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Highways England  
For information - to all Interested  
Parties

Your Ref:

Our Ref: TR010036

Date: 12 March 2019

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Dear Sir/Madam

**Planning Act 2008 (as amended) – Section 123 and the Infrastructure  
Planning (Compulsory Acquisition) Regulations 2010 – Regulation 6**

**The Infrastructure Planning (Examination Procedure) Rules 2010 (as  
amended) – Rule 9**

**Application by Highways England for an Order Granting Development Consent  
for the A303 Sparkford to Ilchester Dualling Project**

**Notification of decision to accept as part of the application the proposed  
provision for the compulsory acquisition of additional land and the proposed  
design changes**

We are writing to inform you of the procedural decision made by the Examining Authority (ExA) regarding the Applicant's proposed changes to the Development Consent Order (DCO) application.

The Applicant submitted an Additional Land Application under Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended) and section 123(4) of the Planning Act 2008 (as amended), together with a request for other proposed design changes, on 18 February 2019 [Examination Library Reference OD-014].

The ExA wrote to the Applicant on 7 March 2019 and 11 March 2019 [PD-010 and PD-011] requesting further information and clarification on the proposed changes. The Applicant submitted responses on 8 March 2019 and 12 March 2019 and these will be published on the project page of the National Infrastructure Planning website shortly.

**Compulsory Acquisition**

The proposed changes are summarised as:

- An amendment to the layout, siting and size of the main construction compound through the addition of a new plot 2/5e and the reduction of an existing plot 2/5b by 47,095 square metres, and consequential reductions to plots 5/13b and 7/1b. This would allow the removal of some of the land currently affected.
- A change to the access to Blackwell Farm through the addition of plots 7/1d, 7/1e, and 7/7e and Work 104, together with the removal of plot 7/7b and Work 59.
- An amendment to the shape of Plot 7/8b shown on Sheet 7 of the Land Plans [AS-004] at Gason Lane.
- 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.
- Correction of a landowner consultation error through the addition of Hazlegrove School as a category 2 affected person.

The Applicant's reasons for the proposed changes are:

*Amendment to the layout, siting and size of the main construction compound*

Highways England 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. Highways England were not aware of the timing or impact of this proposal during pre-application consultation. The conflict of proposed uses has only become apparent following submission of the DCO application.

The larger size of the proposed new main compound would allow the removal of much of plots 5/13b and 7/1b (previously proposed as a secondary construction compound) from compulsory acquisition.

*Change to the access to Blackwell Farm*

The access track proposal forming Work 59 and plot 7/7b 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, who is concerned that the junction with the public highway would be very close to their property. Highways England 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 greenfield land in agricultural use.

The land required for widening under Work 104 is mostly highway verge, with an area in the ownership of the party for whom the access works are required and a small area 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 objector's property.

*Amendment to the shape of Plot 7/8b at Gason Lane*

This plot currently extends into the verge of the public highway at Gason Lane but does not fully meet the edge of the carriageway. As the public and private right of way to be created on this land is to be hard surfaced, Highways England propose to

extend the plot by 3 square metres to meet the edge of the existing carriageway and permit an appropriate join to be made.

### *Hazlegrove School*

The Applicant has identified an error in the landowner consultation. One party (Hazlegrove School), holding rights within the Order land which will be affected by the scheme, was consulted as a category 1 and 3 affected person but should have been consulted as a category 2 affected person.

### **ExA Conclusion**

In accordance with Regulation 6 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended), the Examining Authority (on behalf of the Secretary of State) has decided to accept this proposed provision, as part of the application. In reaching this decision, the Examining Authority is satisfied that it complies with the requirements of Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended).

The Applicant is reminded of their duties under Regulations 7, 8 and 9 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended).

### **Proposed Design Change**

The proposed changes are summarised as follows:

- The removal of Work Number 59 from the Application. This is for the proposed construction of an accommodation track for Blackwell Farm between points DR and DS.
- The addition of Work Number 104 which includes the proposed widening of the carriageway of the public highway at the junction between Traits Lane and Blackwell Road.

### *The Applicant's reasons for the proposed design changes*

The access track proposal forming Work 59 and plot 7/7b 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, who is concerned that the junction with the public highway would be very close to their property. Highways England 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 greenfield land in agricultural use.

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 objector's property.

### **ExA Conclusion**

The ExA has reviewed the information provided and assessed the Applicant's request in line with paragraphs 109 to 115 of DCLG Guidance 'Planning Act 2008: Examination

of Applications for Development Consent' and the Planning Inspectorate's Advice Note 16.

The ExA considers the changes to the proposed works to be material, but not to the extent that the proposal would represent a materially different project. Having regard to the ES Addendum, the ExA concludes that overall the proposed changes to the application put forward by the Applicant should be accepted for consideration in the Examination as part of the application.

Yours sincerely

*Lesley Coffey*

Lesley Coffey

**Lead Member of the Panel of Examining Inspectors**

This communication does not constitute legal advice.

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