



All Interested Parties and Statutory
Parties

Your Ref:

Our Ref: TR010029

Date: 26 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 Nos.7 and 8
to the Original Application**

Change Requests No.7

We are writing to inform you of the Procedural Decision made by the Examining Authority (ExA) following the Applicant's request for the ExA to accept an amendment to the above-mentioned Development Consent Order (DCO) application. Change Request No.7 was made by the Applicant at Deadline 6 [REP6-002], [REP6-022] and [REP6-023] alongside Change Request Nos. 5 and 6. Change Request No.7 comprises the following:

| Change Request No | Work No. | Summary of Change |
|-------------------|----------|--|
| 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. |

Interested Parties (IPs) will note that Change Requests 1 to 6 were accepted into the Examination on 26 February 2021 [PD-012], 19 March 2021 [PD-013] and 5 May 2021 [PD-018].

In our letter of 5 May 2021 [PD-018], the ExA requested 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. In doing so, the ExA sought only to establish whether this change constituted 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.

The ExA received responses from Glebelands Estates Ltd [REP7-039], Luddington Golf Ltd [REP7-041] and London Borough of Havering [REP7-035] at Deadline 7. No IPs have expressed the view that the changes proposed in Change Request No. 7 represent a material change to the application, either individually or cumulatively with other changes and no IP

has expressed the view that this change does not fall within the scope and assessment of the Environmental Statement.

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](#).

We have concluded, on the evidence before us, that whilst Change Request No. 7 is not inconsiderable in size, the changes sought only affect Maylands Golf course and are supported by those parties with an interest in the land. The ExA further notes that only Temporary Possession powers are sought with this change request and that no additional land is sought. Accordingly, the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regs) are not engaged.

The Applicant has acknowledged that the extension to the Order limits that would result from this change would encroach further into the Ingrebourne Valley Site of Metropolitan Importance for Nature Conservation (SMI) and that additional mitigation for habitat creation to mitigate the impact of the change on terrestrial habitat would be required. The ExA notes that Section 7.1 of the updated Statement of Common Ground (SoCG) signed between the Applicant and Natural England (NE) at Deadline 7 [REP7-011] confirms both the incursion and mitigation caused by Change Request No.7 as an agreed matter.

The ExA has concluded that Change Request No 7 is a non-material amendment to the application and it is accepted into the Examination. The ExA has also considered all Change Requests cumulatively and concludes that they do not generate any new or different likely significant environmental effects.

In accepting this Change Request, the ExA confirms that Change Request 3, accepted into the Examination on 19 March 2021 [PD-013], has now been superseded.

In line with the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17, the ExA requests that the Applicant is to update all necessary documents into the Examination by **Deadline 8, Wednesday 09 June 2021** which reflects Change Requests No 7. The ExA requests this should also include two hard copies, at A1 size, of the Works plans.

Change Request No. 8

We are writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 to request additional consultation following the Applicant's request for the ExA to accept an amendment to the above-mentioned Development Consent Order (DCO) application. This formal Change Request, No. 8 to the application was made at Deadline 7 [REP7-002], [REP7-029] and [REP7-030].

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 [REP7-029] 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 |
|--------------------------|-----------------|---|
| 8 | 15 | Revision of the alignment of the egress road from Grove Farm onto Work No.2 approximately 25m further to the west. The proposed change would result in an extension in length of the egress road by 37m to a total length of 87m. |

The Applicant considers that a strong case exists for Change Request No.8 to be accepted into the Examination. This is because the sought changes only affect a small area of the site and have resulted due to consultation with the owners and occupiers of Grove Farm.

However, the ExA notes that the proposed Change Request would result in additional environmental effects in respect to biodiversity and landscape and visual caused by additional tree loss at The Grove woodland which forms part of the Ingrebourne Valley SMI. The Applicant states [REP7-029], amongst other things, that:

- It would result in an increase in permanent loss of habitat within the SMI from 4.9ha to 5.1ha and to 5.2ha when cumulatively assessed with Change Request No.7.
- There are no opportunities to provide compensation for this loss with tree planting directly adjacent to The Grove and as such, additional woodland planting is proposed to be carried out to the west of the loop road.
- The increase in percentage of loss of the SMI would be 0.1% above that identified in the Chapter 7 of the Environmental Statement [APP-029] to 2% and thus does not alter the slight adverse effect identified.

Notwithstanding the conclusions reached by the Applicant, the ExA considers that owing to the incursion into the Ingrebourne Valley SMI, the views of IPs should be sought on whether this proposed change, both individually and cumulatively, materially alters the proposed development.

The proposed development also would result in changes to Compulsory Acquisition powers. The changes would apply as follows:

| Plot No. | Powers Sought | Change Proposed |
|-----------------|----------------------|---|
| 1/25 | Rights | Reduced in size by 885m ² |
| 1/28 | Freehold | Reduced in size by 791m ² |
| 1/25a | Rights | Newly created Plot from 1/25 and 1/28 measuring 1544m ² |
| 1/28a | Temporary Possession | Newly created Plot from 1/28 measuring 124m ² |
| 1/27 | Rights | Extension of land by 41m ² into Plot which is currently Plot 1/28. |

The ExA concurs with the Applicant in that the CA Regs are not engaged because there would be no extension to the Order limits, and the land Plots affected by the change would involve a reduction in land powers sought and thus no additional land would be required.

Request for Responses

The ExA requests the views of IPs, particularly the owners of Grove Farm, London Borough of Havering, Natural England and Transport for London on the materiality of Change Request No 8. 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 also requires clarification from the Applicant in respect to paragraph 2.4.11 of the Report on Proposed Scheme Change 8 [REP7-029]. The penultimate sentence states "*it was previously thought that the anticipated effects would reduce from Very Large Adverse to Moderate Adverse for the year 1 time period however following further analysis of the revised egress design it is now anticipated to reduce to Large Adverse.*" The ExA requires confirmation from the Applicant that "*previously thought*" is referring to and in context with the assessment process of Change Request No.8 as opposed to what was previously thought, assessed and reported in Table 9.13 of Chapter 9 of the Environmental Statement [REP5-015].

The ExA requests that the views of all relevant IPs are made in writing by **Deadline 8, Wednesday 09 June 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