

## Written Representation

*Relevant representation registration identification number: 20028225*

### 1. Instruction and Summary

- 1.1. Savills (UK) Ltd are instructed by Woodthorpe Hall Garden Centres Limited, who own and operate Roxton Garden Centre, to act on their behalf in relation to the A428 Black Cat to Caxton Gibbet Improvements scheme ("the Scheme"). In accordance with the DCO application "Land Plans Regulation 5(2)(i) Improvements Sheet 1", the above mentioned parties own plots 1/40a, 1/40b and 1/40c, which are affected by either temporary or permanent acquisition, or acquisition of new rights.
- 1.2. This written representation is to be read in conjunction with our previously submitted relevant representation (dated 09 June 2021). Whilst the concerns raised on behalf of our client in the relevant representation have not changed, we would like to take this opportunity to refer to these concerns in greater detail, and provide the Examining Authority an update on the progress (or lack thereof) made with Highways England in addressing these.
- 1.3. In our relevant representation, we pointed out concerns relating to:
  - Loss of car parking
  - Access to the garden centre
  - Use of the garden centre access by construction traffic (with the garden centre entrance being included within plot 1/40a)
  - Access to Gap Home Improvements concession by employees, customers and suppliers
  - Closure of Bedford Road and impacts on passing traffic and trade of the business
- 1.4. We would like to address the above concerns in greater detail, as well as raise further concerns surrounding:
  - Security risk arising from the Kelpie Marina access road
  - Security risk from the works compound
  - Impacts on the productivity of the borehole
- 1.5. We address each point overleaf.

## 2. Loss of car parking

- 2.1. Plot 1/40a comprises the majority of the field to the northeast side of Roxton Garden Centre, which is used predominantly for customer car parking at peak times. During our meeting with Highways England and the project team, we were informed that the purpose of this possession is for temporary storage. Whilst the length of occupation was said to be likely to be kept to a minimum, we were informed that this area will be required for the duration of the construction works. At the time of the discussion the detailed construction programme was not yet confirmed, but we were advised that this is expected to be for a period of approximately 3.5 years.
- 2.2. This car parking area is used by customers on a regular basis and ensures that no customers have to be turned away due to lack of safe car parking facilities. The loss of this car parking for such a long period will mean that during busy periods (typically Fridays – Sundays, bank holiday weekends and school term breaks) the garden centre will not be able to accommodate their usual number of customers which will have a significant impact on business trade, or customers will park on the grass verges of Bedford Road, outside the property causing a dangerous traffic hazard.
- 2.3. To mitigate this, alternative parking will need to be provided. This was raised during our meeting with Highways England alongside the suggestion of reconfiguration of the main car park to allow for the field to the south of the garden centre to be utilised for parking during the use of plots 1/40 a - c. There has been no further engagement from Highways England on this point.

## 3. Access to the garden centre

- 3.1. The main entrance to the garden centre is via Bedford Road to the north of the site. This access road is included within land parcel 1/40a. Based on this, the access road will be within the area required for the temporary storage which will restrict or impede access to the garden centre by customers employees and tradespeople, as well as delivery lorries for the garden centre and the concessionaires on the site. This will have a direct impact on trade of the garden centre as well as the other concessions based on site.
- 3.2. In order to avoid serious accident, injury and congestion it is important that a clear and safe access route from Bedford Road to the garden centre and main car park is maintained at all times.

## 4. Use of the garden centre entrance by construction traffic

- 4.1. As mentioned above, the garden access road is included within plot 1/40a. This will give construction traffic the rights to use this entrance and include the entrance and access road within their storage area. Not only does this present logistical issues for the garden centre, but also health and safety concerns for their employees and customers.

- 4.2. During our meeting with the project team, we were advised that the construction traffic will not use the garden centre entrance, and instead create a completely separate access from Bedford Road into Plot 1/40a. However, since this meeting we have had no further confirmation in writing or undertaking from Highways England that this will be the case. We request that the garden centre entrance and access road is removed from Plot 1/40a and that the area required for the road construction works within this plot is safely secured and fenced off to minimise any health and safety risks for the garden centre customers, employees and tradespeople alike.

## 5. Access to Gap Home Improvements

- 5.1. As mentioned in our original relevant representation, one of the concessions based on site, Gap Home Improvements, is located to the rear of the garden centre, and their premises are accessed via a track which runs along the north-eastern edge of the garden centre, and is included within Plot 1/40a.
- 5.2. Again, access and egress along this track needs to be maintained at all times for employees, customers, suppliers and tradespeople – the inclusion of this track within the construction storage area will mean that the potential exists for access to the business to be congested or restricted by interference with the track at any time. This could result in significant unnecessary disruption to the business. This matter was raised during our meeting with the project team and it was suggested that, as with the entrance to the garden centre, this track could be removed from Plot 1/40a. This will alleviate this our client's concern, however, we have had no further confirmation in writing from Highways England confirming that this is agreed.

## 6. Closure of Bedford Road

- 6.1. We note that some of the construction will require works on Bedford Road. The garden centre's only public vehicular access is off Bedford Road, and so any closures will have an impact on customers being able to visit the garden centre and subsequent potential loss of trade. During our meeting with the project team, we were informed that they do not intend to fully close both lanes of Bedford Road during the road construction. However, if a situation arises where the road does need to be closed, we request that Highways England are directed that this is kept to night-time hours, or outside of the garden centre's trading hours, so as to minimise any impact on trade. It is expected that a high level of construction works along the road and in the area will already have an impact on passing traffic customers, but to mitigate this, we request that Highways England stay in communication with the garden centre, notifying them of all works along Bedford Road, so that mitigation measures can be put in place to reduce the impacts on the business, such as signage, planning of deliveries, etc.

## 7. Security concerns

- 7.1. In its existing layout, the ownership of the garden centre is bounded by hedgerows, fencing or other private land. There are currently no public roads along any of the boundaries without being separated by some sort of secured border. Despite this, there have historically been security breaches through the field to the northeast, via the padlocked gate.

- 7.2. The current proposals show a new access road for the Kelpie Marina, running along the northern boundary of the garden centre. We understand, from our meeting with the project team, that there are currently no proposals or designs for any boundary fence to be erected along this road. This presents a clear security risk for the garden centre as the Kelpie Marina access road will be open to the public, leaving the entire northern boundary of the site open and accessible at all hours. We request that with the construction of this new road, sufficient fencing is erected along the boundary between the road and the garden centre, which will alleviate our client's security concerns.
- 7.3. Our clients would also require assurances that any compounds and storage facilities on the land at plots 1/40a, 1/40b and 1/40c were sufficiently secure, not to give rise to further possible security breaches, which may have a knock on effect on our client's premises.

## **8. Borehole**

- 8.1. Due to the nature of its trade, the garden centre uses a significant amount of water, which is extracted from the ground using a borehole with a submersible pump, located at the front of the garden centre, close to the public entrance. This borehole is fully licenced by the local water company for water abstraction. The significant construction works at the Black Cat roundabout have the potential to impact on the water table in the area, which could therefore affect the level of useable water the borehole is able to extract. This could result in costs being incurred by the garden centre in either extending or relocating the borehole, or having to switch to mains supply for all their requirements which is likely to be more expensive.
- 8.2. This concern was raised with the project team during our meeting and the team stated that the assessment on the impacts on ground water levels are ongoing. This will need to be managed as a sudden lack of water could have a significant impact on the garden centre.

## **9. Moving forward**

- 9.1. The above concerns are all matters which can be easily resolved through communication and an agreed undertaking from Highways England. Whilst we have had one meeting with the project team where all of these points were raised and discussed, we have since had limited engagement from them, despite a number of requests for follow up meetings.
- 9.2. Given the lack of response we have received, we have drafted a set of Heads of Terms for an undertaking covering the above points, which will be shared with Highways England imminently. During our meeting, Highways England seemed open to agreeing to an undertaking covering the various points, however the lack of follow up has meant that we have felt it necessary to submit a further written representation.
- 9.3. We encourage Highways England to engage with us and agree to an undertaking, which will remove any concerns our client has and therefore the requirement to appear at any future hearing. However, in the absence of any such undertaking from Highways England we would ask the Examining Authority direct Highways England to enter into an undertaking agreement with our clients covering all of the above matters to our client's satisfaction.

# A428 Black Cat to Caxton Gibbet Road Improvement Scheme

Written Representation

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Dated 27 August 2021

Signed



R W Asher FRICS

Savills

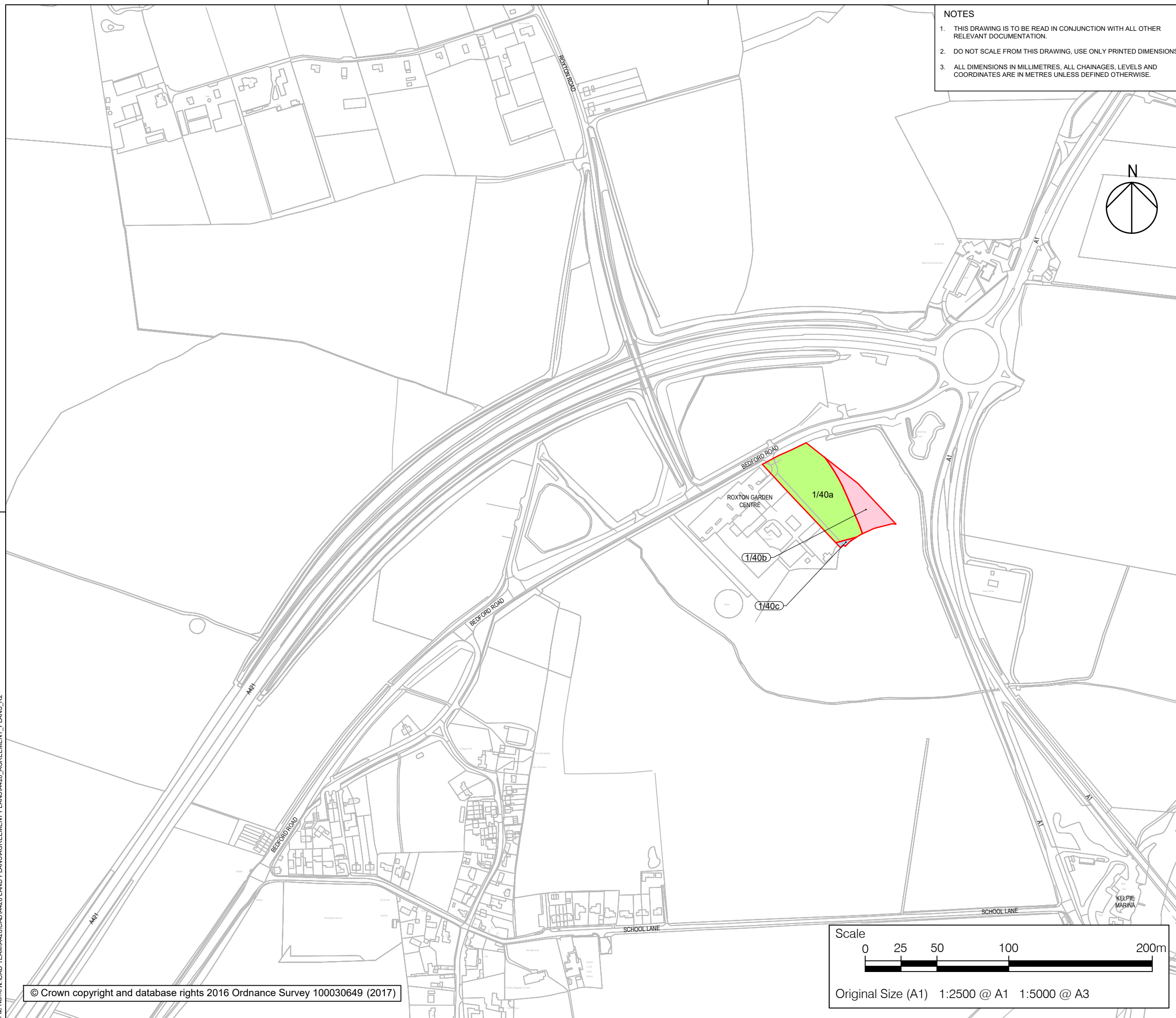
33 Margaret Street

London

W1D 0JD

For and on behalf of Woodthorpe Hall Garden Centres Limited

Plot Date : 20 November 2020 16:12:55  
 File Name N:\CAD TEAM\A428\CAD\A428 LAND PLANS\AGREEMENT PLANS\A428 AGREEMENT\_PLANS\_R2

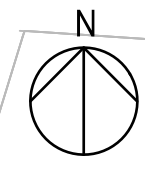


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**KEY**

- ORDER LIMITS
- PERMANENT ACQUISITION (2780.66 sq.m)
- TEMPORARY POSSESSION (8964.82 sq.m)
- TEMPORARY POSSESSION AND ACQUISITION OF NEW RIGHTS (134.17 sq.m)
- XX/XX PARCEL NUMBERS

TITLE NUMBERS AFFECTED: (BD163251, BD166255)



Purpose of issue

## FOR INFORMATION

Client  
**Highways England**  
 Highways England Offices  
 Woodlands  
 Manton Lane  
 Bedford  
 MK41 7LW

Project Title

## A428 Black Cat to Caxton Gibbet Improvements

Drawing Title

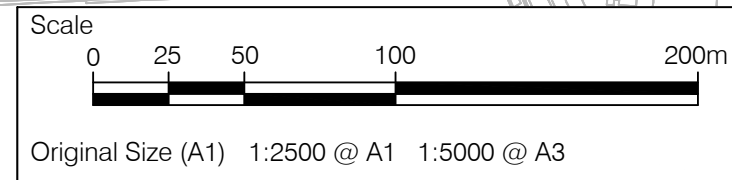
## A428 AGREEMENT PLAN ROWANMOOR TRUSTEES LIMITED SHEET 1 OF 1

Designed GJ	Drawn GJ	Checked LC	Approved PG	Date 20/11/2020
Internal Project No. 60541541			Suitability S2	
Scale @ A3 1:5000			Zone A428	

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