



All Interested Parties and Statutory  
Parties

Your Ref:

Our Ref: TR010029

Date: 26 February 2021

**Planning Act 2008 (as amended) Section 89  
The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) –  
Rules 9 and 17**

**The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 –  
Regulations 4 to 19**

**Application by Highways England for an Order granting Development Consent for  
the M25 Junction 28 Improvement Project - Request to Make Changes to the  
Original Application**

We are writing to inform you of the Procedural Decision made by the Examining Authority (ExA) to request additional consultation regarding the Applicant's request to for the ExA to accept an amendment to the above-mentioned Development Consent Order (DCO) application. This formal Change Request was made at Deadline 3A [REP3A-002].

As it currently stands, the Applicant seeks development consent for 32 different works associated with the construction of a new slip road at Junction 28 which intersects the M25 with the A12.

The Applicant states [REP3A-030] that since the preparation and submission of the Application, they have been in continued dialogue with Statutory Parties and Interested Parties (IPs) and as a result, they wish to make the following changes to the Application.

<b>Change Request No</b>	<b>Work No.</b>	<b>Summary of Change</b>
1	17	Removal of surplus construction materials deposit to the west of Weald Brook
2	18	Amendment to the surplus construction materials deposit situated to the south-east of Maylands Golf Course to form an environmental bund
3	32	Refinement of Maylands golf course accommodation works

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

The ExA has assessed the Applicant's request in line with paragraphs 109 to 115 of [DCLG Guidance 'Planning Act 2008: examination of applications for development consent'](#) and [the Planning Inspectorate's Advice Note 16 National Infrastructure Planning](#) ().

#### *Change Request Nos 1 and 4*

The Applicant considers that Change Requests Nos. 1 and 4 are non-material changes to the Application. The ExA agrees that Change Request No. 1 does not involve any changes to the compulsory acquisition and temporary possession powers sought by the Applicant. The ExA agrees that although Change Request No. 4 does involve a change in land powers sought, this is in the form of a reduction in the permanent acquisition of rights in respect of Plot 1/8. These changes have been accepted into the Examination. The Applicant is required to ensure the Examination documents including the draft Development Consent Order, Land plans, Works plans and other documents are updated accordingly at **Deadline 4, Wednesday 17 March 2021**.

#### *Change Request No 3*

The Applicant considers that Change Request No 3 is also a non-material amendment to the application. However, the ExA notes that additional works would be needed within the Order limits to Work No 32. Because of this and the concerns regarding the application raised by Luddington Golf Ltd [RR-019 and REP2-032] and Glebelands Estates Ltd [RR-020 and REP2-031] remain extant, the ExA does not feel at this stage it can accept the proposed change without first seeking the views of the parties involved as to whether it constitutes a material change to the application.

#### *Change Request No 2*

In respect to Change Request No.2, the Applicant accepts that this constitutes a material change to the application because the works to create an environmental bund differ from the application for Work No 18 as currently stands. However, the Applicant does not consider the degree of materiality is such that it fundamentally alters the application because the proposed changes seek to address concerns raised by stakeholders and to provide additional measures to mitigate the impacts of the Proposed Development within the existing Order limits.

In addition to the change, the Applicant proposes to subdivide the existing Plot 1/11 into two new plots; Plot 1/11 and Plot 1/11a with CA powers now sought over the latter. The Applicant accepts that the proposed change would amount to additional land for the purposes of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regs). Accordingly, Regulations 4 to 19 are potentially engaged if all persons with an interest in the land do not make written submissions consenting to the additional CA powers sought or allowing the matter to be examined.

Therefore, the ExA will need to be satisfied that all Affected Persons with an interest in the respective land, as identified in the excerpt from the proposed BoR, consent to the additional powers sought over the land if the CA Regs are to be deemed to be satisfied.

### **Request for Responses**

It is the ExA's intention to ask the Affected Persons at the Compulsory Acquisition Hearing due to take place on Monday 1 March 2021 at 2.00pm for their views on whether consent will likely be forthcoming and for any views to be made.

Nevertheless, the ExA requests that the views of all relevant IPs are made in writing by **Deadline 4, Wednesday 17 March 2021**. The ExA is seeking only whether the requested changes constitute a material change to the application, either individually or cumulatively, and whether or not they fall within the scope and assessment of the Environmental Statement (ES). If it is the views of IPs that they do not, the ExA will require evidence of where the change(s) would exceed the envelope of the ES. We also require a response from Affected Persons as to whether consent to the additional powers sought over part of the extant Plot 1/11 will be forthcoming.

Should you have any queries regarding the content of the letter, please contact the case team using the details at the top of this letter.

Yours faithfully

*Richard Allen*

**Lead Member of the Examining Authority**