



Meeting note

Status	Final
Author	Tom Carpen
Date	17 May 2017
Meeting with	Highways England
Venue	Temple Quay House
Attendees	Highways England Will Spencer Caitlin Wentworth Steffan Jones Ricardo Piedade Owen Turner Planning Inspectorate David Price (EIA and Land Rights Manager) Richard Kent (Senior EIA and Land Rights Advisor) Tom Carpen (Infrastructure Planning Lead)
Meeting objectives	To discuss the process for applying for an application under section 53 of the Planning Act to access land for the purposes of environmental surveys
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate advised on its openness policy, explaining that any advice given would be recorded and placed on the Planning Inspectorate website under section 51 of the Planning Act 2008 (as amended) (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.



The Planning Inspectorate

Highways England (HE) gave a short update on project timescales, advising that they had completed non-statutory consultation on route options and were anticipating a preferred route announcement in Q3 2017. If the preferred route announcement is made as anticipated then statutory consultation will commence in Q1 2018 and then be followed by submission of a DCO application in Q3 2018.

The Planning Inspectorate advised HE to ensure that its final consultation report demonstrates how it has also had regard to responses received during the non-statutory consultation.

Section 53 application

HE sought advice on what steps they would need to take before applying for authorisation under section 53 of the Planning Act. The Inspectorate advised that the legislation allows for an authorised person to enter land for the purpose of surveying and taking levels. HE explained the context for the application, including the specific reasons for needing access.

Post meeting note: Following the meeting the Inspectorate considered in more detail the application of s53 powers with regards to land owners and their tenants. The Inspectorate notes that powers under s53 relate to and authorisation to enter 'any land' for the specified purpose and does not provide any distinction between land owner or tenants. Consequently any authorisation (if granted) would likely be applicable to the land in question and irrespective of the land ownership / tenancy agreements that prevail. Note that this does not represent legal advice.

The Planning Inspectorate explored whether the powers were applicable in this particular instance, and HE agreed to consider this further.

The Inspectorate referred HE to its Advice Note 17, and advised that s53 is a power of last resort.

The Inspectorate advised HE to demonstrate, with evidence, the need for access and the essential information it would provide, how the land would be restored and any conditions it proposed. HE would need to demonstrate that it was in relation to a proposed Development Consent Order application and that it had been unreasonably refused access.

The Inspectorate also advised HE to ensure the landowner was aware of a potential section 53 application.

Next steps



The Planning Inspectorate

The Inspectorate and HE agreed that an additional project briefing prior to the Preferred Route Announcement would be beneficial.

HE will consider the advice given at the meeting.