

# M20 Junction 10a

TR010006

## Applicant's Response to Written Representation Submitted at Deadline 6



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# **Applicant's Response to Written Representation Submitted at Deadline 6**

**Planning Act 2008  
Infrastructure Planning (Applications: Prescribed Forms  
and Procedure)  
Regulations 2009**

**Volume 14.3**



# Issue and revision record

<b>Revision</b>	<b>Date</b>	<b>Originator</b>	<b>Checker</b>	<b>Approver</b>	<b>Description</b>
A	May 2017	Mott MacDonald Sweco	Burges Salmon Mott MacDonald Sweco	Highways England	DCO submission (deadline 7)

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# 1. The Applicant's Response to Written Representation from The Executors of Marianne Clunies-Ross (dec'd) and others

Written Representation from The Executors of Marianne Clunies-Ross	Response from Highways England (the Applicant)
<p>I have only recently been referred to Drawing No.HA514442-MMGJV-GENSMW- DE-Z-2405 Rev A - Headed Rights of Way and Access Plans.</p> <p>This plan shows that a culvert is being provided under the proposed Link Road approximately where the existing Footpath AE337A crosses the route of the proposed road and that this culvert will be connected to the stream to the North across land being compulsorily acquired from my clients.</p> <p>Highways England have confirmed that this drainage feature is being incorporated to provide a surface water outfall from the proposed Stour Park Development and is completely separate from the highway's drainage system.</p> <p>We are therefore faced with a situation where Highways England are compulsorily acquiring land specifically for a highway scheme and then having acquired that land they will be granting rights over it to a private developer (who does not possess compulsory powers) to facilitate a private commercial development on an adjoining site.</p> <p>While I have yet to obtain a full legal assessment to me this seems at the very least inequitable.</p>	<p>The proposed culvert under the new A2070 Link Road in the location mentioned by Mr. Lowe is actually a pipe which would pass under the new link road, in order to connect the ditch proposed on the south side of the A2070 to the ditch proposed on the north side of the A2070 link road, which would outfall to the Aylesford Stream.</p> <p>The existing drainage catchment at this point is a series of field drains that lead to the Aylesford Stream. The proposed drainage system described above seeks to replicate this to prevent flooding of the new link road from the fields to the south, in the event that the link road is built before the Stour Park development, or in the eventuality that the Stour Park development does not come forward. Once the Stour Park development has been fully constructed, the ditches, pipe under the link road and the outfall to the Aylesford Stream will remain functional to collect surface water flow from the highways soft estate to the south of the link road.</p> <p>The pipe (culvert), ditches and outfall to the Aylesford Stream will therefore be used by Highways England either in the absence or presence of the Stour Park development. As such, there will be no justification for the transfer of land to be subject to a restriction as suggested by Mr Lowe.</p>

<b>Written Representation from The Executors of Marianne Clunies-Ross</b>	<b>Response from Highways England (the Applicant)</b>
<p>In order to avoid delaying the overall scheme I would suggest that the transfer of land should be subject to a restriction whereby the land acquired should only be used for the core scheme promoted by Highways England and not for any works or services required in connection the Stour Park Development or any other commercial development project</p> <p>This would then enable my clients to negotiate direct with the developers regarding the release of this restriction.</p> <p>If this suggestion is not adopted then I wish to reserve my client's right to object to the Compulsory Purchase Order.</p>	<p>For detailed information about Highways England's drainage proposals please see document no. 2.11 - Outline Drainage Works drawings (PINS reference APP-014) which can be found on the PINS website.</p>