

## The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

### M25 Junction 28 Improvement Scheme 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
	19/02/2021	19/03/2021	19/03/2021
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;	<p>In its letter dated 18 February 2021 [<b>REP3A-002</b>], the Applicant confirmed a request to include in an Order granting development consent a provision authorising a change in land powers sought for the area defined as plot 1/11.</p> <p>The accompanying description given by the Applicant notes '<i>In the submitted DCO application, plot 1/11 is sought for temporary possession but with Change 2, the plot would be subdivided with newly created plot 11/a to be sought for permanent acquisition of land for the extent of the proposed environmental bund. The remainder of plot 1/11 will still be required for temporary possession for the main construction compound and associated construction works.</i>'</p>		
(b) a person with an interest in the additional land does not consent to the inclusion of the provision	<p>The matter was discussed at the Compulsory Acquisition Hearing 1 held on Monday 1 March 2021 [EV-011 and EV-013] in which the Affected Person was invited to respond at Deadline 4, Wednesday 17 March 2021. No response was received. Accordingly, consent was not given, and Regulation 4(b) applies.</p>		

<b>Summary – Regulation 4</b>	The proposed provision is one to which regulations 5 to 9 of the Infrastructure planning (Compulsory Acquisition) Regulations 2010 apply.
<b>Regulation 5 - Proposed Provision</b>	
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;	The Applicant made a submission pursuant to Section 123(4) of the Planning Act 2008 and Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. That submission included: <ul style="list-style-type: none"> <li>• A Book of Reference [REP3A-023]</li> </ul>
(b) be accompanied by— <ul style="list-style-type: none"> <li>(i) land plan identifying the land required as additional land, or affected by the proposed provision; and</li> <li>(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.</li> </ul>	The Applicant made a submission pursuant to Section 123(4) of the Planning Act 2008 and Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. That submission also included: <ul style="list-style-type: none"> <li>• A statement on the need for Change Request No 2 [REP3A-002] which included a Land plan indicating the change to Plot 1/11, which proposed subdividing that plot into Plot 1/11 and Plot 1/11a; the latter being the subject of additional land.</li> </ul>
<b>Summary – Regulation 5</b>	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.

**Lead member of the  
Examining Authority**

Richard Allen

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*Richard Allen*

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**Signed**

**Date:** 19 March 2021

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**Case Manager**

Paige Hanlon

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*Paige Hanlon*

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**Signed**

**Date:** 19 March 2021

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