



All Interested Parties and
Statutory Parties

Your Ref:

Our Ref: TR010029

Date: 14 June 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**

Change Request No.8

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 Development Consent Order (DCO) application. Change Request No. 8 was made by the Applicant at Deadline 7 [REP7-002], [REP7- 029] and [REP7-030] and seeks 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.

In its letter of 26 May 2021 [PD-020], the ExA accepted Change Request No.7 [REP6-002], [REP6-022] and [REP6-023] into the Examination as a non-material Change to the application. However, in relation to Change Request No.8 the ExA requested the views of Interested Parties (IPs), particularly Grove Farm, London Borough of Havering, Natural England and Transport for London on the materiality of Change Request No 8. 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 London Borough of Havering [REP8-026], Natural England [REP8-036] and Transport for London [REP8-037] at Deadline 8. No IPs have expressed the view that the changes proposed in Change Request No. 8 represent a material change to the application, either individually or cumulatively with other changes. NoIPs have expressed the view that this change does not fall within the scope and assessment of the Environmental Statement (ES), indeed the ExA notes that Natural England confirmed in its submission that the proposed changes to the Proposed Development would fall within the scope and assessment of the ES.

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'¹ and the Planning Inspectorate's Advice Note 16 National Infrastructure Planning².

The ExA is satisfied that the sought change would not result in any extension to the Order limits. There would be a reduction in land powers sought for the Plots affected by the change and no additional land would be required. Accordingly, the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regs) are not engaged.

The Applicant has acknowledged 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 Site of Metropolitan Importance (SMI). The Applicant stated [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.

The ExA notes the suggestion made by London Borough of Havering that the submission of Defra Biodiversity Metric v2.0 data into the Examination would be helpful to support the Applicant's view of significance of the likely effect of Change Request No. 8. The ExA does not consider that this information is

¹ <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/07/Advice-note-16.pdf>

necessary to determine the materiality of the proposed change particularly having regard to the response of Natural England [REP8-036], we nevertheless invite the Applicant to submit such data at **Deadline 9, Wednesday 30 June 2021**.

the ExA has concluded that Change Request No. 8 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 line with the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17 and further to the Applicant’s written submissions at Deadline 8 [REP8-020] the ExA requests that the Applicant must update all necessary documents into the Examination by **Deadline 9, Wednesday 30 June 2021** which reflect all Change Requests. Such documents should be whole and complete and should replace versions submitted earlier in the Examination upon which addendums have been added, such as the Book of Reference.

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