



# The Planning Inspectorate

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The Applicant, Interested Parties and Statutory  
Parties

Your Ref: N/A

Our Ref: TR010040

Date: 21 September 2021

**Planning Act 2008 (as amended) – Section 89  
The Infrastructure Planning (Examination Procedure) Rules 2010 (as  
amended) – Rule 8(3), 9 and 17**

**The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 –  
Regulations 4 to 19**

**Application by Highways England for an Order Granting Development Consent  
for the A47 Blofield to North Burlingham scheme**

**Request to make changes to the original application**

As the Examining Authority, I am writing to inform you of my Procedural Decision to carry out additional consultation regarding the Applicant's request for me to accept an amendment to the above-mentioned Development Consent Order application. This formal Change Request was made at Deadline 4 and included the following documents:

- Request for a Non-Material Change to the Application [REP4-052];
- Draft Development Consent Order Rev 3 [REP4-007 / REP4-008];
- Explanatory Memorandum Rev 3 [REP4-009 / REP4-010];
- Works Plans Rev 1 [REP4-003];
- Land Plans Rev 1 [REP4-002];
- General Arrangement Plans Rev 3 [REP4-006];
- Masterplan Rev 2 [REP4-037];
- Book of Reference Rev 4 [REP4-015 / REP4-016];
- Statement of Reasons Rev 2 [REP4-013 / REP4-014]; and
- Environmental Statement Appendix 7.5: Visual Receptors Rev 1 [REP4-025 / REP4-026].

At my discretion, I subsequently accepted a late Deadline 4 submission and an Additional Submission from the Applicant, which updated some of these documents. These were:

- Request for a Non-Material Change to the Application Rev 1 [REP4-073 / REP4-074]; and
- Book of Reference Rev 5 [AS-025].

The documents can be found in the [Examination Library](#).

### *Change Request details*

The following sets out the broad details of the Change Request:

- The re-provision of an existing block valve compound belonging to Cadent Gas Limited, which is situated adjacent to and to the south of the current A47 (Plot 5/2 on sheet 5 of the Land Plans Rev 1), on a new site further to the south (Plot 5/1e on sheet 5 of the Land Plans Rev 1);
- The provision of new access to the new block valve compound site; and
- To provide for the new block valve compound site and access to it, the subdivision of Plots 5/1a and 5/1b (on Sheet 5 of the original Land Plans [APP-005]) to create Plots 5/1a, 5/1b, 5/1c, 5/1d, 5/1e and 5/1g (on Sheet 5 of the Land Plans Rev1), with the following implications:
  - Plot 5/1b – change from Temporary Possession (green) to Temporary Possession with Rights to be Acquired Permanently for access purposes (blue);
  - Plot 5/1e – change from Temporary Possession with Rights to be Acquired Permanently (blue) to Compulsory Acquisition (pink); and
  - Plot 5/1g – change from Temporary Possession with Rights to be Acquired Permanently (blue) to Temporary Possession with additional Rights to be Acquired Permanently for access (blue).

The Applicant considers that the changes are not material and that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are not engaged due to the following:

- All the land falls within the existing Order Limits;
- There are no new plots of land or interests for Compulsory Acquisition which were not previously affected by Compulsory Acquisition;
- the freehold owner and tenant have consented to the proposed changes;
- The wording of Work No. 5 in the draft Development Consent Order remains unchanged; and
- There will be no new or different likely significant environmental effects.

### *Examining Authority's observations and invitation for comments*

I note the Applicant's conclusions on the Change Request. I have also had regard to paragraphs 109 to 115 of the Department for Communities and Local Government Guidance 'Planning Act 2008: examination of applications for development consent' and the Planning Inspectorate's 'Advice Note 16: How to request a change which may be material'. However, to assist with guiding me to reach my own conclusion on the materiality of the changes, and whether or not to accept them, **I am inviting comments from Interested Parties and further comments from the Applicant on this matter.** The predominant reasons for this are as follows:

- The revised Masterplan indicates a greater degree of loss of woodland from Lingwood Community Woodland (albeit with a greater degree of replacement

planting elsewhere) with little explanation as to the reasons for this, or potential effects of this, particularly given the affected area of woodland appears to lie outside of Plot 5/1e; and

- The response of Cadent Gas Limited at Annex 1 of the 'Request for a Non-Material Change to the Application Rev 1' indicates that there is a 'very large oak tree' which may affect the proposed siting of the new block valve compound. The implications of this, including for the tree and for the proposed siting of the new block valve compound, including whether it could be accommodated within the identified plot if the tree were to remain, are unclear to me.

Furthermore, it is my view that the proposed change would not currently comply with s123 of the Planning Act 2008 and would engage Regulations 5 to 9 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations). This is for the following reasons:

- The power to compulsorily acquire or impose new access rights over Plots 5/1b, 5/1e and 5/1g did not form part of the original application;
- The change thus involves 'additional land' for the purposes of Regulation 4(a) of the CA Regulations; and
- The evidence is insufficient to demonstrate that all persons with an interest in the additional land consent to the inclusion of the provision, as required by Regulation 4(b) of the CA Regulations, for the following reasons:
  - Correspondence from the Applicant to the landowner's and tenant's agent at Annex 2 of the 'Request for a Non-Material Change to the Application Rev 1' does not appear to specify the powers sought over the land. Thus it is unclear to me whether the implications have been fully understood in the response and that consent to the inclusion of the provision and additional powers sought has been given; and
  - There is no evidence that Category 2 persons identified in the Book of Reference Rev 4 as having an interest in Plots 5/1b, 5/1e and 5/1g have been consulted on the proposed change and that they consent to the inclusion of the provision and additional powers sought.

Additionally, the most recent Compulsory Acquisition Schedule Rev 4 [AS-028 / AS-029] does not appear to reflect all the land interests of Plots 5/1b, 5/1e and 5/1g as identified in the Book of Reference Rev 4, including in respect of Affected Person Nos 75, 76 and 77.

The Applicant should be aware of the need for urgency on matters relating to the CA Regulations given the time remaining in the Examination and the time required to implement the CA Regulations, should the relevant consents not be forthcoming. In this situation, the Applicant is required to provide a timetable to demonstrate how the CA Regulations time constraints can be met within the remaining Examination period.

**Interested Parties and the Applicant are invited to comment in writing on the matters I have set out above, and those matters only, by Deadline 4a (Tuesday 5 October 2021).**

### **Changes to the Examination Timetable**

To allow for the above deadline, I have made a Procedural Decision to make an alteration to the Examination Timetable. This is provided at **Annex A**. The alteration

includes an additional deadline, **Deadline 4a (Tuesday 5 October 2021)**. I consider this sufficient time for all parties to provide any comments on the above matters.

I also wish to point out that I will not be issuing a Report on the Implications for European Sites.

Should you have any queries regarding the content of the letter, please contact the case team using the details at the top of this letter.

Yours sincerely,

*Alex Hutson*

### **Examining Authority**

This communication does not constitute legal advice.

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## Annex A

Item	Matters	Date
1.	<p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• Further Written Questions (ExQ2) (if required)</li> </ul>	<p><b>Tuesday 28 September 2021</b></p>
2.	<p><b>Deadline 4a (D4a)</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to ExA’s letter relating to the Applicant's request for a change to the application</li> </ul>	<p><b>Tuesday 5 October 2021</b></p>
3.	<p><b>Deadline 5 (D5)</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to ExQ2 (if required)</li> <li>• Responses to Deadline 4 and 4a</li> <li>• Comments on documents submitted at D4</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Progressed SoCG</li> <li>• Progressed Statement of Commonality for SoCG</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>• An updated Application Documents Tracker in clean and tracked versions</li> <li>• An updated version of the dDCO in clean and tracked versions</li> <li>• An updated schedule of changes to the dDCO.</li> </ul>	<p><b>Tuesday 19 October 2021</b></p>
4.	<p><b>Deadline 6 (D6)</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses to ExQ2 (if required)</li> <li>• Comments on documents submitted at D5</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Progressed SoCG</li> <li>• Progressed Statement of Commonality for SoCG</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>• An updated Application Documents Tracker in clean and tracked versions</li> <li>• An updated version of the dDCO in clean and</li> </ul>	<p><b>Tuesday 2 November 2021</b></p>

	<p>tracked versions</p> <ul style="list-style-type: none"> <li>• An updated schedule of changes to the dDCO.</li> </ul>	
<b>5.</b>	<p><b>Hearings</b></p> <p>If required, week reserved for:</p> <ul style="list-style-type: none"> <li>• Issue Specific Hearing(s)</li> <li>• Compulsory Acquisition Hearing(s)</li> <li>• Open Floor Hearing(s)</li> </ul>	<b>w/c 8 November 2021</b>
<b>6.</b>	<p><b>Deadline 7 (D7)</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Written summaries of oral submissions to hearings</li> <li>• Any post-hearing notes requested at the Hearings</li> <li>• Comments on documents submitted at D6</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Progressed SoCG</li> <li>• Progressed Statement of Commonality for SoCG</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>• An updated Application Documents Tracker in clean and tracked versions</li> <li>• An updated version of the dDCO in clean and tracked versions</li> <li>• An updated schedule of changes to the dDCO.</li> </ul>	<b>Thursday 18 November 2021</b>
<b>7.</b>	<p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• ExA's preferred DCO / proposed schedule of changes to the dDCO (if required)</li> </ul>	<b>Friday 26 November 2021</b>
<b>8.</b>	<p><b>Deadline 8 (D8)</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on ExA's preferred DCO / proposed schedule of changes to the dDCO</li> <li>• Comments on documents submitted at D7</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Progressed SoCG</li> <li>• Progressed Statement of Commonality for SoCG</li> <li>• An updated Compulsory Acquisition Schedule in clean and tracked versions</li> <li>• An updated Application Documents Tracker in clean and tracked versions</li> </ul>	<b>Tuesday 7 December 2021</b>

	<ul style="list-style-type: none"> <li>• An updated version of the dDCO in clean and tracked versions</li> <li>• An updated schedule of changes to the dDCO.</li> </ul>	
<b>9.</b>	<p><b>Deadline 9 (D9)</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Finalised SoCG</li> <li>• Finalised Statement of Commonality for SoCG</li> <li>• A finalised Application Documents Tracker in clean and tracked versions</li> <li>• A finalised and validated version of the dDCO in clean and tracked versions</li> <li>• A finalised schedule of changes to the dDCO</li> <li>• Comments on documents submitted at D8</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<b>Wednesday 15 December 2021</b>
<b>10.</b>	<p><b>Deadline 10 (D10)</b> for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on documents submitted at D9</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules.</li> </ul>	<b>Tuesday 21 December 2021</b>
<b>11.</b>	Close of Examination	<b>Wednesday 22 December 2021</b>