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| <b>Committee(s):</b> Planning and Licensing Committee  | <b>Date:</b> 18 December 2019 |
| <b>Subject:</b> M25 Junction 28 Improvement Scheme, Supplementary Consultation Response  | <b>Wards Affected:</b> All    |
| <b>Report of:</b> Phil Drane, Director of Strategic Planning   | <b>Public</b>                 |
| <b>Report Author:</b><br>Name: Andrea Pearson, Senior Policy Planner<br>Telephone: 01277 312572<br>E-mail: andrea.pearson@brentwood.gov.uk | <b>For Decision</b>           |

### Summary

Highways England is consulting on an improvement scheme to Junction 28 of the M25 (Brook Street roundabout). Proposals relate to anti-clockwise traffic connecting with the A12 eastbound towards Chelmsford. This follows previous consultations that Brentwood Borough Council has responded to. This Supplementary Consultation focuses on additional environmental surveys and design work that has informed minor amendments to the scheme.

In response to the consultation, which closed on 2 December 2019, an officer response has been submitted subject to Member approval as set out in Appendix A. As a major national infrastructure project with implications for the Borough, it is important that the Council respond and further consider issues through the Local Development Plan and Duty to Cooperate processes. Next stages include the Council's involvement in the Development Consent Order (DCO) process.

### Recommendations

**Members are asked to:**

- R1. Approve the response to the M25 Junction 28 Improvement Scheme Supplementary Consultation, as set out in Appendix A; and**
- R2. Approve delegated powers to the Development Management Team Leader as part of the Development Consent Order (DCO) process.**

## **Main Report**

### **Introduction and Background**

1. Highways England is consulting on a proposal for improvements to Junction 28 of the M25 that connects with the A12 (Brook Street roundabout). The improvements are needed to increase capacity and reduce congestion and delays.
2. Junction 28 plays a vital role connecting the M25 with the A12, as well as providing local access to Brentwood via the A1023 (Brook Street). It's a heavily used junction which features a roundabout mainly controlled by traffic lights. Up to 7,500 vehicles per hour currently travel through the roundabout at peak times. It is already operating at capacity; motorists regularly experience congestion and delays.
3. This Supplementary Consultation follows previous Highways England consultations on the scheme in November 2016 and December 2018. The Council responded to both consultations (Item 237, Planning and Licensing Committee, 13 December 2016; and Item 300, Policy, Projects and Resources Committee, 23 January 2019). Since then additional work has been undertaken on environmental mitigation, surveys and minor design changes.

### **Issue, Options and Analysis of Options**

#### **Supplementary Consultation**

4. In December 2018 Highways England consulted on the preferred route for the Junction 28 improvement scheme. This comprised a two-lane loop road for M25 anti-clockwise traffic exiting on to the A12 eastbound towards Chelmsford, requiring the need to widen of short section of M25 and reconfigure the A12. A summary of the scheme and the changes made since the last consultation is set out in the Consultation Brochure (Appendix B).
5. Since the previous consultation certain aspects of the proposal have developed or changed, such as:
  - a) Slight site boundary change to allow for reduced impact on the surrounding area and improved access to the construction site;
  - b) High-pressure gas main diversion which is unavoidable;
  - c) Improved environmental mitigation measures, including, altering the course of Weald Brook and Ingrebourne River to allow for a more natural form, drainage pounds to assist with effective water drainage during heavy

rain showers, and access tracks to allow for maintenance of drainage pounds and overhead electricity power lines; and

- d) Redesign of the A12 eastbound exit road, to ensure sufficient clearance between the new A12 exit road, existing overhead electricity lines, and an underground pipeline.
6. The Council responded to Highways England on the proposed scheme in January 2019 (Item 300, Policy, Projects and Resources Committee, 23 January 2019). The Council's response highlighted a number of issues, such as:
- a) Support for the scheme given congestion issues at the junction and the wider implications of this;
  - b) Concern that the scheme does not address wider congestion issues across the junction and on surrounding roads, such as the A1023 Brook Street (i.e. junction issues at Nags Head Lane and Mascalls Lane can cause queuing back onto the junction in peak periods);
  - c) Concern that the scheme does not address wider congestion issues at one time, meaning it is likely that future improvement projects cause longer term and multiple disruptions in the area;
  - d) Support for the proposals presented that require less realignment on the A12, reducing construction activity and disruptions in the area;
  - e) Comments about the need to consider existing byways and cycle routes as part of comprehensive consideration of the junction;
  - f) Importance of the Green Belt in this location, and general support for the design changes made to lower to clover-loop to align closer with the natural gradient of the slope reducing the visual impact of the scheme; and
  - g) Comments about joint working on transport evidence.
7. It is proposed that the strategic points raised in the Council's response to the previous consultation be repeated for this Supplementary Consultation, where relevant (see Appendix A).
8. Next steps, once the consultation has closed, include a review of all the comments received. A summary of the responses will be published, and Highways England will describe how proposals have been informed and influenced by these. This will form part of the Development Consent Order (DCO), which is expected for submission in late January / early February 2020.

## Development Consent Order (DCO)

9. The DCO process was introduced in the Planning Act 2008, to simplify and speed up the process of obtaining planning permission for Nationally Significant Infrastructure Projects, such as the improvements planned for the M25 Junction 28. Since the introduction of the Localism Act in 2011, planning applications for Nationally Significant Infrastructure Projects are determined by the Planning Inspectorate and the Secretary of State. As part of this process there is likely to be public hearings during examination. Following this, the examining authority will make a recommendation to the Secretary of State for Transport, who will decide whether the scheme can go ahead.
10. Although the improvement scheme itself is not within Brentwood Borough (it is wholly within the London Borough of Havering), as the Brook Street roundabout is within the Borough and as a neighbouring authority to the scheme the Council will be involved in the DCO process.

## **Reasons for Recommendation**

### Supplementary Consultation

11. It is recommended that the issues set out in Appendix A be issued in response to the consultation from the Council. The current consultation provides minor changes to the design of the scheme, as a result of previous consultations, environmental assessments and surveys. The proposed development is to the west of the M25, wholly within the London Borough of Havering. Whilst the Council should respond to broader strategic issues, it is not considered necessary to offer a view about the specific proposals.
12. Once Highways England commence the DCO process there will strict deadlines to adhere to, often with challenging timeframes. It is expected that the DCO will be submitted in late January / early February 2020. Once submitted the Council's Planning Development Management Team will be responsible for considering the scheme and responding to the Planning Inspectorate. In light of the timeframes it is recommended that the Development Management Team Leader be delegated authority to determine the DCO process. The Planning and Licensing Committee will be kept informed of the outcome and provided an update where appropriate.

## **Consultation**

13. Highways England undertook public consultation between 4 November and 2 December 2019. Responses will be analysed and incorporated into a consultation report. This follows consultation that took place in January 2017 and December 2018. The proposed response (Appendix A) continues to raise the issues that the Council responded with in December 2018.

14. Copies of the consultation brochure (Appendix B) have been made available to view at Brentwood library, Chelmsford library, and Romford library during the consultation period. The consultation brochure was also made available at Brentwood Town Hall.
15. On 31 October 2019, Highways England, and their consultant team from Atkins, led an all-Member briefing session to explain the proposed scheme. Concerns were raised by Members that the consultation documents were not planned to be made publicly available at all the libraries within the borough, and limited to Brentwood library, Chelmsford library, and Romford library. Highways England had opted for this approach given the response rate from previous consultations and due to the cost implications. Essex County Council has recently adopted a fee policy to charge £750 per library, per week for displaying consultation documents. As part of the Council's recent Addendum of Focussed Changes to the Pre-Submission Local Plan consultation (November 2019), agreement was reached with Essex County Council that this fee would not apply to Brentwood Borough Council as the local planning authority. However, as an external body it has been advised that the fee does apply to Highways England. Therefore, it should be noted that this may be a contributing factor to whether hard copy documents are available for public view in libraries for similar consultations in future.
16. Officers have regularly engaged on the proposed scheme with Highways England, London Borough of Havering, Transport for London and Essex County Council. A table of all the issues raised by Brentwood Borough Council during the past consultations and status of resolving these matters (Appendix C) has been produced by Highways England, which is under regular review.

### **References to Corporate Plan**

17. The M25 Junction 28 Improvement Scheme is relevant to the Council's Local Development Plan, which is a key priority in the Council's 'Vision for Brentwood' Corporate Plan 2016-2019. The Plan is an important delivery vehicle for several cross-cutting priorities, informed by individual Council strategies.

### **Implications**

#### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Director of Corporate Resources**  
**Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

18. No financial implications.

## **Legal Implications**

**Name & Title: Paula Harvey, Corporate Governance Solicitor & Monitoring Officer**

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19. This is a major national infrastructure project with implications for the Borough, it is important that the Council respond and consider the decision making process of the Development Consent Order. Engagement in this way is consistent with the Duty to Cooperate and the Council's adopted Statement of Community Involvement.

## **Economic Implications**

**Name/Title: Phil Drane, Director of Strategic Planning**

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20. Adding capacity to M25 Junction 29 (Brook Street roundabout), improving safety and journey time reliability are important factors in the economic performance of the area. Investment in such schemes will help local businesses operate with more certainty and encourage inward investment. The risk of not investing in transport infrastructure is likely to have negative impacts on the local economy.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

21. This will be the final consultation for the M25 Junction 28 project. A Development Consent Order (DCO) will be submitted by Highways England to the Council as local planning authority, expected late January / early February 2020. A DCO is the means of obtaining permission for development categorised as Nationally Significant Infrastructure Projects (NSIP). This includes energy, transport, water and waste projects. This is a statutory process and has implications for the resources of the Council's Planning Development Management Team.
22. When Highways England submit the DCO application, this will include an Environmental Statement outlining how it is proposed to minimise the impacts of the project. This may identify implications on the local environment and wellbeing of local residents and businesses.

## **Background Papers**

- Consultation material, including background documents and maps, can be found on the Highways England website at:  
<https://highwaysengland.citizenspace.com/he/m25-junction-28-supplementary-consultation/>

- Planning Act 2008 Guidance on Changes to Development Consent Orders, Department for Communities and Local Government:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/485064/Making\\_changes\\_guidance\\_to\\_Development\\_Consent\\_Orders.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/485064/Making_changes_guidance_to_Development_Consent_Orders.pdf)

### **Appendices to this report**

- Appendix A: Brentwood Borough Council response to the Highways England M25 Junction 28 Improvement Scheme Supplementary Consultation (November 2019)
- Appendix B: Highways England M25 Junction 28 Improvement Scheme Supplementary Consultation Brochure (November 2019)
- Appendix C: Brentwood Borough Council table of issues (Duty to Cooperate)