

A38 Derby Junctions
TR010022

**8.117 Section 135 Consent (Agreement
for CA of Crown Land) Letter**

Planning Act 2008

Rule 8 (1)(k)

Infrastructure Planning (Examination Procedure) Rules 2010

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Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

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Development Consent Order 202[]

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EAST MIDLANDS
RESERVE FORCES AND CADETS ASSOCIATION

REF: 200616EM-EST-A38Consent

16th June 2020

Chris Archbold,
Project Manager (A38 Derby Junctions Scheme),
Highways England,
2 Colmore Square,
38 Colmore Circus,
Birmingham,
B4 6BN

Dear Mr Archbold,

A38 Derby Junctions
APPLICATION FOR A DEVELOPMENT CONSENT ORDER ("DCO")
PLANNING INSPECTORATE REFERENCE: TR010022
REQUEST FOR CONSENT TO INCLUDE CROWN LAND IN THE DCO

As discussed in correspondence with Burges Salmon LLP, we understand that Highways England has applied for a Development Consent Order ("DCO") under the Planning Act 2008 ("the Act") for the A38 Derby Junctions Scheme ("the Scheme").

The land required for the Scheme includes land which is owned by East Midlands Reserve Forces and Cadets Association ("EMRFCA") which comes within the definition of "Crown land" in Section 227 of the Act. Section 135(1) of the Act requires that, where an undertaker wishes to include a provision in a DCO which authorises the compulsory acquisition of an interest which is for the time being held otherwise than by or on behalf of the Crown, consent must be given by an appropriate Crown authority.

As part of the Scheme, Highways England seeks the consent of EMRFCA to the inclusion of Crown land in the DCO. The Crown land in question is identified as plots 3/5a, 3/5b, 3/5c and 3/5d on Highways England's Crown Land Plans and in the Book of Reference, which form part of the DCO application documentation.

The inclusion of EMRFCA's land within the Order land will allow temporary possession to be taken by Highways England in order to carry out works on adjacent land. The DCO provides that temporary possession may be taken of plots 3/5a, 3/5b and 3/5d (as described in the Book of Reference and as shown on the Land Plans provided as part of the DCO application). In the DCO Highways England also seeks permanent new rights over plot 3/5c, required to widen the A38 carriageway south of Kingsway.

The appropriate Crown authority to give Crown land consent in relation to the Scheme is the EMRFCA. The Defence Infrastructure Organisation has confirmed this position.

<https://emsp.rfca.mod.uk/estates/derbyshire/sites/kingswayarmyreservecentre/armyreservecentre/a38scheme/2020/200616em-est-dcoletter.docx>

I confirm that EMRFCA grants consent under section 135(1) and (2) of the Act to the inclusion of the Crown land in the DCO for the Scheme and to Highways England's application for powers of compulsory acquisition in respect of all interests in and rights over the land identified above.

I also confirm that Highways England would be permitted to use the land identified above to carry out works authorised by the DCO, if the DCO is made by the Secretary of State for Transport in due course.

EMRFCA expects to be kept informed of Highways England's progress with the Scheme, both in relation to the application for the DCO and the implementation of that consent, should it be granted by the Secretary of State for Transport in due course.

Yours sincerely



M L Capewell MCIQB
Head of Estates
For Chief Executive
East Midlands RFCA