

M25 junction 28 improvement scheme

TR010029

9.28 Schedule of Changes to draft Development Consent Order

Rule 8(k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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The Infrastructure Planning (Examination Procedure) Rules 2010

M25 junction 28 scheme Development Consent Order 202[x]

9.28 SCHEDULE OF CHANGES TO DRAFT DEVELOPMENT CONSENT ORDER

Rule Number:	Rule 8(k)
Planning Inspectorate Scheme Reference	TR010029
Application Document Reference	TR010029/EXAM/9.28
Author:	M25 junction 28 scheme, Project Team, Highways England

Version	Date	Status of Version
1	18 February 2021	Deadline 3a
0	4 February 2021	Deadline 2

The documents summaries the proposed amendments to the dDCO which were submitted at Deadline 3a (18 February 2021). These amendments are to the version of the dDCO submitted at Deadline 2 (Document reference REP2-002). For ease of reference, text shown emboldened in red identifies insertion of new text, while text shown with a strike through are proposed for deletion.

No	Provision	Suggested amendment	Explanation for change
1.	Contents page	PART 2 - PRIVATE MEANS OF ACCESS TO BE STOPPED UP AND FOR WHICH SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE TO BE PROVIDED	Deletion to reflect amendment to Part 2 of Schedule 3 (see point 9 of this table).
2.	Article 2 – definition of “commence”	“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations and mitigation works surveys and evaluations , ecological surveys, installation of amphibian fencing and pre-construction ecological mitigation under licenses, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt and erection of construction plant and equipment, site clearance in connection with Work No. 29 and the establishment of construction compounds, and the temporary display of site notices or information, and “commencement” is to be construed accordingly;	Following further contemplation of the comments raised by the ExA in WQ1 amends are proposed to definition of commence and the Requirements at Schedule 2. This amendment is proposed to bring the wording in the definition of ‘commence’ in line with the terminology used in the Outline Archaeological Management Plan (a copy of which is submitted at Deadline 3a (TR010029/EXAM/9.45)). This amendment is also in line with the terminology used in discussions between Highways England, GLAAS and London Borough of Havering in respect of Archaeological works.
3.	Article 28 –	(3) The power to impose restrictive covenants under paragraph (1) is exercisable only in respect of plots specified in column (1) of Schedule 6.	Following further contemplation of the comments raised by the ExA in WQ1 new sub-para (3) is proposed such that the power to impose restrictive covenants under Article 28 is excisable only in respect of plots specified in Schedule 6. This

			is in line with recently made DCOs including the A1 Birtley to Coal House DCO 2021, A303 Sparkford to Ilchester Dualling DCO 2021 and A38 Derby Junctions DCO 2021.
4.	Schedule 2, Requirement 1	“Ground Investigation Report” means the Ground Investigation Report referred to in Schedule 10 (documents to be certified);	Added to reflect the changes proposed to Schedule 2, Requirement 6.
5.	Schedule 2, Requirement 1	“Outline Archaeological Management Plan” means the Outline Archaeological Management Plan referred to in Schedule 10 (documents to be certified);	Added to reflect the changes proposed to Schedule 2, Requirement 9.
6.	Schedule 2, Requirement 4(2)	(f) — Archaeological Management Plan Contaminated Land Management Plan;	Deletion to reflect the changes proposed to Schedule 2, Requirement 9. Insertion to reflect the preparation of a Contaminated Land Management Plan as part of the CEMP.
7.	Schedule 2, Requirement 6	(4) —(1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development which was not previously identified in the environmental statement or in the Ground Investigation Report , it must be reported as soon as reasonably practicable to the Secretary of State, the relevant planning authority and the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority and the Environment Agency.	Added as the ground investigation report is now an examination document (REP1-023).
8.	Schedule 2, Requirement 9	Archaeological remains (1) No part of the authorised development is to commence until for that part a written scheme of investigation of areas of archaeological interest, reflecting the relevant mitigation measures set out in the REAC, has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority on matters related to its function.	In the dDCO submitted at deadline 2 (REP2-002) Highways England had included reference to an Archaeological Management Plan (AMP) to be prepared as part of the CEMP at requirement and noted that an outline AMP would be submitted at Deadline 3a. In

		<p>(2) The authorised development must be carried out in accordance with the scheme referred to in sub-paragraph (1).</p> <p>(1) No part of the authorised development is to commence until an Archaeological Management Plan has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority to the extent that it relates to matters relevant to its functions.</p> <p>(2) The Archaeological Management Plan must be substantially in accordance with the Outline Archaeological Management Plan and reflect the relevant mitigation measures set out in the REAC.</p> <p>(3) The authorised development must be carried out in accordance with the approved Archaeological Management Plan referred to in sub-paragraph (1).</p>	<p>preparing the Outline AMP Highways England considers that the AMP should be dealt with under Requirement 9 and not Requirement 4. Archaeology is therefore to be addressed solely under Requirement 9. The proposed changes reflect the role the Outline AMP will have in preparing the AMP which in itself is an overarching written scheme of investigation. The Outline AMP notes that targeted WSIs may be needed and these will be secured as appropriate at the relevant time. The authorised development, however, must be constructed in accordance with the overarching written scheme of investigation known as the AMP which will be approved by the secretary of State following consultation with the relevant planning authority.</p>						
9.	Schedule 3, Part 2	<p>PRIVATE MEANS OF ACCESS TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE TO BE PROVIDED</p> <table border="1" data-bbox="439 1126 1574 1326"> <thead> <tr> <th data-bbox="439 1126 819 1230">(1) <i>Private means of access to be stopped up</i></th> <th data-bbox="819 1126 1196 1230">(2) <i>Extent of stopping up</i></th> <th data-bbox="1196 1126 1574 1230">(3) <i>New private means of access to be substituted or provided</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="439 1230 819 1326">Private means of egress from Grove Farm</td> <td data-bbox="819 1230 1196 1326">At point A as shown on Sheet 1 of the streets, rights of way and access plans</td> <td data-bbox="1196 1230 1574 1326">Work No. 15</td> </tr> </tbody> </table>	(1) <i>Private means of access to be stopped up</i>	(2) <i>Extent of stopping up</i>	(3) <i>New private means of access to be substituted or provided</i>	Private means of egress from Grove Farm	At point A as shown on Sheet 1 of the streets, rights of way and access plans	Work No. 15	<p>Correction. These entries are not relevant to Article 15 as they do not relate to 'Permanent Stopping Up of Streets'. They are new private means of access to be provided and are covered within the specified works for the authorised development at Schedule 1. Their inclusion in Schedule 3 was an error.</p>
(1) <i>Private means of access to be stopped up</i>	(2) <i>Extent of stopping up</i>	(3) <i>New private means of access to be substituted or provided</i>							
Private means of egress from Grove Farm	At point A as shown on Sheet 1 of the streets, rights of way and access plans	Work No. 15							

		Private means of access to land situated to the immediate north of the A12 Eastbound Carriageway	At point B as shown on Sheet 1 of the streets, rights of way and access plans	Work No. 16	
		None	None	Work No. 14	
		None	None	Work No. 19A	
		None	None	Work No. 20A	
		None	None	Work No. 21A	
10.	Schedule 6 Shoulder reference	Article 28 (2)			Amendment made to the shoulder reference (deleting “(2)”) to reflect amendment made to Article 28 (see entry 3 of this table).
11.	Schedule 6	1/25	To install, access, monitor and maintain bird boxes.	Other ancillary development (bird boxes)	Correction. Other entries in Schedule 6 make it clear the purpose for which the rights are being sought.
		1/27	To access, monitor and maintain bird boxes. To access and maintain— (a) improvements to the A12 eastbound off-slip (including Maylands Bridge and Grove culvert); (b) Grove Bridge; (c) realigned stretches of Weald Brook and Ingrebourne River; and	Work Nos. 2, 6, 23B, 24D and 26 and other ancillary development (bird boxes and utilities)	

			(d) apparatus of statutory undertakers.								
12.	Schedule 10	<table border="1"> <tr> <td>Ground Investigation Report – Regulation 5(2)(q)</td> <td>TR010029/EXAM/9.2 5</td> <td>0</td> </tr> <tr> <td>Outline Archaeological Management Plan – Regulation 5(2)(q)</td> <td>TR010029/EXAM/9.4 5</td> <td>0</td> </tr> </table>			Ground Investigation Report – Regulation 5(2)(q)	TR010029/EXAM/9.2 5	0	Outline Archaeological Management Plan – Regulation 5(2)(q)	TR010029/EXAM/9.4 5	0	<p>Amended to address proposed changes to Schedule 2, Requirements 6 and 9.</p> <p>Note also the documents listed in Schedule 10 have been re-ordered to appear in alphabetical order.</p>
Ground Investigation Report – Regulation 5(2)(q)	TR010029/EXAM/9.2 5	0									
Outline Archaeological Management Plan – Regulation 5(2)(q)	TR010029/EXAM/9.4 5	0									

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