
STATUTORY INSTRUMENTS

2022 No. 1248

INFRASTRUCTURE PLANNING

The A417 Missing Link Development Consent Order 2022

Made - - - - *16th November 2022*

Coming into force - - *7th December 2022*

An application has been made to the Secretary of State under section 37 of the Planning Act 2008⁽¹⁾ (“the 2008 Act”) in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009⁽²⁾ for an Order granting development consent.

The application was examined a panel (appointed by the Secretary of State) in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010⁽³⁾.

The panel, having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 83 of the 2008 Act, has submitted a report and recommendation to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the panel, has decided to make an Order granting development consent for the development described in the application with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application.

The Secretary of State is satisfied that replacement land has been or will be given in exchange for the common land (as defined in article 39 of this Order), and the replacement land (as defined in that article) has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attached to the common land, and that, accordingly, section 131(4) of the 2008 Act applies.

The Secretary of State is satisfied that the land plots identified in the special category land plans and the book of reference as open space authorised to be permanently compulsorily acquired under this Order are required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway, and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public and that, accordingly, section 131(5) of the 2008 Act applies.

The Secretary of State is satisfied that the land identified in the special category land plans and the book of reference as open space over which rights may be acquired compulsorily under this Order, when burdened with any new rights authorised to be compulsorily acquired under this Order, will be no less advantageous than it was before to the persons in whom it is vested, other persons, if any,

(1) 2008 c. 29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c. 20).

(2) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2014/469, S.I. 2014/2381, S.I. 2015/377, S.I. 2015/1682, S.I. 2017/524, S.I. 2017/572, S.I. 2018/378, S.I. 2019/734 and S.I. 2020/1534.

(3) S.I. 2010/103, amended by S.I. 2012/635.

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entitled to rights of common or other rights, and the public, and that, accordingly, section 132(3) of the 2008 Act applies.

The Secretary of State, in exercise of the powers conferred by sections 114(4), 115(5), 117(6), 120(7), 122(8) and 123(9) of, and paragraphs 1 to 4, 10 to 17, 19 to 23, 33, 36 and 37 of Part 1 of Schedule 5 to, the 2008 Act, makes the following Order—

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- (4) Section 114 was amended by paragraph 55 of Part 1 of Schedule 13 to the Localism Act 2011 (c. 20).
 - (5) Section 115 was amended by paragraph 56 of Part 2 of Schedule 13 and Part 20 of Schedule 25 to the Localism Act 2011 and section 160 of the Housing and Planning Act 2016 (c. 22) and section 43 of the Wales Act 2017 (c. 4).
 - (6) Section 117 was amended by paragraph 58 of Part 1 of Schedule 13, and Part 20 of Schedule 25 to, the Localism Act 2011.
 - (7) Section 120 was amended by section 140 of, and paragraph 60 of Part 1 of Schedule 13 to, the Localism Act 2011.
 - (8) Section 122 was amended by paragraph 62 of Part 1 of Schedule 13 to the Localism Act 2011.
 - (9) Section 123 was amended by paragraph 62 of Part 1 of Schedule 13 to the Localism Act 2011.