



National Infrastructure Planning
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Michael Goddard
Project Director, National Highways

Your Ref:

(By email only)

Our Ref: TR010056

Date: 17 February 2022

Dear Mr Goddard

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

Application by National Highways for an Order granting Development Consent for the A417 Missing Link Project

Notification of decision to accept the proposed provision for the compulsory acquisition of additional land into the Examination

I refer to your application for a non-material change dated 14 February 2022 which includes changes to the extent of Compulsory Acquisition and Temporary Possession powers in respects of plots 1/19, 1/19a, 1/19b, 1/19c, 1/19d, 1/19e, 1/19f, 1/19h and 1/19j, and the new plots 1/19o and 1/19v, made under section 123(4) of the Planning Act 2008 (as amended). These relate to Flyup 417 Bike Park, as referenced in your update to the Book of Reference submitted at Deadline 4 of the Examination [[REP4-022](#)].

The question as to whether a change is material is for the ExA to determine and you will note from our [Procedural Decision published on the project webpage of the National Infrastructure Planning website](#)¹ that we have concluded that the proposals amount to a material change on the basis that the proposal varies the extent of Compulsory Acquisition rights sought over a number of plots and introduces new plots via subdivision. The Procedural Decision also confirms that the Examining Authority (ExA) has decided to accept the proposed changes into the Examination.

In accordance with Regulation 6 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended), the ExA has decided, on behalf of the Secretary of State, to accept this proposed provision as part of the application. In reaching this decision the ExA is satisfied that it complies with the requirements of Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended). Details of our considerations are set out in a [Procedural Decision](#)

¹ The URL for the project webpage is:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20West/A417-Missing-Link/>

[published on the project webpage of the National Infrastructure Planning website](#) today.

Note that this acceptance is made on the basis that all the processes can be completed in the required time prior to the close of the Examination and in accordance with the revised Examination Timetable that we will publish in due course. If this is not achieved, then we will not be in a position to take the change request into account in our recommendation report to the Secretary of State as it will not have complied with the relevant statutory procedures.

Please be aware of your duties under Regulations 7, 8 and 9 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended) and the information contained in our [Procedural Decision](#) letter.

The Applicant must ensure that all persons who may wish to comment on the additional Order land, including any who are not currently Interested Parties, have a fair and reasonable opportunity to make representations as part of the Examination.

It is critical that the Applicant advises the Case Team of its proposed schedule as soon as possible, such that an appropriate Relevant Representation form can be made available on the [project webpage](#) and so that we are able to revise the Examination Timetable to incorporate the proposed deadline for representations. The availability of sufficient time to complete the necessary process before the close of the Examination is marginal, and accelerated action will be required by both the Applicant and the ExA within the wider statutory timescales required for the process if it is to be satisfactorily concluded.

We have not yet reached a conclusion on when any necessary Hearings associated with this change request should take place, but we will issue a revised Examination Timetable that will incorporate any necessary amendments to deal with this change request following the close of the Relevant Representation period. We aim to ensure that the timing of the publication of this will provide the Applicant with sufficient notice to undertake the required advertising 21 days in advance of any Hearing.

The Applicant is requested to make suitable provision in its procedures for any relevant parties who may wish to respond to notifications and publicity but do not have access to the internet and are unable or unwilling to leave their property given the current Government restrictions associated with the COVID-19 pandemic.

Yours sincerely

Ken Stone

Lead Member of the Panel of Examining Inspectors

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