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Hannah Sanderson
Senior Project Manager
2/07K Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6HA

Enquiries: 0300 123 5000

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Dear Sir/Madam,

A303 Sparkford to Ilchester Dualling Development Consent Order – Non-Material Change

At the recent hearings, the Applicant indicated that it would be submitting a non-material change request to upgrade the status of certain plots within the Book of Reference from permanent acquisition of rights to permanent acquisition of land. This change is to accommodate a concern raised by Somerset County Council, who, as local highway authority, was not content with not owning the subsoil beneath the new highway to be created on these plots.

The Applicant is of the view that the acquisition of rights over this land (as originally proposed) would be sufficient to secure its future use as highway whilst minimising the level of interference with the landowners' interests. However, on balance, because the Council will be responsible for maintenance of these areas and is not content with the acquisition of rights, the Applicant committed to seeking a non-material change to the application to upgrade the powers to permanent acquisition in respect of this land.

The relevant plots are 1/2b, 1/5a, 4/1f, 4/2a, 4/4b, 5/3j, 7/1c, 7/5a, 7/7d and 7/8c. All of these plots are currently included in the Book of Reference (AS-011) as being subject to permanent acquisition of rights and so the relevant landowners have been notified of the compulsory acquisition proposals and given the opportunity to make representations and/or attend the Compulsory Acquisition hearing of 28 February 2018. The purpose for which the land is required has not changed and so the impact of the physical works on the landowner will be exactly the same, whether rights are acquired or whether the land itself is acquired i.e. the land will be public highway under either scenario.

As a result of the proposed change, it has been necessary to split Plot 4/4b into two plots, as shown on the attached land plans. Originally plot 4/4b was to be subject to temporary possession, with permanent rights being acquired to facilitate statutory undertaker diversions and the dedication of the land as highway, including the ability to transfer maintenance to the County Council. However, to facilitate the construction of a turning head, permanent acquisition is now sought for a small part of this plot and as such, plot 4/4h has been created

by splitting plot 4/4b into two plots. It was not considered to be appropriate or proportionate to change the entire area of plot 4/4b to permanent acquisition.

The Applicant is of the view that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the Regulations) are not engaged with regards to the proposed change. The reasons for this are set out below.

As per Regulation 4, the Regulations apply where it is proposed to include in a DCO a provision authorising the compulsory acquisition of additional land and where a person with an interest in the additional land does not consent. "Additional land" means land which it is proposed shall be subject to compulsory acquisition and which was not identified in the Book of Reference submitted with the application as land (Regulation 2).

"Land" is defined by reference to section 159 of the Planning Act 2008, which states that "land includes any interest in or right over land". Therefore, land would only be "additional land" if it had not been identified in the Book of Reference as being subject to compulsory acquisition of either land or rights over land.

Given that the plots in question were all identified in the Book of Reference as being subject to compulsory acquisition, they do not constitute "additional land" and so the Regulations do not apply.

It is therefore our view that the proposed changes can be dealt with as non-material changes and we would ask that the Examining Authority accepts these changes into the examination.

We are enclosing with this letter an updated Book of Reference and updated Land Plans which show the proposed changes. If the Examining Authority is willing to accept this change as a non-material change, the necessary amendments will also be made to the dDCO and any other impacted documents (which the Applicant believes is limited to the Statement of Reasons) at Deadline 5.

Yours sincerely,



Hannah Sanderson
Senior Project Manager
Email: A303Sparkfordtollchesterdualling@highwaysengland.co.uk
Tel: 0300 123 5000