

# A303 Amesbury to Berwick Down

TR010025

**Deadline 8**  
**8.50 – Crown Authority Consent Report**

APFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

September 2019



## Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning (Examination Procedure)  
Rules 2010****A303 Amesbury to Berwick Down**

Development Consent Order 20[\*\*]

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**Crown Authority Consent Report**

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<b>Author:</b>	A303 Amesbury to Berwick Down Project Team, Highways England

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# 1 Introduction

## 1.1 Purpose of Report

1.1.1 This report confirms that the appropriate Crown authority consent, as required for compliance with section 135 of the Planning Act 2008 in relation to all Crown interests in land affected by the A303 Amesbury to Berwick Down Scheme have been sought by Highways England.

1.1.2 This report also confirms the current position in relation to the consents granted by the appropriate Crown authorities.

## 1.2 Crown land affected by the Scheme

1.2.1 The A303 Amesbury to Berwick Down Scheme affects interests in land which come within the definition of Crown land set out in sections 227(2) and 227(3)(b) of the Planning Act 2008 – i.e. land interests belonging to a government department. The relevant government departments are those of the Secretary of State for Defence (MoD) and the Secretary of State for Digital, Culture, Media and Sport (DCMS).

1.2.2 In the case of land interests belonging to a government department, section 227(5) of the Planning Act 2008 defines ‘the appropriate Crown authority’ as ‘the government department having the management of the land’. The MoD and DCMS are therefore the appropriate Crown authorities to consent to:

- the acquisition of interests in the Crown land which are held by parties other than the Crown authorities (section 135(1)); and
- the use of the Crown land for purposes in connection with any other provision included in the development consent order (section 135(2)) authorising the A303 Amesbury to Berwick Down Scheme.

1.2.3 The Crown land was identified through the land referencing process and the MoD and DCMS have been consulted throughout the development of the Scheme.

1.2.4 The Crown land interests owned by each Crown authority are identified within Tables 1.1 and 1.2 below, where the plot numbers cited correspond to the numbered plots shown on the Land Plans [APP-005] and the Crown Land Plans [APP-007] comprised in the DCO application:

**Table 1-1 – MoD**

<b>Land plot number</b>	<b>Purpose for which the Land is required</b>
08-19	Required for the construction of the new A303, cut and cover tunnel, tunnel portal, tunnel approach and private means of access
09-04	Required for the construction of the new and improved A303, improvements to the approach to Countess junction, and new tunnel approach and tie-in to existing carriageway

09-12	Required for use as a compound, storage and laydown area; and new rights required for the installation, use, protection and maintenance of, and access to, statutory undertakers' apparatus (for the benefit of the relevant statutory undertaker and for Highways England)
09-22	Required for improvements to the A303, for associated highway drainage infrastructure and for landscaping and re-profiling
09-23	Required for improvements to the A303, Countess Junction approach and associated highway drainage infrastructure
09-24 09-25 09-26 09-27	Required for the construction of the new and improved A303, and new rights required for the installation, use, protection and maintenance of, and access to, statutory undertakers' apparatus (for the benefit of the relevant statutory undertaker and for Highways England)
09-30	Required for extension of existing electricity substation
09-33 09-35	Required for improvements to the A303, works associated with tie-ins to existing carriageways approaching and crossing the existing River Avon Bridge and for associated highway drainage infrastructure
09-36 09-37 09-38 09-40 09-41	Required for the construction of the new and improved A303, and new rights required for the installation, use, protection and maintenance of, and access to, statutory undertakers' apparatus (for the benefit of the relevant statutory undertaker and for Highways England)
09-43	Required for extension of existing electricity substation
09-45 09-47 09-48	Required for the construction of the new and improved A303, and new rights required for the installation, use, protection and maintenance of, and access to, statutory undertakers' apparatus (for the benefit of the relevant statutory undertaker and for Highways England)
10-01	Required for extension of existing electricity substation
10-02	Required for the construction of the new and improved A303, and new rights required for the installation, use, protection and maintenance of, and access to, statutory undertakers' apparatus (for the benefit of the relevant statutory undertaker and for Highways England)
11-17	Required for the construction of the new and improved A303 and improvements to Amesbury Road, and new rights required for the installation, use, protection and maintenance of, and access to, statutory undertakers' apparatus (for the benefit of the relevant statutory undertaker)
11-18	Required for the construction of the new and improved A303 and stopping up of BULF12, and new rights required for the installation, use, protection and maintenance of, and access to, statutory undertakers' apparatus (for the benefit of the relevant statutory undertaker) and for new private means of access
11-29 11-30 11-31	Required for improvements to the A303 and for the realignment of the A3028 (Double Hedges) eastbound merge with the existing A303 and for private means of access
13-02	Required for the re-alignment and change to vehicle priority at the improved Rollestone Crossroads junction and tie-in to existing carriageway

13-04	Required for construction of the realigned junction at Rolleston Crossroads; and new rights required for the installation, use, protection and maintenance of, and access to, statutory undertakers' apparatus (for the benefit of the relevant statutory undertaker)
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**Table 1.2 – DCMS**

<b>Land plot number</b>	<b>Purpose for which the Land is required</b>
07-15	Required for the construction of the new A303, bored tunnel, restricted byway and private means of access

## 2 Status of consent provided

- 2.1.1 The Examining Authority's agenda for the Issue Specific Hearing 11 on the dDCO, held on 30 August 2019, included an item on the status of consent for the Crown land.
- 2.1.2 At the hearing, Highways England confirmed that Crown authority consent has been received from the Department of Culture, Media and Sport.
- 2.1.3 Highways England confirmed that it has also received consent from the Ministry of Defence in respect of the plots in which it has a freehold interest. Consent is still being sought in respect of those plots where the MoD has the benefit of rights. From its ongoing dialogue with the MoD, the Applicant understands that this consent will be forthcoming imminently.
- 2.1.4 Table 2.1 provides information on the letters received from the Secretary of State for Defence and the Secretary of State for Digital, Culture, Media and Sport. Copies of the letters are provided in the Appendices to this report.

**Table 2-1 - Record of Consent**

Date	Consent Status
20 November 2018	Signed consent from MoD relating to all plots in which the Secretary of State for Defence has a registered freehold interest, or an interest in highway subsoil by application of the <i>ad medium filum</i> presumption, where such land is affected by or required for the A303 Amesbury to Berwick Down Scheme (i.e. plots 11-17, 11-18, 11-29, 11-30, 11-31 and 13-04, as referenced in Table 1.1 above). Plots over which the MoD has the benefit of rights were not included (see correspondence at Appendix A).
3 June 2019	Signed consent from DCMS relating to plot 07-15 insofar as it is affected by or required for the A303 Amesbury to Berwick Down Scheme (Appendix B).
Not received at the time of writing	At the time of writing this report, the MoD has not provided consent for the remaining plots (included in Table 1.1 above) over which it has the benefit of rights. Nevertheless, consent is expected to be provided imminently.



## Appendices

### Appendix A



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Hampshire  
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Telephone: [REDACTED]

Alex Crow  
Highways England  
Temple Quay House  
2 The Square,  
Temple Quay  
Bristol  
BS1 6HA

20 Nov 2018

Dear Mr Crow

**A303 AMESBURY TO BERWICK DOWN  
APPLICATION FOR A DEVELOPMENT CONSENT ORDER ("DCO")  
REQUEST FOR CONSENT TO INCLUDE CROWN LAND IN THE DCO**

As discussed in correspondence, your client Highways England, is applying, under the Planning Act 2008, for a development consent order ("DCO") for the A303 Amesbury to Berwick Down Scheme ("the Scheme")

The land required for the Scheme includes land which is owned by the Secretary of State for Defence and which therefore comes within the definition, in the Planning Act 2008, of Crown land.

The Crown land in question is identified as plots 11-17, 11-18, 11-29, 11-30, 11-31 and 13-04 on Highways England's Crown Lanai Plans, which form part of the DCO application documentation. Highways England seeks the consent of the appropriate Crown authority to the inclusion of this land ("the Crown land") in the DCO for the Scheme ("Crown land consent").


I confirm that the appropriate Crown authority to give Crown land consent is the Secretary of State for Defence and that the Ministry of Defence is authorised to give Crown land consent on behalf of the Secretary of State for Defence.

I note that Highways England does not intend to acquire compulsorily any interests in the Crown land which are held by the Secretary of State for Defence, but only the interests (if any) which others may have in the Crown land.

Accordingly, I confirm that the Ministry of Defence hereby grants Crown land consent 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 Crown land, other than those held by the Secretary of State for Defence. I also confirm that Highways England would be permitted to use the Crown land to carry out works authorised by the DCO, if the DCO is made by the Secretary of State for Transport in due course.

The Ministry of Defence would expect to be kept informed of Highways England's progress with the scheme, both in relation to the application for development consent and the implementation of such consent, should it be granted by the Secretary of State for Transport in due course.

Yours sincerely



on behalf of  
Ministry of Defence

## Appendix B



Department for  
Digital, Culture  
Media & Sport

Cultural Diplomacy Team  
Fourth Floor  
100 Parliament Street  
London SW1A 2BQ  
T: 020 7211 6000  
[worldheritage@culture.gov.uk](mailto:worldheritage@culture.gov.uk)  
[www.gov.uk/dcms](http://www.gov.uk/dcms)

03/06/2019

Dear Mr Crow,

**A303 AMESBURY TO BERWICK DOWN - APPLICATION FOR A DEVELOPMENT CONSENT ORDER ("DCO") REQUEST FOR CONSENT TO INCLUDE CROWN LAND IN THE DCO**

As discussed in correspondence, your client Highways England, is applying, under the Planning Act 2008, for a development consent order ("DCO") for the A303 Amesbury to Berwick Down Scheme ("the Scheme").

The land required for the Scheme includes land which is owned by the Secretary of State and which therefore comes within the definition, in the Planning Act 2008, of Crown land. The Crown land in question is identified as plot 07-15 on Highways England Crown Land Plan, which forms part of the DCO application documentation. Highways England seeks the consent of the appropriate Crown authority to the inclusion of this land ("the Crown land") in the DCO for the Scheme ("Crown land consent").

I confirm that the appropriate Crown authority to give Crown land consent is the Secretary of State for Digital, Culture, Media and Sport.

I note that Highways England does not intend to acquire compulsorily any interests in the Crown land which are held by the Secretary of State for Digital, Culture, Media and Sport, but only the interests (if any) which others may have in the Crown land.

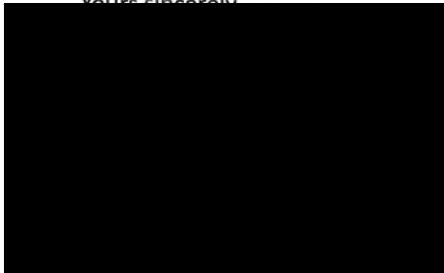
Accordingly, I confirm that the Secretary of State for Digital, Culture, Media and Sport hereby grants Crown land consent to the inclusion of the Crown land in the DCO for the Scheme and to Highways England's application for powers of compulsory acquisition in respect of all interests in and rights over the Crown land, other than those held by the Secretary of State for Digital, Culture, Media and Sport. I also confirm that Highways England would be permitted to use the Crown land to carry out works authorised by the DCO, if the DCO is made by the Secretary of State for Transport in due course.



**Department for  
Digital, Culture  
Media & Sport**

The Secretary of State for Digital, Culture, Media and Sport would expect to be kept informed of Highways England's progress with the Scheme, both in relation to the application for development consent and the implementation of such consent, should it be granted by the Secretary of State in due course.

Yours sincerely,



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