

Our ref: A417
Your ref: TR010056

The Examining Authority
The Planning Inspectorate
National Infrastructure Planning
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Tel: 0300 470 1234
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Dear Examining Authority

A417 Missing Link Development Consent Order

Application for a non-material change to an accepted Development Consent Order to include additional land for compulsory acquisition

Infrastructure Planning (Compulsory Acquisition) Regulations 2010

1 APPLICATION

- 1.1 National Highways Limited (the “**Applicant**”) hereby submits a request for an amendment to the submitted DCO application.
- 1.2 For the reasons explained within this letter, it is not considered that the change amounts to a material change to the submitted DCO application. The Applicant however acknowledges that under the Inspectorate’s interpretation of Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 the change will involve the introduction of “additional land” for the purposes of those Regulations in respect of which certain notification and publication requirements will arise.
- 1.3 The changes sought are explained in more detail in part 2 of this letter, but in summary comprise:
 - (a) The introduction of a new private means of access for FlyUp Limited (work no. 1(y));
 - (b) An amendment to reduce the limits of deviation to ensure that the footprint of the earthworks does not overlap with the existing car park at FlyUp 417 Bike Park;
 - (c) A revision to the draft Development Consent Order and Book of Reference to vary the type of compulsory acquisition powers sought in respect of specific plots;
 - (d) Consequential amendments to plans and drawings;

- 1.4 The plots affected by the change are listed as 1/19, 1/19a, 1/19b, 1/19c, 1/19d, 1/19e, 1/19f, 1/19h and 1/19j in the Book of Reference (Document Reference 4.3 [APP-026]) submitted with the DCO application. All of those plots are identified as being subject to compulsory acquisition or temporary possession.
- 1.5 As part of its change the Applicant would change the area and in some cases location of those numbered plots, and create new plots 1/19o to 1/19v (inclusive). All of those plots are sub-divisions of existing plots in the freehold ownership of FlyUp Limited and listed in paragraph 1.4 above.
- 1.6 The Applicant advised the Planning Inspectorate of its intention to seek this change on 2 February 2022.

2 REASONS FOR AND SCOPE OF THE NON-MATERIAL AMENDMENT SOUGHT

- 2.1 This change request seeks to provide for the reinstatement of an existing car park at FlyUp Limited's downhill bike centre following construction of the scheme and the realignment of the customer access route along a separate private means of access to the premises.
- 2.2 This change is proposed to accommodate concerns raised by FlyUp Limited, who, as an affected landowner, considers that the permanent relocation of their access track behind their house would lead to a detrimental effect as it would be used by vehicles travelling to the existing car park after the construction phase is complete as well as vehicles travelling to the house and uplift busses. FlyUp Limited have also raised concerns about long term impacts on its existing parking facilities.
- 2.3 The change proposed by National Highways would involve:
 - (a) Changes to the proposed access track to include a revised 'customer access' which runs between the A417 and the house. Residential access would be retained along the southern proposed access which remains necessary for construction.
 - (b) Car parking returned to current arrangement through engineering changes to the slope gradient in the area.
 - (c) Temporary car park removed following construction.
- 2.4 This would see the business operation returned largely to its current form, with the exception of access changes to include a 'residential access' which follows the access to be constructed as part of the scheme, and a 'customer access' which would route to the north of the outdoor jump field and in front of the residential property.
- 2.5 Delivery of the proposed change would also require amendments to the compulsory acquisition powers sought by the Applicant. As explained at the first Compulsory Acquisition Hearing, no extension of the scheme redline is required to accommodate the change. However, some land plots

would need to be subject to a different type of compulsory acquisition or temporary possession to that currently envisaged by the scheme.

- 2.6 There would be some decreases and some increases in land take category as shown in the table within the Applicant's letter of 2 February 2022 notifying the Examining Authority of the Applicant's intention to make a change request. Design refinements in the affected area have also enabled the Applicant to identify significant reductions in overall land take.
- 2.7 Overall, there would be a reduction in land acquisition or temporary possession powers in the amount of 8,171 square metres. That figure is slightly lower than that anticipated when the Examining Authority was notified of the Applicant's intention to make a change request on 2 February 2022, by approximately 650 square metres. The primary reason for that reduction is to offset land taken for the new customer access to FlyUp which has been identified in the preparation of the detailed drawings required to support this change application.

3 ASSESSMENT OF THE CHANGE REQUESTED

- 3.1 The proposed design amendments would not result in any changes to the overall assessment and conclusions of likely significant effects presented within the Environmental Statement (ES) chapters (Document 6.2, APP-032 to APP-049) and Environmental Statement - Updates and Errata (Rev 1) (Document 6.7, REP2-010).
- 3.2 Having reviewed the ES, the main potential area for change related to revised mitigation planting:
- (a) Mitigation planting proposed to screen the mainline from key views is to be relocated from an area adjacent to the A417 to an area to the south of the proposed access road. Given this mitigation would be relocated as part of the change, no material change to likely significant effects presented in the Landscape and Visual Assessment is expected (Document Reference 6.2, Chapter 7, APP-038).
 - (b) Mitigation planting proposed to offset vegetation loss along the A417 is to be relocated to the southern edge of the A417 to the plot southwest of Flyup business, adjacent to existing downhill bike tracks. Given this mitigation would be relocated as part of the change, no material change to likely significant effects presented in the ecological assessment is expected (Document Reference 6.2, Chapter 8, APP-039).
- 3.3 All of the identified amendments to the design are minor and set within the red line boundary for the scheme. Given the nature of the proposed design changes, for all of the environmental topics there would be no change (adverse or beneficial) to the assessment presented in the ES. Consequently no further environmental information is required to be submitted in connection to this change.

4 CONSULTATION WITH AFFECTED LANDOWNERS

- 4.1 The Applicant explained the consultation that it carried out with the primary affected landowner – FlyUp Limited – prior to making this non-material change request in its previous letter to the Examining Authority of 2 February 2022.
- 4.2 The Applicant will comply with all necessary requirements of publication, notification and consultation of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 in respect of this change request.

5 TIMING

- 5.1 The Applicant provided an explanation as to how the examination timetable could accommodate the proposed change request in its notification letter dated 2 February 2022. It proposes to follow that programme, and would alert the Examining Authority immediately in the event of unforeseen circumstances affecting that programme.

6 DOCUMENTATION

- 6.1 The following documents required under Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 have been submitted on today's date for Deadline 4 as part of the examination of the A417 missing link scheme:
- (a) Updated Book of Reference;
 - (b) Updated land plans identifying the additional land/land affected by the provision; and
 - (c) Updated Statement of Reasons.
- 6.2 The following documents have also been submitted in support of this this change request on today's date for Deadline 4:
- (a) Updated general arrangement plans;
 - (b) Updated works plans;
 - (c) Updated rights of way and access plans;
 - (d) Updated traffic regulation measures plans;
 - (e) Updated environmental masterplan;
 - (f) Updated trees and hedgerows to be removed or managed plans;
 - (g) Updated Environmental Statement figure showing Retained Vegetation; and
 - (h) An updated version of the draft DCO and Explanatory Memorandum (clean and tracked).

Other consents and licences

- 6.3 The Applicant can confirm that there is no impact anticipated on any of the other consents or licences required for the scheme as a result of the proposed change. It is not expected that the change would present any impediment to obtaining those consents or licences.

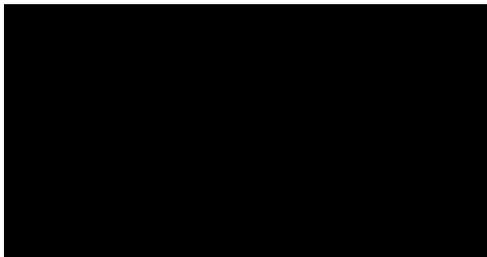
Funding statement

- 6.4 As set out within the Funding Statement (Document 4.2 [APP-025]) the scheme will be adequately funded through the Road Investment Strategy (RIS), using the change control processes set out in Part 6 of the Highways England Licence if required. With the change request in place, this remains unchanged and funding continues to be no impediment to the delivery of the scheme or the payment of compensation to persons affected by compulsory acquisition, temporary possession, or a blight claim. As such no update to the Funding Statement has been made as a result of the change request and the original Funding Statement submitted as part of the application remains valid.

Enclosures

- 6.5 Appended to this change request letter are:
- (a) a schedule of those application documents and plans listed above with the consequential revisions to each document and plan identified. That schedule also confirms that there are no other changes to any other application document occasioned by this change request; and
 - (b) a tracked change version of the draft DCO (as submitted at Deadline 4) showing the amendments required in association with this change request highlighted in yellow.

Yours sincerely



Michael Goddard
National Highways
Project Director

Encl. Schedule of changed application documents

Tracked changed dDCO showing change request amendments in blue

APPENDIX - Schedule of changed application documents

| Document | Reference | Change(s) |
|--|--------------------------------|---|
| Draft Development Consent Order | Document Reference 3.1, Rev 2 | Various changes have been made; these are shown highlighted yellow in the accompanying draft version of the DCO submitted at Deadline 4. |
| Book of Reference | Document Reference 4.3, Rev 1 | Updates made to plot numbers following design changes. |
| Statement of Reasons | Document Reference 4.1, Rev 1 | Updates made to main document, Appendix A and Appendix B. |
| ES Updates and Errata | Document Reference 6.7, Rev 2 | Table 2.3 added which updates Table 2.2 of ES Chapter 2 with a limit on the Lateral Limit of Deviation at Flyup. |
| Land Plans | Document Reference 2.2, Rev 2 | Changes to land take proposed across Flyup Ltd's land holding and inclusion of additional plot numbers to reflect design changes. |
| General Arrangement Plans | Document Reference 2.6a, Rev 2 | Changes made to plans to reflect design changes proposed at Flyup Ltd. |
| Works Plans | Document Reference 2.4, Rev 2 | Changes made to reflect the design changes proposed at Flyup Ltd and addition of work number 1(y). |
| Rights of Way and Access Plans | Document Reference 2.5, Rev 2 | Changes made to reflect the design changes proposed at Flyup Ltd and additional of Private Means of Access for Flyup Ltd. |
| Environmental Masterplan (Sheet 2 of 25 and 3 of 25) | Document Reference 6.3, Rev 1 | Changes to the proposed areas of planting at Flyup Ltd due to the design changes proposed and introduction of a new 'business / customer access' in between the |

| Document | Reference | Change(s) |
|---|---|---|
| | | proposed A417 and the residential property. |
| Trees and Hedgerows to be Removed or Managed Plans (Part 2 of 2) | Document Reference 2.13, Rev 2 | Changes made to reflect proposed changes to areas of mitigation planting. |
| Environmental Statement Figure 7.9 – Retained Vegetation (Sheet 1 of 6) | Document Reference 6.3, Rev 1 | Changes made to reflect proposed changes to areas of mitigation planting. |
| Other documents | Please note that all other application documents remain unchanged on account of the proposed non-material change. | |