



All Interested Parties and Statutory
Parties

Your Ref:

Our Ref: TR010029

Date: 5 May 2021

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

**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 for the ExA to accept an amendment to the above-mentioned Development Consent Order (DCO) application. This formal Change Request, Nos. 5, 6 and 7 to the application was made at Deadline 6 [REP6-002], [REP6-022] and [REP6-023]. Interested Parties (IPs) will note that Change Requests 1 to 4 were accepted into the Examination on 26 February 2021 [PD-012] and 19 March 2021 [PD-013].

As it currently stands, the Applicant seeks development consent for 31 different works associated with the construction of a new slip road at Junction 28 which intersects the M25 with the A12.

The Applicant states [REP6-002], [REP6-022] and [REP6-023] that since the preparation and submission of the application, they have been in continued dialogue with Statutory Parties and IPs and as a result, they wish to make the following changes to the application.

Change Request No	Work No.	Summary of Change
5	23C	Reduction to the realignment of the Weald Brook following a design change to Duck Wood bridge, part of Work No 6 (proposed M25/A12 loop road)
6	30	Realignment of Work No 30 (diversion of overhead power lines to underground) from that shown on the Works plans [REP6-003] to an area to the east and adjacent to Work No 8 (M25 on slip realignment).
7	32	Enlargement of the Order limits by 54,578m ² and to Plots 1/14, 3/21 and 3/23 (all temporary possession) to facilitate the realignment of Hole 2 and other works.

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 5 and 6

The Applicant states that there would be no additional environmental effects from Change Request No 5 that have not been assessed within the Environmental Statement. As the works in this case would result in a reduced level of alignment to the Weald Brook, the ExA concurs and accepts Change Request 5 into the Examination as a non-material change.

The Applicant identifies potential landscape and visual and biodiversity effects caused by Change Request No 6 as a result of the inability to tree plant in this location. This is because the proposed realigned electric line would require an easement for access and maintenance purposes. However, the Applicant considers that the trees would be planted elsewhere within the Order limits such that there would be no additional environmental effects that have not been assessed within the Environmental Statement. The Applicant identifies [REP6-002], [REP6-022] and [REP6-023] that Change Request No 6 would be within the existing Order limits and would not involve additional land or powers sought currently.

Having examined the proposal, the ExA is satisfied that Change Request No 6 does not fundamentally alter the application and given the scope of works proposed and can also be accepted into the Examination as a non-material change.

Change Request No 7

The Applicant considers that a strong case exists for Change Request No 7 to be accepted into the Examination. This is because the sought changes only affect the Maylands Golf Club and has been undertaken in consultation with the Club's owners and landowners.

However, the ExA notes that the extension to the Order limits is not inconsiderable in size, and no response has been received from Luddington Golf Ltd or Glebelands Estate giving its views on this change; albeit that the ExA notes that no additional land and only Temporary Possession powers are sought. Furthermore, while the ExA notes the Applicant's assertion that there would be no change in the assessment conclusions in respect to landscape and visual and biodiversity, the Applicant nevertheless acknowledges that the extension to the Order limits encroaches further into the Ingrebourne Valley Site of Metropolitan Importance for Nature Conservation and that additional mitigation for habitat creation to mitigate the impact of the change on terrestrial habitat would be required.

While the ExA concurs with the Applicant that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 would not be engaged, we nevertheless consider that the views of IPs should be sought before the ExA determines whether this change can be accepted into the Examination.

Request for Responses

The ExA requests the views of IPs, particularly Luddington Golf Ltd, Glebelands Estates Ltd, London Borough of Havering and Natural England on the materiality of Change Request No 7. The ExA wishes to establish only whether the requested changes constitute a material change to the application, either individually or cumulatively, and whether or not it falls within the scope and assessment of the Environmental Statement. If it is the views of IPs that it does not, the ExA will require evidence of where the change would exceed the envelope of the Environmental Statement.

The ExA requests that the views of all relevant IPs are made in writing by **Deadline 7, Thursday 20 May 2021.**

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