



The Planning Inspectorate

National
Infrastructure
Planning
Temple Quay
House
2 The Square
Bristol, BS1 6PN

Customer
Services: 0303 444 5000
e-mail: A585Windyharbourtoskipool@planninginspectorate.gov.uk

Highways England
For information – to all Interested
Parties

Your Ref:

Our Ref: TR010035

Date: 29 August 2019

Dear Sir/Madam

Planning Act 2008 (as amended) – Section 89

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 9 and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regs)

Application by Highways England for an Order Granting Development Consent for the A585 Windy Harbour to Skipool Improvement Scheme

Proposed Design Changes and Additional Land

I am writing under Rule 9 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) to inform you of my procedural decision relating to your Proposed Design Changes and Additional Land request submitted on 20 August 2019 (Examination Library Ref [AS-029]). I cannot accept the changes without compliance with the CA Regs.

Regulation 4(b) of the CA Regs confirms that Regulations 5 to 19 will apply where a person with an interest in the additional land does not consent to the inclusion of the provision, under section 123 of the PA2008, which authorises the compulsory acquisition of land only if the Secretary of State is satisfied that the prescribed procedures have been followed in relation to the land.

Essentially, unless you can obtain agreement from all persons with an interest in the additional land (not just the landowners) in accordance with Regulation 4, the procedures in Regulations 5 to 19 apply. There is insufficient time remaining in the examination for these procedures to be followed and therefore I cannot accept the changes without the consent of all persons interested in the additional land. The consent required is not to the acquisition of the land itself but to the inclusion of a

provision in the draft Development Consent Order (DCO) applying for the Compulsory Acquisition (CA) of that land.

The documents you have provided relating to this request are somewhat confusing but I have set out below the plots which I think comprise "additional land" for the purpose of the CA Regs, this is essentially any plot which is being created or increased in size from the original application and any plot which is changing from Temporary Possession (TP) to CA.

Plots: **1/04b, 1/05, 1/05a 4/06k, 4/06l, 4/07a, 4/13a**

You have provided consent from some landowners but the Book of Reference (BoR) identifies other joint landowners in plots 4/06k and 4/06l and Category 2 persons with an interest in the land in plots 1/04b, 1/05, 4/06I, 4/07a. Consent is also required from these persons. I have listed these below for ease of reference:

Plot	Persons with an interest in the land	Category for purposes of section 56(2)(d)
1/04b	MMO	Category 2
1/05	United Utilities Group	Category 2
	Environment Agency	Category 2
	Trustees of Thornton Cleveleys Distrtict Horse Club	Category 2
	Paul Smith	Category 2
1/05a	United Utilities Group	Category 2
	Trustees of Thornton Cleveleys Distrtict Horse Club	Category 2
	Paul Smith	Category 2
4/06k	Terry Hargreaves (as joint owner)	Category 1
	Jane Rosindale (as joint owner)	Category 1
4/06l	Terry Hargreaves (as joint owner)	Category 1
	Jane Rosindale (as joint owner)	Category 1
	Electricity North West Limited	Category 2
4/07a	Albert Hargreaves	Category 2
	Terry Hargreaves (as joint owner)	Category 2
	Jane Rosindale (as joint owner)	Category 2

If this consent is not provided I cannot accept the changes which relate to the additional land sought in these plots.

In relation to the consents that have been provided it is unclear exactly what Thomas Litherland and Ronald Meadows are consenting to as the consent provided does not reference any plot numbers. This is insufficient evidence of consent to the inclusion of a provision in the DCO seeking the CA of those plots.

Yours faithfully

Max Wiltshire

Examining Authority

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