From: Selby, Thomas
To: Hanlon, Paige

Cc: M25 J28 Improvements; M25 Junction 28; Desai, Viral; "George, Pete"; CHALLIS Mark

Subject: M25 Junction 28 - Unilateral Undertaking to London Borough of Havering and Brentwood Borough Council

**Date:** 07 July 2021 17:30:44

Attachments: UNILATERAL OBLIGATION UNDER SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO

M25 JUNCTION 28 NON MOTORISED USERS.pdf

M25 junction 28 improvement scheme Planning Inspectorate reference TR010029 Unilateral Undertaking

to London Borough of Havering and Brentwood Borough Council .docx

#### Hi Paige

Please find attached a letter and s106 UU for the attention of the Planning Inspectorate.

Thanks and regards

## **Thomas Selby**

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | Surrey | GU1 4LZ

Web: http://www.highways.gov.uk

GTN: 0300 470 1253

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The Planning Inspectorate National Infrastructure Planning Temple Quay House Temple Quay Bristol BS1 6PN

By email to: m25junction28@planninginspectorate.gov.uk

Thomas Selby
Highways England
Bridge House
1 Walnut Tree Close
Guildford |
Surrey GU1 4LZ



7 July 2021

Dear Sirs,

M25 junction 28 improvement scheme Planning Inspectorate reference: TR010029 Unilateral Undertaking to London Borough of Havering and Brentwood Borough Council

We note that a number of responses have been submitted in response to the deadline 9 submissions, including in respect of the proposed Highways England unilateral planning obligation.

Highways England has already explained why it does not think it would be appropriate for there to be a requirement in respect of the entire NMU scheme it being in large part outside the scope of the DCO application.

Highways England also takes the view, as explained in the examination, that a requirement in respect of the central section of the NMU scheme as it passes through the junction is not necessary although Highways England, pursuant to a planning obligation, is willing to provide that section within its own highways network.

For good order, whilst the examination is still open, we are attaching to this letter the form of a unilateral planning obligation that Highways England has entered into and which is dated today. It is very substantially in the form of that submitted at Deadline 9 in draft [REP-070] save that a reference to section 106(1)(b) has been added for good order in paragraph 4 and that paragraph 5 has been added to the effect that the obligation to construct the so called "Junction Section" is subject to any requirement in respect of if that the Secretary of State may impose notwithstanding

Yours faithfully

Thomas Selby

Thomas Selby Project Manager



(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 taken together 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
- Subject to paragraph 5 below Highways England undertakes pursuant to Section 106(1)(b) of the Town and Country Planning Act 1990 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 undertaking in paragraph 4 above is subject to the need to comply with any requirement imposed upon Highways England by the Secretary of State in a development consent order made pursuant to the Application as regards the Junction Section or any part thereof.

#### 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.

## **ANNEX 1**

Plans showing the NMU Scheme

23693665.3

3

## **ANNEX 2**

Plan showing the Junction Section



From: Selby, Thomas To: Hanlon, Paige

Desai, Viral; "George, Pete"; CHALLIS Mark; M25 Junction 28; M25 J28 Improvements Cc:

RE: M25 Junction 28 - Unilateral Undertaking to London Borough of Havering and Brentwood Borough Subject:

Council

Date: 07 July 2021 17:44:03

ANNEX 1 - Plans Showing the NMU Scheme.pdf Attachments:

Annex 2 - Plan showing the Junction Section.pdf

## Hi Paige

Apologies, I have not included the relevant plans which were excluded in the signed and dated S106 UU sent earlier.

For completeness these are now attached. Please note, these are the same as sent before the ExA as part of REP9-070

## Regards

#### Tom

From: Selby, Thomas **Sent:** 07 July 2021 17:31

Subject: M25 Junction 28 - Unilateral Undertaking to London Borough of Havering and Brentwood Borough Council

### Hi Paige

Please find attached a letter and s106 UU for the attention of the Planning Inspectorate.

Thanks and regards

# **Thomas Selby**

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | Surrey | GU1 4LZ

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