

Lower Thames Crossing

9.152 Responses to the Examining Authority's ExQ2 Appendix J – 14, 15, 16

Infrastructure Planning (Examination
Procedure) Rules 2010

Volume 9

DATE: October 2023
DEADLINE: 6

Planning Inspectorate Scheme Ref: TR010032
Examination Document Ref: TR010032/EXAM/9.152

VERSION: 1.0

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List of contents

	Page number
1 Introduction	1
1.1 Introduction	1
2 Responses to the Examining Authority's ExQ2 14	2
3 Responses to the Examining Authority's ExQ2 15	3
4 Responses to the Examining Authority's ExQ2 16	4
Annex A An example of the Register of Requirements (in relation to the M25 junction 28 Improvements Development Consent Order).....	12

1 Introduction

1.1 Introduction

- 1.1.1 This document has been prepared by the Applicant to set out its responses to the ExQ2 - Examining Authority's (ExA's) written questions and requests for information (ExQ2) [[PD-040](#)].
- 1.1.2 These can be found in Tables set out under the following headings:
- a. Climate Change and carbon emissions (Found in Appendix A)
 - b. Traffic and transportation (Found in Appendix B)
 - c. Air quality (Found in Appendix C)
 - d. Geology and soils (Found in Appendix D)
 - e. Tunnelling considerations (Found in Appendix D)
 - f. Waste and materials (Found in Appendix D)
 - g. Noise and vibration (Found in Appendix E)
 - h. Road Drainage, water environment and flooding (Found in Appendix F)
 - i. Biodiversity (Found in Appendix G)
 - j. Physical effects of development and operation (Found in Appendix H)
 - k. Social, economic and land-use considerations (Found in Appendix I)
 - l. The acquisition and temporary possession of land and rights (Found in Appendix J)
 - m. General overarching questions (Found in Appendix J)

2 Responses to the Examining Authority's ExQ2 14

No questions submitted by the Examining Authority for this topic.

3 Responses to the Examining Authority's ExQ2 15

PINS ID	Question to:	Question / Response
ExQ2_Q15.1.1	Applicant	<p>Delay to proposed ban on the sale of new petrol and diesel cars</p> <p>The UK Government's recent announcement of a delay of five years from 2030 to 2035 for the ban on the sale of new petrol and diesel cars. Further to the responses to questions on this matter arising in relation to carbon, climate change, air quality affecting human receptors, biodiversity and Habitats Regulations Assessment (sections 2 and 5) that have been requested from the Applicant above:</p> <ul style="list-style-type: none"> • Is it expected that any additional land or rights not already identified in the Book of Reference and the Land Plans are likely to be required to provide for carbon, climate or air quality mitigation measures that were not anticipated prior to the announcement; or • Can any additional mitigation measures be provided on land or with the benefit of rights already identified in the Book of Reference and the Land Plans; or • In circumstances where it is not proposed that any additional land or rights are needed for this purpose, can that please be confirmed. <p>Response:</p> <p>As set out by the Applicant in answer to ExQ2 Q2.1.2, Q5.1.1 and Q5.2.1, the Applicant does not consider that the announcement of a delay of five years from 2030 to 2035 for the ban on the sale of new petrol and diesel cars has any impact on the assessments contained within the Environmental Statement.</p> <p>As such there is no requirement for additional mitigation measures, nor the requirement for additional land or rights beyond those identified in the Book of Reference [REP5-030] and the Land Plans [REP5-004 to REP5-008] for this purpose.</p>

4 Responses to the Examining Authority's ExQ2 16

PINS ID	Question to:	Question / Response
ExQ2_Q16.1.1	Applicant	<p>Environmental Management Plan (EMP) Q1</p> <p>Paragraph 2.3.1 of Document 6.3, Appendix 2.2 Code of Construction Practice (First iteration of Environmental Management Plan) v5 [REP5-049] states that “The Contractors responsible for the delivery of construction will each be required to develop an EMP2 (as defined in Section 1.4 above) specific to their part of the Project and in consultation and engagement with relevant stakeholders as listed in Table 2.1 on matters related to their functions.”</p> <ul style="list-style-type: none"> • It is noted that Table 2.1 is a closed list; the ExA is concerned that there may be a necessity or indeed a prudent need to seek the advice of and engage with stakeholders that are not identified in Table 2.1, for example the Kent Downs AONB Unit, or the operational Ports. Can the Applicant therefore modify Paragraph 2.3.1 to identify that Table 2.1 is not a closed list and that engagement with other stakeholders may occur as necessary? • It is also noted that there will be multiple EMP2’s (and later EMP3’s) each developed by individual contractors for their part of the Project, and that Paragraphs 2.3.1 and 2.8.5 of the Code of Construction Practice (First iteration of Environmental Management Plan) [REP5-049] add in a provision to enable revisions to be made to EMP2’s as the Project evolves. How are the statutory parties and the general public able to keep track of such documents when the Secretary of State is identified as the approval body for the documents? It is appreciated that consultation with local authorities may occur prior to submission to the Secretary of State for approval, but how can they keep a track of approved documents? Clearly this will be important for enforcement purposes. It is noted that the EMP submitted by National Highways for the A66 Northern Trans-Pennine Project NSIP Application TR010062 (Document Ref 2.7 Environmental Management Plan, Revision 5, dated 16/5/23) included procedures following the Secretary of State’s determination and record keeping requirements, which are notably absent from the LTC EMP [REP5-049]. • It is also noted that the EMP submitted by National Highways for the A66 Northern Trans-Pennine Project NSIP Application TR010062 (Document Ref 2.7 Environmental Management Plan Revision 5, dated 16/5/23) includes a detailed consultation process that National Highways is required to carry out on a second iteration of the EMP prior to its approval by the Secretary of State, any amendment to a second

PINS ID	Question to:	Question / Response
		<p>iteration and prior to the approval of a third iteration. No such consultation procedure is specified in the LTC EMP [REP5-049]; why is that?</p> <p><i>'Paragraph 2.3.1 of Document 6.3, Appendix 2.2 Code of Construction Practice (First iteration of Environmental Management Plan) v5 [REP5-049] states that "The Contractors responsible for the delivery of construction will each be required to develop an EMP2 (as defined in Section 1.4 above) specific to their part of the Project and in consultation and engagement with relevant stakeholders as listed in Table 2.1 on matters related to their functions." - It is noted that Table 2.1 is a closed list; the ExA is concerned that there may be a necessity or indeed a prudent need to seek the advice of and engage with stakeholders that are not identified in Table 2.1, for example the Kent Downs AONB Unit, or the operational Ports. Can the Applicant therefore modify Paragraph 2.3.1 to identify that Table 2.1 is not a closed list and that engagement with other stakeholders may occur as necessary?'</i></p> <p>Response:</p> <p>The list of relevant stakeholders identified in Table 2.1 of the Applicant's Deadline 5 Submission Document 6.3, Appendix 2.2 Code of Construction Practice (First iteration of Environmental Management Plan) v5 [REP5-048] is deliberately a closed list as it sets out how any engagement will occur specifically with statutory bodies.</p> <p>Where activities are undertaken on Statutory Undertakers' land, such as the Port of Tilbury, the protective provisions in the draft Development Consent Order v7.0 (Clean) [REP5-024] provide appropriate controls to address these specific interfaces.</p> <p>Table 2.1 was drafted having regard for Kent Downs AONB Unit being part of the legal entity that is Kent County Council. However, for simplicity, this table will be amended at Deadline 6 to specifically identify Kent Downs AONB Unit on the list of stakeholders for the purposes of engagement as EMP2 is being developed.</p> <p>Information regarding ongoing consultation with non-statutory bodies and the anticipated operation of Community Liaison Groups is also set out in Chapter 5 (Section 5.2) of the Applicant's Deadline 5 Submission - 6.3 ES Appx 2.2 - Code of Construction Practice, First iteration of Environmental Management Plan v5.0 (Clean) [REP5-048].</p> <p><i>'It is also noted that there will be multiple EMP2's (and later EMP3's) each developed by individual contractors for their part of the Project, and that Paragraphs 2.3.1 and 2.8.5 of the Code of Construction Practice (First iteration of Environmental Management Plan) [REP5-049] add in a provision to enable</i></p>

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		<p><i>revisions to be made to EMP2's as the Project evolves. How are the statutory parties and the general public able to keep track of such documents when the Secretary of State is identified as the approval body for the documents? It is appreciated that consultation with local authorities may occur prior to submission to the Secretary of State for approval, but how can they keep a track of approved documents? Clearly this will be important for enforcement purposes.'</i></p> <p>Paragraph 2.1.1 of the 6.3, Appendix 2.2 Code of Construction Practice (First iteration of Environmental Management Plan) v5 [REP5-048] requires consultation with relevant stakeholders prior to any EMP2 being submitted for approval to the Secretary of State. This process of consultation would ensure that statutory parties are able to 'keep track' of the documents.</p> <p>In terms of the general public, requirement 22 "Register of Requirements" of Schedule 2 of the Applicant's Deadline 5 Submission - 3.1 draft Development Consent Order v7.0 (Clean) [REP5-024] notes that:</p> <p>"The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the Secretary of State."</p> <p>This register would allow the general public to 'keep track' of these documents.</p> <p>An example of the Register of Requirements (in relation to the M25 junction 28 Improvements Development Consent Order) is appended as Annex A.</p> <p><i>'It is noted that the EMP submitted by National Highways for the A66 Northern Trans-Pennine Project NSIP Application TR010062 (Document Ref 2.7 Environmental Management Plan, Revision 5, dated 16/5/23) included procedures following the Secretary of State's determination and record keeping requirements, which are notably absent from the LTC EMP [REP5-049]. - It is also noted that the EMP submitted by National Highways for the A66 Northern Trans-Pennine Project NSIP Application TR010062 (Document Ref 2.7 Environmental Management Plan Revision 5, dated 16/5/23) includes a detailed consultation process that National Highways is required to carry out on a second iteration of the EMP prior to its approval by the Secretary of State, any amendment to a second iteration and prior to the approval of a third iteration. No such consultation procedure is specified in the LTC EMP [REP5-049]; why is that?'</i></p> <p>The Applicant has taken a fundamentally different approach on its A66 Northern Trans-Pennine Project (and for context, that project is part of "Project Speed"). In particular, the equivalent document on the A66 is an all encompassing management plan, where a large number of issues are not determined by the Secretary of</p>

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		<p>State, but the Applicant retains flexibility. In particular, it enables “a determination by National Highways to amend an approved second iteration of this EMP... in accordance with the process stipulated by this EMP”. In addition, unlike the dDCO for this Project, the A66 has no Requirements (as is the case in Schedule 2 to the Project dDCO). The Requirements in the dDCO for this Project, following the standard framework National Highways has used across the portfolio of projects consented through the Planning Act 2008, secure consultation in relation to various elements of the Project. Accordingly, the framework for the Environmental Management Plans is distinct between the two projects. The Applicant considers that the wording contained in paragraph 21 of Schedule 2 of to the draft Development Consent Order [REP5-024] substantively provides the level of control secured under the EMP of the A66. Specifically this requires the Applicant to provide consultees with 28 days to provide their consultation response, give due regard to the representations made, and include a copy of and written account of how those recommendations have been considered.</p> <p>In relation to record keeping, paragraph 22 of Schedule 2 requires a register of requirements to be held and made available to the public. As noted above, the A66 dDCO contains no equivalent provision in their dDCO. On that basis, the EMP for the A66 separately secures this.</p>
ExQ2_Q16.1.2	Applicant, Local Authorities	<p>Environmental Management Plan (EMP) Q2</p> <p>Paragraph 2.3.9 of Document 6.3, Appendix 2.2 Code of Construction Practice (First iteration of Environmental Management Plan) v5 [REP5-049] states that “The EMP2 will require that construction phasing plans are made available to the local authorities, prior to works commencement.” The ExA acknowledges that Document 6.3, Appendix 2.2 Code of Construction Practice (First iteration of Environmental Management Plan) v5 [REP5-049] includes a communication and community engagement section at Chapter 5, but the ExA seeks the views of the Applicant and the Local Authorities on whether the requirement set out in Paragraph 2.3.9 should have an identified lead period so that local authorities can communicate with their residents sufficiently in advance. The ExA considers that building in a lead time for this information to be shared would reduce complaints to a Local Authority and to National Highways when construction starts.</p>

PINS ID	Question to:	Question / Response
		<p>Response:</p> <p>A minimum two-week lead time will be added to paragraph 2.3.9 of Environmental Statement Appendix 2.2: Code of Construction Practice (CoCP) [REP5-048]. This will align with paragraph 5.3.2 of the CoCP with regard to lead time for Contractors to distribute information sheets relating to programmed activities. It should be noted, there will be other forums which local authorities would form part of, such as the Traffic Management Forum. Within the forums, local authorities, and other parties (e.g., representatives for the Community Liaison Groups) would be consulted of upcoming works and phasing plans where appropriate prior to issuing the plans.</p>
ExQ2_Q16.1.3	Applicant	<p>Environmental Management Plan (EMP) Q3</p> <p>Paragraph 2.8.5 of Document 6.3, Appendix 2.2 Code of Construction Practice (First iteration of Environmental Management Plan) v5 [REP5-049] relates to amendments that are not considered to be materially new or different. It states “If the proposed change does not give rise to a materially new or materially different effect and where the change is progressed, management plans will be amended to reflect the change, where required.” The ExA would like to understand whether the relevant EMP would need re-approval by the Secretary of State in such circumstances, but, regardless of the answer, the ExA again seeks to understand how the statutory parties and the general public are able to keep track of such amendments to the EMP document(s).</p> <p>Response:</p> <p>Paragraph 2.8.5 of ES Appendix 2.2: Code of Construction Practice [REP5-048] does not directly apply to changes to the EMP (Second Iteration). As set out in the introduction to that paragraph, “<i>Where the Contractors propose a change to the design of the Project under article 6 or Requirements 3 or 8 of the DCO, they must follow the process described below insofar as the proposed change requires a consideration of whether there is a ‘materially new or materially different’ effect as compared with the ES.</i>” Article 6, and Requirements 3 and 8 include phrase “materially new or materially different”, hence the Applicant has sought to provide comfort about the process which applies to these paragraphs. Management plans which may need to be amended as a result of any of those variations, are capable of being so varied under paragraph 18 of Schedule 2 to the draft Development Consent Order (DCO) [REP5-024].</p>

PINS ID	Question to:	Question / Response
		<p>In relation to the ExA’s comment that they “would like to understand whether the relevant EMP would need re-approval by the Secretary of State in such circumstances”, the Applicant notes that in respect of any plans which must be submitted under Article 6, and Requirements 3 and 8 where a variation is sought (and the related paragraph 18 of Schedule 2 to the dDCO), the Secretary of State must approve those variations under the terms of those provisions. This would secure and ensure that the Secretary of State ‘re-approves’ any variations.</p> <p>In relation to how the statutory parties and the general public are able to keep track of such amendments to the EMP document, the Applicant would note paragraph 22 of Schedule 2 to the draft DCO [REP5-024] which secures a register of requirements. Paragraph 22 details that a register would be kept by the Applicant which would be available to the public for all documentation in relation to Requirements within Schedule 2, Part 1 of the draft DCO. The Applicant notes that this structure and framework for variations, as well as the register, is heavily precedented (see, for example, the A303 Stonehenge DCO 2023, the A428 Black Cat to Caxton Gibbett Order 2022 and the M42 Junction 6 Development Consent Order 2020).</p>
ExQ2_Q16.1.5	Applicant	<p>Register of Environmental Actions and Commitments (REAC)</p> <p>It is noted that within 6.3 ES Appx 2.2 - CoCP, First iteration of Environmental Management Plan v4.0 [REP5-049] that the REAC is appended to the Code of Construction Practice (CoCP). The works listed within the REAC extend beyond the Construction phase of the project so can the Applicant justify its inclusion in this document and not have the REAC to be certified as a standalone document in the DCO.</p> <p>Response:</p> <p>The Applicant acknowledges that, even though the document is called a Code of Construction Practice (CoCP) and that some of the measures contained within the Register of Environmental Actions and Commitments (REAC) extend beyond the construction phase, the CoCP is the first iteration of an Environmental Management Plan (EMP) which will in due course cover both construction and environmental matters. Accordingly, it is appropriate for consideration to be given to some operational matters in the REAC at this stage, for the reasons set out below.</p>

PINS ID	Question to:	Question / Response
		<p>As noted at paragraph 1.4.1 of the Environmental Statement (ES) Appendix 2.2: Code of Construction Practice [REP5-048] the document has been produced in accordance with the Design Manual for Roads and Bridges (DMRB) LA 120 – Environmental Management Plans¹.</p> <p>Paragraph 1.1 of DMRB LA 120 states that: <i>'An environmental management plan (EMP) shall set out the conclusions and the actions needed to manage environmental effects identified within the environmental assessment during construction <u>and operation</u> of a development.'</i> (Applicant's emphasis)</p> <p>Paragraph 2.8 of DMRB LA 120 notes: <i>'The EMP shall include a register of environmental actions and commitments including:</i></p> <ol style="list-style-type: none"> <i>1) clear and specific description of the action;</i> <i>2) the objective of the action;</i> <i>3) how the action is to be implemented/achieved;</i> <i>4) the source of the action, including references for source documentation e.g. environmental statement;</i> <i>5) naming of the person responsible for the action;</i> <i>6) achievement criteria and reporting requirements;</i> <i>7) the project stage, date or implementation and achievement; and</i> <i>8) details of any monitoring required and corrective action.'</i> <p>Accordingly, the inclusion of the REAC within the EMP is a requirement of DMRB LA 120 and is standard industry practice.</p> <p>It is also worthy of note that the EMP process is a multi-stage process with the version submitted with the Development Consent Order (DCO) application being merely the first iteration of the EMP produced at the Project design stage, prior to consent. Requirement 4(3) in Schedule 2 to the draft DCO [REP5-024] requires the production of a second stage EMP during the construction stage after consent but before the</p>

¹ Highways England (2020). DMRB LA 120 – Environmental management plans. <https://www.standardsforhighways.co.uk/search/a3a99422-41d4-4ca1-bd9e-eb89063c7134>

PINS ID	Question to:	Question / Response
		<p>start of construction. Requirement 4(5) requires the production of a third stage EMP (or HEMP – Handover EMP) at the end of the construction stage to support future management and operation of the Project (see Table 1.1 of the ES Appendix 2.2: Code of Construction Practice [REP5-048]. This further explains why post-construction matters are addressed in this first iteration EMP.</p> <p>The inclusion of the REAC within the CoCP is considered appropriate at this stage as these future iterations of the EMP do not exist yet but, in accordance with draft DCO Requirement 4 [REP5-024], they would need to be in accordance with the CoCP and REAC measures.</p> <p>The Applicant does not therefore consider that the REAC should be certified as a standalone document.</p>

Annex A An example of the Register of Requirements (in relation to the M25 junction 28 Improvements Development Consent Order)

Requirements Register

Register of Requirements within schedule 2 of the M25 junction 28 Improvements Development Consent Order

Notes:

1. The Secretary of State for Transport granted development consent for the M25 Junction 25 Improvements Development Consent Order (DCO) on 16th May 2022. The following are links to useful decision documentation:
 - o Secretary of State for Transport’s decision letter and statement of reasons can be found [here](#).
 - o DCO as made by the Secretary of State for Transport can be found [here](#). The requirements in the register in this document can be found from page 45 to 50 of the DCO and the process for discharging the requirements can be found on pages 50 to 52 of the DCO.
 - o Examining Authority’s report and recommendations to the Secretary of State for Transport can be found [here](#).
2. The made DCO is Statutory Instrument 2022 No. 573 and can be found on the Legislation.Gov.UK website.
3. Requirements are conditions that have been included in the DCO, which control how the project it consents must be implemented (constructed and maintained). Implementing the DCO in accordance with these conditions involves completing consultation and approval processes that have been defined in the DCO. These processes are referred to here and in the DCO as “discharging” the requirements.
4. This Requirements Register is a live document and will be updated as the process to discharge the requirements progresses. The latest version will always be published here (to be updated when requirements are signed off). This register will be maintained for three years following completion of the project.
5. To capture all changes made to the Requirements Register, a log is located on Page 3. This will be filled in each time a change is made to the register.
6. How the requirements fall within the responsibility of different tiers of local authority was determined during early meetings with those authorities.
7. The Department for Transport’s National Transport Casework Team will act on behalf of the Secretary of State in determining the discharge of requirements.
8. The comments column may, for example, give further information on the meaning of the requirement, links to documents referred to in the requirement and identifies if the requirement is fulfilled or does not require discharge.
9. Where the Requirement Description refers to a document submitted as part of the DCO application and examination process, a link is provided to the document held on the Planning Inspectorate website. Where the Requirement Description refers to a document produced after the DCO has been consented, a link is provided to the document stored by National Highways.
10. Any questions or observations regarding the content can be directed to the M25j28@nationalhighways.co.uk

Below is a table of acronyms and abbreviations used in the register

Acronym / abbreviation	
DCO	Development Consent Order
HEMP	Handover Environmental Management Plan
LEMP	Landscape and Ecology Management and Monitoring Plan
CEMP	Construction Environmental Management Plan
REAC	Register of Environmental Actions and Commitments

Below is a table of updates which have been made to the Requirements Register

Date	Requirement Register Version Number	Detail of update
06/06/2022	P01	Input of Requirements

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
Reference from Development Consent Order	Direct quote from Schedule [2] of the Development Consent Order	All documents produced that are necessary to fulfil/discharge the requirement	Statutory duty holder(s) to be consulted to fulfil/discharge the requirement	Details of when these documents were issued to statutory duty holder(s).	Details of when these documents were returned by the Statutory Duty holder(s)	Details of when these documents were issued to the Secretary of State	Details of when these documents were approved by the Secretary of State, including details of prior consultation of 3 rd parties by the Secretary of State	Any comments related to the requirements
1. Interpretation								
	<p>In this Schedule</p> <p>“completed” in relation to a relevant part of the authorised development means the relevant part of the authorised development is completed and fully open to traffic and “completion” is to be construed accordingly;</p> <p>“contaminated land” has the same meaning as in section 78A (preliminary) of the Environmental Protection Act 1990(a);</p> <p>“European protected species” has the same meaning as in regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017(b);</p> <p>“Ground Investigation Report” means the document of that description certified by the Secretary of State as the Ground Investigation Report for the purposes of this Order;</p> <p>“HEMP” means the Handover Environmental Management Plan;</p> <p>“LEMP” means the Landscape and Ecology Management and Monitoring Plan;</p> <p>“Manual of Contract Documents for Highway Works” means the document of that name published electronically by or on behalf of the strategic highway authority for England or any equivalent replacement published for that document;</p> <p>“nationally protected species” means any species protected under the Wildlife and Countryside Act 1981(c);</p> <p>“Outline Arboricultural Method Statement” means the document of that description certified by the Secretary of State as the Outline Arboricultural Method Statement for the purposes of this Order;</p> <p>“Outline CEMP” means the document of that description certified by the Secretary of State as the Outline Construction Environmental Management Plan for the purposes of this Order;</p>	None	None	N/A	N/A	N/A	N/A	No approvals needed. Requirement contains definitions and does not require discharge.

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
	<p>“Outline Archaeological Management Plan” means the document of that description certified by the Secretary of State as the Outline Archaeological Management Plan for the purposes of this Order;</p> <p>“Outline LEMP” means the document of that description certified by the Secretary of State as the Outline Landscape and Ecology Management and Monitoring Plan for the purposes of this Order;</p> <p>“Outline Traffic Management Plan” means the document of that description certified by the Secretary of State as the Outline Traffic Management Plan for the purposes of this Order;</p> <p>“Preliminary Environmental Design” means the document of that description certified by the Secretary of State as the Preliminary Environmental Design for the purposes of this Order; and</p> <p>“REAC” means the document of that description certified by the Secretary of State as the Register of Environmental Actions and Commitments for the purposes of this Order.</p>							
2. Time limits								
2	The authorised development must commence no later than the expiration of 5 years beginning with the date that this Order comes into force.	None	None	N/A	N/A	N/A	N/A	<p>No approvals needed.</p> <p>Requirement sets the timescales for the validity of the made Order.</p> <p>The DCO Order was made on 16 May 2022 and came into force on 6 June 2022 which means that the authorised development must commence by 6 June 2027.</p>
3. Detailed Design								
3(1)	The authorised development must be designed in detail and carried out so that it is compatible with the preliminary scheme design shown on the engineering drawings and sections and the report mentioned in sub-paragraph (3), unless otherwise agreed in writing by the Secretary of State, provided that the Secretary of State is satisfied that any amendments to the engineering drawings and sections showing departures from the preliminary scheme design (arising from the report or otherwise) would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.	Detail Design Report	Transport for London London Borough of Havering National Highways Connect Plus Services	22 May 2023	Transport for London approved on 28 June 2023 London Borough of Havering approved on 25 June 2023 National Highways approved on 6 June 2023 Connect Plus Services approved on 28 July 2023	21 August 2023	22 August 2022 - approved in full	Approvals and comments logs can be viewed here.

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
3(2)	Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding engineering drawings and sections and the undertaker must make those amended details available online for inspection by members of the public.	See line 3.1.	See line 3.1.	See line 3.1.	See line 3.1.	See line 3.1.	See line 3.1.	See line 3.1.
3(3)	The report mentioned in sub-paragraph (1), is a report to be prepared by the undertaker of its findings following a review of the design of the bridges and structures of the authorized development; the review to be carried out in consultation with the relevant planning authority and the relevant highway authority.	See line 3.1.	See line 3.1.	See line 3.1.	See line 3.1.	See line 3.1.	See line 3.1.	See line 3.1.
4. Construction Environmental Management Plan								
4(1)	No part of the authorised development is to commence until a CEMP, in accordance with the Outline CEMP, for that part has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority, relevant highway authority and the Environment Agency to the extent that it relates to matters relevant to its functions.	Construction Environmental Management Plan	Environment Agency Transport for London Connect Plus Services London Borough of Havering National Highways	15 November 2021	Environment Agency approved on 3 August 2022 Transport for London approved on 9 September 2022 Connect Plus Services approved on 21 April 2022 London Borough of Havering approved on 7 September 2022 National Highways – 5 May 2022	13 September 2022	13 September 2022 - approved in full	Approvals and comments logs can be viewed here.
4(2)	The CEMP must be written in accordance with ISO14001 and, so far as is relevant to that part of the authorised development, must be in accordance with the relevant mitigation measures set out in the REAC, and must include the following management plans – (a) pollution prevention plan; (b) dust noise and nuisance management plan; (c) ecological habitats and species plan; (d) invasive species management plan; (e) surface water management plan; (f) contaminated land management plan; (g) soil handling management plan; (h) material management plan; (i) site waste management plan; (j) material, waste storage and refuelling plan; (k) energy and resource use management plan; (l) emergency response plan; and (m) community engagement plan.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
4(3)	The construction of the authorised development must be carried out in accordance with the approved CEMP.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.
4(4)	A HEMP must be developed and completed by the end of the construction, commissioning and handover stage of the authorised development, in accordance with the process set out in the approved CEMP.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.
4(5)	The authorised development must be operated and maintained in accordance with the HEMP.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.	See line 4.1.
5. Landscaping								
5(1)	The authorised development must be landscaped in accordance with a landscaping scheme and LEMP which set out details of all proposed hard and soft landscaping works and which has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority, relevant highway authority and the Environment Agency on matters related to its functions.	Landscape and Ecological Management Plan	Environment Agency Transport for London Connect Plus Services London Borough of Havering National Highways	21 April 2022	Environment Agency approved on 20 July 2022 Transport for London approved on 7 July 2022 Connect Plus Services approved on 8 Sept 2022 London Borough of Havering approved on 10 August 2022 National Highways approved on 4 August 2022	1 November 2022	7 November 2022 – approved in full	Approvals and comments logs can be viewed here.
5(2)	The landscaping scheme and LEMP must be in accordance with the relevant mitigation measures set out in the REAC and with the Preliminary Environmental Design and the Outline LEMP.	See line 5.1.	See line 5.1.	See line 5.1.	See line 5.1.	See line 5.1.	See line 5.1.	See line 5.1.
5(3)	The landscaping scheme prepared under subparagraph (1) must include details of (a) location, number, species mix, size and planting density of any proposed planting; (b) cultivation, importing of materials and other operations to ensure plant establishment; (c) existing trees to be retained, with measures for their protection during the construction period; (d) proposed finished ground levels; (e) implementation timetables for all landscaping works; and (f) measures for the replacement, in the first available planting season, of any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after the completion of the part of the authorized development to which the relevant landscaping scheme relates, dies, becomes seriously diseased or is seriously damaged.	See line 5.1.	See line 5.1.	See line 5.1.	See line 5.1.	See line 5.1.	See line 5.1.	See line 5.1.
5(4)	All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards and other recognised codes of good practice.	See line 5.1.	See line 5.1.	See line 5.1.	See line 5.1.	See line 5.1.	See line 5.1.	See line 5.1.

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
6. Contaminated land and groundwater								
6(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, relevant highway 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.	Contaminated Land Management Plan	Environment Agency Connect Plus Services London Borough of Havering	6 May 2022	Environment Agency approved on 14 July 2022 Connect Plus Services approved on 25 July 2022 London Borough of Havering approved on 4 July 2022	28 July 2022	1 August 2022 – approved in full	Approvals and comments logs can be viewed here.
6(2)	Where the undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be 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 and the Environment Agency.	See line 6.1.	See line 6.1.	See line 6.1.	See line 6.1.	See line 6.1.	See line 6.1.	See line 6.1.
6(3)	Remediation must be carried out in accordance with the approved scheme.	See line 6.1.	See line 6.1.	See line 6.1.	See line 6.1.	See line 6.1.	See line 6.1.	See line 6.1.
7. Protected species								
7(1)	No part of the authorized development is to commence until for that part, final preconstruction survey work has been carried out to establish whether European or nationally protected species are present on any of the land affected or likely to be affected by that part of the relevant works, or in any of the trees and shrubs to be lopped or felled as part of the relevant works	Badgers License And Great Crested Newts License	Natural England	14 March 2022	Badgers License application granted on 9 August 2022 And Great Crested Newts License application granted on 25 August 2022	16 August 2022	23 August 2022 – approved in full	Approvals can be seen here.
7(2)	Following pre-construction survey work or at any time when carrying out the authorized development, where— (a) a protected species is shown to be present, or where there is a reasonable likelihood of it being present; (b) application of the relevant assessment methods used in the environmental statement show that a significant effect is likely to occur which was not previously identified in the environmental statement; and (c) that effect is not addressed by any prior approved scheme of protection and mitigation established in accordance with this paragraph, the relevant parts of the relevant works must cease until a scheme of protection and mitigation measures has been submitted to and approved in writing by the Secretary of State.	See line 7.1.	See line 7.1.	See line 7.1.	See line 7.1.	See line 7.1.	See line 7.1.	See line 7.1.

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
7(3)	The undertaker must consult with Natural England on the scheme referred to in subparagraph (2) prior to submission to the Secretary of State for approval, except where a suitably qualified and experienced ecologist, holding where relevant and appropriate a licence relating to the species in question, determines that the relevant works do not require a protected species licence.	See line 7.1.	See line 7.1.	See line 7.1.	See line 7.1.	See line 7.1.	See line 7.1.	See line 7.1.
7(4)	The relevant works under sub-paragraph (2) must be carried out in accordance with the approved scheme, unless otherwise agreed by the Secretary of State after consultation by the undertaker with Natural England, and under any necessary licences.	See line 7.1.	See line 7.1.	See line 7.1.	See line 7.1.	See line 7.1.	See line 7.1.	See line 7.1.
8. Surface and foul water drainage								
8(1)	No part of the authorised development is to commence until for that part written details of the surface and foul water drainage system, in accordance with the relevant mitigation measures set out in the REAC including means of pollution control, have been submitted and approved in writing by the Secretary of State following consultation by the undertaker with the relevant planning authority and relevant highway authority on matters related to its function.	Drainage strategy report And Series 500 and schedules links drawings	Transport for London Connect Plus Services London Borough of Havering National Highways	18 March 2022	<u>Drainage strategy report:</u> Transport for London approved on 15 July 2022 Connect Plus Services approved on 26 November 2022 London Borough of Havering approved on 1 July 2022 National Highways (WSP) approved on 18 August 2022 <u>Series 500 drawings:</u> Transport for London approved on 13 July 2022 Connect Plus Services approved on 17 August 2022 London Borough of Havering approved on 21 July 2022 National Highways (WSP) approved on 18 August 2022	19 August 2022	23 August 2022 – approved in full	Approvals and comments can be viewed here.
8(2)	The surface and foul water drainage system must be constructed in accordance with the approved details, unless otherwise agreed in writing by the Secretary of State following consultation by the undertaker with the relevant planning authority on matters related to its function, and provided that the Secretary of State is satisfied that any amendments to the approved details would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.	See line 8.1.	See line 8.1.	See line 8.1.	See line 8.1.	See line 8.1.	See line 8.1.	See line 8.1.
9. Archaeological remains								
9(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.	Archeological Management Plan	London Borough of Havering	28 April 2022	London Borough of Havering approved on 6 May 2022	28 July 2022	29 July 2022 – approved in full	Approvals and comments can be viewed here.
9(2)	The archaeological management plan must be in accordance with the Outline Archaeological Management Plan and reflect the relevant mitigation measures set out in the REAC.	See line 9.1.	See line 9.1.	See line 9.1.	See line 9.1.	See line 9.1.	See line 9.1.	See line 9.1.

Requirement No.	Requirement Description	Discharge Document Produced	Statutory Duty Holder to be consulted	Date of Issue to Statutory Duty Holder	Statutory Duty Holder response	Date of Issue to Secretary of State	Secretary of State Approval	Comments
9(3)	The authorized development must be carried out in accordance with the approved Archaeological management plan referred to in sub-paragraph (1).	See line 9.1.	See line 9.1.	See line 9.1.	See line 9.1.	See line 9.1.	See line 9.1.	See line 9.1.
10. Traffic management								
10(1)	No part of the authorised development comprising the construction, alteration or improvement of the M25 or A12 is to commence until a traffic management plan for that part has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant highway authority on matters related to its function.	Traffic Management Plan	Transport for London Connect Plus Services National Highways London Borough of Havering (for information only)	29 November 2021	Transport for London approved on 26 August 2022 and follow up approval on 9 Sept 2022 Connect Plus Services approved on 25 July 2022 National Highways various departments approved from 13 December 2021 to 25 July 2022 London Borough of Havering (for information only) – no response needed	28 July 2022	1 August 2022 – approved in full	Approvals and comments can be viewed here.
10(2)	The traffic management plan prepared under sub-paragraph (1) must be in accordance with The Outline Traffic Management Plan and the relevant mitigation measures set out in the REAC.	See line 10.1.	See line 10.1.	See line 10.1.	See line 10.1.	See line 10.1.	See line 10.1.	See line 10.1.
10(3)	The authorised development must be constructed in accordance with the traffic management plan referred to in sub-paragraph (1).	See line 10.1.	See line 10.1.	See line 10.1.	See line 10.1.	See line 10.1.	See line 10.1.	See line 10.1.
11. Trees								
11(1)	No part of the authorised development is to commence until an arboricultural method statement 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.	Arboriculture method statement	Transport for London London Borough of Havering	21 April 2022	Transport for London approved on 27 July 2022 London Borough of Havering approved on 10 June 2022	1 August 2022	2 August 2022 – approved in full	Approvals and comments can be viewed here.
11(2)	The arboricultural method statement must be in accordance with the Outline Arboricultural Method Statement and the relevant mitigation measures set out in the REAC.	See line 11.1.	See line 11.1.	See line 11.1.	See line 11.1.	See line 11.1.	See line 11.1.	See line 11.1.
11(3)	The authorized development must be carried out in accordance with the approved Arboricultural method statement referred to in sub-paragraph (1).	See line 11.1.	See line 11.1.	See line 11.1.	See line 11.1.	See line 11.1.	See line 11.1.	See line 11.1.
12. Approvals and amendments to approved details								
12(1)	With respect to any requirement which requires the authorised development to be carried out in accordance with the details or schemes approved under this Schedule, the approved details or schemes are taken to include any amendments that may subsequently be approved in writing by the Secretary of State.	No amendments have been requested to any requirements. This section will be amended if changes to approved requirements are being made.						
13. Fencing								

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13(1)	Any permanent and temporary fencing and other means of enclosure for the authorized development must be constructed and installed in accordance with Manual of Contract Documents for Highway Works maintained by or on behalf for the undertaker except where any departures from that manual are agreed in writing by the Secretary of State in connection with the authorized development, following consultation by the undertaker with the relevant highways authority to the extent that it relates to matters relevant to its function.							
13(2)	No part of the new loop road forming Work No. 6 or the new A12 eastbound off-slip forming Work No. 2 is to be opened for traffic until any appropriate measures for the control of deer, including deer fencing, identified following consultation with the relevant planning authority and relevant highway authority on matters related to its function has been installed.							
14. Operation of M25 junction 28 Roundabout								
14(1)	No part of the new loop road forming Work No. 6 is to be opened for traffic until a plan for the M25 junction 28 roundabout containing details of the proposed operation of traffic signal timings or such other related measures as may be reasonably practicable to prevent any increase in delays for traffic on the A1023 Brook Street entering the M25 junction 28 roundabout arising as a result of the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the highway authorities within the Order limits.							
14(2)	The authorised development must be operated in accordance with the approved plan referred to in sub-paragraph (1) or such amended plan following consultation with the highway authorities within the Order limits.							
15. Maylands Golf Course accommodation works								
15	Accommodation works to provide replacement facilities for Maylands Golf Course forming Work No. 32 must be undertaken and available for use prior to the opening to traffic of the new loop road forming Work No. 6.							
16. Grove Farm								
16(1)	No part of the authorised development is to commence until a site-specific plan for Grove Farm has been submitted to and approved in writing by the Secretary of State in consultation with Transport for London and the London Borough of Havering.	Site Specific Plan for Grove Farm	Transport for London London Borough of Havering	6 July 2022	Transport for London approved on 4 August 2022 London Borough of Havering approved on 25 July 2022	11 August 2022	15 August 2022 – approved in full	Approvals and comments can be viewed here.

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16(2)	The site-specific plan must include: (a) details of the planting, visual screen to be installed, and any other mitigation deemed necessary for the boundary to the new A12 eastbound off-slip forming Work No. 2; and (b) details of the egress route forming Work No. 15 onto the new A12 eastbound off-slip forming Work No. 2.	See Line 16.1.	See Line 16.1	See Line 16.1	See Line 16.1	See Line 16.1	See Line 16.1	See Line 16.1
16(3)	The authorised development must be constructed in accordance with the site-specific plan referred to in sub-paragraph (1).	See Line 16.1	See Line 16.1	See Line 16.1	See Line 16.1	See Line 16.1	See Line 16.1	See Line 16.1
17. Non-motorised users' route								
17	No part of the new loop road forming Work No. 6 may be opened for traffic until: (a) a scheme or agreement to secure the full non-motorised users' route between Harold Hill and Brentwood has been submitted to and approved in writing by the Secretary of State in consultation with the relevant highway authorities and relevant planning authorities; and (b) the junction section of the non-motorised users' route within the Order limits has been delivered.							
18. Code of construction practice								
18(1)	No part of the authorised development may commence until a code of construction practice has been submitted to and approved in writing by the Secretary of State in consultation with Transport for London and the relevant planning authorities.							
18(2)	The authorised development must be carried out in accordance with the approved code of construction practice.							
19. Gardens of Peace Muslim Cemetery								
19(1)	No part of Work No. 29 is to commence within plot nos. 1/8a and 1/8 until a site specific construction plan has been submitted to and approved in writing by the Secretary of State following consultation with the Gardens of Peace Muslim Cemetery and Cadent.							
19(2)	Work No. 29 within plot nos. 1/8a and 1/8 must be constructed in accordance with the approved site-specific plan referred to in sub-paragraph (1).							

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Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Limited registered in England and Wales number 09346363