 3.5, 4.4 and 9.1,</p> <p>APP-015</p>	<p>The articles and schedules in the dDCO (REP4-002) of relevance to TfL's interests are appropriate for the Scheme.</p>	<p>Under discussion.</p> <p>TfL has detailed proposed amendments to the dDCO as part of TfL's submission at Deadline 4.</p> <p>Highways England is considering those proposed amendments and will update</p>	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Transport for London and reasons for any difference in views	Matters to be addressed/agreed
			<p>the dDCO at Deadline 5 where appropriate.</p> <p>Discussions continue with regards to a side agreement which will address the concerns raised by TfL.</p>	
5.2	<p>RR-028 paras 4.2 to 4.3 and 7.5.</p> <p>APP-015</p>	The Requirements of relevance to TfL's interests set out in Schedule 2 of the dDCO (APP-015) are appropriate for the Scheme.	<p>Under discussion.</p> <p>Highways England has added 'relevant highway authority' to Requirement 3 Detailed Design, Requirement 4 the CEMP, Requirement 5 Landscaping, Requirement 6 contaminated land, and Requirement 8 - surface and foul water drainage to address TfL's concerns.</p> <p>TfL has also asked to be consulted on the HEMP insofar as it effects TfL's assets under Requirement 4. Highways England advise that the Outline CEMP has been amended for submission at Deadline 5 [ref TR010029/APP/7.2] to note that the principal contractor, in preparing the HEMP, must consult with the relevant highway authority to the extent that it relates to matters relevant to its functions.</p>	
5.3	RR-028 para 2.2, 3.6, 3.8, 7.4 and 7.5.	The draft DCO does not need to include protective provisions for the benefit of TfL.	<p>Under discussion.</p> <p>Highways England is continuing to</p>	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Transport for London and reasons for any difference in views	Matters to be addressed/agreed
			engage in discussions with TfL as regards to the terms of a separate side agreement and the future maintenance of highway works affecting TLRN. Highways England will provide an update on the position as regards these discussions in due course.	
5.4		Commutated sum.	<p>Not agreed</p> <p>TfL considers that a commuted sum is required for newly created assets on the TLRN for maintenance and renewal because these assets are more extensive and involve more complex infrastructure than existing assets.</p> <p>Highways England considers that the A12 slip road is a replacement for an existing GLA road for a number of reasons including that the existing aging asset will be replaced by a new one, thereby deferring any asset renewal works required by TfL for several years.</p> <p>Highways England is continuing to engage in discussions with TfL as regards to the terms of a separate side agreement and the future maintenance of highway works affecting the TLRN. Highways England will provide an update on the position as regards these discussions in due course.</p>	

3.1.6. The list below states the relevant examination documents used in Table 3-2.

Table 3-2: Examination documents

Examination reference	Document title
RR-028	Transport for London Relevant Representation
APP-015	3.1 Draft Development Consent Order
APP-032	6.1 Environmental Statement - Chapter 10 - Geology and Soils
APP-095	7.1 Case for the Scheme and Schedule of Accordance with National Policy Statement
APP-098	7.4 Transport Assessment Report
PDB-003	9.5 Transport Assessment Supplementary Information Report
REP4-013	9.52 Outline Traffic Management Plan (TMP)

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Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ
Highways England Company Limited registered in England and Wales number 09346363

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