

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

A417 Missing Link proposed provision for the compulsory acquisition of additional land

Regulation 6(1)			
Within 28 days (starting the day after receipt) the Secretary of State must decide whether or not to accept the proposed provision as part of the application.	Date received	28 day due date	Date of decision
	14 February 2022	15 March 2022	17 February 2022
Regulation 6(2)		Planning Inspectorate Comments	
Regulation 4 - Prescribed procedure for compulsory acquisition of land			
Regulations 5 to 19 prescribe the procedure for the purposes of the condition in subsection (4) of section 123 (land to which authorisation of compulsory acquisition can relate) and apply where—			
(a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land;	The proposed changes vary the extent of the compulsory acquisition and temporary possession powers sought in respect of several land plots. Paragraph 1.2 of the Applicant's change request application [REP4-002] states: <i>"...under the Inspectorate's interpretation of Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 the change will involve the introduction of "additional land" for the purposes of those Regulations in respect of which certain notification and publication requirements will arise."</i>		
(b) a person with an interest in the additional land does not consent to the inclusion of the provision	The Applicant's change request application [REP4-002] does not provide any indication that consent to the inclusion of the provision has been provided by any person with an interest in the affected land.		
Summary – Regulation 4		The proposed provision is one to which Regulations 5 to 9 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 apply.	

Regulation 5 - Proposed Provision

The applicant must send to the Secretary of State details of the proposed provision which must—

<p>(a) be in the form of a book of reference or, where a book of reference has been submitted to the Secretary of State, a supplement to that book;</p>	<p>An updated Book of Reference was submitted at Deadline 4 of the Examination. This was in the form of clean [REP4-022] and tracked change [REP4-023] versions rather than a supplement.</p>
<p>(b) be accompanied by—</p> <ul style="list-style-type: none"> (i) land plan identifying the land required as additional land, or affected by the proposed provision; and (ii) a statement of reasons as to why the additional land is required and a statement to indicate how an order that contains the authorisation of the compulsory acquisition of the additional land is proposed to be funded. 	<p>Updated Land Plans [REP4-006] were submitted at Deadline 4. These do not show the changes sought to compulsory acquisition rights separately from other updates to the Land Plans, however Appendix A of the Applicant’s Deadline 4 cover letter [REP4-001] identifies and itemises the relevant changes and therefore this is sufficient to identify the proposed changes.</p> <p>An updated Statement of Reasons was submitted in clean [REP4-020] and tracked change [REP4-021] versions. This includes reasons for including the additional land at paragraph 6.3.12 and Appendix pgs. xlv and xlvi.</p> <p>An updated Funding Statement has not been received, however paragraph 6.4 of the Applicant’s change request application [REP4-002] states:</p> <p><i>“As set out within the Funding Statement (Document 4.2 [APP-025]) the scheme will be adequately funded through the Road Investment Strategy (RIS), using the change control processes set out in Part 6 of the Highways England Licence if required. With the change request in place, this remains unchanged and funding continues to be no impediment to the delivery of the scheme or the payment of compensation to persons affected by compulsory acquisition, temporary possession, or a blight claim. As such no update to the Funding Statement has been made as a result of the change request and the original Funding Statement submitted as part of the application remains valid.”</i></p> <p>Given the small area of additional land relative to the total land required for the project and that the scheme is government funded</p>

	through RIS2, this is considered to be a reasonable approach.
Summary – Regulation 5	The updated Book of Reference is in clean and tracked change form rather than a supplement. However, this is sufficient to explain the effect of the proposed changes.

Case Leader

George Harrold

George Harrold

Signed

Date: 17 February 2022

**Lead member of the
Examining Authority**

Ken Stone

Ken Stone

Signed

Date: 17 February 2022