

Tritax Symmetry (Hinckley) Limited

**HINCKLEY NATIONAL
RAIL FREIGHT INTERCHANGE**

**The Hinckley National Rail Freight Interchange
Development Consent Order**

Project reference TR050007

**Post hearing submission ISH1 and CAH1 [Appendix D
Schedule of Applicant's Comments on Applicability of
Draft Levelling Up and Regeneration Bill Provisions]**

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Appendix D

Schedule of Applicant's comments on applicability of draft Levelling Up and Regeneration Bill provisions

Following discussions with the Examining Authority at Issue Specific Hearing (**ISH**) 1, the Applicant has produced this document setting out the Applicant's comment on the applicability of the provisions contained in the draft Levelling Up and Regeneration Bill (the **Bill**).

At the time of producing this schedule, the Applicant notes that the House of Commons is currently reviewing amendments to the Bill suggested by the House of Lords and the Bill is therefore in the final stages of the enactment process. It is feasible therefore that the Bill might achieve Royal Assent during the Examination.

On the basis that the Bill has not yet received Royal Assent, the Applicant's comments in respect of the Bill are based on the latest version of the Bill (dated 18 September 2023).

The provisions relating to Compensation are contained in Part 9 of the Bill. Taking an iterative approach to the relevant provisions in the Bill, the Applicant comments as follows:

Section in the Bill	Purpose of Provision	Applicant's comments
Section 185	The provision relates to powers of acquisition by local authorities for purposes of regeneration	The Applicant's position is that this section is not relevant to the DCO
Section 186	The provision relates to online publicity and makes amendments to the Acquisition of Land Act 1981 regarding notices of making of Compulsory Purchase Orders and making documents available online	The Applicant's position is that this section is not relevant to the DCO, as the notice provisions in the DCO derive from the Planning Act 2008, not the Acquisition of Land Act 1981, and, in any event, already require publication on websites
Section 187	The provisions relate to the confirmation of proceedings and enable Compulsory Purchase Orders made under the Acquisition of Land Act 1981 to be confirmed in stages	The Applicant's position is that this section is not relevant to the DCO

Section in the Bill	Purpose of Provision	Applicant's comments
Section 188	The provisions relate to conditional confirmations and enable Compulsory Purchase Orders made under the Acquisition of Land Act 1981 to be confirmed subject to conditions being satisfied at a later date and signed off as such by the Secretary of State	The Applicant's position is that this section is not relevant to the DCO
Section 189	The provisions relate to compulsory purchases by Ministers	The Applicant's position is that this section is not relevant to the DCO
Section 190	The provisions relate to the time limits for implementation in the Acquisition of Land Act 1981 and enables Compulsory Purchase Orders to specify a period longer than 3 years	The Applicant's position is that this section is not relevant to the DCO. The DCO already allows a period of implementation greater than 3 years
Section 191	The provisions will amend the Compulsory Purchase (Vesting Declarations) Act 1981 by introducing a provision to enable parties to agree a different / postponed vesting date	<p>The provisions are relevant to General Vesting Declarations (GVDs) made pursuant to DCOs.</p> <p>Article 30 of the draft DCO applies the Compulsory Purchase (Vesting Declarations) Act 1981 to the DCO as though it was a Compulsory Purchase Order. Any amendments to the Compulsory Purchase (Vesting Declarations) Act 1981 in the Bill (subject to any relevant transitional provisions) would therefore apply to the compulsory acquisition provisions in the DCO .</p> <p>Were that to be the case, the Applicant's position is that there would be no conflict / issues as it is a procedural benefit for both the Acquiring Authority and the affected landowner.</p> <p>It is reasonable to assume, as with any new legislation, that transitional provisions will have a cut-off date e.g. it shall apply to all orders (CPOs, DCOs, TWAOs) authorising compulsory acquisition that are</p>

Section in the Bill	Purpose of Provision	Applicant's comments
		<p>made/confirmed after a certain date. The amended provisions would not therefore apply differently to separate parcels of land subject to compulsory acquisition in the DCO. The amended provisions will either apply to all land subject to compulsory acquisition, or none.</p> <p>Article 30 of the DCO already makes modifications to the Compulsory Purchase (Vesting Declarations) Act 1981 to amend references that need to apply to make the relevant provisions fit with DCOs, rather than CPOs.</p> <p>If the new provisions take effect, they will create a new section 8A of the Compulsory Purchase (Vesting Declarations) Act 1981 ('Postponement of vesting by agreement') and make provision for agreeing a new vesting date. The provisions also amend Schedule A1 of that act to pick up consequential changes relating to the original or agreed new vesting date. In turn, because the vesting date sets the relevant valuation date under section 5A of the Land Compensation Act 1961, there are similar consequential amends to that act.</p> <p>Article 30(10) of the DCO makes a change to Schedule A1 of the Compulsory Purchase (Vesting Declarations) Act 1981 but that change is not affected by the proposed new amendments in the Bill.</p> <p>Schedule 12 paragraph 2 to the DCO makes a change to section 5A of the Land Compensation Act 1961 but only in relation to Notices to Treat rather than GVDs. The Applicant is therefore of the view that no further amendments are required to address the provisions set out in the Bill relating to extended vesting dates.</p>

Section in the Bill	Purpose of Provision	Applicant's comments
		The Applicant position is that no additional drafting is required in the DCO as a result of this new power were it to take effect and apply to the DCO.
Section 192	The provisions relate to common standards for compulsory purchase data and introduce a power for the Secretary of State to make regulations in relation to relevant compulsory purchase data in relevant compulsory purchase legislation	<p>The provisions do not apply to the Planning Act 2008 but amendments could be made to the compensation enactments or procedural enactments, such as the Compulsory Purchase (Vesting Declarations) Act 1981.</p> <p>However, there are no such draft regulations at this stage and therefore the Applicant is unable to provide further comment.</p>
Section 193	The provisions relate to the 'No-scheme' principle' and make amendments to sections 6D and 6E of the Land Compensation Act 1961	<p>The amendments make provision for not taking into account certain re-development, regeneration and improvement projects when assessing compensation under section 5(2) of the Land Compensation Act 1961.</p> <p>The Applicant's position is that no bespoke amendments are needed to the DCO to reflect the compensation assessment for acquisitions made pursuant to DCOs.</p>
Section 194	The provisions relate to the 'Prospects of planning permission for alternative development' and include amendments to section 14 of the Land and Compensation Act 1961 in respect of planning assumptions	<p>The amendments relate to the process for and tests for establishing appropriate alternative development, including the issue of a certificate of appropriate alternative development regarding the planning prospects of the land acquired.</p> <p>The Applicant's position is that no bespoke amendments are needed to the DCO to reflect the compensation assessment for acquisitions made pursuant to DCOs.</p>

Section in the Bill	Purpose of Provision	Applicant's comments
Section 195	The provisions relate to the 'Power to require prospects of planning permission to be ignored' and include amendments to the Acquisition of Land Act 1981	<p>The provisions amend the Land Value Capture provisions whereby certain Acquiring Authorities promoting a Compulsory Purchase Order under the Acquisition of Land Act 1981 can seek a direction that the value of the land acquired pursuant to the Compulsory Purchase Order shall not reflect any hope value or assumed planning permissions.</p> <p>The Applicant's position is that the provisions do not apply to promoters of DCOs.</p>