

M20 Junction 10a

TR010006

Response to Examining Authority's First Written Questions

Report 5: Compulsory Acquisition and other
land matters



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**Response to Examining Authority's
First Written Questions
(Report 5: Compulsory Acquisition and other
land matters)**

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1. Compulsory Acquisition and other land matters

Question 21.1

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.1	<p>Each time the Applicant submits a revised version of the Book of Reference (BoR) to the Examination, both clean and track change versions need to be provided.</p> <p>i. Is BoR Revision B (submitted 2 November 2016) [OD-009] identical to BoR Revision B (submitted in October 2016 and annexed to the Applicant's certificates of compliance) [OD-002]?</p> <p>ii. If they are not identical, would the Applicant provide a version of BoR Revision B (submitted 2 November 2016) [OD-009] showing track changes from BoR Revision B (submitted in October 2016 alongside the Applicant's certificates of compliance) [OD-002]?</p>	<p>i. Yes the BoR Revision B (submitted on 2 November 2016) is identical to the BoR Revision B (submitted in October 2016 and annexed to the Applicant's certificates of compliance).</p> <p>ii. As above.</p>

Question 21.2

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.2	<p>i. Are there any changes that need to be made to the Statement of Reasons (SoR) [APP-021] arising from the changes made in BoR Revision B [OD-009]?</p> <p>ii. If required, can the Applicant provide an updated SoR [APP-021] to reflect the changes made in BoR Revision B [OD-009]?</p>	<p>i. N/A see response to 21.1.</p> <p>ii. As above.</p>

Question 21.3

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.3	<p>Would the Applicant identify the statutory instrument (or other instrument) under which the title in respect of plot 3/17/a transferred from the Secretary of State for Transport to Highways England Company Ltd?</p>	<p>The Land Registry entries show that the land in plot 3/17/a was transferred to Highways England Company on 20.08.15 (title number K566575).</p>

Question 21.4

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.4	In respect of plot 3/17/a, would the Applicant explain why it is seeking to acquire all (or indeed any) interests and rights over land in which it (Highways England Company Ltd) appears to hold the sole interest?	To enable Highway England to be able to remove any third party interests over/on/in the land which may affect the Scheme, including those which were existing at the time that Highways England acquired the land, for example part of the land in plot 3/17/a is subject to the rights granted by a Deed of Grant.

Question 21.5

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.5	Would the Applicant confirm whether the “major new development to the south east of the town [Ashford]”, as described on page 46 of the Road Investment Strategy: Investment Plan provided at Appendix C of the Funding Statement [APP-022], is the Stour Park development referred to throughout the application documents?	Yes, the “major new development to the south east of the town [Ashford]” referred throughout the application documents is the Stour Park development at the allocated Sevington site.

Question 21.6

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.6	<p>Plot 3/16/f has been deleted from Part 1 of BoR Revision B [OD-009], but remains in Part 3.</p> <p>i. Would the Applicant explain why plot 3/16/f has been deleted from Part 1 of BoR Revision B [OD-009], but remains in Part 3?</p> <p>ii. Would the Applicant update the ExA in respect of the progress of the private agreement with Friends Life Ltd, as referenced in the Summary Table of Responses to s51 Advice and s55 Checklist [OD-006]? When does the Applicant expect that the parties would be able to confirm to the Examination that any agreement has been reached in this regard?</p>	<p>i. Plot 3/16/f should be deleted from Part 3 of the BoR as powers of compulsory acquisition are not sought over this land.</p> <p>ii. A Statement of Common Ground has been provided to Friends Life for their comments. We hope to reach agreement shortly.</p>

Question 21.7

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.7	<p>Para 2.7 of the SoR [APP-021] states that "Because the developer's funding contribution has not yet been secured and the Applicant therefore cannot commit at this stage to constructing A2070 Option B, the Applicant is not seeking powers of compulsory acquisition</p>	<p>i. Funding for Option B will need to be secured before the Applicant exercises any powers of compulsory acquisition in accordance with Article 21 of the DCO. If the developer does not provide funding before this, A2070 Option B will not be implemented.</p>

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
	<p>over the additional land that would be required to construct A270 Option B, identified on Sheet 3 of the Land Plans as Plot No. 3/16/f.”</p> <p>i. When does the Applicant expect the developer’s funding contribution to be secured?</p> <p>ii. When does the Applicant expect to be able to commit, or otherwise, to the construction of A2070 Option B?</p>	<p>ii. Highways England are not able to predict when a decision will be made as this is subject to commercial negotiations, save the restrictions within the DCO and Environmental Statement.</p>

Question 21.8

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.8	<p>Para 2.5 of the SoR [APP-021] states that “the decision on which of the two alternative A2070 options to construct is dependent on a number of factors, including [...] the formal grant of planning permission for the Stour Park site by Ashford Borough Council.”</p> <p>The ExA understands that the planning application by the Stour Park site developer was submitted on 18 July 2014, and that a decision by planning committee is pending. An extension to the determination date to 16 October 2016 was agreed in June 2016.</p> <p>i. Would the Applicant provide evidence to support the following statement provided at</p>	<p>i. Ashford Borough Council have confirmed that their Planning Committee has resolved to grant planning permission to the Stour Park Development, as per the resolution recorded in the Ashford Borough Council Planning Committee Meeting on 18th May 2016, Application Number 14/00906/AS. https://secure.ashford.gov.uk/committeesystem/CommitteeDetails.aspx?CommitteId=1</p> <p>ii. There would be no implications for the draft DCO order as submitted.</p> <p>iii. At this time it is not envisaged that the ""Options Approach"" will be removed from the draft order.</p>

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
	<p>para 2.5 of the SoR [APP-021]: “[The] Stour Park development is a major scheme that is supported in planning policy terms and [...] Ashford Borough Council’s Planning Committee has resolved to grant planning permission for it.”?</p> <p>ii. If the Stour Park development is granted planning permission during the course of the Examination, and concurrently commercial agreement is reached between the Applicant and Friends Life Ltd for the lands at plot 3/16/f to be acquired by the Applicant, what would be the implications for the draft Order, as submitted?</p> <p>iii. Does the Applicant envisage that the ‘options approach’ will be removed from the draft Order? How realistic is this scenario?</p>	

Question 21.9

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.9	<p>In its Open Space Report [SoR – Appendix B, APP-021], the Applicant states that the replacement land proposed “is not directly accessible from the existing open space”.</p> <p>i. In consideration of the above statement</p>	<p>i. There is no statutory requirement for replacement land to be directly accessible from the open space which is being lost, nor for it to be adjacent to such land. However, the proximity of the replacement land to that being lost is a relevant factor for consideration by the Secretary of State (paragraph 8 of the September 2013 guidance). In this case the replacement land is adjacent to the open space being lost and is directly accessible using the footway</p>

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
	together with the meaning of “replacement land” provided by s131(12) of the PA2008, would the Applicant explain how the proposed replacement land will meet the relevant statutory tests?	under the new Church Road Footbridge and new ramps/stairs. In addition, connectivity to the open space not being affected by the Scheme is provided as the replacement land is also able to be accessed from the new ramp and footbridge being constructed as part of the Scheme.

Question 21.10

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.10	<p>In its Open Space Report [SoR – Appendix B, APP-021], the Applicant states that “the public [...] use the open space at Church Road”, but goes on to say “the open space to be lost [...] is currently inaccessible”.</p> <p>i. Would the Applicant explain the relationship between these two statements?</p>	<p>i. The existing open space comprises an area of play equipment for young children within a segregated fenced playground, with a flat open grass field beyond, with goal posts and a small covered seating shelter which is accessible to the public. There is also an area between existing ramp and the neighbouring residential properties which is overgrown with trees and shrubs so is not accessible to the public; it is this area that is required by the Scheme.</p>

Question 21.11

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.11	With reference to para 8 of DCLG’s Planning Act 2008: Guidance related to procedures for	i. Please see Compulsory Acquisition Negotiation Status Report (document reference 9.6 (HA514442-MMGJV-GEN-SMW-RE-Z-9601) for an update on

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
	<p>the compulsory acquisition of land (September 2013):</p> <p>i. How can the ExA be assured that all reasonable alternatives to CA (including modifications to the proposed development) have been explored?</p> <p>ii. Would the Applicant set out in summary form what assessment/ comparison has been made of the alternatives to the proposed acquisition of land or interests therein in each case?</p>	<p>discussions with all Landowners. Purchase by Agreement is being discussed with all Landowners as an alternative to compulsory acquisition. However, it is necessary to have the compulsory acquisition powers in any event in case of non compliance with the negotiated legal agreements.</p>

Question 21.12

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.12	<p>Para 6.61 of the SoR [APP-021] states that “The exercise of compulsory acquisition powers that are sought is shown throughout (the SoR) to be necessary and proportionate to the extent that interference with private land and rights is required.”</p> <p>i. How has the proportionality test been undertaken?</p> <p>ii. In relation to each plot, would the Applicant explain the proportionate approach which has been taken?</p>	<p>i. The test for proportionality was applied generally looking at the benefits of the Scheme and weighing these against the loss of land by private landowners.</p> <p>ii. In respect of each plot the land being acquired for the Scheme is the minimum necessary to enable the Scheme to be constructed and operated (including all necessary mitigation). Landowners will be compensated for the loss of their land and any disturbance they suffer using the compensation code. The Applicant has contacted all landowners and has offered to acquire their land interests by agreement. The detail of these discussions is set out in the Compulsory Acquisition Negotiation Status Report (document reference 9.6 (HA514442-MMGJV-GEN-SMW-RE-Z-9601)).</p>

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.13	<p>Would the Applicant provide a schedule to identify those interests in relation to which private agreements are in place, which makes explicit each party's interest(s) (including plot numbers) and the general scope of any agreement? The schedule should also make clear in relation to which lands private agreements remain outstanding, and anticipated timeframes for their achievement.</p>	<p>Please see Compulsory Acquisition Negotiation Status Report (document reference 9.6 (HA514442-MMGJV-GEN-SMW-RE-Z-9601)) for an update on discussions with all Landowners. No formal proposals have yet been received from the Landowners, their Agents or their Solicitors, however discussions are ongoing.</p>

Question 21.14

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.14	<p>Would the Applicant explain what assessment, if any, has been made of the effect upon individual affected persons and their private loss that would result from the exercise of compulsory acquisition or temporary possession powers in each case?</p>	<p>The Applicant has not undertaken a specific assessment but considers that the significant public benefits that the Scheme would give rise to, outweigh the dispossession of land from individual landowners. In addition, any person losing an interest in land will be able to claim compensation for that loss. The Applicant does not consider that there is any loss of land which could not be sufficiently compensated for through the statutory regime.</p>

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21.15	<p>Section 12 of the SoR [APP-021] refers to other consents that will be required in order to deliver and operate the proposed development, and para 12.3 states that “The Applicant is in discussion with the relevant consenting bodies and does not regard the need for these other consents as a material risk to the delivery of the Scheme, as there is no reason why the consents will not be granted.”</p> <p>i. How can the ExA be confident that the need for these other consents is not a material risk to the delivery of the proposed development?</p> <p>ii. Would the Applicant update the ExA on any progress that has been made with each of the relevant bodies referred to in both the SoR [APP-021] and the application document entitled Consents and Agreements Position Statement [APP-020]?</p>	<p>i. The additional consents required comprise of protected species licences, which have already been approved in their draft form by Natural England, evidenced by the issue of a letter of no impediment. The licence from the Environment Agency (EA) for the disposal of Japanese Knotweed is required because it is a contaminated material and the EA require details of how the removal and disposal will occur. This is something which the Applicant's specialist contractor will be familiar with and therefore it is not expected that such consent would be refused, especially as it is in the interest of the EA for this invasive species to be removed. The other consents listed in paragraph 12.1 are routine consents which are issued by the highway authority when they are needed. They enable the highway authority the ability to control how the works are carried out to ensure that the safety of the public is not jeopardised. These are routine consents and the principle of issuing such a consent is not at issue.</p> <p>ii. Letters of No Impediment have been issued by Natural England for dormice, badgers and great crested newts. All of the other licenses mentioned above have not been applied for yet but will be over the next few months if they are needed.</p>

Question 21.16

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.16	<p>Would the Applicant provide a position statement identifying all affected Statutory Undertakers and operators of electronic</p>	<p>All interests of statutory undertakers and operators of electronic communications code networks are identified on a plot by plot basis in the book of reference.</p>

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	<p>communications code networks, confirming their status for the purposes of s127 and s138 of the PA2008 in relation to each relevant plot in BoR Revision B [OD-009]?</p>	<p>Under s127 there is one Statutory Undertaker - Southern Water plc - whose land (plot 4/13/a) would be affected if the powers sought in the DCO were granted and implemented. They have not submitted relevant representations. Please see Compulsory Acquisition Negotiation Status Report (document reference 9.6 (HA514442-MMGJV-GEN-SMW-RE-Z-9601) for an update on discussions with Landowner.</p> <p>Under s138 there are eight Statutory Undertakers whose rights are being extinguished as identified in the BoR. Highways England are talking to the Statutory Undertakers with regards to their equipment and any diversions needed. Only Southern Gas Networks (SGN) submitted a relevant representation. We are in continuous dialogue with SGN as the Scheme requires the diversion of a high pressure gas main and a Statement of Common Ground is being prepared with them.</p>

Question 21.17

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.17	<p>With reference to para 10 at Annex D of DCLG's Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (September 2013), the book of reference should cross-refer to the relevant articles contained in the draft Order.</p> <p>i. Would the Applicant add a column to the BoR Revision B [OD-009] which makes explicit which powers in Part 5 of dDCO Revision B</p>	<p>i. Any new rights created or acquired are clearly identified in the BoR as being a new right. The BoR is drafted in the required format and while the guidance may suggest that the BoR cross refers to the articles in the DCO it is not standard practice to do so. To cross refer as has been requested could cause confusion as it will mean that the BoR has to be updated every time the articles in the DCO change. The Introduction in the BoR references the relevant dDCO articles.</p>

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	[OD-008] are attributed to each plot?	

Question 21.18

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
21.18	<p>Attached to these questions is a schedule of objections to CA and temporary possession powers. The schedule arises from the ExA's reading of the Relevant Representations, and comprises what the ExA considers to be:</p> <p>a. Objections to the CA of land and/ or rights (Table 1);</p> <p>b. Objections from those who may potentially have a Category 3 interest within the meaning of s102B of the PA2008 ie those who may be able to make a claim for compensation under section 10 of the Compulsory Purchase Act 1965 and/ or Part 1 of the Land Compensation Act 1973 and/or s152(3) PA 2008 (Table 2).</p> <p>i. Would the Applicant provide a response to the objections listed in Table 1 and confirm whether the schedule reflects its understanding of all the objections to CA and temporary possession received to date, and if not to explain why?</p> <p>In responding to each of the objections listed, and with reference to the specific plots in</p>	<p>i. Please see Appendix A Table 1 for response. All responses to the Relevant Representations are included in the 'Comments to the Relevant Representations' document number HA514442-MMGJV-GEN-SMW-RE-Z-10701, which will be issued in Deadline 3 for Examination.</p> <p>ii. While the Applicant is keen to acquire land and rights it needs for the Scheme by negotiation and agreement it is not possible to be certain that this will be the case in the timescales required to ensure that the Scheme is delivered. In addition, there may be unknown rights or interests over/in/on the land which could prevent the Scheme being constructed if the Applicant is not able to acquire these interests. Therefore, powers of compulsory acquisition are required. The powers sought are the minimum necessary for the promotion of the Scheme, for example temporary possession and/or rights have been sought where the land is not permanently required.</p> <p>iii. Any loss suffered by a landowner (or anyone with an interest in the land) is entitled to compensation under the statutory Compensation Code.</p> <p>iv. The Appendix 13.1 Land use and Economic Development Report of the Chapter 13 of the Environmental Statement (Volumes 6.1, 6.2 and 6.3) properly assesses the social and economic impacts of the Scheme.</p> <p>v. The value of the land is a matter for compensation which if not agreed will</p>

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
	<p>question, would the Applicant please:</p> <p>ii. Expand upon the information provided in the SoR [APP-021] to explain in detail why in its assembly of the proposed Order lands it has been deemed necessary for the draft Order to include provision for the associated land/ rights to be compulsorily acquired or for land/ rights to be taken possession of temporarily?</p> <p>iii. With reference to relevant evidence in the Environmental Statement (ES) [APP-029 to APP-208] and any draft environmental management plans, where applicable, explain how it is proposed that any interference with third party land/ rights would be mitigated or compensated for?</p> <p>iv. With reference to the ES, explain what consideration has been given to the socio-economic consequences of any interference with land/ rights?</p> <p>v. Explain what degree of importance has been attributed to the existing use of the land proposed to be compulsorily acquired or temporarily possessed, and why?</p> <p>vi. Where relevant, provide an update on the progress of discussions with the affected interest; in particular where any agreement has been reached, or where disagreement remains, in relation to the compatibility/ safeguarding of future development proposals in the vicinity of the proposed development?</p>	<p>be determined by the Upper Tribunal (Lands Chamber). There is no land needed for the Scheme which cannot be replaced (eg open space) or which has a unique value which would mean that the Scheme should not be able to constructed over it.</p> <p>vi. The detail of these discussions is set out in the Compulsory Acquisition Negotiation Status Report (document reference 9.6 (HA514442-MMGJV-GEN-SMW-RE-Z-9601)).</p> <p>vii. Yes, consideration has been given. Please see Appendix B Table 2 for responses.</p>

PINS Question Number	First Written Question	Response to First Written Question from Highways England (the Applicant)
	vii. In relation to Table 2, would the Applicant confirm that consideration has been given as to whether or not each party listed would have a Category 3 interest?	

Appendices

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Appendix A - Table 1: List of objections to compulsory acquisition / temporary possession powers arising from the Relevant Representations (RR)

Table 1: List of objections to compulsory acquisition/ temporary possession powers arising from the Relevant Representations (RR)

No.	Name/ Organisation	RR reference no.	Interest	Category	Temporary/ Permanent	Plot(s)	Compulsory Acquisition?	Applicant's response
1	Ashford Borough Council	RR-001	Part 1	1	Temporary	3/14/c	No	Work No. 9 - Traffic sign amendments
			Part 1	1	Permanent	3/14/a (new right), 3/14/b, 3/14/d	Yes	Plot 3/14/a (change to permanent acquisition) - Work No. 8 - construction of the ramps for the Church Road footbridge and future maintenance. Plot 3/14/b - Work No. 8 - demolition and the construction of a new Church Road cycle/footbridge over the A2070 main carriageway to the south of the new A2070 link road roundabout. Plot 3/14/d - Work No. 9 - alteration works to Barrey Road
2	David Lowe for the Executors of Marianne Clunies-Ross	RR-008	Part 1	1	Temporary	2/2/a	No	Work Nos. 1-29 – Use as a site compound area
			Part 1	1	Permanent	2/2/b, 3/2/a, 3/2/b	Yes	Plot 2/2/b - Work No. 13 - the closure of the existing M20 Junction 10 westbound off-slip. Environmental mitigation works Plot 3/2/a - Work Nos. 4 and 28 - the re-alignment of the A2070 Bad Munstereifel Road. Diversion works to power cables Plot 3/2/b - Work No. 2a - the construction of a new A2070 dual carriageway link road. Construction of attenuation pond no. 1
			Part 2	3	n/a	n/a	No	Included in Category 3 as a person entitled to make 'relevant claim' (under section 10 of the Compulsory Purchase Act 1965 and / or under Part 1 of the Land Compensation Act 1973 and / or under section 152 (3) of the

No.	Name/ Organisation	RR reference no.	Interest	Category	Temporary/ Permanent	Plot(s)	Compulsory Acquisition?	Applicant's response
								Planning Act 2008.
			Part 3 (rights of access)	n/a	Permanent	3/2/a	Yes	Work Nos. 4 and 28 - the re-alignment of the A2070 Bad Munstereifel Road. Diversion works to power cables
3	Elizabeth Kerr	RR-010	Part 2	3	n/a	n/a	No	Included in Category 3 as a person entitled to make 'relevant claim' (under section 10 of the Compulsory Purchase Act 1965 and / or under Part 1 of the Land Compensation Act 1973 and / or under section 152 (3) of the Planning Act 2008.
4	Gillian Miller	RR-015	Part 2	3	n/a	n/a	No	Included in Category 3 as a person entitled to make 'relevant claim' (under section 10 of the Compulsory Purchase Act 1965 and / or under Part 1 of the Land Compensation Act 1973 and / or under section 152 (3) of the Planning Act 2008.

No.	Name/ Organisation	RR reference no.	Interest	Category	Temporary/ Permanent	Plot(s)	Compulsory Acquisition?	Applicant's response
5	Gowling WLG LLP for Friends Life Ltd/ Aviva Investors	RR-016	Part 1	1	Permanent	3/16/a, 3/16/b, 3/16/d (new right), 3/16/e, 3/16/f (new right), 4/16/a (new right), 4/16/b (new right), 4/16/c, 4/16/d, 4/16/e (new right), 4/16/f, 4/16/g	Yes	<p>Plot 3/16/a - Work No. 8 - the construction of a new cycle/footbridge over the A2070 main carriageway to the south of the new A2070 link road roundabout and the demolition and replacement of the existing Church Road footbridge</p> <p>Plot 3/16/b - Work No. 2a - the construction of a new A2070 dual carriageway link road. Construction of attenuation pond nos. 1 and 2</p> <p>Plot 3/16/d - Work No. 22 - Diversion works to gas pipeline, maintenance. Environmental mitigation works</p> <p>Plot 3/16/e - Work Nos. 15 and 22 – the construction of a new westbound on-slip from the circulatory carriageway of Junction 10a to the M20 main carriageway. Diversion works to gas pipeline. Environmental mitigation works.</p> <p>Plot 3/16/f - Work No. 2b - the construction of a new roundabout junction including a spur to the south for the Stour Park development</p> <p>Plot 4/16/ a - Environmental mitigation and maintenance</p> <p>Plot 4/16/b - Environmental mitigation and maintenance</p> <p>Plot 4/16/c - Work Nos. 5, 24 and 28 - the re-alignment of Kingsford Street onto Highfield Lane. Diversion works to telecoms equipment and power cables. Turning circle works done by others outside DCO</p>

No.	Name/ Organisation	RR reference no.	Interest	Category	Temporary/ Permanent	Plot(s)	Compulsory Acquisition?	Applicant's response
								<p>application. Plot 4/16/d - Environmental mitigation and maintenance. Plot of land under discussion with Friends Life. Plot 4/16/e - Environmental mitigation and maintenance. Plot of land under discussion with Friends Life. Plot 4/16/f - Environmental mitigation and maintenance. Plot of land under discussion with Friends Life. Plot 4/16/g - Environmental mitigation and maintenance. Plot of land under discussion with Friends Life.</p>
			Part 1	1	Temporary	3/16/c	No	Work Nos. 1-29 – Use as a site compound area. Plot of land under discussion with Friends Life.
			Part 2	3	n/a	n/a	No	Included in Category 3 as a person entitled to make 'relevant claim' (under section 10 of the Compulsory Purchase Act 1965 and / or under Part 1 of the Land Compensation Act 1973 and / or under section 152 (3) of the Planning Act 2008.
6	Julia Miller	RR-024	Part 2	3	n/a	n/a	No	Included in Category 3 as a person entitled to make 'relevant claim' (under section 10 of the Compulsory Purchase Act 1965 and / or

No.	Name/ Organisation	RR reference no.	Interest	Category	Temporary/ Permanent	Plot(s)	Compulsory Acquisition?	Applicant's response
								under Part 1 of the Land Compensation Act 1973 and / or under section 152 (3) of the Planning Act 2008.
7	Pilgrims Hospices	RR-035	Part 1	1	Temporary	2/5/a	No	Work Nos. 16, 24, 25 – Upgrading existing lighting and installing new lighting. Diversion works to telecoms equipment and water pipeline
			Part 2	3	n/a	n/a	No	Included in Category 3 as a person entitled to make 'relevant claim' (under section 10 of the Compulsory Purchase Act 1965 and / or under Part 1 of the Land Compensation Act 1973 and / or under section 152 (3) of the Planning Act 2008.
8	Savills for Wyevale Garden Centres Ltd	RR-039	Part 1	1	Permanent	2/4/a, 2/4/b, (new right), 4/9/a	Yes	Plot 2/4/a -Work Nos. 14, 21 and 22 – the construction of a new eastbound offslip from the M20 main carriageway to the circulatory carriageway of Junction 10a. Diversion works to gas pipeline and motorway communication works Plot 2/4/b - Works No. 14 and 22 - the construction of a new eastbound off-slip from the M20 main carriageway. Diversion works to gas pipeline, maintenance Plot 4/9/a -Work No. 3 - the construction of a new Junction 10a gyratory and two bridges over the existing M20 main carriageway
			Part 2	3	n/a	n/a	No	Included in Category 3 as a person entitled to make 'relevant claim' (under section 10 of the Compulsory Purchase Act 1965 and / or under Part 1 of the Land Compensation Act 1973 and / or under section 152 (3) of the Planning Act 2008.

No.	Name/ Organisation	RR reference no.	Interest	Category	Temporary/ Permanent	Plot(s)	Compulsory Acquisition?	Applicant's response
9	Sharon Swandale	RR-040	Part 2	3	n/a	n/a	No	Included in Category 3 as a person entitled to make 'relevant claim' (under section 10 of the Compulsory Purchase Act 1965 and / or under Part 1 of the Land Compensation Act 1973 and / or under section 152 (3) of the Planning Act 2008.
10	Southern Gas Networks plc	RR-041	Part 1	2	Permanent	2/4/a, 2/4/b, (new right), 3/2/b, 3/16/b, 3/16/e, 3/16/g (new right)	Yes	<p>Plot 2/4/a -Work Nos. 14, 21 and 22 – the construction of a new eastbound offslip from the M20 main carriageway to the circulatory carriageway of Junction 10a. Diversion works to gas pipeline and motorway communication works</p> <p>Plot 2/4/b - Works No. 14 and 22 - the construction of a new eastbound off-slip from the M20 main carriageway. Diversion works to gas pipeline, maintenance</p> <p>Plot 3/2/b - Work No. 2a - the construction of a new A2070 dual carriageway link road. Construction of attenuation pond no. 1</p> <p>Plot 3/16/b - Work No. 2a - the construction of a new A2070 dual carriageway link road. Construction of attenuation pond nos. 1 and 2</p> <p>Pond 3/16/e - Work Nos. 15 and 22 – the construction of a new westbound on-slip from the circulatory carriageway of Junction 10a to the M20 main carriageway. Diversion works to gas pipeline. Environmental mitigation works</p> <p>Plot 3/16/g - Work No. 2b and 22 - the construction of a new roundabout junction including a spur to the south for the Stour</p>

No.	Name/ Organisation	RR reference no.	Interest	Category	Temporary/ Permanent	Plot(s)	Compulsory Acquisition?	Applicant's response
								Park development. Diversion works to gas pipeline, maintenance
			Part 3 (rights of access)	n/a	Permanent	2/4/a, 2/4/b, 3/2/b, 3/16/b, 3/16/e, 3/16/f	Yes	<p>Plot 2/4/a -Work Nos. 14, 21 and 22 – the construction of a new eastbound offslip from the M20 main carriageway to the circulatory carriageway of Junction 10a. Diversion works to gas pipeline and motorway communication works</p> <p>Plot 2/4/b - Works No. 14 and 22 - the construction of a new eastbound off-slip from the M20 main carriageway. Diversion works to gas pipeline, maintenance</p> <p>Plot 3/2/b - Work No. 2a - the construction of a new A2070 dual carriageway link road. Construction of attenuation pond no. 1. Diversion works to gas pipeline.</p> <p>Plot 3/16/b - Work No. 2a - the construction of a new A2070 dual carriageway link road. Construction of attenuation pond nos. 1 and 2. Diversion works to gas pipeline.</p> <p>Pond 3/16/e - Work Nos. 15 and 22 – the construction of a new westbound on-slip from the circulatory carriageway of Junction 10a to the M20 main carriageway. Diversion works to gas pipeline. Environmental mitigation works</p> <p>Plot 3/16/g - Work No. 2b and 22 - the construction of a new roundabout junction including a spur to the south for the Stour Park development. Diversion works to gas pipeline, maintenance</p>

No.	Name/ Organisation	RR reference no.	Interest	Category	Temporary/ Permanent	Plot(s)	Compulsory Acquisition?	Applicant's response
11	Stuart John Ramsay	RR-042	Part 1	1	Permanent	4/19/a	Yes	Work Nos. 5, 19, 24 and 28 - the re-alignment of Kingsford Street onto Highfield Lane. The construction of a new westbound off-slip from the M20 main carriageway to the circulatory carriageway of Junction 10a. Diversion works to telecoms equipment and power cables
			Part 1	2	Permanent	4/19/a	Yes	Work Nos. 5, 19, 24 and 28 - the re-alignment of Kingsford Street onto Highfield Lane. The construction of a new westbound off-slip from the M20 main carriageway to the circulatory carriageway of Junction 10a. Diversion works to telecoms equipment and power cables
			Part 2	3	n/a	n/a	No	Included in Category 3 as a person entitled to make 'relevant claim' (under section 10 of the Compulsory Purchase Act 1965 and / or under Part 1 of the Land Compensation Act 1973 and / or under section 152 (3) of the Planning Act 2008.

Appendix B - Table 1: List of potential Category 3 claimants arising from the Relevant Representations (RR)

Table 2: List of potential Category 3 claimants arising from the Relevant Representations (RR)

1	David Hannigan	RR-007	Smeeth resident, not affected by the Scheme. For this reason, he has not been included in BoR as Category 3 person.
2	Janet Oakley Hills	RR-020	As we do not have information where Ms Hills live we are not able to confirm if she is directly affected by the Scheme. For this reason, she has not been included in BoR as Category 3 person.
3	Linda Artur	RR-029	Ms Arthur is a Kingsford Street resident but is not in close proximity to the Scheme, so not directly affected by our works. For this reason, she has not been included in BoR as Category 3 person.
4	Paul Bartlett	RR-033	Mr Bartlett hasn't identified himself as a local resident, we do not have information if he is living close to proposed Scheme. For this reason, he has not been included in BoR as Category 3 person.