

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

A1 in Northumberland: Morpeth to Ellingham 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
	12 March 2021	9 April 2021	9 April 2021
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;	In its Change Request Letter of 12 March 2021 [REP4-034] the Applicant stated that it is of the view that the CA Regulations apply to the proposed additional land for the temporary workings (Change 2 and Change 3) and temporary access (Change 3) as the interpretation of 'additional land' in Regulation 2 applies, namely: "Land which it is proposed shall be subject to compulsory acquisition and which was not identified in the book of reference submitted with the application as land." The amendments to the land affected by compulsory acquisition as a result of the changes sought are set out in the Table 2.1 of the Change Request Letter [REP4-034]. This comprises changes to rights as well as the acquisition of new plots.		
(b) a person with an interest in the additional land does not consent to the inclusion of the provision	In respect of the additional land required for Change 2 and Change 3 the Applicant stated [REP4-034] that negotiations with the landowners to seek to obtain possession of the additional land by agreement are ongoing but have not yet concluded and inclusion of this plot within the powers sought for compulsory acquisition is		

	therefore required.
Summary – Regulation 4	<i>The proposed provision is one to which regulations 5 to 9 of the Infrastructure planning (Compulsory Acquisition) Regulations 2010 apply.</i>
Regulation 5 - Proposed Provision	
The applicant must send to the Secretary of State details of the proposed provision which must—	
(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>The Applicant made a submission pursuant to Section 123(4) of the Planning Act 2008 and Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. That submission included:</p> <ul style="list-style-type: none"> • Book of Reference (Rev 2) (clean) [REP4-050]; • Book of Reference (Rev 2) (tracked changes) [REP4-051]; and • Book of Reference -Schedule of Changes for Change Request (Rev 1) [REP4-052].
(b) be accompanied by— <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>The Applicant made a submission pursuant to Section 123(4) of the Planning Act 2008 and Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. The submission included:</p> <ul style="list-style-type: none"> (i) Land Plans for Change Request (Sheets 9 & 10 of 19) [REP4-035]; and (ii) Statement of Reasons for Change Request (clean) [REP4-048]; and Statement of Reasons for Change Request (tracked changes) [REP4-049]. <p>No statement has been provided to indicate how the compulsory acquisition of the additional land is proposed to be funded.</p>

Summary – Regulation 5

The Book of Reference, Land Plans and Statement of Reasons are submitted as updates to earlier versions rather than as supplements, as permitted by Regulation 5 and are sufficient to explain the proposed provision. The absence of a statement explaining how the compulsory acquisition of the additional land is to be funded is not strictly in accordance with Regulation 5(b), but other information submitted at Deadline 4 [REP4-028] provides additional clarification about the funding of the Proposed Development .

The information provided is considered to satisfy the requirements of Regulation 5.

Case Manager

Candice Patten

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Date: **9 April 2021**

**Lead member of the
Examining Authority**

Kevin Gleeson

Kevin Gleeson

Date: **9 April 2021**