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Amanda Beresford  
Shulmans LLP

Your Ref:

By email

Our Ref: TR010016

Date: 5 April 2019

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Dear Mrs Beresford

## **Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010**

### **Application by Highways England for an Order granting Development Consent for the A63 Castle Street Improvement Scheme**

Many thanks for your contributions to the Preliminary Meeting (PM) of 26 March and your subsequent Note of 27 March, in which you have explained your client's concerns relating to proposals regarding the alternative compound sites (Sites A and B). My comments on the points you raise are as follows:

- You have asked me to impose a date (17 May) by which the Applicant should choose the preferred site and amend the application accordingly. While the Applicant confirmed its willingness to do this at the PM, I do not consider that it would be within my powers to direct the Applicant to do so. Nevertheless, I have noted the Applicant's positive response to the date you suggested at the PM and hope that this will give your client some assurance that this matter will be resolved within that timescale.
- The Applicant was of the view that removing Site B from the scheme would not be a material change. As you say, I asked for written confirmation of the Applicant's view regarding this. If I receive a request from the Applicant to amend the scheme by removing Site B, I will need to consider at that point whether the change is material or not and make a procedural decision as to whether it will be accepted. If the change is accepted, then only the amended scheme will be examined.
- I have considered carefully your suggestion of amending the timetable to allow for the uncertainty relating to Site B, but feel that it would be premature to do so at this stage. However, I appreciate your desire not to spend unnecessary time and expense preparing a case relating to a site that

appears likely to be removed from the scheme. In view of this, I would make the following points:

- I am perfectly content that you specifically request the week in which you would like any Compulsory Acquisition Hearing addressing this site to be held (ie you could request the w/c 15 July rather than the w/c 3 June). This would allow you time to withdraw the request if Site B is subsequently removed from the scheme.
- Now that you have raised the matter, I am mindful that you may have good reason to wish to make submissions later in the Examination process if Site B is not removed from the scheme, even if you do not make a written representation (or make only an outline of your case) at Deadline 1. I will consider any request to make a later submission with regard to the circumstances at the time. Please also bear in mind that Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 enables me to request further information or written comments at any time during the examination.

I trust that the above points are of some assistance regarding this matter.

Yours sincerely

*Peter Willows*

**Peter Willows, Examining Inspector**

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