

**DATED**

---

**(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**

---



**BDB PITMANS**

**Registered Office**

One Bartholomew Close  
London  
EC1A 7BL  
DX 339401 London Wall

50/60 Station Road  
Cambridge  
CB1 2JH  
DX 339601 Cambridge 24

The Anchorage  
34 Bridge Street  
Reading, RG1 2LU  
DX 146420 Reading 21

Grosvenor House  
Grosvenor Square  
Southampton, SO15 2BE  
DX 38516 Southampton 3

T +44 (0)345 222 9222

W [www.bdbpitmans.com](http://www.bdbpitmans.com)



**THIS PLANNING OBLIGATION** is given the \_\_\_\_\_ day of \_\_\_\_\_ 2021

**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”)

AND

ESSEX COUNTY COUNCIL of County Hall, Market Road, Chelmsford, CM1, 1QH (ECC)

**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

~~(B)(C)~~ The Application will contribute to an increase in vehicular traffic to the detriment of non-motorised users particularly at the Junction Section

~~(C)(D)~~ 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

- (E) 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
- (F) ECC, BBC and LBH are local planning authorities for the purposes of the Town and Country Planning Act 1990 for their respective areas within which the NMU Scheme is situated
- (G) ECC is the local highway authority for the area within which the eastern part of the NMU Scheme is situated.
- (H) TfL is the local highway authority for that part of the NMU scheme on the A12 between the M25 Junction 28 roundabout and Maylands Way.
- (I) LBH is the local highway authority for that part of the NMU Scheme between Maylands Way and Harold Court Road
- (J) Highways England enters into this Deed with the intention that the obligations contained within it may be enforced against Highways England and their successors in title.

## 1 DEFINITIONS

"Deed" means this Unilateral Undertaking

**"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 Greenway 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

"Monitoring Fee" means the sum of £5,000 for the monitoring of the obligations and covenants in this Deed

- 2 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~~ and ECC as regards their respective areas
- 3 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

**Commented [A01]:** HE to update to include all titles for land along entire route of NMU Scheme

4 Highways England undertakes to construct the Junction Section ~~to in accordance with all relevant ~~an appropriate~~ standards~~ 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

5 Highways England undertakes to construct the remainder of the NMU Scheme in accordance with all relevant standards commensurate with its use by members of the general public no later than 31 March 2025.

6 Highways England undertakes to consult and agree on the detailed design of the NMU Scheme with LBH, ECC and TfL prior to commencement of any works to any part of the NMU Scheme.

7 Highways England covenants that the Loop Road will not be opened for use by the general public unless and until the Junction Section has been completed and is open for public use.

8 Highways England agrees to pay LBH the Monitoring Fee and its reasonable legal fees and disbursements incurred in connection with the negotiation, preparation and completion of this Deed within 28 Days of the date of this Deed.

9 Highways England agrees to pay ECC its reasonable legal fees and disbursements of ECC incurred in connection with the negotiation, preparation and completion of this Deed within 28 Days of the date of this Deed.

10 Highways England agrees to pay LBH, ECC and TfL's reasonable legal fees, external consultant costs and internal officer costs incurred in facilitating the delivery of the NMU Scheme.

#### 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

This obligation has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

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

DRAFT

**ANNEX 2**

Plan showing the Junction Section

