

A303 Amesbury to Berwick Down

TR010025

Additional Submission 8.50(2) – 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[**]

Crown Authority Consent Report

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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 ('the 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. In summary, the position is that all Crown authority consents sought by Highways England in respect of the Scheme have been granted by the appropriate Crown authorities.

1.2 Crown land affected by the Scheme

- 1.2.1 The 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

Land plot number	Purpose for which the Land is required
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 Rollestone 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)

Table 1.2 – DCMS

Land plot number	Purpose for which the Land is required
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 (a copy of the consent is included at Appendix B to this report).
- 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 (a copy of this consent is included at Appendix A to this report) but that consent was still being sought in respect of those plots where the MoD has the benefit of rights ('the MoD rights plots').
- 2.1.4 Consent from the MoD in respect of the MoD rights plots has now also been obtained. A copy of the consent is included at Appendix C to this report.
- 2.1.5 Table 2.1 sets out which of the above mentioned consents relates to which of the Crown land plots included in Highways England's DCO application.

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).
12 September 2019	Signed consent from The MoD relating to plots 08-19, 09-04 09-12, 09-22, 09-23, 09-24, 09-25, 09-26, 09-27, 09-30, 09-33, 09-35, 09-36, 09-37, 09-38, 09-40, 09-41 09-43, 09-45, 09-47, 09-48, 10-01, 10-02 and 13-02. over which it has the benefit of rights (appendix C).

3 Scope of consents provided

3.1.1 The above-mentioned Crown authority consents each permit:

- 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.

Appendices

Appendix A



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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
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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.

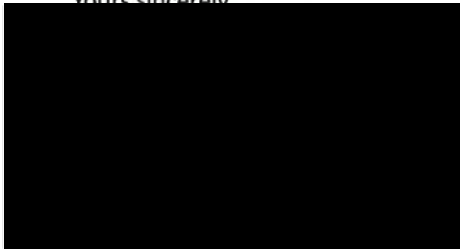
Accordingly, I confirm that the Secretary of State for Digital, Culture, Media and Sport hereby grants Crown land consent to the inclusion of the Crown land in the DCO for the Scheme and to Highways England's application for powers of compulsory acquisition in respect of all interests in and rights over 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



Appendix C



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12 September 2019

Dear Mr Crow

A303 AMESBURY TO BERWICK DOWN APPLICATION FOR 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").

My colleague has confirmed on behalf of the Ministry of Defence that crown land consent is granted for a number of parcels of land owned by the Secretary of State for Defence.

In further correspondence you are now requesting crown consent for parcels of land that the Secretary of State has beneficial rights over. These parcels are identified as 08-19, 09-04, 09-12, 09-22, 09-23, 09-24, 09-25, 09-26, 09-27, 09-30, 09-33, 09-35, 09-36, 09-37, 09-38, 09-40, 09-41, 09-43, 09-45, 09-47, 09-48, 10-01, 10-02 and 13-02.

I can 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 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 Crown land.

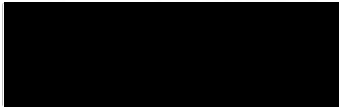
I can confirm that at this time it is not anticipated that the proposal by Highways England for these parcels would compromise the Secretary of State's operational capability. It is noted that these parcels are not owned by the Secretary of State for Defence and as such the land owners will need to be considered. However, as the land comes under the definition of Crown land we will provide the adequate consents for its conclusion.

I can 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 the 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



Mark Brodier

pp

Anna Rogers MRICS
DIO Estates
Ministry of Defence

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