

## The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

### A1 Birtley to Coal House Improvement Scheme 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
	20 April 2020	18 May 2020	6 May 2020
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;	Section 4 – Additional land (Change 3) of the Applicant’s Application for a material change to an application for development consent [REP4-002] states:  <i>"It is the Applicant’s view that the additional land (Change 3) would equate to a material change, as it requires an extension to the Order Land and includes new land that was not previously included in the Book of Reference. Therefore, the CA Regulations will apply."</i>		
(b) a person with an interest in the additional land does not consent to the inclusion of the provision	Section 4 – Additional land (Change 3) of the Applicant’s Application for a material change to an application for development consent [REP4-002] states:  <i>"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/temporary possession is therefore required."</i>		

<b>Summary – Regulation 4</b>	The proposed provision is one to which regulations 5 to 9 of the Infrastructure planning (Compulsory Acquisition) Regulations 2010 apply.
<b>Regulation 5 - Proposed Provision</b>	
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;	An updated Book of Reference (Rev 2) [REP4-017] was submitted at Deadline 4, together with an updated schedule of changes to the Book of Reference (Rev 1) [REP4-019].
(b) be accompanied by— (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.	(i) Updated Land Plans (Rev 3) [REP4-005] that identify Plot 3/13a as the additional land required were submitted at Deadline 4. (ii) An updated Statement of Reasons (Rev 2) [REP4-016] was submitted at Deadline 4, and included the following statement: <i>"The Applicant is content that there is a reasonable prospect of the necessary funds for acquisition being available for the reasons set out in the Funding Statement"</i> [APP-017]
<b>Summary – Regulation 5</b>	A supplement to the Book of Reference submitted with the application [APP-018] has not been provided. However the updated Book of Reference and Schedule of Changes provided at Deadline 4 are considered sufficient to identify the additional land interests.  Together with the updated Land Plans and the updated Statement of Reasons, the information provided by the Applicant is considered to satisfy the requirements of Regulation 5.

**Examining Authority**    David Cliff

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*David Cliff*

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**Signed**

**Date:**    6 May 2020

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**Case Manager**    Michele Gregory

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*Michele Gregory*

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**Signed**

**Date:**    6 May 2020

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