Memorandum of Understanding  
London Borough of Havering Local Plan Submission  
(Revised) September 2019  

Between:  
1) London Borough of Havering (LBH) – and;  
2) Highways England (HE) – Strategic Highway Authority  

1 Introduction  

1.1 This Memorandum of Understanding should be read in conjunction with the signed Statement of Common Ground between the London Borough of Havering, Essex County Council, Brentwood Borough Council, Basildon Borough Council, Thurrock Council, Castle Point Borough Council, Rochford District Council, Southend on Sea Borough Council signed on the 15th November 2017.  

1.2 This Memorandum of Understanding has been agreed by the above parties to assist the Examination-in-Public into the Havering Local Plan. The Memorandum of Understanding confirms that both parties are satisfied that London Borough of Havering has engaged constructively, actively and on an ongoing basis to maximise the effectiveness of their Local Plan.  

1.3 The Duty to Co-operate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.  

1.4 Highways England acknowledge that a Statement of Common Ground (SoCG) has been prepared jointly between the London Borough of Havering, Essex County Council, Brentwood Borough Council, Basildon Borough Council, Thurrock Council, Castle Point Borough Council, Rochford District Council, Southend on Sea Borough Council. The purpose of the SoCG is to inform the Planning Inspectors and other parties of the agreed way forward on any issues that remain outstanding at the point of Local Plan submission. The SoCG focusses on the impact cross-boundary growth will have on strategic routes including the A127 and details how the participating authorities will work collaboratively to address the identified issues.  

2 Background  

2.1 As part of a Local Authority’s responsibilities under the statutory Duty to Cooperate (DtC), London Borough of Havering, Basildon Borough Council, Brentwood Borough Council, and Thurrock Council, (local plan areas) as well as Essex County Council, Highways England (HE) and Transport for London (TfL) have had a series of discussions concerning strategic cross boundary matters in the preparation of the respective local plans.
2.2 The discussions have come in the form of face to face meetings and workshops held at respective Local Authority Offices, as well as written correspondence. These meetings have been held to ensure that neighbouring authorities are properly consulted and have been kept fully informed with how each authority Local Plan has, and is, progressed. All authorities have found these discussions valuable and productive and there is a welcome and ongoing commitment to continue this dialogue throughout the Local Plan process to assist in the delivery of each of the local plans.

2.3 This engagement has identified key cross boundary issues relevant to each authority’s respective Local Plan. Specifically the significant housing and wider development pressures that both east London Boroughs and District and Unitary authorities in Essex are facing over the next 20 years and the impact such growth pressures will have on the strategic Highway and Transport Networks and the associated transport implications resulting from this.
Discussions on these matters have taken place on the following dates:

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<tr>
<th>Date</th>
<th>Attendees</th>
<th>Topics discussed</th>
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<tr>
<td>22nd March 2017</td>
<td>Essex County Council, London Borough of Havering, Basildon Borough Council, Brentwood Borough Council, Thurrock Council (Highways England invited but unable to attend).</td>
<td>Update on respective Local Plan progress, discussion around collaborative working to address outstanding strategic transport matters and drafting Statement of Common Ground</td>
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<td>27th April 2017</td>
<td>Essex County Council, London Borough of Havering, Basildon Borough Council, Brentwood Borough Council, Rochford District Council, Thurrock Council (Highways England, Castle Point Council, Southend on Sea Borough Council invited but unable to attend).</td>
<td>To discuss wider A127 Corridor from Gallows Corner to Southend. TfL presented High Level Outcome Study on Gallows Corner to Jct 29, Essex County Council presented work carried out on A127 Options Assessment and funded schemes in progress.</td>
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2.4 The Growth requirements for the Local Plans concerned comprise:

- The London Plan:

  For London Boroughs including Havering, housing growth requirements are set by the Mayor (via the London Plan) and are also informed by an up to date Outer North East London Strategic Housing Market Assessment (SHMA) covering the period 2011 to 2033.

- South Essex SHMA:

  For Southend and Thurrock Unitary Councils and Basildon BC, Castle Point BC and Rochford DCs, future housing requirements have been identified within the South Essex SHMA (May 2016 and June 2017 Addendum) covering the period 2014 – 2037.
• Brentwood BC:

Housing requirements for Brentwood BC have been identified within the Brentwood SHMAA (2014) covering the period 2013-2033.

3 Highway and Transportation Matters

3.1 Responsibility for the planning, operation and maintenance of the highway network across the Havering/Essex/Thurrock and Southend region is complex, with different organisations acting as the Highway Authority for different sections of the network.

3.2 Highways England (HE) has responsibility for national Motorway and All Purpose Trunk Road network which includes:

- the M25 Motorway,
- the A12 north of M25 Junction 28 including the junction 28 slip roads and gyratory carriageway,
- M25 Junction 29 including the slip roads to and from the mid-level gyratory carriageway and the gyratory carriageway itself, as well as
- a small section of the A13 including the slip roads and gyratory carriageway of Junction 30.

The M25 is operated under a Design Build Finance and Operate contract (DBFO) with Connectplus.

3.3 Within Havering, Transport for London (TfL) are responsible for the operation and maintenance of the major arterial roads (A12, A13 and A127), whilst LB Havering are responsible for its own Strategic Road Network (the other A roads in the borough that are not the Transport for London Road Network (TLRN) and minor roads.

3.4 Responsibility for the highway network within Greater Essex is split between Essex County Council (in the two tier areas of Basildon BC, Brentwood BC, Castle Point BC and Rochford DC) and the Unitary Authorities of Thurrock and Southend Councils for their respective areas.

3.5 During Local Authority discussions, particular concern has focussed on the impact that cross-boundary growth will have on strategic routes including the A127, a strategic corridor between Gallows Corner in LB Havering and extending out east to Southend going through the districts of Brentwood BC, Basildon BC, Castle Point BC, Rochford DC and the Unitary Authority of Southend. The A127 Corridor is governed by three Highway Authorities (TfL, Essex CC and Southend on Sea BC). Whilst Highways England have no direct control over the A127, decisions made in relation to the A127’s operation resulting from the cumulative impacts of strategic development from
multiple local plans along its route are highly likely to impact on the safe and efficient operation of the M25 Junction 29 which connects fully to the A127.

3.6 It has also been discussed that the A127 spans two Local Enterprise Partnership (LEP) areas; London Economic Action Partnership and South East LEP. This is regarded by all Boroughs and Essex CC as an issue that will benefit from better cooperation as strategic highway funding available from the LEP budgets needs to be coordinated to ensure it has better potential to improve the capacity of the entire route.

3.7 The current A127 Route Management Strategy the “A127-Corridor-for-Growth-An Economic Plan March 2014” jointly prepared by Essex CC and Southend on Sea BC Highways Authorities is being “refreshed” with an Issues and Options assessment report. In the longer term it is intended to extend the reports to include Gallows Corner and LB of Havering. This issue has been discussed extensively and positively between the Local Authorities through the DtC process.

3.8 In addition to concerns regarding the A127, Highways England have raised similar concerns regarding the A12 and A13, which similarly cross a number of local authorities and highway authority boundaries.

3.9 Each Local Authority involved in this DtC process recognises that despite the preparation of their respective planning strategies there is a level of uncertainty of the impact that planned growth within each Local Authority boundary will have on local and national transport infrastructure and that it is not feasible to simply measure the transport impact resulting from growth from one individual Local Authority.

3.10 Each local authority also acknowledges that the issues around catering for growth and the impact this has on strategic transport infrastructure such as key arterial roads are sub-regional issues. Local Authorities also recognise that understanding the impact and addressing it can only be done effectively at a sub-regional level. Addressing these concerns will require collaboration with a number of different authorities and organisations.

4 Agreed areas for Collaborative Working between the Local Authorities

4.1 Following earlier meetings and discussions a “Local Plan Issues – Way Forward” meeting was held on Wednesday 22\textsuperscript{nd} March 2017. This was attended by representatives from LB Havering, Thurrock Council, Essex CC, Basildon BC, Brentwood BC as well as TfL and the Greater London Authority (GLA).

4.2 At this meeting all Local Authorities in attendance made clear the importance of reaching a consensus on how outstanding concerns around the impact growth would have on the highway network would be dealt with going forward.
It was also recognised that each Local Authority has their own timescales for delivering their Local Plans which need to be supported.

4.3 It was agreed that relevant Local Authorities would continue to work together alongside the process of progressing and delivering their Local Plans to satisfy concerns raised on the impact growth will have on the transport network and that going forward such discussions must be held at a sub-regional level and will involve Highways England.

4.4 Relevant authorities have agreed to work together on a number of strategic transport issues. This includes:

- **A127 Corridor** between Gallows Corner and Southend – What impact will respective Local Plan growth have on this key corridor and what measures can be put in place to accommodate it? Local Authorities held an *A127 Growth Corridor Liaison Meeting* on 27th April to share what work has already been done to date looking at the impact growth will have on different sections of the A127 and further meetings will be held between Local Authorities. This was attended by TfL, LB Havering, Brentwood BC, Basildon BC, Essex CC and Rochford DC, and the following authorities were invited, but were unable to attend Castle Point BC, Southend on Sea BC and Thurrock Council. The authorities want to work together to potentially create a Promotion document which can be used to raise the profile of the A127 corridor and to support bids for funding to deliver improvement schemes along this key route, which spans two LEP areas.

- **Lower Thames Crossing** – The government have announced their preferred option for a Lower Thames Crossing which involves an additional tunnel crossing (east of Tilbury and Gravesend) and would join the M25 motorway at a new junction between junctions 29 and 30 of M25 (A127 and A13 respectively). The full transport implications of the Lower Thames crossing are at this stage unclear with Highways England now embarking on further assessment work on the preferred option. Relevant Local Authorities will continue to work with Highways England through Stakeholder Advisory Panel Meetings. This will also be a standing item for discussion at future cross-borough liaison meetings and will need to be taken into account when looking at the impact of growth on the highway network. A further Lower Thames Crossing Consultation commenced in early October 2018 for a 10 week period, finishing on 20 December.

- **Communicating Works** – The need for better communication around works taking place on the carriageway close to borough boundaries. This issue was discussed at the *A127 Growth Corridor Liaison Meeting* held on 27th April attended by TfL, LB of Havering, Brentwood BC, Basildon BC, Essex CC (including representatives from the Essex Highways NRSWA
permit team) and Rochford DC. The Highway Authorities agreed at this meeting going forward that where cross-boundary works were going to take place, this information would be communicated to the relevant neighbouring highway authorities and disseminated to neighbouring districts too, if needed.

- **Improvements to Junction 28 of M25** – Highways England are proposing capacity improvements to junction 28 of the M25 both to increase capacity and improve safety. An initial consultation has been carried out and a Preferred Route Announcement was published by Highways England on 22nd August 2017. Relevant Local Authorities continue to liaise with Highways England on the proposals and the issue has been discussed between boroughs at Duty to Cooperate meetings.

- **Improvements to Junction 29 of M25** – Junction 29 of the M25 acts as a gateway both into London (and specifically Havering) and further east towards Southend along the A127. The junction itself straddles several Highways and Local Authorities including Transport for London, Essex County Council and Havering and Brentwood Councils’. It is recognised as a key strategic junction and given the level of expected growth in the area will continue to be discussed as a cross-boundary issue at future inter boroughs meetings. Highways England will need to be involved in future A127 Corridor for Growth meetings due to its connection into the national Motorway and All Purpose Trunk Road network at M25 Junction 29.

- **Transport Evidence supporting Local Plans** – Each Local Authority is developing its own transport evidence base to support their respective Local Plans. Such evidence will be shared and discussed between Local Authorities as part of Duty to Cooperate obligations and ongoing dialogue alongside the Local Plan process. Highways England expects that the combined cumulative transport impacts will be provided for consideration and agreement along with any necessary mitigation where there is a detrimental residual cumulative impact on the Motorway and All Purpose Trunk Road Network. Combined Cumulative transport impacts of emerging Local Plans and how best to address them will continue to be discussed at inter-borough meetings (such as part of the A127 Corridor for Growth meetings) and Highways England will be fully involved in these discussions. In addition, Highways England will work with Local and Sub-regional Authorities to explore potential funding opportunities to support highway mitigation measures. Public transport links and capacity improvements – It has been recognised during Duty to Cooperate discussions to date that improving alternative options to the car will be important in accommodating growth expected over the lifetime of the Local Plan. Whilst the responsibility for improving rail capacity falls with
Network Rail and Train Operating Companies (via Government franchise specifications) local authorities will work together to lobby for improvements. Highways England encourage the local authorities party to the SoCG to work with third party transport providers to develop strategies and implement agreed transport improvements to promote modal shifts to more sustainable methods of transport and thereby reduce demand on the road network.

5. Other matters specific to Havering and Highways England

5.1 In addition to dealing with strategic transport matters, the representation from Highways England at Regulation 19 stage consultation included reference to two specific matters:

- Policy 11 Gypsy and Traveller accommodation – specifically, the Gypsy and traveller site at Putwell Bridge (adjoining the south side of the A12 at the western end of the slip road from Junction 28 intersection of the M25 Motorway and the A12 Trunk Road)

- Policy 36 Low Carbon design, decentralised energy and renewable energy – specifically, the Wind energy evidence base document

5.2 The Council has proposed Main Modifications to the relevant Local Plan policies to address these issues. The Council has set out in its formal response document to the Local Plan Inspector (August 21 2019) how these matters will be resolved. The Council’s response is attached as an Appendix to this Memorandum of Understanding. Highways England is satisfied that this addresses the comments raised in its Regulation 19 response on Policies 11 and 36.

6. Conclusions

6.1 Given the above position, London Borough of Havering, Essex County Council, Brentwood Borough Council, Basildon Borough Council, Castle Point Borough Council, Rochford District Council, the unitary authorities of Southend on Sea Borough Council and Thurrock Council, agree that in respect to each authority’s emerging Local Plans and the specific cross boundary matter of Strategic Transport, compliance with the obligations under Duty to Co-operate have been met satisfactorily.

6.2 Through the inter borough liaison meetings, Highways England will continue to work with local authorities’ to identify which parts of the Motorway and All Purpose Trunk Road network will be adversely affected by the residual combined cumulative impacts of these local plans and develop agreed
mitigation. In addition Highways England will work with Local and Sub-regional Authorities to explore potential funding opportunities to support highway mitigation measures.

6.3 All Local Authorities party to the SoCG acknowledge that the Duty to Cooperate is not just a mechanism for cross-borough engagement during a Local Plan process. It is an ongoing activity that will continue beyond individual boroughs submissions, and eventual adoption of a Local Plan. All parties remain committed to continue to work together outside of the Local Plan process on these important strategic matters.

6.4 Highways England accept that some development will be able to come forward ahead of identification and delivery of any agreed mitigation schemes and in some cases may be necessary as a means to facilitate them.

6.5 In the event that any facilitating development does not proceed then Highways England will expect that the Local Authorities will ensure that alternative appropriate mitigation is agreed and in place, until such time as Local Plan Reviews are undertaken.

6.6 Where additional development outside of the current emerging Local Plans come forward or have already been submitted (but yet to be determined), Highways England will work actively with relevant authorities and co-operate on matters pertaining to their shared interests and responsibilities. Highways England expects to work with all authorities’ party to the SoCG to develop a Strategy for managing such eventualities including for intensified development of the strategic sites already included within the respective emerging Local Plans.

6.7 Highways England expects that all planning applications including those forming part of the Strategic Allocations within the Local Plans will be supported by a robust Transport Assessment/Statement where required.

**Endorsement**

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<tr>
<td>Name &amp; Position</td>
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<td>Helen Oakerbee Assistant Director of Planning</td>
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Signed on behalf of Highways England

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<tr>
<th>Name &amp; Position</th>
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<tbody>
<tr>
<td>Janice Burgess</td>
<td></td>
<td>September 2019</td>
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<tr>
<td>Spatial Planning Manager</td>
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