

**Pegasus Prested Investments Ltd oral representations to the Compulsory Acquisition Hearings of the A12 Chelmsford to A120 widening DCO proposal 1 March 2023**

Mr Michael Harman of Holmes and Hills LLP appeared on behalf of the Pegasus Prested Investments Ltd group ('The Pegasus Group') which owns and operates the following businesses from Prested Hall; -

- Wedding and event hire
- Serviced apartments
- Private members health club
- Spa

Mr Harman made the following points: -

The Pegasus Group owns land (plot numbers 15/13(a)-(d)) which is included within the Order limits for the draft DCO proposal for the A12 Chelmsford to A120 widening ('The Road Scheme').

There has been no meaningful engagement to date on the part of National Highways with The Pegasus Group to understand its business operations and the way these will be impacted by the Road Scheme, nor any attempt to discuss any accommodation works/ programming commitments which might operate to minimise the impacts of the Road Scheme on the business activities of The Pegasus Group.

The Pegasus Group is concerned that the compulsory purchase of its land for the purposes of the Road Scheme, will have a detrimental impact on its business interests, both in the short term, during the construction period, and in the long term, once the Road Scheme is open for use.

In particular,

- Works during the construction period will disrupt access to the venue leading to loss of bookings – brides and grooms planning their once-in-a-lifetime day do not want to drive through a construction site to get to their wedding venue.
- The new access proposed for Prested Hall will be longer and more convoluted than the existing access; this will impact on business especially in relation to those regular customers who value a short journey time and convenient location – i.e., health club members and repeat customers for the spa and serviced apartments.
- The realigned A12 will bring the increasing volume of traffic and related noise, vibration, dust etc, closer to the Prested Hall business operations which rely on peace and tranquillity (i.e., the spa, wedding/event hire, serviced apartments) which will have a negative impact on business.

The impact of the Road Scheme is already leading to a downturn in business (reduced event/wedding bookings) which, without intervention, could affect the long-term viability of these activities.

At the very least The Pegasus Group is seeking engagement from National Highways and some assurances as to:

- the timetabling of construction works in terms of timing/duration of works – ideally to utilise “off peak” wedding season;
- an absolute guarantee on maintenance of access on event days which could provide reassurance to potential customers looking at booking an event/wedding in the future;
- Commitments to provide visual screening to safeguard the appearance of the route into Prested Hall during the construction period – to support wedding/event business;
- Commitments to ensure access for Prested Hall guests is secured (ie prioritised over construction operations/plant crossings) during the construction period – to support wedding/event business;
- Enhanced signage and lighting for the reconfigured route into Prested Hall to ensure the convoluted proposed route is as easy to follow as it can be for new/existing guests – to support all business activities.

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***The inquiry is referred to other representations made by The Pegasus Group ref RR-034, REP-098 and to the attached, more detailed statement which provides additional information to support the above representations.***

## **Pegasus Prested Investments Limited – detailed statement in support of oral representations to the Compulsory Acquisition Hearings of the A12 Chelmsford to A120 widening DCO Proposal**

### **The DCO proposal**

National Highways has applied for a development consent order for the A12 Chelmsford to A120 Widening Scheme ('The Road Scheme') which, if confirmed, will affect the Pegasus Group in several ways as follows: -

- Some land will be acquired permanently – notably a large portion of the Prested Hall private access road.
- The realigned A12 (with all the associated traffic noise, emissions, vibration, dust, artificial light etc) will be closer to Prested Hall. This will affect the enjoyment of this property and its suitability for current business activities.
- The construction of the Road Scheme and in particular the new access to Prested Hall will severely disrupt our clients' business for the duration of the construction period.
- The introduction of the reconfigured Prested Hall access road will increase journey time and make for less straightforward access which is likely to deter existing and new customers and reduce business.

### **Company background**

Several business operations at Prested Hall are effectively managed by Pegasus Prested Investments Ltd (company number 11230014). This company has a number of wholly owned subsidiary companies, including Prested Investments Ltd (company number 04241250), Bluemoor Properties Ltd (Co number 07247080) and PHHC Ltd (Company number 09660836).

PHALL Ltd (Company number 14331806) and PHSpa Ltd (Company number 14337647) run the wedding/ event and spa businesses respectively but have given authority for their interests in this regard to be managed by Pegasus Prested Investments Ltd.

Prested Hall Ltd (Company number 04695063) is currently in liquidation and the Pegasus Group is undergoing a restructuring exercise to address this situation.

### **Property background**

Land in plots 15/13a, 13b, 13c, 13d listed in the Book of reference is owned by Bluemoor Properties Ltd which is one of The Pegasus Group companies.

The land required for the Road Scheme notably includes a large section of the private access road leading into Prested Hall.

The business activities and retained land of The Prested Group will be affected by the Road Scheme.

### **Objection to the Road Scheme**

The Pegasus Group lodged an initial objection to the Road Scheme – **ref RR-034**

This objection described the current access arrangements for Prested Hall and summarised our client's understanding of the proposed reconfigured access. National Highways has not apparently offered any further clarification in response to this objection, but it is however understood that the new access will in fact take traffic around a new stretch of road to be built around the Threshelfords business park, rather than via the village of Kelvedon as was suggested in representation RR-034.

At present, traffic travelling south on the A12 benefits from a direct left turn into the Prested Hall private access road. Such traffic will instead continue on the A12 past Prested Hall, exit at new junction 24 and then double back on itself via two roundabouts and a winding route which passes under/over the A12 twice before joining the existing private access drive at a mid-point.

At present, northbound A12/local traffic accesses Prested Hall from the Kelvedon interchange via the village of Kelvedon using an existing overbridge; the proposed reconfigured access will bring such traffic off the A12, on a winding route around three roundabouts and around the Threshelfords business park, crossing over/under the A12 three times before joining the existing private drive access at a mid-point.

The proposed new route appears to be significantly longer (certainly for southbound A12 traffic) and is more complicated for all traffic, involving a tortuous new route including several turns/roundabouts/ A12 crossings plus some stretches of road in deep countryside.

### **Objection to compulsory purchase**

#### **1. National Highways considered several options for access to Prested Hall but no apparent consideration was given to The Pegasus Group interests when finalising the current route choice**

The Pegasus Group objects specifically to the compulsory purchase of its land for the Road Scheme on grounds that the current proposal is not the only possibility; it appears to have been chosen for reasons of cost, without consideration of the impact the proposals might have on The Pegasus Group's business interests.

The reasons for National Highways choice of route are set out in **APP-070 – table 3.4**. It is noted that three options for the reconfigured access to Prested Hall were considered. [These are set out at Appendix A]. National Highways confirmed that it chose the third option (i.e., the current proposals) following feedback from local stakeholders, commenting that *this option would result in the least amount of new infrastructure being constructed in the area (i.e., one new structure over the proposed A12 mainline as opposed to two) and would have the least impact on the existing Prested Hall driveway as trees on the remanent sections of driveway would be retained.*

This assessment does not indicate that any consideration has been given to the impacts of this choice on The Pegasus Group business activities at Prested Hall; there has been no apparent analysis of the impact on journey time/ ease of navigation for business customers for any of the three options nor of the impact which a longer/more difficult route might have on business customers.

There is more than one viable option for the Prested Hall access; The Pegasus Group objects to the compulsory purchase of its land for the Road Scheme as no account has been taken of/nor any analysis made of the impacts on the Pegasus Group interests at Prested Hall; National Highways has

simply gone with the option which involves least infrastructure and least cost – there are other options available which might have less impact on The Pegasus Group.

## **2. Detrimental impact of construction works on the business activities of The Pegasus Group.**

Arrangements for maintaining access to Prested Hall during the construction period have not been discussed by National Highways with our client. The wedding/event business relies on being able to offer customers a fantastic “VIP” experience on their special day. Weddings are booked months/years in advance.

Feedback currently being received from potential wedding/event customers is that they do not want to drive through a construction site to get to the venue on their special day – the uncertainty about timing, duration, and extent of works required to construct the new Prested Hall access means that enquiries are not currently being converted into bookings.

The Pegasus Group is working hard to promote Prested Hall as a wedding venue. Since the start of January a new digital marketing campaign has led to 41 wedding enquiries to date in 2023 of which (as at the end of February 2023) two have been converted into confirmed bookings (a further two conversions are potentially in the pipeline). Of the 37 enquiries which have not converted, 17-18 cited uncertainty around the A12 works as a factor in their decision not to proceed with a booking.

The Pegasus Group has reviewed National Highways comments on continuity of access made in response to Prested Tennis Club Limited’s objection **RR-048** (see Appendix B)

National Highways stated that its aim is for access generally to be available at all times to Prested Hall, although occasionally this may not be possible. This will have a catastrophic impact on The Pegasus Group businesses, many of which require continuous access around the clock; event guests and suppliers need unimpeded access at all times on event day; guests in serviced apartments need unfettered access for the duration of any stay; health club and spa guests need to be able to access the relevant facilities during opening hours – any interruptions in such access will impact negatively on business.

National Highways stated that they would offer [Prested Tennis Club Ltd] up to ten days’ notice of changes to the construction timetable; this would be incompatible with The Pegasus Group business requirements; events/weddings are planned many months in advance and dates cannot be changed at the last minute to fit in with National Highways’ schedule.

National Highways suggested [to Prested Tennis Club Ltd] that the existing access will be maintained until the new overbridge is available – with provision to be made for plant crossing. Access being subject to plant crossing is not compatible with the expectations of wedding clients who do not want to see/ be delayed by a plant crossing when on the way to their wedding. Feedback from potential wedding guests confirms that the uncertainty around visual impact of the construction works as they travel to the wedding venue is a factor in deterring them from confirming bookings

The Pegasus Group is already experiencing a downturn in wedding bookings in consequence of the Road Scheme. Without assurance/practical support on the issue of access during the construction period, the impact of the works on the event/wedding hire business at least will be ruinous.

### **3. Detrimental impact of longer/ more complicated journey on Pegasus Group businesses.**

The Pegasus Group made further representations to the DCO Inquiry (Ref **Rep-2-097**). These representations included the results of a recent Prested Hall health club members survey which highlighted the importance of a short journey time/ a convenient location to a significant number of health club members. 43% of respondees confirmed a current journey time of under 10 minutes; a further 40% confirmed a journey time of 10-20 minutes. It is anticipated that once the Road Scheme is completed and in use, journey times will be longer for all. Moreover, journey routes will be more complicated involving a more tortuous route crossing back and forth over/under the A12.

It is anticipated that the longer journey time coupled with a more complex route will lead to membership cancellations for the health club, but also for other regular clients such as spa and serviced apartment guests. A more complicated journey is also likely to impact on new customers who may be deterred from booking the venue for a wedding/ event, especially if they have uncertainties about the ease of access.

Our client needs to have meaningful engagement with National Highways in order to be able to understand the duration of the works insofar as they will affect access to Prested Hall and to explore what reassurance (if any) National Highways is able to offer in terms of confining the relevant works to the wedding off season or another defined period and providing visual screening for any construction works, which might help our client retain and take new bookings for weddings. These potential bookings are currently being lost which is impacting on business.

### **4. Detrimental impact of realigned A12 on Pegasus Group business operations**

The realigned A12 will be brought closer to Prested Hall, bringing traffic noise, dust vibration, artificial light, and other such physical impacts closer to the business operations. It is understood that the realigned A12 carriageway will sit at a higher level than the current alignment which will increase the impacts experienced at Prested Hall. Our client is concerned about the long term affects the Road Scheme will have on its various business activities. The serviced apartments rely on guests being able to sleep peacefully; spa guests rely on tranquillity and peace as part of their pampering experience; wedding/event customers rely on a peaceful and attractive setting (including in the gardens which are used for photography). Our client therefore requests that a site-specific assessment is made of the physical impacts of the use of the completed Road Scheme on Prested Hall and a package of appropriate sound proofing/ other mitigation works is proposed to mitigate these impacts as appropriate.

### **5. Lack of engagement by National Highways is detrimental to Pegasus Group business operations**

To date National Highways has not engaged meaningfully with The Pegasus Group in an attempt to understand their business requirements and consider ways in which the likely impacts on their business operations as a result of the Road Scheme could be mitigated. This is simply unacceptable.

The Pegasus Group is having to work hard in a challenging post-Covid economic climate to make its business operations thrive; the Road Scheme has been imposed on our clients and has added an additional layer of challenge to its current business operations.

A new digital marketing campaign has been most effective in generating interest in Prested Hall as a wedding/event venue. Feedback from potential customers who have chosen not to confirm bookings includes: -

- Dated décor.
- Limit on event guest numbers.
- A planning condition restricting use of amplified music in the wedding marquee.
- Uncertainty around impact of A12 works on access to Prested Hall.

The Pegasus Group has taken action to address these issues where possible, including -

- Refreshing and updating the décor.
- Submitting a planning application to address the limit on guest numbers/ restriction on use of amplified music.

Unfortunately, despite these proactive measures, The Pegasus Group has no control itself over the A12 works and new wedding/event bookings remain low in consequence.

To keep the Pegasus Group businesses on track, The Pegasus Group needs some support/ engagement from National Highways to agree a package of measures which can be implemented to minimise damage to the business activities at Prested Hall are minimised. These include the following: -

- Commitments on the timetabling of construction works in terms of timing/duration of works/ use of wedding off peak season and an absolute guarantee on maintenance of access on event days will provide reassurance to potential customers looking at booking an event/wedding in the future.
- Commitments to provide visual screening to safeguard the appearance of the route into Prested Hall during the construction period – to support wedding/event business;
- Commitments to ensure access for Prested Hall guests is prioritised over plant during the construction period – to support wedding/event business;
- Enhanced signage and lighting for the reconfigured route into Prested Hall to ensure the convoluted proposed route is as easy to follow as it can be for new/existing guests – to support all business activities.
- Agreement of a package of measures to address the long-term impacts of the use of the realigned Road Scheme (in terms of Pegasus Group business activities at Prested Hall which rely on peace and tranquillity) – to support all business activities.

Without such measures the Pegasus Group's business may be impacted to the point of extinction by the compulsory purchase proposals. This is something which our client is working hard to avoid, but it may be inevitable unless some serious consideration is given by National Highways to the position the Pegasus Group has been forced into.

The lack of engagement by an acquiring authority with a local business affected by compulsory purchase proposals (Smokeys nightclub) was cited as a reason for the recent refusal of a compulsory purchase order to enable a town centre redevelopment in the Royal Borough of Maidenhead. The Inspector will no doubt be aware of this case.

The Pegasus Group would welcome the opportunity to discuss a proposed mitigation package with National Highways to ascertain the extent to which its objections to the compulsory purchase can be overcome, if at all.



**Appendix A - APP-070 – table 3.4** . It is noted that there were three options for access to Prested Hall. including:-

*Option 1*

*The creation of a new drive in the location of the existing line – the option was ruled out by National Highways on grounds that the proposed A12 mainline would be higher at the point it severs the drive and as such there would be insufficient room to ramp up an overbridge at the required gradient and there would be a loss of distinctive trees along the driveway.*

*Option 2*

*new offline access from the existing A12 where a new roundabout would be constructed on the site of the existing junction 24 together with a new overbridge to the west of the existing Prested Hall driveway tying into the southernmost section of driveway – this would result in the loss of most of the trees along the driveway.*

*Option 3*

*merging the Prested Hall access with the Threshelfords access road further to the west. The new Prested Hall access road would be provided from the existing J24 using part of the existing A12 northbound carriageway. It would then join with the Threshelfords access road before crossing the A12 via a new Threshelfords overbridge.*

**Appendix B**

*National Highways comments on continuity of access made in relation to Prested Tennis Club Limited's objection RR-048 (see appendix B)*

*The Applicant would aim for access to generally be available at all times to the Interested Party's facilities, via one of the existing, temporary, or proposed access arrangements (over the proposed Prested Hall overbridge once this is constructed over the new section of the A12). Occasionally, typically overnight, due to traffic management arrangements or to allow the access to be switched from one arrangement to another, access may be restricted (or not possible for a short time), During such events the Applicant would engage with the Interested Party and propose suitable alternative arrangements.*

*A minimum of 10 working days' notice of changed arrangements or a temporary interruption of access would be provided (except in emergency). Further details can be found in Section 5.4 of the Outline Construction Traffic Management Plan (OCTMP) [APP-272]. To enable access to be maintained, at sections 2.11 and 9.21, the OCTMP describes the sequence of works in the areas around Prested Hall and the Interested Party's tennis club. This includes the construction of the new Prested Hall overbridge ahead of closure of the existing access. Until the route via the new overbridge is operational, the existing access would be maintained with a plant crossing (PC11 in Table 5.5 and Section 5.11 of the OCTMP) to enable construction vehicles to safely cross the access to Prested Hall and for vehicles travelling to and from Prested Hall to safely pass up and down the existing access*