

A19 Downhill Lane Junction Improvement
Scheme Number: TR010024
Joint Statement - Applicant & Hellens Land
Limited

A19 Downhill Lane Junction Improvement Scheme – Joint Statement on behalf of Hellens Land Limited (“Hellens”) (acting for the Natrass family) and Highways England (“HE”)

This statement has been prepared for Deadline 4 and has been agreed by Hellens and HE. It sets out the status of the discussions between the parties.

Hellens has provided a number of responses to both statutory and non-statutory consultation as described in paragraphs 4.11.12, Table 4.12, 7.2.23 and Table 7-1 of the Consultation Report (**Application Document Reference: TR010024/APP/5.1**). Representatives from Hellens also attended Compulsory Acquisition Hearing (CAH1) on 17th October 2019.

HE has met with representatives for Hellens and the Natrass family on a number of occasions during the pre-application stages of the scheme. In these meetings HE has presented details of the scheme which have included the preliminary design, programme and temporary land requirements of the scheme. HE has also described the DCO process and potential mechanisms for the acquisition and temporary possession of land within the DCO boundary. Hellens has provided HE with details of its own potential development proposals on land within the DCO boundary. These discussions resulted in some changes to the preliminary design and a reduction in the permanent scheme footprint in the earlier stages of scheme development. The most notable change was to revise the preliminary drainage design, relocating Pond 6 from plot 1/7a to plot 1/7c.

The applicant provided responses to the Written Representation submitted by Hellens at Deadline 2 (**Application Document Reference: TR010024/APP/7.14**). Hellens confirmed in their Written Representation that they do not object to the proposed DCO and recognise the benefits that the proposed improvements will bring to the A19 and Downhill Lane junction.

Natrass (Hellens) land within the DCO boundary

The following table sets out all the plots of land which are owned by the Natrass family along with an explanation of the reasons for their inclusion in the DCO boundary, and any relevant discussions between representatives for Hellens, the Natrass family and HE.

<p>1/7a</p>	<p>HE has described to Hellens the features of the preliminary scheme design, particularly Works 6,8 and 9. At the request of Hellens, HE has relocated Pond 6 and reduced the footprint associated with Work 8, both reducing the size of this plot during preliminary design. Hellens states this request was made on the basis that the retained land held by the Natrass family would have a right to create a drainage connection through plot 1/7c. For the reasons explained at CAH 1, Highways England cannot guarantee this right will be granted (see paragraph 4.7 of the written submission of applicant’s CAH1 submissions (Application document ref: TR010024/APP/7.19)).</p> <p>HE has discussed the integrated NMU solution with Hellens and have explained the current position that it will not progress the integrated NMU provision at this juncture. Nevertheless, an integrated solution remains a possibility for the future and could be brought forward using an appropriate post-consent mechanism in future.</p> <p>HE and Hellens will continue to negotiate terms for the acquisition of this plot by agreement but HE considers the compulsory acquisition powers in the draft DCO are necessary in the event an agreement is not reached.</p>
<p>1/7b (and 1/7d)</p>	<p>HE has described the need for temporary land in this location for the full duration of the construction programme (see further Appendix D of the Applicant’s Response to the ExA’s Written Questions).</p> <p>HE and Hellens will continue to negotiate temporary possession of this plot by agreement for the full duration of the construction programme but temporary possession powers in the draft DCO are necessary in the event an agreement is not reached.</p>
<p>1/7c</p>	<p>HE has described to Hellens the features of the preliminary scheme design, particularly Works 12 and 13. As noted in HE’s response to Written Representations (Application Document Reference: TR010024/APP/7.14).</p> <p>HE and Hellens continue to discuss a range of options that will provide options to establish a future drainage connection from plot 1/7b to the tributary of the River Don which forms the north and east boundary of plot 1/7c.</p> <p>In summary, HE has agreed to explore the following options:</p>

	<p>A. Voluntary land agreement between HE and Hellens over the use of Plot 1/7c, which would obviate the need for a drainage connection right over any land proposed to be transferred to STC (see attached sketch). Note that Hellens may prefer to take options B and/or C below and so this option would likely be confirmed by Hellens immediately prior to HE acquiring plot 1/7c; and/or</p> <p>B. Utilise existing highway/land drainage features that are likely to be retained following the completion of the Scheme. This would potentially remove the need for Hellens to create a connection from the highway (Downhill Lane) to the tributary of the River Don. This can be discussed and agreed in principle upon completion of the detailed design, currently programmed for Summer 2020; and/or</p> <p>C. Investigate existing ('historic') drainage connections from the tributary of the River Don to the boundary of plot 1/7b. HE will continue to investigate all drainage connections to the existing highway networks within the Scheme boundary to inform the detailed design. HE will seek to confirm the presence and status of any relevant existing drainage connections at the earliest opportunity. The use of existing drainage connections affected by the Scheme can be discussed and agreed in principle upon completion of the detailed design, currently programmed for Summer 2020.</p> <p>HE and Hellens will continue to negotiate terms for the acquisition of this plot by agreement but HE considers the compulsory acquisition powers in the draft DCO are necessary in the event an agreement is not reached. Accordingly, HE does not consider that any of the land proposed to be taken permanently should be removed from the Scheme boundary. HE would refer to submissions concerning the Hellens proposed development at section 4.10 of the Written Submission of Applicant's case put orally at Compulsory Acquisition Hearing on 17th October 2019 (Application document ref: TR010024/APP/7.19).</p>
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Status of Discussions

HE's District Valuer has met with Hellens and has explained the method and process of valuation.

HE and representatives acting for Hellens will meet over the coming months to progress option agreements (heads of terms). It is the intention of both parties to reach agreement in order to avoid the use of compulsory powers to expedite the construction of the scheme, subject to Secretary of State approval of the DCO application.

In order to resolve the concern regarding a future drainage connection across plot 1/7c, Hellens have requested that HE reconsider the location of Pond 6. For the reasons set out in the HE cover letter submitted at Deadline 4, HE do not consider it proportionate or reasonable to relocate Pond 6.