

Your reference: TRO10036

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

12 June 2019

Dear Sir/Madam

Planning Act 2008 (as amended) – Section 89

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

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

Examining Authority's request for further information dated 11 June 2019

The Applicant submits this letter in response to the request for information issued on 11 June 2019 by the Examining Authority.

1. Request for clarification of case citations.

Footnote citation	Appendix 2 citation	Applicant Comment
Coverdale v Charlton 1899 1 Ch 474	Coverdale v Charlton 1878 4 QBD 104	The citation is Coverdale v Charlton 1878 4 QBD 104.
R v Lyon 1825 Dow & Ry KV 497	R v Lyon 1825 Dow & Ry KV 497 (see (1824) Ryan & Moody 151)	The citations are correct. Following the citation for R v Lyon 1825 Dow & Ry KV 497 takes one to (1824) Ryan & Moody 151.
Wiltshire CC v Frazer 1984 82 LGR 313	Wiltshire County Council v Frazer 1984 82 LGR 31	The citation is Wiltshire CC v Frazer 1984 82 LGR 313 The second 3 has been erroneously omitted from the end of the page number in the Appendix 2 reference.
R v French (1879) QBD 507	R v French (1879) 4 QBD 507	The citation is R v French (1879) 4 QBD 507, The 4 has been erroneously omitted in the footnote.

2. The Applicant notes that the ExA also requests that the Applicant provides “sufficient information to enable all parties to identify the relevant text within each case, by referring to specific paragraphs or extracts”.

In response, the Applicant notes that where it is appropriate to refer to specific paragraphs it has done so, however, in many cases that is not appropriate or helpful. The cases cited concern consideration of principles of law, it is the reasoning of the finding of the principles which is appropriate and relevant. The cases must therefore be read as a whole, following the reasoning set out by the Court on the principles.

The Applicant notes, as it noted in the legal submission, that it has been required to set out a number of principles of law which would normally be taken as read. Many of the cases therefore relate to fundamental principles, such as the nature and legal definition of a highway, and have to be read in their context. The cases which were provided by the Applicant, were submitted in response to a direct request by the ExA at the hearings.

The Applicant was substantially disadvantaged in producing its legal submission by not having received any notice of Somerset County Council's 'legal' objection, which was the fundamental reason that legal submissions were requested. The Applicant notes that the substance of the objection, raised in very brief summary in the hearing of 23 May 2019 (that acquisition of rights is not compatible with the Law of Property Act 1925), is entirely absent from the Council's deadline 8 submission. The Applicant also notes that there is very little statute law and no case authority, cited in the Council's submission, which instead relies almost entirely on guidance, and which guidance does not relate to the Planning Act 2008.

Yours sincerely,

A black rectangular box redacting the signature of Hannah Sanderson.

Hannah Sanderson
Highways England Project Manager
A303 Sparkford to Ilchester Project Team

Email: A303SparkfordtoIlchesterDualling@highwaysengland.co.uk
Tel: 0300 123 5000