

Transport update: A38 Derby Junctions Development Consent Order

This statement concerns the application for the A38 Derby Junctions Development Consent Order made by Highways England under the Planning Act 2008, which had been submitted to the Planning Inspectorate on 23 April 2019.

Under section 98(1) of the Planning Act 2008 the examining authority appointed to examine the application must complete its examination within 6 months. Under section 98(4) the examining authority must submit its recommendation report to the Secretary of State within 3 months of its completion of the examination. The examination began on 8 October 2019 and was due to close on 8 April 2020. The recommendation report would need to be sent to the Secretary of State on or before 8 July 2020.

Under section 107(1) of the act, following receipt of the examining authority's recommendation report, the Secretary of State must decide whether to grant development consent. A decision in this case would therefore be made on or before 8 October 2020.

Sub-sections 98(4) and 107(3) of the act give the relevant Secretary of State power to set new deadlines in respect of the above which are later than the statutory maxima. For this application, the relevant Secretary of State is the Secretary of State for Transport. In exercising this power, the Secretary of State for Transport must, amongst other things, make a statement to Parliament announcing the new deadlines.

The deadline for the completion of the examination is to be extended to 8 September 2020 (an extension of 5 months) to enable examination hearings postponed in the light of government advice concerning coronavirus (COVID-19) to be rescheduled and held in a virtual forum. Consequently, the deadline for the examining authority to submit its recommendation report to the Secretary of State for Transport is amended to 8 December 2020 and the deadline for the Secretary of State for Transport to take his decision is amended to 8 March 2021.

The decision to extend an examination under the Planning Act 2008 regime is not taken lightly and reflects the exceptional public health circumstances the country finds itself in.

The decision to set a new deadline is without prejudice to the decision on whether to grant development consent.