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 28 Improvements Development Consent Order (DCO) on 16th May 2022. The following are links to useful decision documentation:
   - Secretary of State for Transport's decision letter and statement of reasons can be found here.
   - 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.
   - 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 3rd parties by the Secretary of State	Any comments related to the requirements
1. Interpretation								
	In this Schedule **"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; **"contaminated land"** has the same meaning as in section 78A (preliminary) of the Environmental Protection Act 1990(a); **"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); **"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; **"HEMP"** means the Handover Environmental Management Plan; "**LEMP"** means the Landscape and Ecology Management and Monitoring Plan; **"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; **"nationally protected species"** means any species protected under the Wildlife and Countryside Act 1981(c); **"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; **"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;	None	None					No approvals needed. Requirement contains definitions and does not require discharge.

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	"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; **"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; **"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; **"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 **"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.							
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					No approvals needed. Requirement sets the timescales for the validity of the made Order. 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.
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.							

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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.							
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.							
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.							
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.							

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4(3)	The construction of the authorised development must be carried out in accordance with the approved CEMP.							
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.							
4(5)	The authorised development must be operated and maintained in accordance with the HEMP.							
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.							
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.							
5(3)	The landscaping scheme prepared under sub-paragraph (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.							
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.							
6. Contaminated land and groundwater								

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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.							
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.							
6(3)	Remediation must be carried out in accordance with the approved scheme.							
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							
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.							

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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.							
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.							
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.							
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.							
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.							
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.							
9(3)	The authorized development must be carried out in accordance with the approved Archaeological management plan referred to in sub-paragraph (1).							
10. Traffic management								

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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.							
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.							
10(3)	The authorised development must be constructed in accordance with the traffic management plan referred to in sub-paragraph (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.							
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.							
11(3)	The authorized development must be carried out in accordance with the approved Arboricultural method statement referred to in sub-paragraph (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.							
13. Fencing								
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.							

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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.							
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.							
16(3)	The authorised development must be constructed in accordance with the site-specific plan referred to in sub-paragraph (1).							
17. Non-motorised users' route								

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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 Zuthorities; 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 sites 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).							