



# The Planning Inspectorate

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The Applicant, Interested Parties and Statutory  
Parties

Your Ref: N/A

Our Ref: TR010040

Date: 22 November 2021

Dear Sir / Madam,

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

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

#### **Procedural decision relating to proposed changes to the original application**

As the Examining Authority, I am writing to inform you of my procedural decision relating to the Applicant's request to make changes to the above-mentioned Development Consent Order application. I have decided to **accept** the Applicant's proposed changes to the application.

#### *Background*

The Applicant made a [previous request](#) at Deadline (D) 4 to make changes to the application. At my discretion, I accepted a [late D4 submission](#) amending this request. I [invited comments](#) on the matter from all Interested Parties (IPs) by D4a. For the reasons set out in [my letter dated 8 October 2021](#), I made a procedural decision to not accept these changes. The reason for this was primarily given that, on the basis of the evidence provided, it was my view that: s123 of the Planning Act 2008 (PA2008) had not been complied with; the prescribed procedures of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) would thus have been engaged; and there was insufficient time left in the Examination to accommodate the time constraints of the prescribed procedures.

The following sets out the broad details of that change request:

- The relocation of an existing block valve compound belonging to Cadent Gas Limited;
- The provision of access to the relocated block valve compound site; and
- To provide for the relocated 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, with the following implications:

- Plot 5/1b – change from Temporary Possession (TP) (green) to TP with Rights to be Acquired Permanently for access purposes (blue);
- Plot 5/1e – change from TP with Rights to be Acquired Permanently (blue) to Compulsory Acquisition (pink); and
- Plot 5/1g – change from TP with Rights to be Acquired Permanently (blue) to TP with additional Rights to be Acquired Permanently for access (blue).

The Applicant made a [subsequent change request](#) at D6 to make changes to the application. The proposed changes mirrored those of its previous request. On this basis, I considered it unnecessary to formally invite further comments from Interested Parties, though I have had regard to those submitted at D4a. On this occasion, and having considered the evidence, including an [update to the change request](#) submitted by the Applicant at D7, I am now satisfied that the Applicant has adequately demonstrated that s123 of the PA2008 has been complied with and as such, the prescribed procedures of the CA Regulations do not apply. I am also satisfied that there would be no new or different likely significant environmental effects.

In reaching my decision to accept the proposed changes to the application, which I consider to be non-material, I have 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'.

In the interests of clarity, the most up to date documents which relate to or incorporate revisions to reflect the accepted change request (in addition to revisions for other reasons), can be found in the [Examination Library](#) and include:

- Request for a Non-Material Change to the Application Rev 1 [REP7-022 / REP7-023];
- Draft Development Consent Order Rev 5 [REP7-007 / REP7-008];
- Explanatory Memorandum Rev 4 [REP7-009 / REP7-010];
- Land Plans Rev 1 [REP4-002];
- Works Plans Rev 2 [REP7-003];
- General Arrangement Plans Rev 4 [REP7-005];
- Masterplan Rev 4 [REP7-011];
- Book of Reference Rev 4 [REP6-002 / REP6-003];
- Statement of Reasons Rev 2 [REP4-013 / REP4-014]; and
- Environmental Statement Appendix 7.5: Visual Receptors Rev 1 [REP4-025 / REP4-026].

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 faithfully,

*Alex Hutson* **Examining Authority**

This communication does not constitute legal advice.

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