

**PLANNING ACT 2008 AND THE INFRASTRUCTURE PLANNING  
(EXAMINATION PROCEDURES) RULES 2010**

**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING  
DEVELOPMENT CONSENT FOR THE PROPOSED M20 JUNCTION 10a**

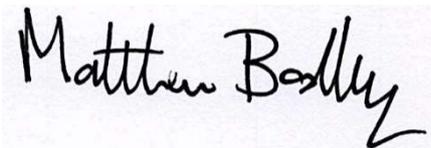
**STATEMENT ON BEHALF OF THE TRUSTEES OF THE HENDERSON UK RETAIL  
WAREHOUSE FUND**

**PLOT 3/15/A**

**COMPULSORY ACQUISITION HEARING - 18 MAY 2017**

1. I act on behalf of the Trustees of Henderson UK Retail Warehouse Fund (hereafter referred to as "HUKF") which is the owner of the Ashford Retail Park. Part of the Retail Park, comprising plot 3/15/a, has been included for compulsory acquisition.
2. HUKF submitted a Written Representation on 4 January 2017 and provided an update on 8 May 2017 which was published on the Examination Website on 9 May 2017 (document reference OD-024).
3. HUKF's representation can be summarised as follows:
  - a. objection to the compulsory acquisition of land forming part of the area demised to B&M Bargain Stores;
  - b. concerns about disruption to the Retail Park caused by works to the existing access via Barrey Road, parts of which have been included for permanent and temporary acquisition within the DCO (plots 3/14/d and 3/14/c respectively);
  - c. a lack of consultation prior to the submission of the DCO application resulting in a missed opportunity to secure necessary improvements to the Barrey Road junction, within the DCO scheme.
4. Subsequently, my client and I attended a meeting with Highways England on 9 May 2017 and there has been further dialogue and email correspondence since the meeting. This has resulted in Highways England agreeing to the following:
  - a. the area of land subject to compulsory acquisition will be reduced to exclude the parts of my client's property which are demised to B&M Bargain Stores;
  - b. an assurance that access to the Retail Park via Barrey Road will be maintained at all times throughout the DCO scheme works.
5. In addition Highways England has approved the reimbursement of my client's reasonable fees for reaching agreement on these points.

6. My client is grateful for the concessions made by Highways England and would like them to be recorded in the applicant's "Schedule of Commitments". This addresses the first two points of my client's representation.
7. This means that the only outstanding matter of concern to my client relates to the Barrey Road junction. Drivers currently experience significant delays on occasions when attempting to manoeuvre both to and from Barrey Road due to the volume and approach speed of vehicles on the northbound carriageway of the A2070 dual section of the Bad Munstereifel Road. The highway network modelling undertaken by Highways England's consultant, AECOM, has been reviewed by my client's transport consultant, Vectos. This indicates that the situation is predicted to worsen in the future. This modelling also indicates that the proposed reduction in the speed limit, and minor modification to the existing junction, will assist but will not resolve these issues and there will still be significant queuing and delay in the future.
8. Accordingly, my client is of the view that the implementation of the DCO scheme alone will not address the existing deficiencies with the Barrey Road junction and that additional physical alterations to this junction are required.
9. Highways England have stated that additional improvements would go beyond the scope of the DCO, but have acknowledged that there are concerns and issues with the junction that require further consideration. My client reluctantly accepts that additional junction improvements are beyond the scope of this DCO but would like to record the fact that it raised this matter with Highways England prior to the submission of the DCO application by letter and email in March and May 2016 and requested a meeting, but was not afforded the opportunity to discuss its concerns with Highways England at that stage. Had the matter been addressed at that time it may have been possible to incorporate these works within the DCO application.
10. My client is of the view that the consideration of additional measures to improve this junction should be escalated and prioritised so that any such measures could be brought forward within the same timetable as the DCO scheme. If this approach is taken it may be possible to undertake the works using the same contractors as for the main DCO scheme, by a variation of the contract. Such an approach would be likely to lead to savings in terms of both programme and budget which would be in the public interest.
11. Accordingly, my client is seeking a commitment from Highways England to work with my client, Kent County Council, Ashford Borough Council and other stakeholders to prioritise physical improvements to the Barrey Road junction.



**Matthew Bodley**  
**For and on behalf of Matthew Bodley Consulting Limited**

17 May 2017