



REF: 201207EM-EST-KINGSWAYARC-A38Consent

7th December 2020

Chris Archbold,
Project Manager (A38 Derby Junctions Scheme),
Highways England,
2 Colmore Square
38 Colmore Circus,
Birmingham
B4 6BN

Dear Mr Archbold

A38 Derby Junctions
APPLICATION FOR A DEVELOPMENT CONSENT ORDER
PLANNING INSPECTORATE REFERENCE: TR010022
REQUEST FOR CONSENT TO INCLUDE CROWN LAND IN THE DCO

As discussed in correspondence with Burges Salmon LLP, we understand that Highways England has applied for a Development Consent Order ("DCO") under the Planning Act 2008 ("the Act") for the A38 Derby Junctions Scheme ("the Scheme").

The land required for the Scheme includes land which is owned by East Midlands Reserve Forces and Cadets Association ("EMRFCA") which comes within the definition of "Crown land" in Section 227 of the Act. Section 135(1) of the Act requires that, where an undertaker wishes to include a provision in a DCO which authorises the compulsory acquisition of an interest which is for the time being held otherwise than by or on behalf of the Crown, consent must be given by an appropriate Crown authority.

As part of the Scheme, Highways England seeks the consent of EMRFCA to the inclusion of Crown land in the DCO. The Crown Land in question is identified as plots 3/5a, 3/5b, 3/5c and 3/5d (in respect of which EMRFCA has a freehold interest) and 3/6 and 3/7 (in respect of which EMRFCA has a leasehold interest) on Highways England's Crown Land Plans and in the Book of Reference, which form part of the DCO application documentation.

The inclusion of EMRFCA's land within the Order land will allow temporary possession to be taken by Highways England in order to carry out works on adjacent land. The DCO provides that temporary possession may be taken of plots 3/5a, 3/5b and 3/5d (as described in the Book of Reference and as shown on the Land Plans provided as part of the DCO application) with permanent rights to be acquired over plot 3/5a (which is outside the security fence) for the future maintenance of utilities. In the DCO Highways England also seeks permanent acquisition of plots 3/5c, 3/6 and 3/7 required to widen the A38 carriageway south of Markeaton junction.

The appropriate Crown authority to give Crown land consent in relation to the Scheme is the EMRFCA. The Defence Infrastructure Organisation has confirmed this position.

I confirm that EMRFCA grants consent under section 135(1) and (2) of the Act to the inclusion of the Crown land in the DCO for the Scheme and to Highways England's application for powers of compulsory acquisition in respect of all interests in and rights over the land identified above.



**EAST MIDLANDS
RESERVE FORCES AND CADETS ASSOCIATION**

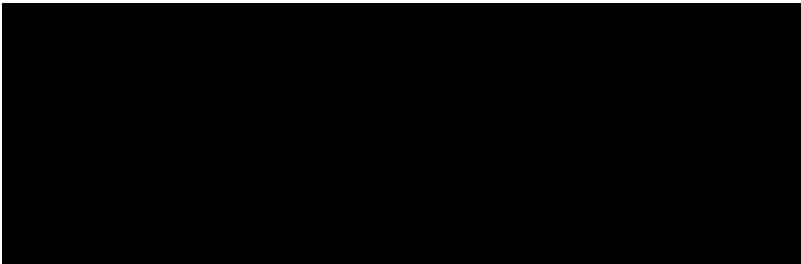
Army Reserve Centre, Triumph Road
Nottingham NG7 2GG
T: 0115 924 8610
eastmidlandsrfa.co.uk



I also confirm that Highways England would be permitted to use the land identified above to carry out works authorised by the DCO, if the DCO is made by the Secretary of State for Transport in due course.

EMRFCA expects to be kept informed of Highways England's progress with the Scheme, both in relation to the application for the DCO and the implementation of that consent, should it be granted by the Secretary of State for Transport in due course.

Yours sincerely,



M L Capewell MCIOB
Head of Estates
For Chief Executive
East Midlands RFCA