

A303 Sparkford to Ilchester Dualling Scheme TR010036

4.5 Statement of Reasons - Addendum

Planning Act 2008
The Infrastructure Planning
(Compulsory Acquisition) Regulations 2010
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Planning Act 2008

**The Infrastructure Planning
(Compulsory Acquisition)
Regulations 2010**

A303 Sparkford to Ilchester Dualling Scheme
Development Consent Order 201[x]

STATEMENT OF REASONS

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Author:	A303 Sparkford to Ilchester Dualling Scheme, Project Team, Highways England

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1 Introduction

1.1 Summary

- 1.1.1 This Statement of Reasons relates to the A303 Sparkford to Ilchester Dualling Scheme ('the scheme') and has been submitted by Highways England (the Applicant) to the Planning Inspectorate on behalf of the Secretary of State for Transport. It relates to a request to make changes to an application made under section 37 of the Planning Act 2008 (PA 2008) for a development consent order (DCO) to permit and enable implementation of the scheme.

1.2 The scheme

- 1.2.1 The scheme is a nationally significant infrastructure project (NSIP) within sections 14(1)(h) and 22(1)(a) of the PA 2008.
- 1.2.2 The scheme comprises the construction of a new dual carriageway on the A303 between Sparkford and Ilchester in Somerset connecting the existing dual carriageway sections to the east and west, replacing the current single carriageway. The scheme will involve the removal of at-grade junctions and direct accesses. Any new junctions will be constructed to grade separated standards, or to compact grade separated standards depending upon anticipated traffic flows. A more detailed description of the scheme is set out in Chapter 2 of the Statement of Reasons that was submitted to support the application (AS-009).

1.3 Compulsory acquisition

- 1.3.1 In its DCO application for the scheme, the Applicant seeks compulsory acquisition and temporary possession powers in respect of certain land interests. A detailed description of the extent and nature of the powers sought was set out by in Chapter 3 of the Statement of Reasons submitted with the application (AS-009).
- 1.3.2 The changes set out in section 2 below (with the exception of the amendment to the Book of Reference in respect of Hazlerove School) would require amendment of the redline boundary of the DCO to include new land which would result in new areas being affected by compulsory acquisition powers.

1.4 Land interests

- 1.4.1 The previous extent of the land interests affected by the compulsory acquisition and temporary possession powers sought by the Applicant is described in Chapter 4 of the Statement of Reasons submitted with the application (AS-009). This Statement only addresses the changes to the extent of land affected which are now proposed. The newly affected land comprises mostly agricultural land located adjacent to the current A303 together with sections of existing highway ("the Additional Land").

- 1.4.2 The Applicant has carried out diligent inquiry to identify all persons with an interest in the Additional Land and persons with a potential claim for compensation as a result of the Scheme.
- 1.4.3 The Applicant has entered into negotiations to acquire the relevant third parties' interests voluntarily and is progressing those discussions. These negotiations are not yet complete. Whenever possible the Applicant is seeking to acquire rights over the Additional Land rather than ownership. The Applicant has included within the Additional Land any relevant interests owned by other parties within the scope of compulsory acquisition in order to provide the necessary certainty that the scheme can be delivered.

2 Purpose of the addendum

2.1 The updated scheme

2.1.1 The Applicant proposes to make changes to the areas of land subject to powers of compulsory acquisition.

2.1.2 The Applicant proposes to request the following changes to the DCO:

- An amendment to the layout, siting and size of the main construction compound which requires additional land to be added to the land affected by the DCO and which would allow the removal of some of the land currently affected.
- A change to proposed accommodation works to ensure suitable access to Blackwell Farm is maintained which requires additional land to be added to the land affected by the DCO.
- A revision to the Book of Reference to clarify the interests of Hazlegrove School which would be affected by the compulsory acquisition powers sought under the DCO. This change does not affect the area of land affected but amends the category of interests held to correctly note the access rights held by Hazlegrove School which would be interfered with by the DCO.
- An amendment to the shape of Plot 7/8b shown on Sheet 7 of the Land Plans [AS-004] to ensure its southern extent aligns fully with the northern verge of Gason Lane. This would require additional land to be added to the land affected by the DCO.
- Amendments to plots 5/13b and 7/1b to remove some of the affected land which is no longer required for a secondary construction compound due to the larger size of the new main compound.

2.1.3 The land required for these changes is:

- The addition of 98,589 square metres of agricultural land lying to the south of the A303, and the north of the B3151 and marked as plot 2/5e on the map;
- The removal of 47,095 square metres of agricultural land lying to the south of the A303, and the north of the B3151 previously forming part of plot 2/5b, which lies to immediate east of the land shown as plot 2/5e on the map and to the south of the remaining section of plot 2/5b.
- The addition of 580 square metres of land forming [highway verge, boundary fencing and hedgerow] at the junction of Blackwell Road and Traits Lane, and marked as plots 7/1d, 7/1e, and 7/7e on the map.
- The removal of 2026 square metres of agricultural land lying to the south of the A303, north of Blackwell Road and east of Traits Lane, previously forming plot 7/7b.
- The increase in size of Plot 7/8b from 206 square metres to 209 square metres.
- The removal of 21,795.74 square metres of agricultural land lying to the south of the A303 from plot 7/1b.
- The removal of 14,909.02 square metres of agricultural land lying to the south of the A303 from plot 5/13b.

2.2 Statement of Reasons for the Additional Land

Table 1 –purpose for which compulsory acquisition and temporary possession powers over the additional land are sought

Plot	Original area (sq.m)	Original reason	New area (sq.m)	New reason
2/5b	48737.53	Area for site compound	1642.18	Working area and materials storage
2/5e	0	-	98588.75	Area for site compound
5/13b	17711.20	Area for site compound	2802.18	Working area and materials storage
7/1b	25025.02	Area for site compound	3229.98	Working area and materials storage
7/7b	2026.29	New access track from Blackwell Lane to Blackwell Farm due to old access being extinguished	0	-
7/1d	0	-	208.94	Improvement of junction between Traits Lane and Blackwell Road
7/1e	0	-	328.97	Improvement of junction between Traits Lane and Blackwell Road
7/7e	0	-	17.66	Improvement of junction between Traits Lane and Blackwell Road
7/5c	0	-	860.18	Improvement of junction between Traits Lane and Blackwell Road
7/8b	205.69	To divert, use and maintain utility connections and equipment including telecommunication cables, equipment and apparatus including access with or without vehicles Public right of way diversion from A303 filling station at Camel Hill, Yeovil, to west of Hazlegrove Roundabout	208.62	To divert, use and maintain utility connections and equipment including telecommunication cables, equipment and apparatus including access with or without vehicles Public right of way diversion and access track from A303 filling station at Camel Hill, Yeovil, to west of Hazlegrove Roundabout

2.3 Change to location of main construction compound

- 2.3.1 The reasons for making this change are set out below.
- 2.3.2 The Applicant has been informed by the Defence Infrastructure Organisation (DIO) that much of the land currently identified as the main construction compound is required by them for the installation of new landing lights. The Applicant was not aware of the timing or impact of this proposal during pre-application consultation and the conflict of proposed uses has only become apparent following submission of the DCO application.
- 2.3.3 The Applicant has been in correspondence with DIO and has been informed that the proposed landing light works will be carried out in between April 2019 and March 2020 and that co-use of the area required for those works is not acceptable to DIO. They advise that for safety reasons they will not agree to any other party working in or moving equipment about near the lights. Given this, the Applicant has identified land immediately adjacent to the existing proposed compound area, within the same landownership, and which has been the subject of ecological surveys as part of the buffer zone which it considers is suitable for use as the replacement main construction compound.
- 2.3.4 The Applicant therefore proposes a change to the red line of the DCO to include this new construction compound area. Discussion on using that area has been undertaken with the landowner and further environmental assessment to prepare supplementary environmental information for that area has been undertaken.
- 2.3.5 The proposed change involves the relocation of the main construction compound into land adjacent to the west. The size of this new construction compound would be approximately 9.9 hectares, an increase of approximately 5 hectares for the main construction compound. The area of the previously proposed main site compound would be significantly reduced in size to reflect this change, with the residual area of approximately 0.2 hectares being required for temporary works alongside the proposed dual carriageway.
- 2.3.6 The revised main site compound would be located between the existing A303 and the B3151. A new access point to the revised main site compound would be constructed from the A303. The position and specification of the junction would conform with Design Manual for Roads and Bridges (DMRB) Volume 6 Section 2 Part 7 and would be constructed in accordance with the Specification for Highway Works. The access would be temporary and would be restored to its previous state post-construction.
- 2.3.7 The revised main site compound would accommodate all existing facilities as previously identified in Chapter 2 The Proposed Scheme (APP-039) of the Environmental Statement submitted with the application. Additional uses of the main site compound would include a batching plant for the batching of Cement Bound Granular Mixing (CBGM) plant, which would be relocated from the CBGM auxiliary compound located to the west of Traits Lane.

- 2.3.8 The land required for this change is the addition of 98,589 square metres of agricultural land lying to the south of the A303, and the north of the B3151. This is marked as plot 2/5e on the land plan attached to the formal notification of these proposed changes.
- 2.3.9 This change would also involve the removal of 47,095 square metres of agricultural land lying to the south of the A303, and the north of the B3151 previously forming part of plot 2/5b. This land lies to the immediate east of the land shown as plot 2/5e on the map attached to the formal notification of the proposed changes and to the south of the remaining section of plot 2/5b. This land is required temporarily and would be restored to its previous state post-construction.
- 2.3.10 The larger size of the proposed new main compound allows the removal of much of plots 5/13b and 7/1b from compulsory acquisition. This area was previously proposed as a secondary construction compound; that has now been amalgamated with the main compound. This change will also assist in addressing objections raised by the landowner of 5/13b and 7/1b that these works would negatively impact on their agricultural operation and use of their unaffected land. The remaining areas of plots 5/13b and 7/1b lie along the southern edge of the main carriageway route. Temporary possession of those remaining areas is required to carry out the construction of Works 1 and 2
- 2.3.11 Further details of the proposed changes, including drawings illustrating the land required are included in the Environmental Statement Addendum.
- 2.4 Change to associated development – accommodation work – provision of access to Blackwell Farm (Work 59)**
- 2.4.1 The access track proposal was added to the application in response to pre-application consultation and discussion with the landowner of Blackwell Farm as their preferred route for this accommodation work. An objection to that access has been received from an adjacent landowner concerned that the junction with the public highway would be very close to their property.
- 2.4.2 The Applicant has continued to work on options for access to Blackwell Farm and has identified another way of providing access by widening the corner and junction of the existing public highway rather than constructing an entirely new access track on what is currently greenfield land in agricultural use. The proposed change involves the removal of the existing new proposed track to Blackwell Farm and improvement of the current junction between Blackwell Lane and Traits Lane, which is approximately 225 metres to the west of the private access track included as part of the scheme in the Environmental Statement that was submitted with the application. Improvements to this junction would comprise widening the Traits Lane arm of the junction in order to facilitate HGV turning movements. This would require the acquisition of approximately 0.06 hectares of adjacent land for use as carriageway and associated verge.

- 2.4.3 The land required for widening is mostly highway verge, with an area in the ownership of the party for whom the access works are required and a small area is in third party ownership. The proposed widening would require less land take and less new hard surfacing than the current track and would move the junction of the access away from the neighbouring third party's property.
- 2.4.4 The local highway authority was informally consulted on the proposed change and raised no objection. Environmental assessment to prepare supplementary environmental information for that area has been undertaken.
- 2.4.5 This change would involve the addition of 580 square metres of land forming highway verge, boundary fencing and hedgerow at the junction of Blackwell Road and Traits Lane, and marked as plots 7/1d, 7/1e, and 7/7e on the land plan attached to the formal notification of the proposed change. This would require permanent acquisition of the land to allow for construction and then subsequent use as public highway.

2.5 Change to extend plot 7/8B

- 2.5.1 An additional 2.92 square-metres has been added to the proposed right of way which joins Gason Lane. This has been added to ensure the proposed right of way aligns with Gason Lane in order to ensure that alternative agricultural access can be provided to replace that which is being lost on Gason Lane. The need for this alternative access has arisen following further discussions with the landholder.
- 2.5.2 This small area was omitted from the original redline boundary in error.
- 2.5.3 This change would result in the increase in size of Plot 7/8b from 206 square metres to 209 square metres. We would require the temporary acquisition of the land to allow for construction and rights to be acquired permanently to create a right of way.

2.6 Negotiations

- 2.6.1 The Applicant has entered into negotiations to acquire the relevant interests in the additional land by agreement. Those discussions are progressing but are not yet complete. Detailed discussions have taken place in relation to plots 2/5e, 7/1d, 7/1e and 7/7e. Negotiations are less advanced in relation to plot 7/8b.
- 2.6.2 However, it is necessary to include acquisition of the relevant land interests in the DCO by compulsory acquisition in order to enable the scheme to be delivered. The Applicant is satisfied that the acquisition of all of the land interests is necessary to enable the scheme to proceed.

3 Case for compulsory acquisition

- 3.1.1 The Applicant is satisfied that the powers of compulsory acquisition and temporary possession to be sought for the Additional Land are necessary, proportionate and justified. The Applicant is further satisfied that the powers sought are in accordance with all relevant statutory and policy guidance.
- 3.1.2 The reasons for the powers being sought are contained at sections 2.3, 2.4 and 2.5 above.
- 3.1.3 The Applicant submits that there is a compelling case in the public interest for the compulsory acquisition and temporary possession powers sought. Details of the Applicant's views on the compelling case in the public interest are set out in paragraph 5.4 of Chapter 5 of the original Statement of Reasons (AS-009).

4 Human rights

- 4.1.1 In preparing the proposed changes, the Applicant has had regard to the European Convention for Human Rights and the Human Rights Act 1998. Chapter 6 of original Statement of Reasons (AS-009) considers how the scheme complies with this legislation.

5 Special category land

- 5.1.1 The proposed changes do not involve any special category land.

6 Conclusions

- 6.1.1 This statement sets out the proposed changes to the compulsory acquisition powers being sought in the DCO and why these changes are required and why compulsory and temporary possession powers have been sought within the DCO application. This document, together with the original Statement of Reasons (AS-009) explains why the Applicant considers such powers to be necessary, proportionate and justified.
- 6.1.2 The Applicant has consulted all persons affected by the compulsory acquisition and temporary possession powers.
- 6.1.3 Without the grant of compulsory acquisition and temporary possession powers, the Applicant considers that it will not be possible to construct the scheme.