

Application by Highways England for an order granting development consent for the proposed M20 Junction 10a

Update for Compulsory Acquisition Hearing on 18 May 2017

AGREED JOINT STATEMENT OF HIGHWAYS ENGLAND AND FRIENDS LIFE LIMITED

The terms of this statement have been agreed between Friends Life Limited (the "Interested Party") and Highways England (the "Applicant") for submission to the Examination at the Compulsory Acquisition hearing on 18 May 2017, as requested by the Examining Authority.

The Interested Party owns and controls land known as Sevington, North Highfield Lane which sits between the M20 and the CTRL ("the Site"). Part of the Site is included in the land to be compulsorily acquired pursuant to the proposed Development consent.

Without prejudice discussions between the parties are progressing in a positive manner and a draft agreement between the parties is being negotiated and is at a very advanced stage. The intention is that the agreement, once completed, will enable the Interested Party to remove its objection to the compulsory acquisition of its land pursuant to the DCO. An agreed position has now been reached on the majority of points in the draft agreement and plot-specific details are set out in the table below.

The key remaining points under discussion between the parties are as follows:

- Payment of the Interested Party's costs for designing accommodation works, approving, supervising and monitoring work;
- Status of confidential information within the agreement and who it can be disclosed to; and
- Payment of the Interested Party's costs.

In the light of these discussions and the fact that agreement in principle has now been reached on all of the issues set out below, the Interested Party does not intend to appear at the additional Compulsory Acquisition hearing on 18 May 2017.

By way of summary, the matters now agreed are as follows:

Plot number/issue	Status
Plot 3/16/a	It has been agreed that the car parking requested by the Interested Party on this land cannot be accommodated due to the use of the land for dormouse mitigation.
Plot 3/16/b	The Applicant has agreed to grant an easement to the Interested Party for a drainage pipe over this plot.
Plot 3/16/c	The Applicant has agreed to site its temporary construction compound elsewhere and agreed to use this plot in connection with the Southern Gas Networks gas main diversion only.
Plot 3/16/d	The Interested Party has no objection to the Applicant's use of this plot subject to the Applicant informing the Interested Party of the Applicant's construction timetable/programme.

Plot 3/16/e	The Applicant and the Interested Party have agreed to share the use of this plot for the purposes of environmental mitigation.
Plot 3/16/g	The Interested Party has no objection to the Applicant's use of this plot.
Plot 4/16/a+b	The Interested Party has no objection to the Applicant's use of these plots subject to the provision of a pre and post schedule of condition and the restoration of the land following the Applicant's works.
Plot 4/16/c	The Interested Party is obliged under a separate planning agreement to transfer part of this plot to Kent County Council eight weeks after the Interested Party being granted planning permission for the proposed Stour Park Development. The Applicant has agreed an agreement direct with Kent County Council in relation to this plot in order to provide reassurance that the Applicant will not act to interfere with the delivery of the proposed turning loop in this location. The Applicant has also included amendments to the DCO to provide further reassurance to Kent County Council.
Plot 4/16/d	The Interested Party has removed its objection in relation to this plot.
Plot 4/16/e+f+g	These plots have now been removed from the DCO.
Programme of works	The Applicant will share its programme of works with the Interested Party where those works are due to take place on or immediately adjoining the Interested Party's land.
High pressure gas main diversion	The Interested Party has agreed to grant the necessary rights and interests to Southern Gas Networks to accommodate the small area included within the 9 metre buffer for the gas main diversion that is outside of the Order limits subject to an agreed construction statement and programme and providing an undertaking to return the site to a condition satisfactory to Friends Life and providing a suitable indemnity in favour of Friends Life.
Alternative Scheme	A procedure for agreeing the commercial terms regarding the delivery of the Alternative Scheme has been agreed.

The Applicant wishes to emphasise that it is not the intention of the Applicant to seek to remove any plots from the proposed compulsory acquisition powers, nor is it the Applicant's intention to remove any of the interests owned by the Interested Party from the order (save where mentioned above or where otherwise subsequently agreed), whether or not a private agreement is reached between the parties.

Dated: 16 May 2017