

I act on behalf of the Trustees of the Henderson UK Retail Warehouse Fund which is the owner of the Ashford Retail Park located on Barrey Road in Ashford, Kent. Part of my client's land has been included as plot 3/15/a in the Development Consent Order application for M20 Junction 10a. The plot has been identified for compulsory acquisition.

The land which has been identified for compulsory acquisition is in active commercial use. Part of the plot forms part of Unit A of the Retail Park which is a retail warehouse and garden centre leased to B&M Bargain Stores. The area in question is an external area comprising the garden centre. Another part of the plot houses an electricity substation which serves the units on the south side of the retail park.

My client opposes the compulsory acquisition of its land interest due to the impact it will have on the garden centre and the substation. As an owner of land included for compulsory acquisition my client should have been consulted prior to the submission of the application. My client is not aware that any consultation took place and the earliest contact from the applicant was an email from Deborah Hagarth-Dodd of Highways England of 23 September 2016 seeking to progress discussions regarding the acquisition of the plot. This contact was after the application which was submitted on 19 July 2016.

The Statement of Reasons states that plot 3/15/a is required for "Work No. 9 – Alteration works to Barrey Road". It is not clear why the acquisition of my client's land is required to achieve these alteration works. The Scheme proposals could be achieved without the permanent acquisition of my client's land or potentially by acquiring a smaller area. In particular, the land on the opposite side of Barrey Road comprises vacant open land which is not occupied or in beneficial use and could be used to undertake the Barrey Road alteration works without causing disruption to a commercial concern. We are of the view that the land take requirements of the Scheme should be altered to avoid the acquisition of the areas of land which are currently leased to a commercial occupier and used as an electricity substation where there is a less intrusive and viable alternative option. This would enable the Scheme objectives to be achieved in this location with minimal disruption which should in turn reduce the compensation burden on the applicant.

We also note that plot 3/14/d has been included for compulsory acquisition and plot 3/14/c has been included for temporary use. Both of these plots span the full width of Barrey Road which is the primary access into the retail park, and the only access which avoids residential streets. My client is concerned about any potential adverse impact on this access, either permanent or temporary, which could have a significantly detrimental effect on the operation of the entire retail park.

My client hereby notifies the Examining Authority that it would like to speak at a Compulsory Acquisition Hearing.