



Our Ref: HE551519-ATK-GEN-XX-LN-ZM-000005

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18 February 2021

Dear Sir

M25 junction 28 improvement scheme
Planning Inspectorate reference: TR010029
APPLICATION FOR CHANGE TO AN ACCEPTED DEVELOPMENT CONSENT
ORDER (Changes 1-4)

Further to my letter of 4 December 2020 (PDA-001), Highways England hereby submits a request for the following changes to the Scheme (the Proposed Changes) to be accepted for examination:

Change 1 – Removal of surplus construction materials deposit to the west of Weald Brook (Work No. 17)

Change 2 – Amendment to the surplus construction materials deposit (Work No. 18) situated to the south-east of Maylands Golf Course to form an environmental bund

Change 3 – Refinement of Maylands golf course accommodation works (Work No. 32)

Change 4 – Amendment to the lateral limits of deviation for the Cadent gas pipeline diversion – southern connection (Work No. 29) and a reduction of permanent land rights sought.

Further information regarding the Proposed Changes, together with an assessment of their likely significant environmental effects, can be found in the documents accompanying this application. A list of the accompanying documents is set out in Table 1 below.

In preparing the documents to accompany this application, Highways England has had regard to the advice contained in the Planning Inspectorate's Advice Note 16 (How to request a change which may be material).

It is Highways England's position that there is a strong case for each of the four Proposed Change to be accepted for examination. Although the changes have been promoted as a single package of proposed changes, Changes 1 and 2 are co-dependent on one-another, while changes 3 and 4 are free-standing, and are not dependent upon any other change.

Application of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 in respect of the Proposed Changes

None of the Proposed Changes involve adjustments to the Order limits. Changes 1 and 3 do not involve any changes to the compulsory acquisition and temporary possession powers sought in respect of the Application.

Change 4 involves a change in land powers sought in so far as less permanent acquisition of rights would be required in respect of plot 1/8. In the submitted DCO application, the whole of plot 1/8 was sought for permanent acquisition of rights. With the proposed change, plot 1/8 would be subdivided. The part of plot 1/8 covering the extent of the Cadent gas diversion and its associated easement would be sought for permanent acquisition of rights, with the remainder of the plot to form a newly created plot 1/8a to be required for temporary possession only.

Accordingly it is not necessary for Highways England either to obtain any consent in respect of Changes 1, 3 and 4 and nor is the prescribed procedure under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the 2010 Regulations) engaged in respect of them in the absence of such consent.

Change 2 requires changes in land powers sought for plot 1/11. In the submitted DCO application, plot 1/11 is sought for temporary possession but with Change 2, the plot would be subdivided with newly created plot 11/a to be sought for permanent acquisition of land for the extent of the proposed environmental bund. The remainder of plot 1/11 will still be required for temporary possession for the main construction compound and associated construction works. In accordance with the 2010 Regulations, Highways England has sought the consent of the land interests affected by Change 2 to the inclusion of additional land under regulation 4 of the 2010 Regulations. In this case 'additional land' being the permanent acquisition of the land comprised of plot 1/11a. As at the date of this letter, Highways England has not yet received such consent. Highways England accepts that if the consents are not obtained then the prescribed procedure under the 2010 Regulations will be invoked.

Timetable for 2010 Regulations

In the event the outstanding consents are not obtained and the procedure under the 2010 Regulations is invoked Highways England considers that the following illustrative timetable will apply:

- Change Request made 18 February 2021.
- Acceptance decision made by 18 March 2021 (the Examining Authority has a maximum of 28 days to consider whether to accept this request). N.B. under the 2010 Regulations, the acceptance period only relates to change 2 as changes 1, 3 and 4 do not engage the 2010 Regulations.
- Notification and publication in accordance with regulations 7 and 8 of the 2010 Regulations carried out between 15 March – 28 April 2021 (to allow for the need to publish press notices for two successive weeks and allow for a 28 day representation period in accordance with regulations 7 and 8).
- Examining Authority to determine initial issues and procedure for examining the request no later than 19 May 2021 (Under the 2010 Regulations, the Examining Authority has a maximum of 21 days to assess the issues arising after the end of the representation period).
- Notice of hearings (if any) is issued by the Planning Inspectorate on or around 24 May 2021 (Examining Authority must notify affected landowners of any proposed open floor hearings, issue specific hearings or compulsory acquisition hearings as soon as reasonably practicable after certification of compliance under regulation 9(a). The 2010 Regulations provide for a minimum of 21 days' notice of a hearing to be given).
- Hearings held (if required) mid June 2021.
- Examination closes 7 July 2021.

Whilst there is no legal requirement for applicants to await the Examining Authority's procedural decision, as regards acceptance of changes to an examination, before carrying out the necessary notices and publicity under the CA Regulations, Highways England understands that it is the Examining Authority's preference for this step to be undertaken following that procedural decision. Therefore, in order to ensure the steps outlined above under the 2010 Regulations can be completed during the remaining examination period, it would be extremely helpful if the Examining Authority were able to make a procedural decision in respect of the acceptance of the Proposed Changes in less than the maximum 28 days permitted by the 2010 Regulations. If the Examining Authority was able to make a procedural decision by Deadline 3b (25 February 2021) this would enable Highways England to arrange for the necessary newspaper notices to be published no later than the week commencing 15 March 2021.

Table 1 Change Supporting documents

The following documents are submitted in support of this request for the Proposed Changes to be accepted for examination.

Title of Document	Document reference
<p>Report on Proposed Changes 1-4. That report includes:</p> <ul style="list-style-type: none"> • Appendix A Targeted non-statutory consultation to support Changes 1-4 • Appendix B Details of the purpose for which compulsory acquisition and temporary possession powers are sought • Appendix C Schedule of interests in the land and progress of negotiations with persons subject to compulsory acquisition and temporary possession powers • Appendix D Consents and Agreements Position Statement • Appendix E Proposed changes to the Outline CEMP and REAC 	TR010029/EXAM/10.1
<p>Drawings on proposed Changes 1-4</p> <ul style="list-style-type: none"> • Land Plans (sheet 1 of 4) • Works Plans (sheets 1 and 3 of 4) • Scheme Layout Plans (sheets 1 and 3 of 4) • Engineering Sections (sheets 1 and 3 of 4) • Engineering Sections Typical Cross Sections (sheets 1 and 6 of 6) • Figure 2.2 Preliminary Environmental Design Plans 	TR010029/EXAM/10.2
Not used	TR010029/EXAM/10.3
Book of Reference tracked Changes 1-4	TR010029/EXAM/10.4
Schedule of Change to Book of Reference Changes 1-4	TR010029/EXAM/10.5
ES Chapter 6 Noise and vibration	TR010029/EXAM/10.6
ES Chapter 9 Landscape and visual	TR010029/EXAM/10.7
ES Chapter 12 Materials and waste	TR010029/EXAM/10.8
ES Chapter 6 Figures	TR010029/EXAM/10.9
ES Appendix 6.2 Construction noise	TR010029/EXAM/10.10
ES Chapter 9 Figures – Viewpoint D Photomontages	TR010029/EXAM/10.11

We trust that the documents submitted in support of this request for the Proposed Changes to be accepted for examination provide a clear explanation and justification for them.

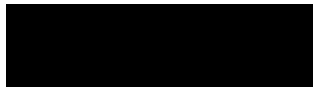
Data protection

Highways England wishes to make the Examining Authority aware that the documents enclosed and the appendices to the Report on Proposed Changes 1-4 contain signatures and other personal data and should be appropriately redacted prior to publication on the Planning Inspectorate website.

I should be grateful if you would acknowledge safe receipt of this letter and arrange for a copy of it and its enclosures to be placed before the Examining Authority.

I look forward to your response.

Yours faithfully,



Anita Waterton
Project Manager