

M25 junction 28 improvement scheme

TR010029

9.128 Draft Unilateral Undertaking to LB Havering and Brentwood BC

Rule 8(1)(k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

M25 junction 28 scheme Development Consent Order 202[x]

9.128 Draft Unilateral Undertaking to LB Havering and Brentwood BC

Rule Number:	Rule 8(1)(k)
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Author:	M25 junction 28 improvement scheme Highways England

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1. Introduction

- 1.1.1 At the Issue Specific Hearing on 12 May 2021 (ISH3), Highways England explained that it proposes to secure the central part of the proposed upgrade of a route for non-motorised users (NMUs) by way of a section 106 planning obligation, given under a planning agreement or failing agreement a unilateral planning obligation.
- 1.1.2 Although there have been constructive discussions and correspondence between the relevant parties an agreement has not been reached and it appears unlikely that an agreement will be reached and completed before the close of the examination on 7 July 2021.
- 1.1.3 Accordingly Highways England has prepared a short unilateral obligation under section 106 of the Town and Country Planning Act 1990. In short it requires Highways England to construct the central part of the wider NMU route (the central part being, in essence, the part of the route as it passes through junction 28) before the loop road comprised in the DCO scheme (i.e. Work No. 6 in the dDCO) is opened to traffic.
- 1.1.4 The draft acknowledges the wider NMU route from Brentwood to Harold Hill, designated funds for which have been approved by Highways England. However, regulation of the works to construct the wider route is beyond the scope of the obligation and also beyond the scope of the ExA's concerns regarding delivery of the central section. Highways England appreciates, however, that provision of the wider route depends upon agreements being reached with the relevant highway authorities, namely Essex County Council to the east of Junction 28 and TfL to the west of it.



2. Draft Unilateral obligation

(1) HIGHWAYS ENGLAND COMPANY LIMITED

TO

(2) THE LONDON BOROUGH OF HAVERING

AND

(3) BRENTWOOD BOROUGH COUNCIL

UNILATERAL OBLIGATION UNDER SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990
WORKS TO M25 JUNCTION 28 - NON MOTORISED USERS

BY

(1) **HIGHWAYS ENGLAND COMPANY LIMITED** (Company number 09346363) of Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ ("Highways England")

TO

(2) THE LONDON BOROUGH OF HAVERING of Town Hall, Main Road, Romford, RM1 3BB ("LBH");

AND

(3) **BRENTWOOD BOROUGH COUNCIL** of Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY ("BBC")

BACKGROUND

- (A) Highways England has made an application (the "Application") for a development consent order ("DCO") to improve junction 28 of the M25 ("Junction 28")
- (B) The Application is the subject of an examination under the Planning Act 2008 that began on 7 January 2021 and which is due to end on 7 July 2021
- (C) Highways England is willing to fund and construct a scheme (the "NMU Scheme") to improve facilities for non-motorised users along a route from Brentwood to Harold Hill
- (D) The route of the NMU Scheme passes through Junction 28 and Highways England is willing to construct the part of the NMU Scheme that passes through Junction 28 at the same time as the scheme the subject of the Application is being constructed
- (E) The Junction Section falls within the area for which LBH and BBC are the local planning authorities
- (F) The works comprised within the Junction Section are permitted development under Part 9 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015

1 DEFINITIONS

"Loop Road" means the road comprising Work No. 6 in the draft DCO the subject of the Application as at the date of this deed

"NMU Scheme" means the scheme shown on the plans at Annex 1 of this obligation and which comprises improvements to facilities for non-motorised users between the junction of Kavanaghs Road and Brook Street (A1023) to the junction of Green Way and Harold Court Road

- "Junction Section" means that part of the NMU Scheme shown within the area edged by a dotted red line on the plan at Annex 2 of this obligation for which part Highways England is the highway authority and which comprises the works described in the schedule to this obligation
- This is a planning obligation made under section 106 of the Town and Country Planning Act 1990 and which is enforceable by LBH and BBC as regards their respective areas
- Highways England is the freehold owner of the land shown edged by a dotted red line on the plan at Annex 2 under HMLR title numbers EGL545805, EGL545065, EX326047, EGL541621, EX821546 and EX822515 and also comprising unregistered land which is the relevant land in which Highways England is interested for the purposes of Section 106(9)(b) of the Town and Country Planning Act 1990
- 4 Highways England undertakes to construct the Junction Section to an appropriate standard commensurate with its use by members of the general public no later than the date by which the Loop Road is opened to the general public for traffic

The Schedule

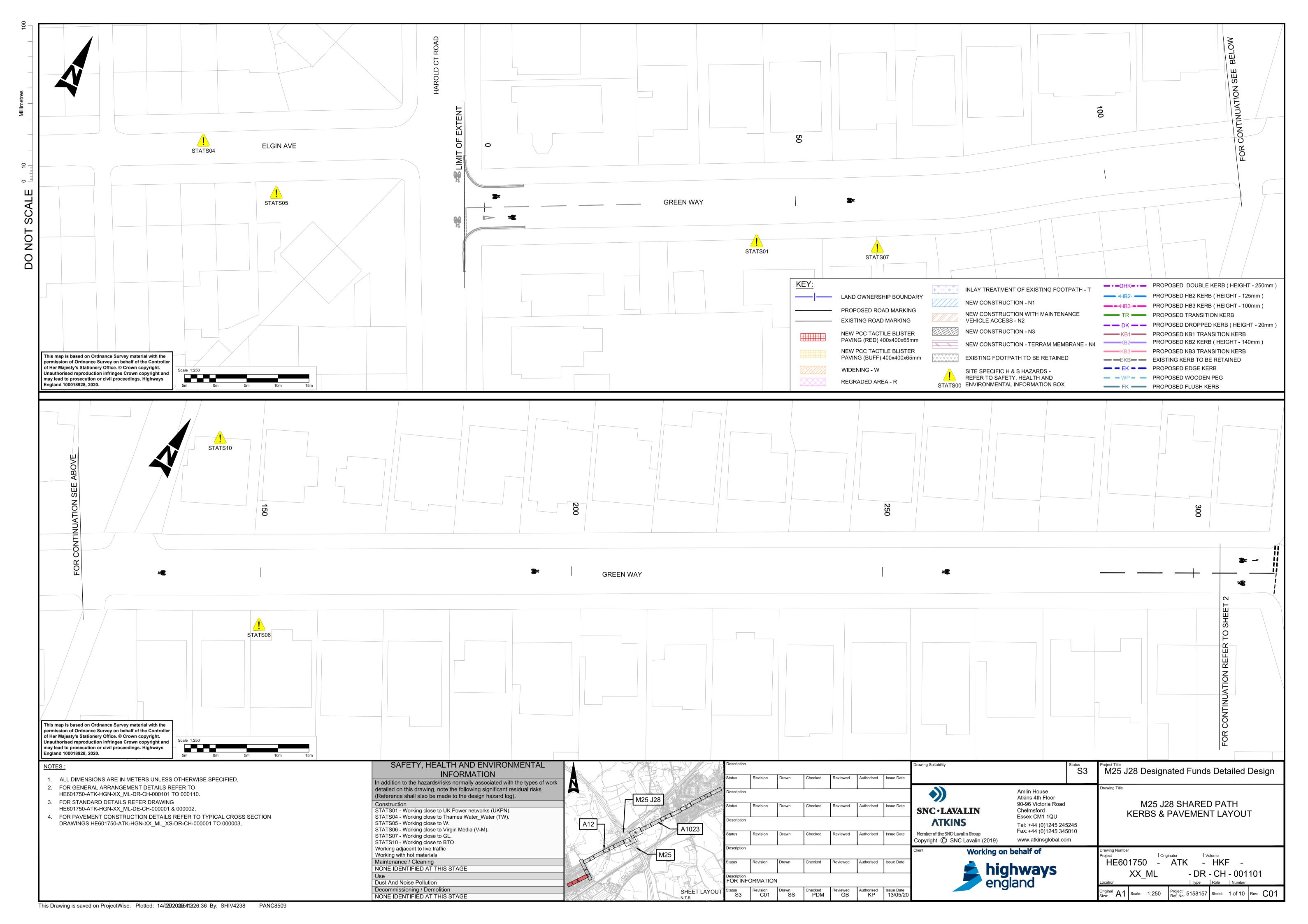
The works comprise the construction of a new shared footway and cycleway surfaced in asphalt that is 3 metres wide (except for a short length that is 2.7 metres wide), the works being illuminated by street lighting, including associated relocation and adjustment of existing road restraint systems, the provision of pedestrian guard railings, remodelled earthworks and signage. Existing traffic signals to be modified and converted to toucan crossings with button controls for pedestrians and cyclists

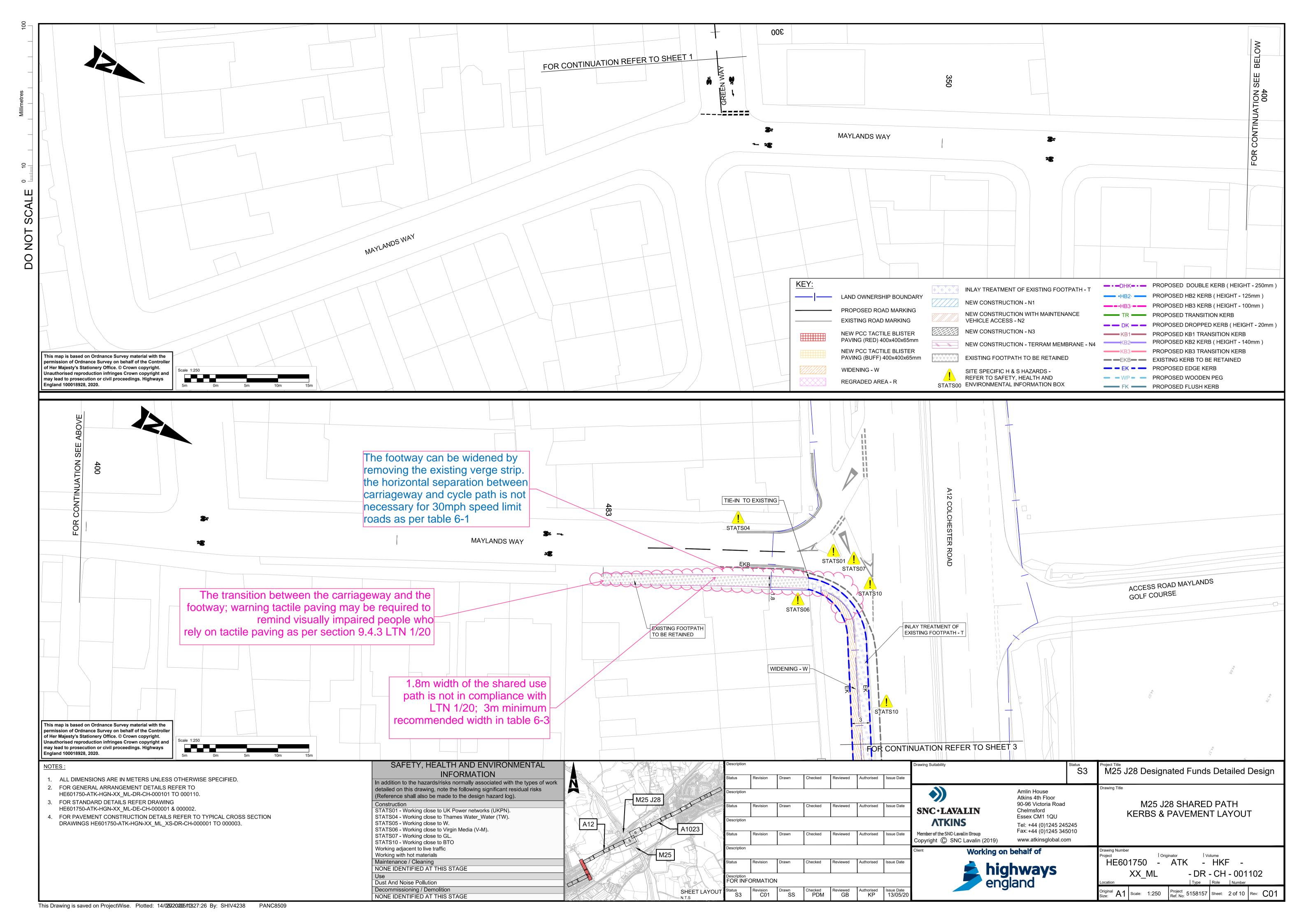
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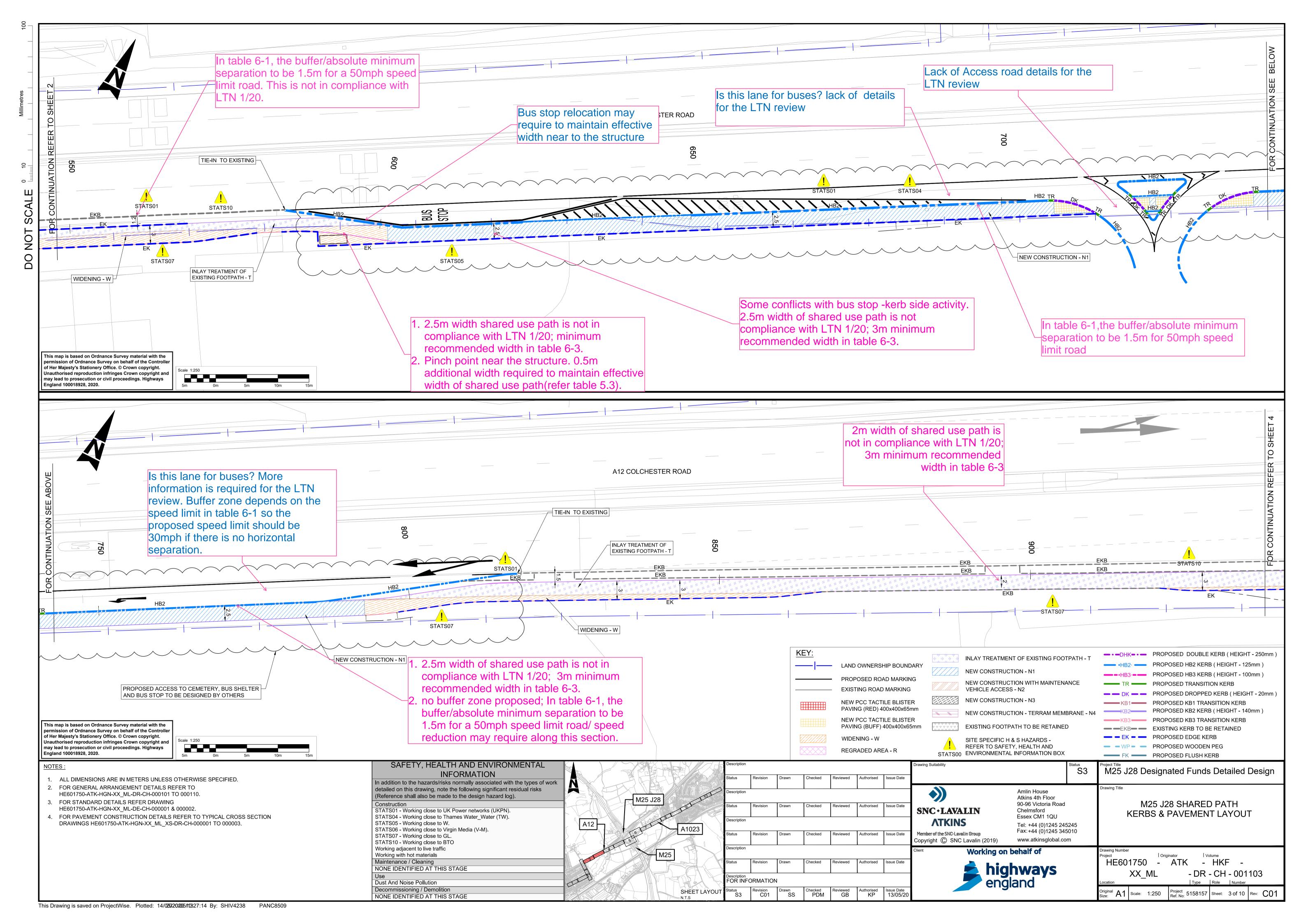
Executed as a deed by affixing the common seal of HIGHWAYS ENGLAND COMPANY LIMITED in the presence of))) [COMMON SEAL]
Director	
[Director or Secretary]	

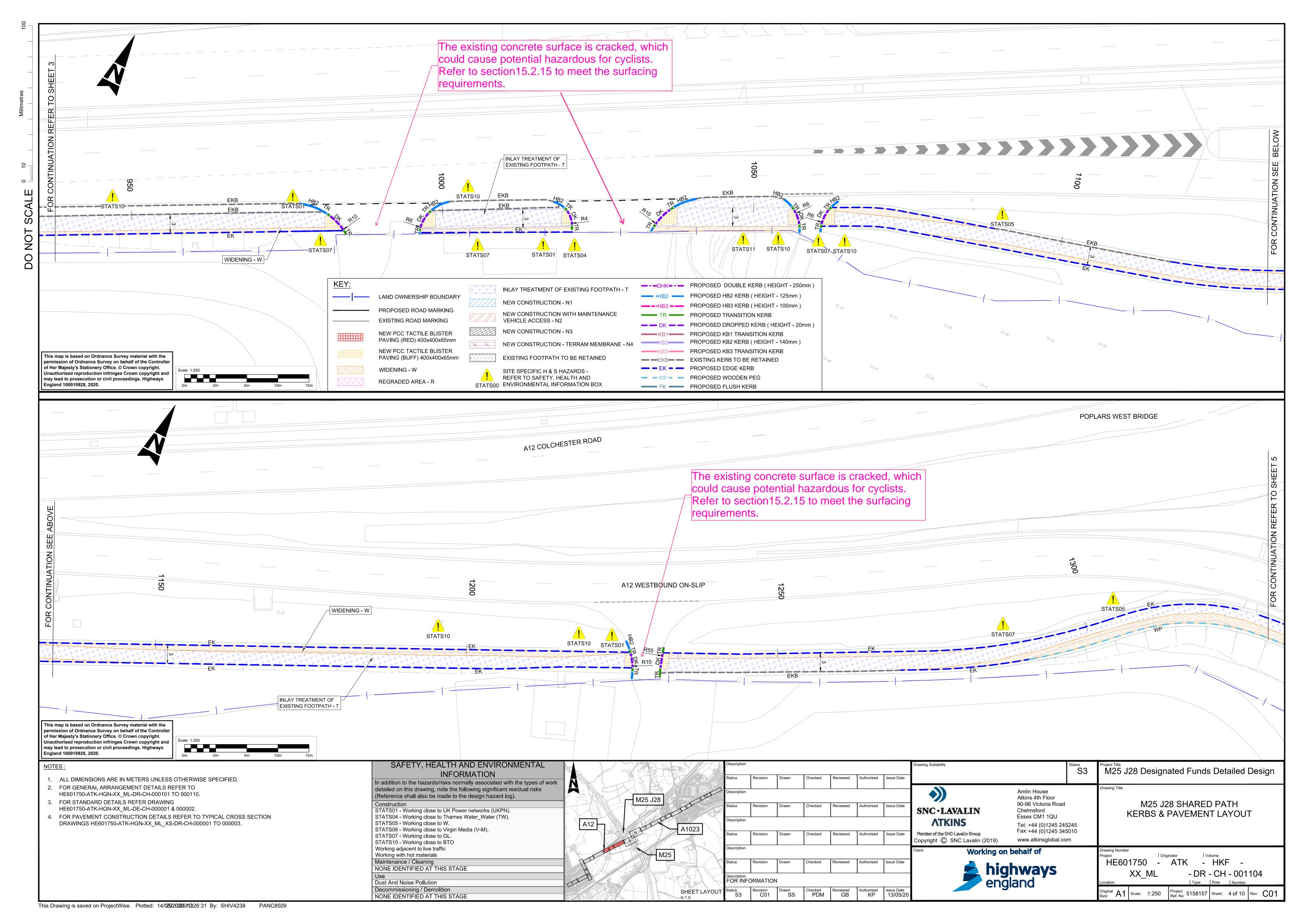
ANNEX 1

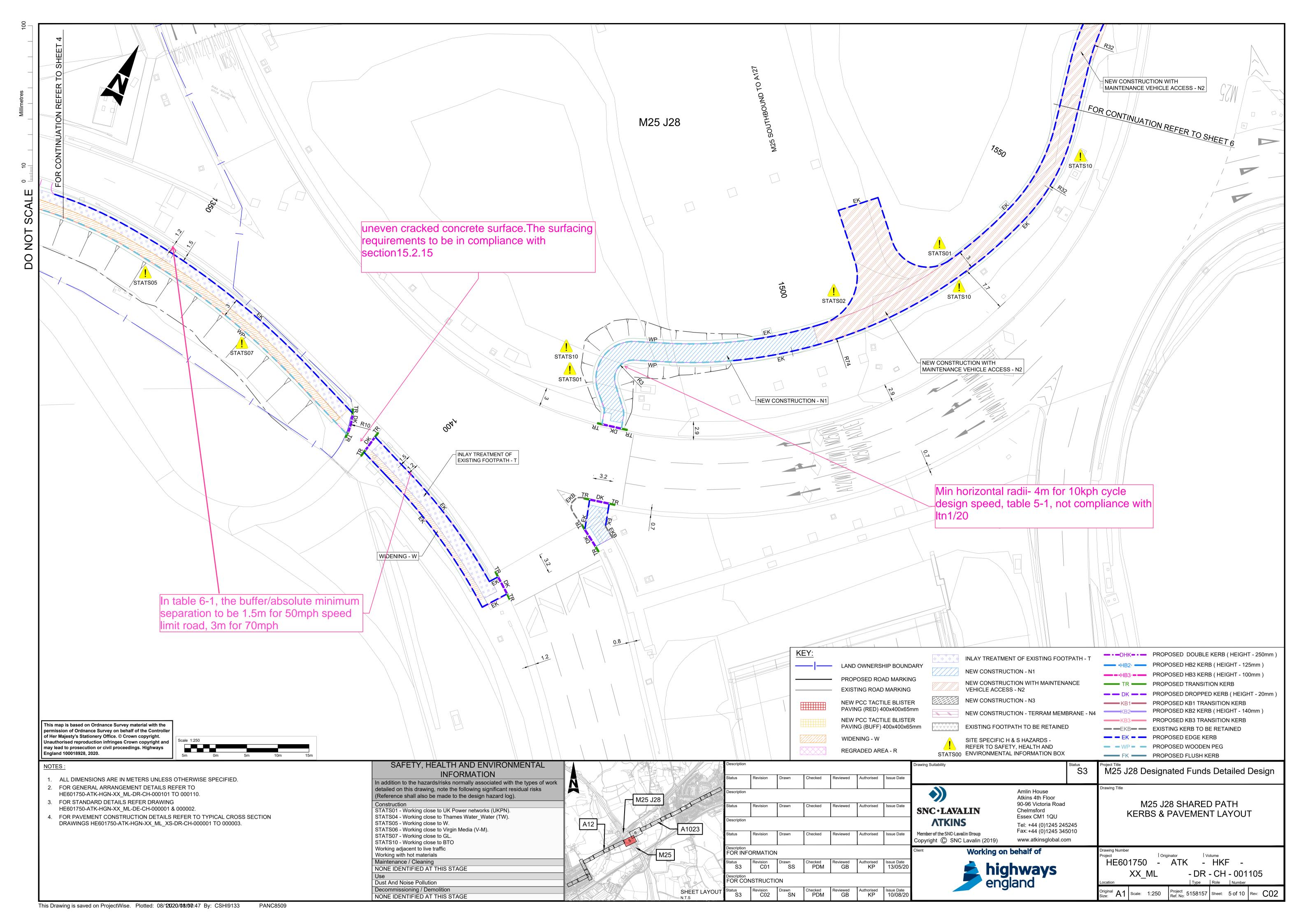
Plans showing the NMU Scheme

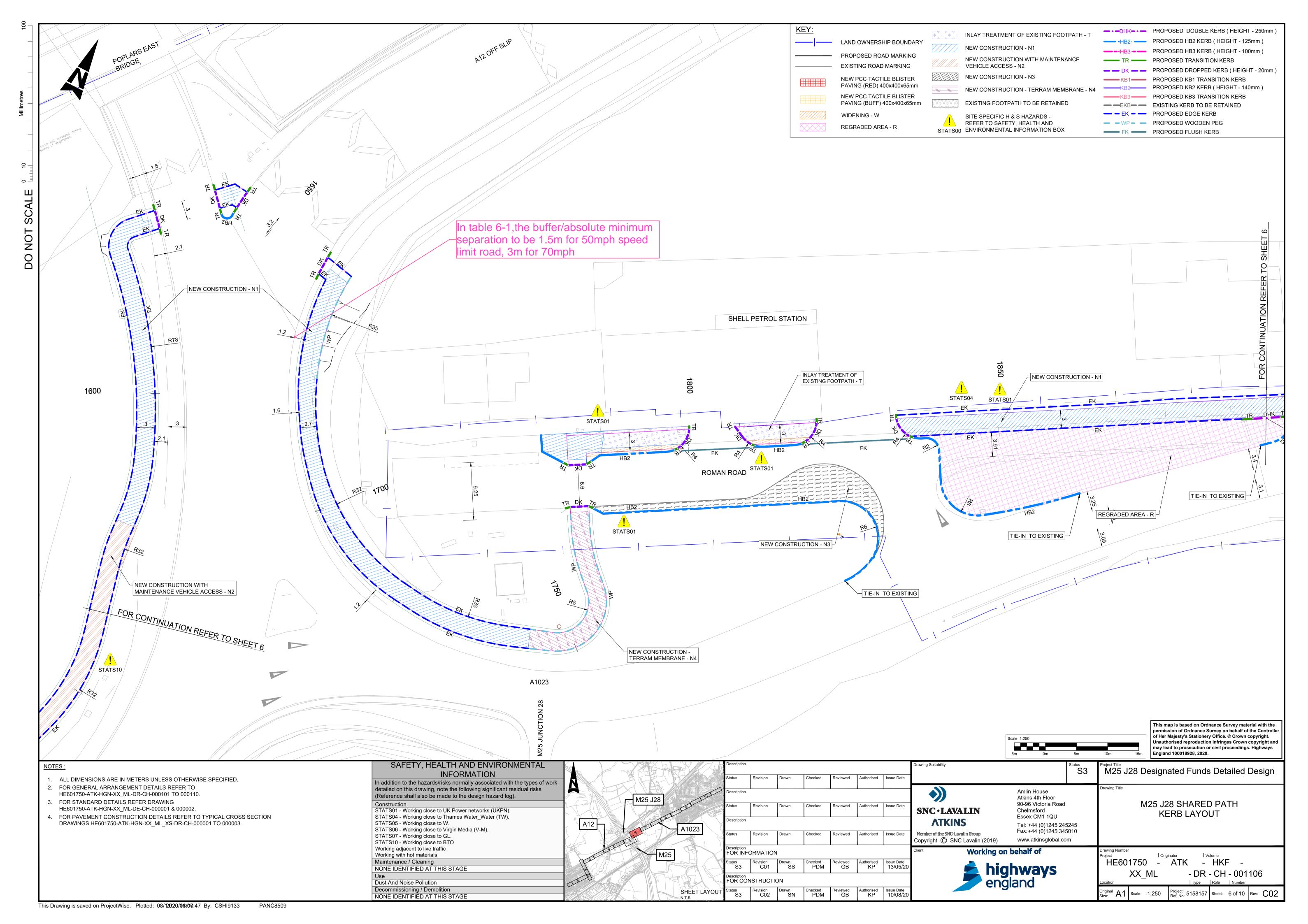


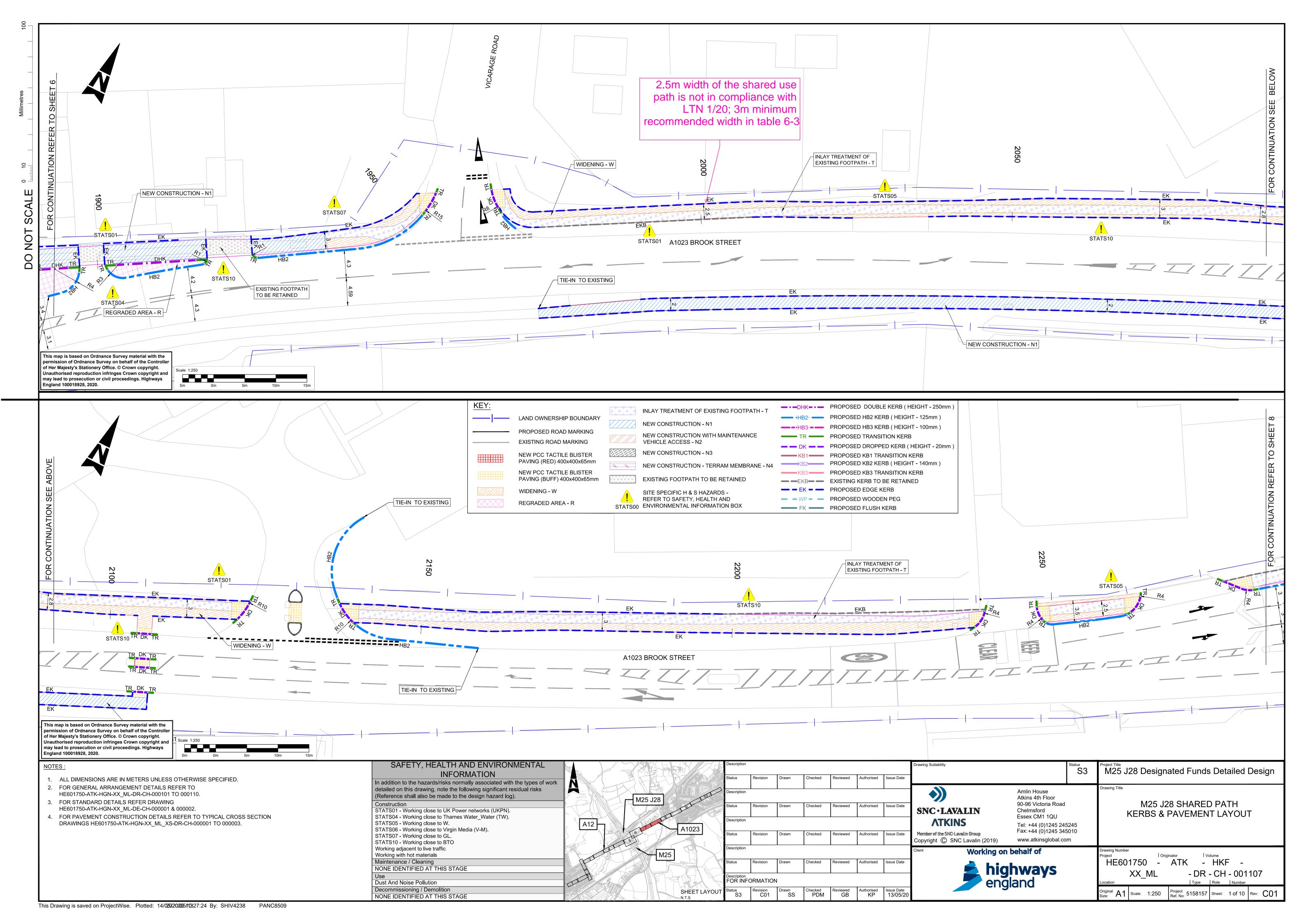


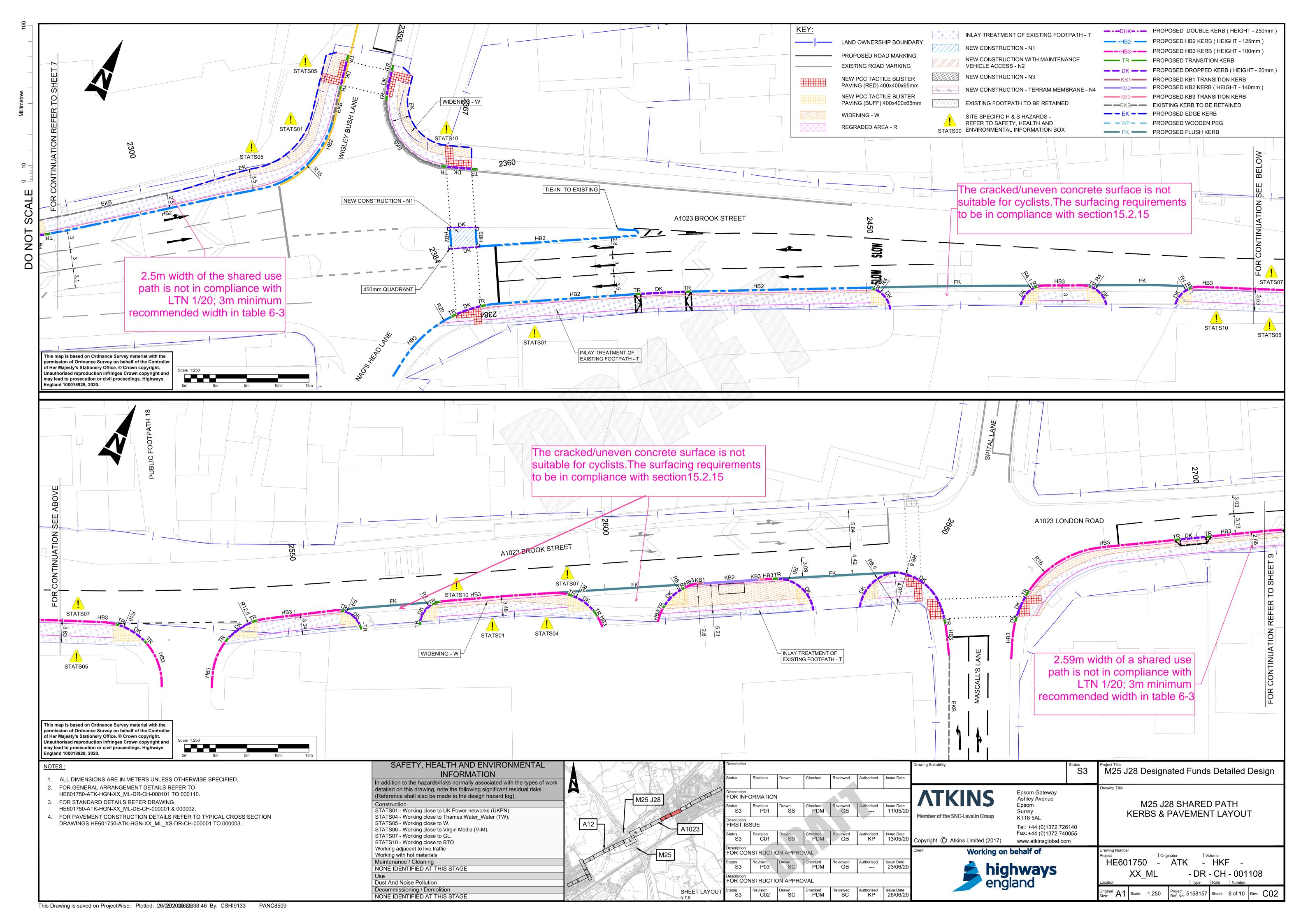


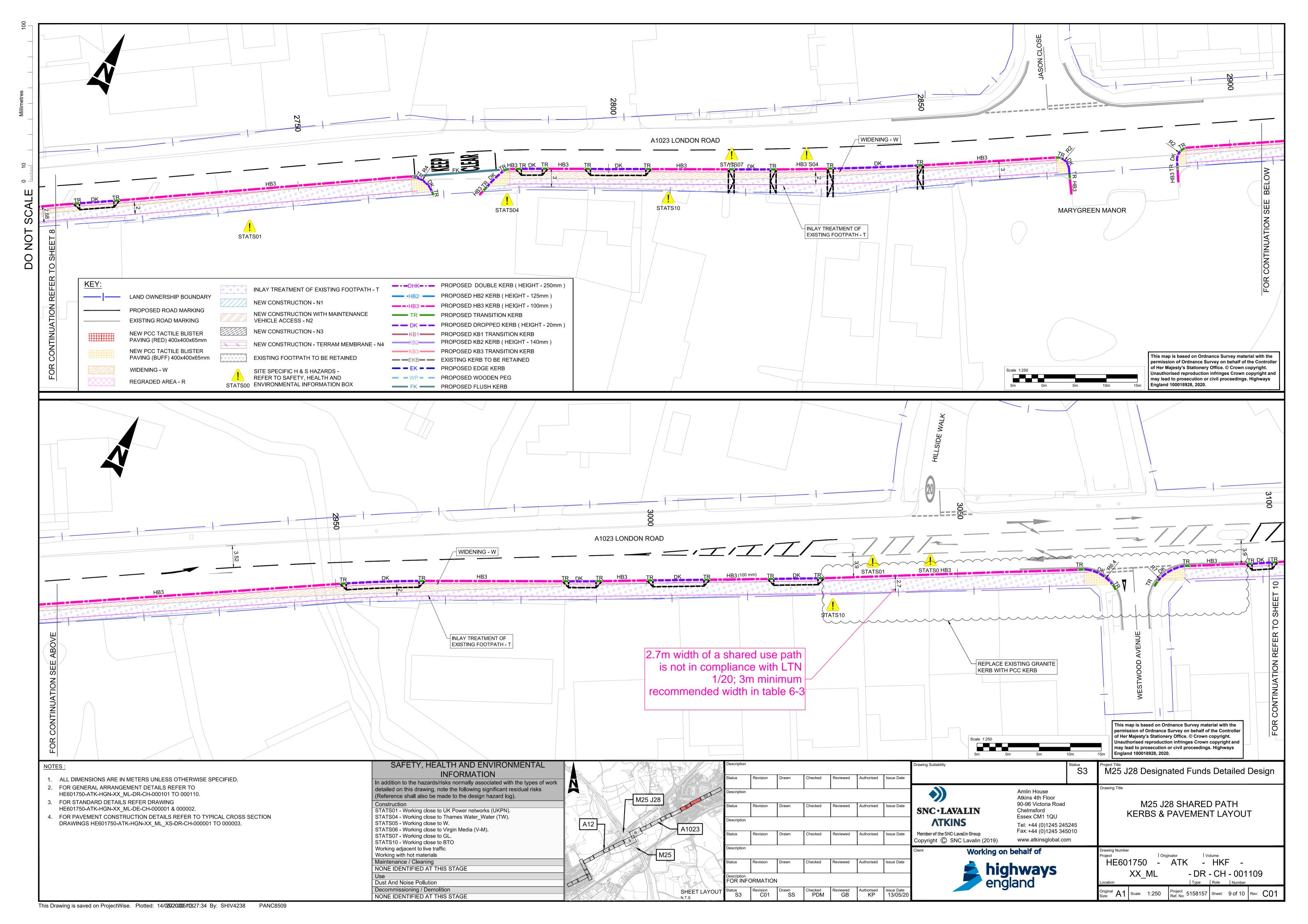


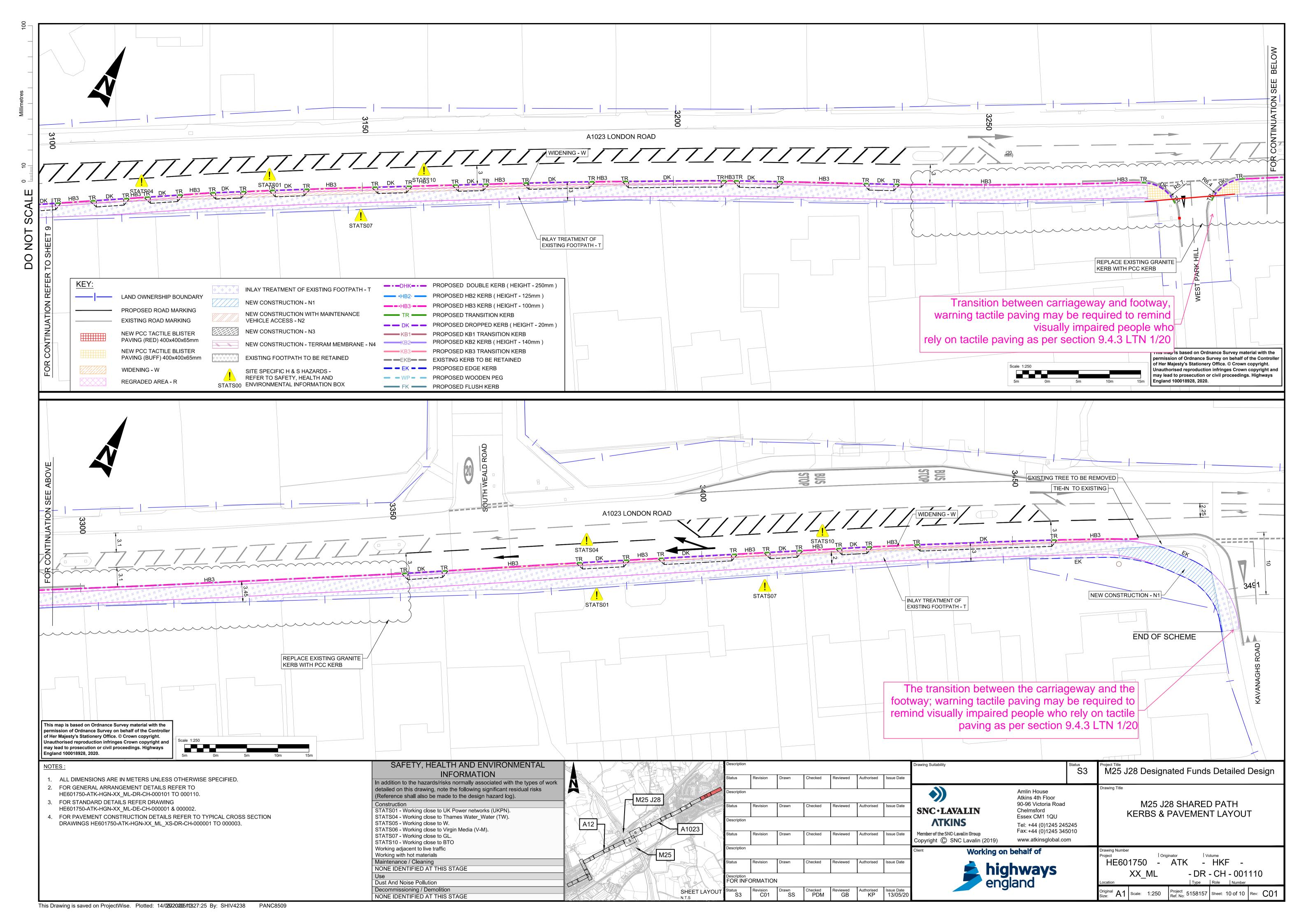






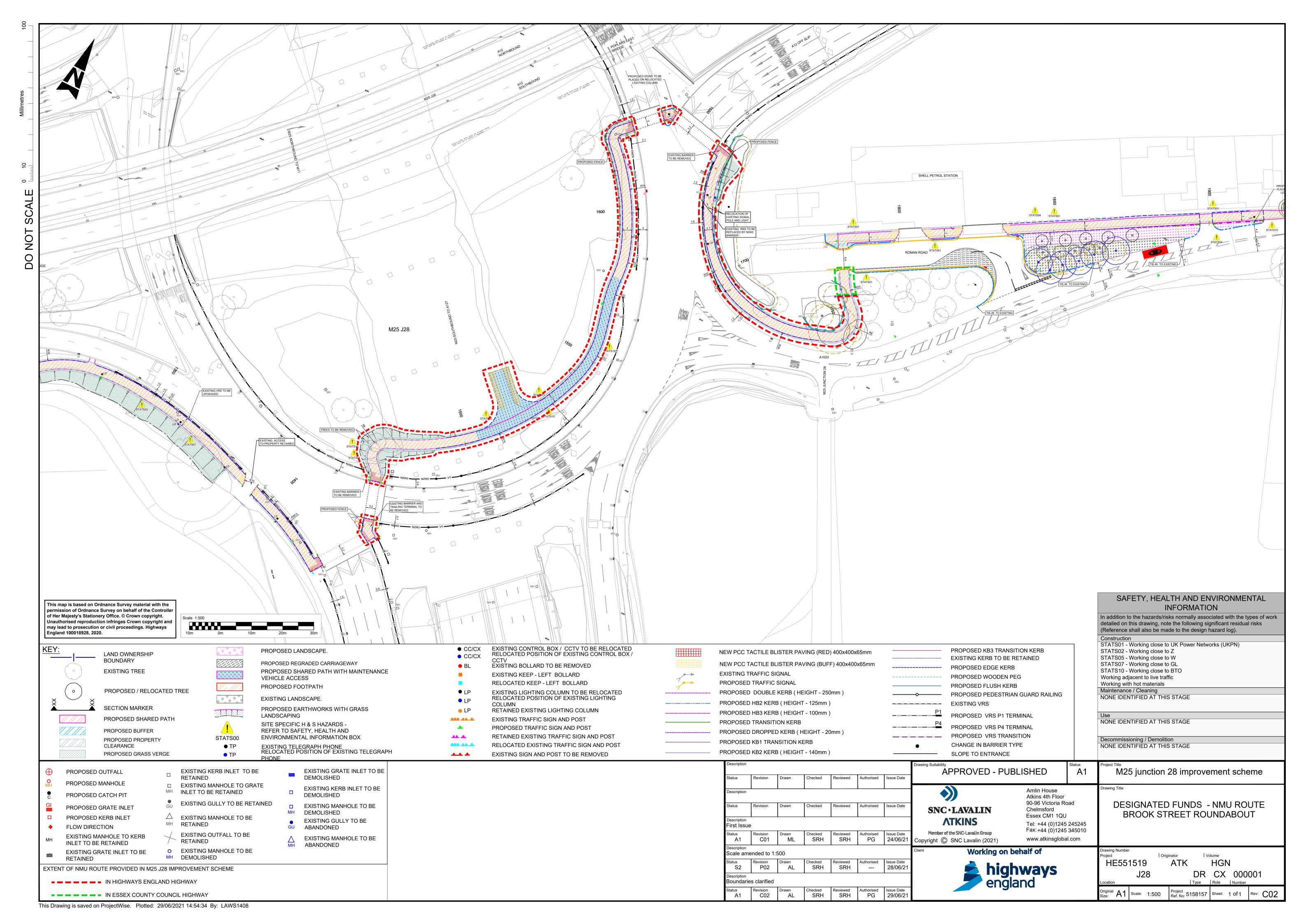






ANNEX 2

Plan showing the Junction Section



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