

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

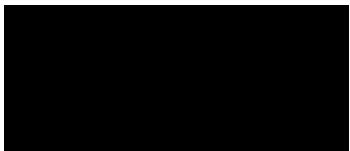
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STATEMENT OF COMMON GROUND

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

Signed *Thomas Selby*
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Project Manager
on behalf of Highways England
Date: 20.05.2021

Signed 
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Date: 20.05.21

CONTENTS

1.	Introduction	4
1.1	Purpose of this document	4
1.2	Parties to this Statement of Common Ground	4
1.3	Terminology	4
2.	Record of engagement	6
3.	Issues	11
3.1	Introduction and general matters	11

Tables

Table 2-1: Record of engagement	6
Table 3-1: Issues and matters to be agreed	12
Table 3-2: Examination documents	23

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 disagree 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.

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.

Date	Form of correspondence	Key topics discussed and key outcomes
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.
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.

Date	Form of correspondence	Key topics discussed and key outcomes
7-8/10/2020	Email exchange with TfL	Sharing modelling information with London Borough of 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.
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.

Date	Form of correspondence	Key topics discussed and key outcomes
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 Highways England 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 Highways England and TfL.

Date	Form of correspondence	Key topics discussed and key outcomes
11/03/2021	Meeting via Teams	SoCG progress meeting between Highways England 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 Highways England 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.
07/05/20	Meeting via Teams	Joint meeting with TfL, London Borough of Havering and Highways England regarding proposed Change 8 – Grove Farm egress.
07/05/20	Meeting via Teams	SoCG progress meeting between Highways England and TfL
07-10/05/2021	Email exchanges	Emails regarding requirements and NMU.
17/05/21	Email	Email providing comment of the Statement of Common Ground for Deadline 7 submission
23/06/21	Meeting via Teams	Discussion on outstanding matters

- 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.

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, and the information below represents the latest position as of 30 June 2021.

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 REP8-002	The proposals set out in the Requirements of the draft DCO (REP8-002) to minimise traffic impacts of the Scheme on the TLRN during construction are appropriate.	<p>The Outline Traffic Management Plan (TMP) submitted by Highways England at Deadline 7 (TR010029/EXAM/9.52) addresses the final concerns TfL have raised, namely:</p> <ul style="list-style-type: none"> - Overnight closure of the A12 eastbound off slip and associated diversion route; - temporary pedestrian diversions; and - confirmation of narrow lane operation on the A12 eastbound during peak periods. <p>Highways England also confirmed at Deadline 9 (TR010029/APP/9.122) that the proposed temporary closures of</p>	Agreed.

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
			lane 1 on the A12 eastbound carriageway will only take place at weekends and overnight and will not be in place during weekday peak or inter-peak periods.	
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.	While TfL has remaining concerns about the assessment methodology used for some aspects of traffic modelling, TfL accepts that a range of scenarios have been assessed. On balance addressing TfL's concerns is unlikely to result in significantly different outcomes in the assessment of the impacts of the Scheme.	Agreed.
1.3	RR-028 paras 4.1 and 5.6 REP8-002	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 (REP8-002) through Requirement 10 and would involve consultation with TfL as the relevant	An updated version of the Outline TMP was submitted at Deadline 7 (REP7-017) which addressed TfL's concerns. Highways England have further clarified the proposed temporary closures of lane 1 on the A12 eastbound	Agreed.

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
		highway authority. The proposed traffic management 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.	carriageway will only take place at weekends and overnight and will not be in place during weekday peak or inter-peak periods.	
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.	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.	Agreed.
2.3	RR-028 para 7.6	The non motorised user (NMU) proposals within the Scheme are proportionate and appropriate.	TfL welcomes approval of designated funding for the wider integrated NMU scheme and the	Agreed.

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
			confirmation given at ISH3 that those elements that fall within the Order limits will be delivered alongside the DCO scheme. TfL also welcomes confirmation at ISH3 that Highways England will fund the full cost of the Designated Funds scheme which may be higher or lower than the current estimate of approximately £3.5m.	
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.	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 under the A12. The outcome of these discussions will be set out in a side agreement or alternatively through protective provisions in the dDCO. A series of meetings is being held between Cadent and TfL to	Agreed.

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
			discuss the diversion and issues from that relating to the TLRN.	
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.	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.	Highways England submitted revised details to the ExA at Deadline 6 (REP6-011) to address concerns raised by TfL and further revisions submitted at Deadline 7 ((TR010029/EXAM/9.52) to subdivide Plot 1/3 to take account of comments received by TfL. This plot has now been subdivided into Plot 1/3 and 1/3a indicate where permanent acquisition of land is proposed at plot 1/3a and where only an acquisition of rights is proposed	Agreed.

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
			at plot 1/3. This is reflected on the final land plans (TR010029/APP/2.2(3)). Queries raised regarding powers sought for Plot 1/1a have also now been addressed through discussions.	
4.0 ENVIRONMENTAL IMPACTS				
4.1 Policies				
4.1.1	RR-028 paras 5.1 and 8.1 APP-095	The correct London policies and guidance have been taken into consideration in assessing the Scheme as presented in section 5 of the Case for the Scheme (CfS) (APP-095), and the Scheme is compliant with the relevant policies.	Agreed.	Agreed.
4.1.2	Himalayan balsam	The DCO incorporates appropriate mitigation measures in relation to Himalayan balsam.	Agreed.	Agreed.
4.2 Cumulative and in-combination effects on, and with, other major projects and proposals				

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
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.	While TfL has remaining concerns about the assessment methodology used for some aspects of traffic modelling, including the approach to assessing the potential cumulative impacts with the Lower Thames Crossing scheme, TfL accepts that a range of scenarios have been assessed. On balance addressing TfL's concerns is unlikely to result in significantly different outcomes in the assessment of the impacts of the scheme	Agreed.
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 	TfL accepts the wording of Requirement 14 submitted at Deadline 7 (TR010029/APP/3.1 (6)). While TfL has remaining concerns about the assessment methodology used for some	Agreed.

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"> • Demand forecasting (section 5.3 of the TAR (APP-098)) • 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>aspects of traffic modelling, TfL accepts that a range of scenarios have been assessed. On balance addressing TfL's concerns is unlikely to result in significantly different outcomes in the assessment of the impacts of the scheme.</p>	
		<p>The 2015 base flows used in the traffic modelling and reported in Chapter 3 of the TAR (APP-098) are</p>	<p>Agreed.</p>	<p>Agreed.</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
		robust and derived from reliable sources.		
5.0 THE DRAFT DCO				
5.1	RR-028 paras 3.1, 3.3 to 3.5, 4.4 and 9.1, REP8-002	The articles and schedules in the dDCO (REP4-002) of relevance to TfL's interests are appropriate for the Scheme.	TfL has detailed proposed amendments to the dDCO as part of TfL's submission at Deadline 4. These amendments are reflected in the latest version of the draft DCO (REP8-002). Discussions continue with regards to protective provisions or a side agreement which will address the concerns raised by TfL.	Agreed.
5.2	RR-028 paras 4.2 to 4.3 and 7.5. REP8-002	The Requirements of relevance to TfL's interests set out in Schedule 2 of the dDCO (REP8-002) are appropriate for the Scheme.	Agreed	Agreed
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.	Highways England is continuing to engage in discussions with TfL as regards to the terms of a	Agreed.

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
			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>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</p>	Not agreed.

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
			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.	

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
REP8-002	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
REP1-027	9.11 Draft Statement of Common Ground with Transport for London
REP1-039	Transport for London: Responses to Relevant Representations, notification to speak at an Open Floor Hearing / Compulsory Acquisition Hearing and position statement
REP2-036	Transport for London: Amended submission accepted at the discretion of the Examining Authority due to confidential information - Written Representation
REP2-038	Transport for London: Comments on Deadline 1 responses
REP3A-015	9.11 Statement of Common Ground with Transport for London
REP3A-046	Transport for London: Comments on responses to the ExA's Written Questions and responses to Written Representations
REP3B-004	9.47 Applicant's comments on responses to Transport for London Deadline 3a Response
REP3B-008	Transport for London: Suggested agenda items for Compulsory Acquisition Hearing 1
REP4-011	9.50 Applicant's response to the Transport for London Deadline 3b submission

Examination reference	Document title
REP7-017	9.52 Outline Traffic Management Plan (TMP)
REP4-038	Transport for London: Written summary of oral submissions put at the Hearings held the week commencing 1 March 2021
REP5-031	9.11 Statement of Common Ground with Transport for London
REP5-070	Transport for London: Responses to the Examining Authority's Further Written Questions and requests for information
REP6-011	9.84 Applicant's comments on Transport for London's response to the Examining Authority's Further Written Questions
REP6-044	9.84 Applicant's comments on Transport for London's response to the Examining Authority's Further Written Questions
REP6-045	Transport for London: Response to the Examining Authority's Rule 17 Letter requesting further information about provisions for Non-Motorised Users (NMUs)
REP7-007	9.11 Statement of Common Ground with Transport for London
REP7-022	9.101 Applicant's response to Transport for London's Deadline 6 submissions
REP7-042	Transport for London: Written Summary of Oral Submissions made at Issue Specific Hearing 3
REP8-037	Transport for London: Response to the Examining Authority's Rule 9 and 17 Letter (26 May 2021)
REP8-038	Transport for London: Response to submissions made at Deadline 7

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