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Mr James Llewellyn  
Block 5  
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Shire Hall  
Gloucester  
GL1 2GT

Your Ref: ETMSBC/JML/280312  
Our Ref:  
Date: 4 April 2012

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Dear Mr Llewellyn

Thank you for your letter of 28 March 2012 regarding the Elmsbridge Transport Scheme (1000 space Park and Ride and major junction improvements of the A40).

Regarding your query whether this project would constitute a National Significant Infrastructure Project (NSIP), I would advise you to consult s22 of the Planning Act 2008 (PA2008) which states that:

(1) Highway-related development is within section 14(1)(h) only if the development is—

- (a) construction of a highway in a case within subsection (2),
- (b) improvement of a highway in a case within subsection (3), or
- (c) alteration of a highway in a case within subsection (4).

(2) Construction of a highway is within this subsection only if the highway will (when constructed) be wholly in England and—

- (a) the Secretary of State will be the highway authority for the highway, or
- (b) the highway is to be constructed for a purpose connected with a highway for which the Secretary of State is (or will be) the highway authority.

(3) Improvement of a highway is within this subsection only if—

- (a) the highway is wholly in England,
- (b) the Secretary of State is the highway authority for the highway, and
- (c) the improvement is likely to have a significant effect on the environment.

(4) Alteration of a highway is within this subsection only if—

- (a) the highway is wholly in England,
- (b) the alteration is to be carried out by or on behalf of the Secretary of State,

and

- (c) the highway is to be altered for a purpose connected with a highway for which the Secretary of State is (or will be) the highway authority.

Unfortunately, it is not within the Planning Inspectorate's remit to determine whether this scheme is an NSIP. I would therefore suggest that you seek your own legal advice upon which you rely.



Yours Sincerely



Karl-Jonas Johansson

P.P Kath Haddrell

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.