



Department for Transport

Great Minster House
33 Horseferry Road
London, SW1P 4DR

Telephone: 07971 145887
e-mail: transportinfrastructure@dft.gov.uk
Web: www.gov.uk/dft

To:
National Highways
Brentwood Borough Council,
London Borough of Havering,
Transport for London (TfL),
Essex County Council,
National Grid Gas and National Grid
Electricity,
Gardens of Peace,
Cadent Gas,
Luddington Golf Club Ltd,
Glebelands Estates Ltd
Helen Edwards, Rachel Kingston,
and Patricia Kingston

14 October 2021

Dear Sir/Madam

Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by National Highways (“the Applicant”) for an Order granting Development Consent for the M25 Junction 28 Improvement Project

The Examining Authority submitted on 16 September 2021 a Report and Recommendation in respect of its findings on the above application to the Secretary of State for Transport (“the Secretary of State”). In accordance with section 107 of the Planning Act 2008, the Secretary of State has until 16 December 2021 to make a decision on the application. The Secretary of State seeks further clarification and information from the above parties on the following matters.

1. Brentwood Borough Council’s Local Plan

The Secretary of State notes the position regarding Brentwood Borough Council’s Local Plan was at an early stage during the Examination. **Brentwood Borough Council** and the **Applicant** are asked to provide an update on the position of the Local Plan and whether the emerging plan has been advanced to a stage where policies contained therein are important and relevant to the consideration of the proposed development.

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2. New Route for Non-Motorised Users

The Secretary of State notes that at the close of the Examination, the Unilateral Undertaking relating to a new non-motorised route identified for the proposed development had not been agreed. **The Applicant, London Borough of Havering, TfL and Essex County Council are asked to provide an update on the latest position?**

3. Request for an Update to the Environmental Information

The Secretary of State requests that the **Applicant** provides additional information on the following:

- a) the scheme's compliance with the fifth and sixth carbon budget including an update to the assessment of the impact of the scheme on the carbon budgets as set out in [Chapter 14](#) of the Applicant's Environmental Statement and updated at [deadline 4](#).
- b) building on Chapter 14 of the Applicant's Environmental Statement the direct, indirect and cumulative likely significant effects of the scheme with other existing and/or approved projects on climate, including greenhouse gas emissions and climate change adaptation; which should be set in light of the requirements contained in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and in light of paragraphs 5.17 and 5.18 of the National Policy Statement for National Networks

4. Update on Agreements

- a) The Secretary of State notes that the voluntary side agreement relating to matters concerning alterations to the existing access arrangements provided to National Grid Electricity Transmission had still to be signed at the end of the Examination. **The Applicant, National Grid Electricity and National Grid Gas** are asked to update on the latest position and whether the side agreement has been concluded and signed?
- b) The Secretary of State notes the tri-party agreement with **Gardens of Peace, Cadent Gas, and the Applicant** in relation to the operational matters of Plot 1/8 were still to be resolved and signed at the end of the Examination. The parties are asked to confirm whether an agreement has been concluded and signed?
- c) The Secretary of State notes a tri-party agreement between the **Applicant, Luddington Golf Club Ltd and Glebelands Estates Ltd** in respect of financial matters and property agreements in respect to the reconfigured golf course had still to be signed at the end of the Examination. The parties are asked to confirm the latest position and whether an agreement has been concluded and signed?
- d) The Secretary of State notes agreement had not yet been reached for acquiring permanent acquisition of rights for Plot1/6 at the end of the Examination. **The Applicant, Helen Edwards, Rachel Kingston, and Patricia Kingston are asked to** confirm the latest position and whether an agreement has been concluded and signed?
- e) The Secretary of State notes Protective Provisions between **the Applicant and Cadent Gas** had not been reached at the end of the Examination. The parties are asked to set out the latest position and whether an agreement has been reached and signed on all matters including the Protective Provisions?

- f) The Secretary of State notes a side agreement between **the Applicant and TfL** had not been reached (which may include provisions for costs and commuted sums) at the end of the Examination in relation to ownership of the new A12 off-slip roads forming Work No.2. The parties are asked to set out the latest position and whether an agreement has been reached and signed?

The deadline for Responses is 29 October 2021

Responses to the matters outlined in this letter should therefore be submitted by email to: M25Junction28@planninginspectorate.gov.uk. If you will have difficulty in submitting a response by the consultation deadline, or difficulty in submitting a response by email, please inform the Case Team

The responses will be published on the project page for the M25 Junction 28 DCO on the Planning Inspectorate's website as soon as possible after the above deadline at: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-junction-28-improvements/>

This letter is without prejudice to the Secretary of State's decision whether to grant development consent for the M25 Junction 28 Project and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Colin Dunn