

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

A14 Cambridge to Huntingdon proposed provision for the compulsory acquisition of additional land

Regulation 6(1)			
Within 28 days (starting the day after receipt) the Secretary of State must decide whether or not to accept the proposed provision as part of the application.	Date received	28 day due date	Date of decision
	22/07/2015	19/08/2015	30/07/2015
Regulation 6(2)	Planning Inspectorate Comments		
Regulation 4 - Prescribed procedure for compulsory acquisition of land			
Regulations 5 to 19 prescribe the procedure for the purposes of the condition in subsection (4) of section 123 (land to which authorisation of compulsory acquisition can relate) and apply where—			
(a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land;	Highways England (the Applicant) submitted document reference HE/A14/EX/68 on 22 July 2015 titled 'Application for Compulsory Acquisition of Additional Land'; paragraph 1.1.2 states: 'This submission is a request for powers of compulsory acquisition in respect of 'additional land' as defined in Regulation 2(1) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010'		
(b) a person with an interest in the additional land does not consent to the inclusion of the provision	The applicant states in paragraph 1.1.8, that despite negotiations with landowners: 'it has not been possible to secure the consent of all relevant landowners to the inclusion of the draft DCO of such a provision [to include their land in the order]'		
Summary – Regulation 4	The proposed provision is one to which regulations 5 to 9 of the Infrastructure planning (Compulsory Acquisition) Regulations 2010 apply.		

Regulation 5 - Proposed Provision

The applicant must send to the Secretary of State details of the proposed provision which must—

(a) be in the form of a book of reference or, where a book of reference has been submitted to the Secretary of State, a supplement to that book;

A supplement to the Book of Reference has been provided in Chapter 2 of the application document.

The description of Plot 34/1am is incomplete.

(b) be accompanied by—

- (i) land plan identifying the land required as additional land, or affected by the proposed provision; and
- (ii) a statement of reasons as to why the additional land is required and a statement to indicate how an order that contains the authorisation of the compulsory acquisition of the additional land is proposed to be funded.

(i) Three land plans, relevant to the three areas to which the proposed provision applies, have been submitted in Appendix C of the application document.

These plans are provided as a replacement to the plans submitted with the original development consent order (DCO) application. Therefore it is not immediately apparent which plots of land are required as additional land, or affected by the proposed provision, and which were original to the DCO application. This information can generally be inferred by reference to the table of additional land at 2.2 of the application document. However, there are some plots which overlap plots previously defined in the DCO application. The precise boundaries of the additional land cannot, therefore, be ascertained using the presently submitted land plans alone.

(ii) A supplement to the Statement of Reasons (SoR) is provided in Chapter 4 of the application document. The applicant argues that the substance of the DCO application SoR is relevant to the proposed provision, so that the additional information provided can be added into it.

A Funding Statement has been provided in Chapter 5 of the application document. However, this is not a stand-alone document as it states that the Funding Statement provided in the DCO application should be read as relevant to the proposed provision.

Summary – Regulation 5

The Book of Reference is, as permitted by Regulation, supplemental to that already submitted. However, the Land plans, Statement of Reasons and Funding Statement are also provided as supplemental to the DCO application. This is not strictly in accordance with Regulation 5(b), but is sufficient to explain the proposed provision.

Case Leader

Nicholas Coombes

Nicholas Coombes

Signed

Date:

30 July 2015

**Lead member of the
Examining Authority**

Frances Fernandes

Frances Fernandes

Signed

Date:

30 July 2015
