

Register of Requirements within Schedule 2 of the M20 J10A Improvement Scheme Development Consent Order - "REQUIREMENTS REGISTER"

Register of requirements

19.—(1) 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.

(2) The register must set out in relation to each such requirement the status of the requirement, in terms of whether any approval to be given by the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.

(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.

Requirement No.	Description	Discharge document produced	Date of issue to Statutory Duty holder	Statutory Duty holder approval	Date of issue to Secretary of State	Secretary of State approval	Comments
<i>Reference from Development Consent Order</i>	<i>Direct quote from Schedule 2 of the Development Consent Order</i>	<i>All documents produced that are necessary to fulfil/discharge the requirement to be noted here</i>	<i>To contain details of when these documents were issued to statutory duty holder/s.</i>	<i>To contain details of when these documents were returned by the Statutory Duty holder/s (e.g. the Local Planning Authority, Local Highway Authority, Natural England etc)</i>	<i>To contain details of when these documents were issued to the Secretary of State</i>	<i>To contain details of when these documents were approved by the Secretary of State, including details of prior consultation of 3rd parties by the Secretary of State</i>	<i>Any comments related to the requirement</i>
Time limits							
2	The authorised development must not commence later than the expiration of 5 years beginning with the date on which this Order comes into force.						No approvals required. The authorised development must commence by 22 December 2022.
Construction Environmental Management Plan (CEMP)							
3 (1)	No part of the authorised development is to commence until a CEMP has been prepared in consultation with the relevant planning authority, the local highway authority and the Environment Agency and submitted to and approved in writing by the Secretary of State.	(i) CEMP; (ii)LEMP; (iii) Arboricultural Method Statement (AMS); (iv) Archaeological Written Scheme of Investigation (AWSI); (v) Japanese Knotweed Management Plan (JKMP); (vi) Materials Management Plan (MMP);	Issued to Ashford Borough Council, Kent County Council and the Environment Agency on: (i) CEMP issued – 09/11/2017; (ii)LEMP issued – 15/11/2017; (iii) Arboricultural Method Statement issued – 15/11/2017; (iv) AWSI issued – 20/11/2017; (v) JKMP issued –	Comments on: (i) CEMP returned – EA 20/11/2017, KCC 15/12/17, ABC 15/12/17; (ii)LEMP returned – EA 15/11/2017, KCC 30/11/17, ABC 15/12/17; (iii) AMS returned – KCC 30/11/2017, EA 15/11/2017, ABC 15/12/17; (iv) AWSI returned – KCC 04/12/2017, EA 20/11/2017, ABC 04/12/17; (v) JKMP returned –	Requirement discharge pack including (i) – (xii) issue to Secretary of State on – 18/01/18	Approval received from the Secretary of State for: : (i) CEMP – 23/01/18; (ii)LEMP – 23/01/18; (iii) AMS - 23/01/18; (iv) AWSI – 23/0/18; (v) JKMP returned – 23/01/18; (vi) MMP – 23/01/18; (vii) SH&MP – 23/01/18;	Construction Environmental Management Plan (CEMP) considers each of the environmental statement discipline topics (including management plans, working methods and mitigation measures). The Construction Environmental Management Plan can be found here CEMP LEMP AMS AWSI JKWMP MMP SH&MP SWMP CRS

		<p>(vii) Soil Handling and Management Plan (SH&MP); (viii) SWMP; (ix) Traffic and Transport Plan (T&TP); (x) Community Relations Strategy (CRS); (xi) Groundwater Monitoring Strategy (GMS); and (xii) Noise and Vibration Monitoring Strategy (N&VMS).</p>	<p>9/11/2017; (vi) MMP issued – 24/11/2017; (vii) SH&MP issued – 22/11/2017; (viii) SWMP issued – 09/11/2017; (ix) T&TP issued – 15/11/2017; (x) CRS issued - 22/11/2017; (xi) GMS issued – 24/11/2017; and (xii) N&VMS issued – 09/11/2017.</p>	<p>EA 20/11/2017, KCC 15/12/17, ABC 15/12/17; (vi) MMP returned – EA 4/12/2017, KCC 15/12/17, ABC 15/12/17; (vii) SH&MP returned – EA 23/11/2017, KCC 15/12/17, ABC 15/12/17; (viii) SWMP returned - EA 20/11/2017, KCC 15/12/17, ABC 15/12/17; (ix) T&TP returned – KCC 29/11/2017, EA 15/11/2017; (x) CRS returned - EA 22/11/2017, KCC 15/12/17, ABC 15/12/17; (xi) GMS returned - EA 4/12/2017, KCC 15/12/17, ABC 15/12/17; and (xii) N&VMS returned – EA 20/11/2017, KCC 15/12/17, ABC 15/12/17.</p>		<p>(viii) SWMP- 23/01/18; (ix) T&TP – N/A; (x) CRS - 23/01/18; (xi) GMS -; and (xii) N&VMS – 23/01/18.</p>	<p>GMS N&VMS SoS Approval</p>
<p>3 (2)</p>	<p>The CEMP must— (a) be substantially in accordance with the outline construction environmental management plan certified under article 44 (certification of plans, etc.) except that measures may be added to take account of and accommodate within the CEMP any turning loop constructed or under construction by the local highway authority on plot 4/16/c as identified in the book of reference and on the land plans at the time of commencement of the authorised development; (b) contain a record of all the sensitive environmental features that have the potential to be affected by the construction of the proposed development; (c) incorporate the measures as detailed in the environmental statement; (d) include information on the control measures required to mitigate and reduce potential impacts which reflect the mitigation measures included in the environmental statement; (e) require adherence to working hours of 07:00 to 18:00 on Mondays to Fridays and 07:00 to 13:00 on Saturdays, except for— (i) works requiring the full or partial closure of, or otherwise adversely affecting the operation of, the</p>						<p>See above</p>

	<p>M20 carriageway;</p> <p>(ii) works associated with the demolition of the Church Road footbridge and the Highfield Lane bridge;</p> <p>(iii) works associated with the construction of the new Church Road Bridge, the new Kingsford Street Bridge, the two new Junction 10a interchange bridges over the M20 carriageway and the A20 Swatfield bridge;</p> <p>(iv) works associated with the diversion of existing utilities;</p> <p>(v) works associated with traffic management and signal changes;</p> <p>(vi) works associated with tie-ins to existing carriageways; and</p> <p>(vii) any emergency works;</p> <p>(f) include management plans, working methods and mitigation measures for each of the topics covered in the environmental statement, including—</p> <p>(i) LEMP;</p> <p>(ii) Arboricultural Method Statement;</p> <p>(iii) Archaeological Written Scheme of Investigation;</p> <p>(iv) Japanese Knotweed Management Plan;</p> <p>(v) Materials Management Plan;</p> <p>(vi) Soil Handling and Management Plan;</p> <p>(vii) Site Waste Management Plan;</p> <p>(viii) Community Relations Strategy;</p> <p>(ix) Groundwater Monitoring Strategy; and</p> <p>(x) Noise and Vibration Monitoring Strategy.</p>						
3(3)	The authorised development must be constructed in accordance with the approved CEMP.						<p>No approvals required.</p> <p>See above.</p>
3(4)	Upon completion of construction of the authorised development the CEMP must be converted into the HEMP which may include measures to take account of and accommodate within the HEMP any turning loop constructed or to be constructed by the local highway authority on plot 4/16/c as identified in the book of reference and on the land plans.						<p>No approvals required.</p> <p>The HEMP will be found here in due course.</p>
3(5)	The authorised development must be operated and maintained in accordance with the HEMP.						<p>No approvals required.</p> <p>The Operations and Maintenance Policy Strategy will be found here in due course</p>

Details of consultation

4(1)	With respect to any requirement which requires details to be submitted to the Secretary of State for approval under this Schedule, the details submitted must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted and the undertaker's response to that consultation.				Requirement discharge pack issue to Secretary of State on 18/01/18	Approval received from the Secretary of State on 23/01/18.	DCO Communication Summary Logs and SoS Approval can be found here .
4(2)	At the time of submission to the Secretary of State for approval, the undertaker must provide a copy of the summary report referred to under sub-paragraph (1) to the relevant consultees referred to in the requirement in relation to which approval is being sought from the Secretary of State.						See Above
4(3)	The undertaker must ensure that any consultation responses are reflected in the details submitted to the Secretary of State for approval under this Schedule, but only where it is appropriate, reasonable and feasible to do so, taking into account considerations including, but not limited to, cost and engineering practicality.						See Above
4(4)	Where the consultation responses are not reflected in the details submitted to the Secretary of State for approval, the undertaker must state in the summary report referred to under sub-paragraph (1) the reasons why the consultation responses have not been reflected in the submitted details.						Not Applicable.
Landscaping							
5(1)	No part of the authorised development is to commence until a written landscaping scheme for that part has been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority.	Written landscaping scheme	Issued to Ashford Borough Council and Kent County Council on 15/11/2017	Ashford Borough Council – 15/12/17 Kent County Council – 30/11/2017	Requirement discharge pack issue to Secretary of State on 18/01/18	Approval received from the Secretary of State on 22/01/18.	Written Landscaping Scheme and SoS Approval can be found here .
5(2)	No part of the authorised development, including vegetation clearance, is to commence until an arboricultural walkover survey and tree survey for that part taking due regard to the guidance in British Standard 5837: 2012 have been undertaken to identify any significant constraints posed by trees.	Arboricultural walkover survey and tree survey					No approvals required

5(3)	The landscaping scheme prepared under sub-paragraph (1) must be based on the environmental masterplan and the results of the surveys undertaken under sub-paragraph (2) and must take account of and accommodate any turning loop constructed or under construction by the local highway authority on plot 4/16/c as identified in the book of reference and on the land plans at the time of commencement of the authorised development.						No approvals required
5(4)	The landscaping scheme prepared under sub-paragraph (1) must include details of hard and soft landscaping works, including— (a) location, number, species, size and planting density of any proposed planting; (b) cultivation, importing of materials and other operations to ensure plant establishment; (c) proposed finished ground levels; (d) hard surfacing materials; (e) details of existing trees to be retained, with measures for their protection during the construction period; and (f) implementation timetables for all landscaping works.						No approvals required
Implementation and maintenance of landscaping							
6(1)	All landscaping works must be carried out in accordance with the landscaping scheme approved under Requirement 5.						No approvals required
6(2)	All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.						No approvals required
6(3)	Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted.						No approvals required
Fencing							
7(1)	Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with the undertaker's Manual of Contract Documents for Highway Works except where any departures from that manual are agreed in writing by the Secretary of State in connection with the authorised development.						No approvals required. Permanent and temporary fencing to be constructed and installed in accordance with the undertaker's Manual of Contract Documents for Highway Works.
Land and groundwater contamination							

8(1)	No part of the authorised development is to commence until a contamination risk assessment in respect of controlled waters has been produced which is to include details of— (a) any existing sources of contamination within the Order limits that may be affected by the carrying out of the authorised development; (b) any reasonably required protective measures to ensure that the carrying out of the authorised development does not make worse any adverse conditions or risks associated with such existing sources of contamination; and (c) appropriate remediation strategies and mitigation measures to address any historic contamination which is shown to be having significant, unacceptable effects on the environment within the context of the proposed works, and the assessment has been submitted to and approved by the Secretary of State following consultation with the Environment Agency.	Contamination risk assessment in respect of controlled waters	Issued to Environment Agency on 24/11/2017	Response from Environment Agency on 4/12/2017	Requirement discharge pack issue to Secretary of State on 12/12/17	Approval received from the Secretary of State on 13/12/17.	Land and Groundwater Risk Assessment and SoS Approval can be found here
8(2)	The steps and measures that are identified as necessary for the purposes of carrying out the authorised development in the assessment referred to in sub-paragraph (1) must be implemented as part of the authorised development.						No approvals required
8(3)	In the event that contaminated material, including impacted groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, the undertaker must cease construction of the authorised development in the vicinity of that contamination and must report it immediately in writing to the Secretary of State, the Environment Agency and relevant planning authority, and in agreement with the Environment Agency and the relevant planning authority undertake a risk assessment of the contamination, and sub-paragraphs (4) and (5) will apply.						No approvals required. This requirement is to be updated should the scheme encounter contaminated land (including groundwater) not previously identified in the Environmental Statement.
8(4)	Where the undertaker determines that remediation 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 prepared submitted to and approved in writing by the Secretary of State following consultation with the Environment Agency and the relevant planning authority.						No Approvals Required This requirement is to be updated should the scheme encounter contaminated land (including groundwater) not previously identified in the Environmental Statement.
8(5)	Remedial measures must be carried out in accordance with the approved scheme.						No approvals required

Archaeology

9(1)	No part of the authorised development is to commence until for that part an archaeological framework strategy for the investigation and mitigation of areas of archaeological interest, reflecting the mitigation measures included in chapter 6 of the environmental statement, with provision for sub-written schemes of investigation for each area and each phase (evaluation or detailed excavation or watching brief), has been prepared in consultation with the relevant planning authority and the local highway authority, agreed with the County Archaeologist and submitted to and approved in writing by the Secretary of State.	Archaeological framework strategy Sub-written schemes of investigation for each area and each phase	Issued to Ashford Borough Council, Kent County Council and the County Archaeologist on 20/11/2017	Ashford Borough Council – 04/12/17 Kent County Council – 4/12/2017 County Archaeologist – 04/12/17	Requirement discharge pack issue to Secretary of State on 16/01/18	Approval received from the Secretary of State on 18/01/18	Archaeological Framework Strategy and SoS Approval can be found here .
9(2)	The authorised development must be carried out in accordance with the archaeological framework strategy and sub-written schemes of investigation referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State.						No approvals required
9(3)	A programme of archaeological reporting, post excavation and publication required as part of the archaeological framework strategy and sub-written schemes of investigation referred to in sub-paragraph (1) must be agreed with the County Archaeologist and implemented within a timescale agreed with the County Archaeologist and deposited with the Historic Environment Record of the relevant planning authority within two years of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.						No approvals required
9(4)	Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be subject to appropriate mitigation as set out in the archaeological framework strategy and mitigation agreed with the County Archaeologist.						No approvals required
9(5)	No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (4) for a period of 14 days from the date they are identified unless otherwise agreed in writing by the Secretary of State.						No approvals required
9(6)	On completion of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be agreed with the County Archaeologist.						No approvals required
Protected species							
10(1)	In the event that any protected species which were not previously identified in the environmental statement or nesting birds are found at any time when carrying out the authorised development the undertaker must cease construction works and report it immediately to the Ecological Clerk of Works.						No approvals required.

10(2)	The undertaker must prepare a written scheme for the protection and mitigation measures for any protected species that were not previously identified in the environmental statement or nesting birds found when carrying out the authorised development. Where nesting birds are identified works should cease within 10 metres of the nest until birds have fledged and the nest is no longer in use.						Details of protection and mitigation for protected species have been submitted to, and approved by, Natural England in the form of protected species licences or precautionary methods of working statements (for non-licensable protected species). Licences can be found here: GCN Dormice Requirement discharged – no further approvals needed.
10(3)	The undertaker must implement the written scheme prepared under sub-paragraph (2) immediately and construction in the area specified in the written scheme must not recommence until any necessary licences are obtained to enable mitigation measures to be implemented.						No approvals required
Traffic management							
11(1)	No part of the authorised development is to commence until a traffic management plan for the construction of the authorised development, substantially in accordance with the draft traffic management plan, has been submitted to and approved in writing by the Secretary of State following consultation with the relevant highway authority.	Traffic management plans	Issued to Ashford Borough Council and Kent County Council on 15/11/2017	Kent County Council – 29/11/2017	Requirement discharge pack submitted to the Secretary of State on 12/12/17.	Approval received from the Secretary of State on 09/01/18.	Traffic Management Plans and SoS Approval can be found here
11(2)	The authorised development must be constructed in accordance with the approved traffic management plan.						No approvals required
Detailed design							
12(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 works plans and the engineering section drawings, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority and local highway authority on matters related to their functions and provided that the Secretary of State is satisfied that any amendments to the works plans and the engineering section drawings showing departures from the preliminary design would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.						No approvals required
12(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 works plans or engineering section drawings and the undertaker must make those amended details available in electronic form for inspection by members of the public.						This requirement is to be updated should any amendments to the scheme be made. Any changes to the scheme will be made available electronically.
Surface and foul water drainage							

13(1)	No part of the authorised development is to commence until written details of the surface and foul water drainage system, reflecting the mitigation measures in chapter 14 of the environmental statement and including means of pollution control, have been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority, the local highway authority and the Environment Agency.	Details of surface water drainage systems	Issued to Ashford Borough Council, Kent County Council and Environment Agency on 21/11/2017	Ashford Borough Council – 02/01/18 Kent County Council – 30/11/2017 Environment Agency – 23/11/2017	Requirement discharge pack submitted to the Secretary of State on 03/01/18	Approval received from the Secretary of State on 05/01/18	Written Details of Surface Water Drainage and SoS Approval can be found here .
13(2)	The drainage system must be constructed in accordance with the approved details referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority, the local highway authority and the Environment Agency.						No approvals required
Flood compensatory storage							
14(1)	No part of the authorised development is to commence until a detailed flood compensatory storage scheme is submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.	Detailed flood compensatory storage scheme	Issued to The Environment Agency on 24/11/2017 Ashford Borough Council on 03/01/18	Ashford Borough Council – 15/01/18 Environment Agency – 04/12/17	Requirement discharge pack submitted to the Secretary of State on 17/01/18	Approval received from the Secretary of State on 22/01/18	Flood Compensatory Storage Scheme and SoS Approval can be found here
14(2)	The scheme prepared under sub-paragraph (1) must provide suitable flood storage for any flood waters that would be displaced by the authorised development in the 1 in 100 year plus 105% climate change allowance event.						No approvals required
14(3)	The scheme must be fully implemented as approved and subsequently maintained.						No approvals required
Approvals and amendments to approved details							
15	With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved under this Schedule, the approved details are taken to include any amendments that may subsequently be approved or agreed in writing by the Secretary of State.						No approvals required
Alternative A2070 options							
16(1)	Only one of A2070 Option A and A2070 Option B may be constructed.						No approvals required

16(2)	The undertaker must not give notice in writing to the relevant planning authority and local highway authority of its intention to construct the A2070 Option B for the purposes of either or both of articles 21 and 24 unless a planning permission has first been granted for the development of the Stour Park site.	Written notice of intention to construct the A2070 Option A	Issued to Ashford Borough Council and Kent County Council on 04/12/17				No approvals required
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