

The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) Compulsory Purchase Order 2019

The Highways Act 1980

and the Acquisition of Land Act 1981

1. Notice is hereby given that the Secretary of State for Transport in exercise of his powers under the above Acts, on 17 June 2021 confirmed with modifications the Highways England (A249 Trunk Road Stockbury Roundabout Improvements) Compulsory Purchase Order 2019 submitted by Highways England Company Limited ("the Acquiring Authority").
2. The order as confirmed provides for the purchase for the purposes of the construction of Trunk Road in pursuance of The A249 Trunk Road (Stockbury Roundabout Improvements) Order 2019; the improvement of the A249 Trunk Road; the improvement of slip roads connecting the M2 special road to the A249 Stockbury Roundabout; the construction and improvement of highways to connect the above mentioned Trunk Road with the existing road system at Stockbury Roundabout; the construction and improvement of highways and the provision of new means of access to premises in pursuance of The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) (Side Roads) Order 2019; use by the Acquiring Authority in connection with the construction and improvement of highways and the provision of private means of access to premises as aforesaid; and mitigating the adverse effect which the existence or use of the highways proposed to be constructed or improved will have on the surroundings thereof, of the land described in Schedule 1 hereto.
3. A copy of the order as confirmed by the Secretary of State for Transport and of the map referred to therein have been deposited on the Highways England website at <https://highwaysengland.co.uk/projects/m2-junction-5-improvements/> and at Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ; Kent County Council, Kent Highways, Transportation and Waste, Ashford Highway Depot, Henwood Industrial Estate, Unit 4 Javelin Way, Ashford, Kent, TN24 8AD (through appointment only by emailing tro@kent.gov.uk); Sittingbourne Library Central Avenue, Sittingbourne, Kent, ME10 4AH.
4. The order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.

5. Once the order has become operative, the Acquiring Authority may acquire any of the land described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.
6. Every person who, if a general vesting declaration were executed under section 4 of that Act in respect of the land comprised in the order (other than land in respect of which a notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the Acquiring Authority at Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ about the person's name, address and interest in land, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

Chris Welby-Everard

Regional Delivery Director

Highways England Company Limited

Date: 26/07/2021

SCHEDULE 1

LAND COMPRISED IN THE ORDER AS CONFIRMED

IN THE PARISH OF STOCKBURY WITHIN THE BOROUGH OF MAIDSTONE

Part of roads (A249 (T) Maidstone Road, A249 Sittingbourne Road, Maidstone Road), roundabout (M2 Junction 5), M2 on/off slip roads, wooded land, scrub land, verges, embankments and maintenance compound located north east of St Mary Magdalene Church and north west of Whipstakes Farm. (Plots 1/1, 1/1a and 1/1b); Part of roads (Church Hill, A249 Sittingbourne Road) and verges located to south and south west of St Mary Magdalene Church and north of Hillside Farm; Part of roads (A249 Sittingbourne Road, Honeycrook Hill) and verges including overhead cable located to east and north east of St Mary Magdalene Church and to north, north east and north west of White House; Part of road (A249 Sittingbourne Road) and verges located south east of St Mary Magdalene Church and to north and north east of White House; Part of roads (Maidstone Road, A249 (T) Maidstone Road), roundabout (M2 Junction 5), wooded land, scrub land, verges, embankments and maintenance compound located north east of St Mary Magdalene Church and to north, north west and south west of Whipstakes Farm; Part of wooded land, scrub land, outbuildings and pond located north east of Vale House and west of Whipstakes Farm. (Plots

1/2, 1/2a, 1/2b, 1/2c, 1/2d, 1/2e, 1/2f, 1/2g, 1/2h, 1/2j, 1/2k, 1/2m, 1/2n, 1/2p, 1/2q, 1/2r, 1/2s, 1/2t, 1/2u, 1/2v, 1/2w, 1/2x, 1/2y, 1/2z, and 1/2aa); Part of arable land located to south and south east of St Mary Magdalene Church and to north and south west of White House; Part of arable land located north east of St Mary Magdalene Church and north west of White House; Part of arable land and public footpath KH85 including overhead cable located north east of St Mary Magdalene Church and to north, west and north west of Whipstakes Farm, and part of road (Church Hill) south west of St Mary Magdalene Church and north west of Hillside Farm. (Plots 1/3, 1/3a, 1/3c, 1/3d, 1/3e, 1/3f, 1/3g, 1/3h, 1/3j, and 1/3k); Part of roads (A249 Sittingbourne Road, South Green Lane) and verges including overhead cable located south of St Mary Magdalene Church, and south west of White House. (Plot 1/4); Part of roads (Amels Hill, A249 Sittingbourne Road) and verges located south east of St Mary Magdalene Church and south west of White House. (Plots 1/5, 1/5a and 1/5b); Part of roads (A249 Sittingbourne Road, South Green Lane) and verges located south east of St Mary Magdalene Church and south west of White House. (Plot 1/7); Part of road (A249 Sittingbourne Road) and verge located south east of St Mary Magdalene Church and south west of White House. (Plot 1/8); Part of road (A249 Sittingbourne Road) and verge located south east of St Mary Magdalene Church and south west of Vale House. (Plot 1/9); Part of road (A249 Sittingbourne Road) and verge located south east of St Mary Magdalene Church and south west of Vale House. (Plot 1/10); Part of road (A249 Sittingbourne Road) and verge located east of St Mary Magdalene Church and north east of White House. (Plot 1/11); Part of road (A249 Sittingbourne Road) and verge located east of St Mary Magdalene Church and north east of White House; Part of roads, (A249 Sittingbourne Road, Oad street, Pett Road) and verge including overhead cable located north east of White House and west of Whipstakes Farm. (Plots 1/12 and 1/12a); Part of road (A249 Sittingbourne Road) and verge including overhead cable located north east of White House and south west of Whipstakes Farm. (Plot 1/13); Part of road (A249 Sittingbourne Road) and verge including overhead cable located north east of White House and south west of Whipstakes Farm. (Plot 1/14); Part of road (A249 Sittingbourne Road) and verge located north east of White House and south west of Whipstakes Farm. (Plot 1/15); Part of road (A249 Sittingbourne Road) and verge located north east of White House and south west of Whipstakes Farm. (Plot 1/16); Part of roads, (A249 Sittingbourne Road, Oad street), verge including overhead cable and the whole of the property known as The Gatehouse, outbuildings and gardens located north east of Vale House and west of Whipstakes Farm. (Plots 1/17 and 1/17a); Part of road (A249 Sittingbourne Road), verge including overhead cable, wooded land, scrub land, and pond located north east of Vale House and west of Whipstakes Farm. (Plots 1/18 and 1/18a);

**IN THE PARISH OF STOCKBURY WITHIN THE BOROUGH OF MAIDSTONE
AND IN THE PARISH OF BREDGAR WITHIN THE BOROUGH OF SWALE**

Part of road (Oad Street) and verges including overhead cable located north east of St Mary Magdalene Church and south west of Whipstakes Farm. (Plot 1/19);

IN THE PARISH OF STOCKBURY WITHIN THE BOROUGH OF MAIDSTONE

Part of road (A249 Sittingbourne Road), verge, pastureland, track, storage yard and garden of property known as The Gatehouse including overhead cable located north east of St Mary Magdalene Church and to west, south west and north west of Whipstakes Farm. (Plots 1/19a, 1/19b, 1/19c, 1/19d, 1/19e and 1/19f); Part of track and storage yard located north east of St Mary Magdalene Church and west of Whipstakes Farm (Plots 1/19g and 1/19h);

**IN THE PARISH OF STOCKBURY WITHIN THE BOROUGH OF MAIDSTONE
AND IN THE PARISH OF BREDGAR WITHIN THE BOROUGH OF SWALE**

Part of roads, (Oad Street, Pett Road) and verges including overhead cable located north east of Vale House and south west of Whipstakes Farm. (Plot 1/20);

IN THE PARISH OF BREDGAR WITHIN THE BOROUGH OF SWALE

Part of road (Oad Street) and verge located north east of Vale House and south west of Whipstakes Farm. (Plot 1/21);

IN THE PARISH OF BORDEN WITHIN THE BOROUGH OF SWALE

Part of roads (A249 (T) Maidstone Road, overbridge support piers, wooded land, scrub land, verges, embankments and maintenance compound located west of Applegate Farm and south west of Sittingbourne and Milton Regis Golf Club. (Plot 2/1);

**IN THE PARISHES OF NEWINGTON AND BORDEN WITHIN THE BOROUGH
OF SWALE**

Part of road (A249 (T) Maidstone road), embankments and verges located north west of Applegate Farm and south of Sittingbourne and Milton Regis Golf Club. (Plot 2/1a);

IN THE PARISH OF BORDEN WITHIN THE BOROUGH OF SWALE

Part of roads (Maidstone Road, Oad Street) and verges including overhead cable, maintenance compound and overbridge support pier located west and south west of Applegate Farm and to south east and south west of Sittingbourne and Milton Regis Golf Club. (Plots 2/1b, 2/1c, 2/1d, 2/1e, 2/1f, 2/1g, 2/1h, 2/1j and 2/1k); Part of road (Maidstone Road), verges, embankment, wooded land, scrub land and maintenance compound located to west and north west of Applegate Farm and to south and south west of Sittingbourne and Milton Regis Golf Club. (Plots 2/2, 2/2a, 2/2b, 2/2c, 2/2d, 2/2e, 2/2f, 2/2g, and 2/2h);

IN THE PARISHES OF NEWINGTON AND BORDEN WITHIN THE BOROUGH OF SWALE

Part of arable land and public footpath ZR71 located north west of Applegate Farm and south west of Sittingbourne and Milton Regis Golf Club. (Plots 2/3, 2/3a and 2/3b);

IN THE PARISH OF BORDEN WITHIN THE BOROUGH OF SWALE

Part of roads (A249 (T) Maidstone Road, Maidstone Road), M2 'off' slip road, verges, embankments and maintenance compound located west of Applegate Farm and to south and south west of Sittingbourne and Milton Regis Golf Club. (Plots 2/4, 2/4a and 2/4b); Part of pastureland and maintenance compound located north west of Applegate Farm and south west of Sittingbourne and Milton Regis Golf Club. (Plots 2/5, 2/5a, 2/5b, 2/5c, 2/5d, and 2/5e); Part of road (Maidstone Road), verges, arable land including overhead cable, pastureland and paddocks located to west, south west and north west of Applegate Farm and to south and south west of Sittingbourne and Milton Regis Golf Club. (Plots 2/6, 2/6a, 2/6b, 2/6c, 2/6d, 2/6e, 2/6f, 2/6g, 2/6h and 2/6j); Part of parking area located south west of Applegate Farm and south east of Sittingbourne and Milton Regis Golf Club. (Plot 2/7); Part of pastureland located south west of Applegate Farm and south east of Sittingbourne and Milton Regis Golf Club. (Plot 2/8);

SCHEDULE 2

STATEMENT OF EFFECT OF PARTS TWO AND THREE OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to execute a general vesting declaration

1. Once the Highways England (A249 Trunk Road Stockbury Roundabout Improvements) Compulsory Purchase Order 2019 has become operative, Highways England Company Limited (hereinafter called the Acquiring Authority) may acquire any of the land described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the Acquiring Authority at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

2. As soon as may be after the Acquiring Authority execute a general vesting declaration, they must serve notice of it on every occupier of any of the land as specified in the declaration (except land where there is one of the

tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the confirmation notice of the order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land described in the declaration will, subject to what is said in paragraphs 3 and 5 vest in the Acquiring Authority together with the right to enter on the land and take possession of it. Every person on whom the Acquiring Authority could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.

3. The "vesting date" for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the Act within that period. In such circumstances, the vesting date for the land which is the subject of the counter notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy" i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". The latter expression means a tenancy granted for an interest longer than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate tenancy while the tenant will use every opportunity to retain or renew his interest.
5. The modifications are that the Acquiring Authority may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

SCHEDULE 3

FORM FOR GIVING INFORMATION

To: The Highways England Company Limited

[I] [We] being [a person] [persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to the provisions of section 15 of, or paragraph 6 of Schedule 1, to the Acquisition Of Land Act 1981.

1. Name and address of informant(s) (i)

2. Land in which an interest is held by informant(s) (ii)

3. Nature of interest (iii)

Signed

[on behalf of]

Date

(i) In the case of a joint interest insert the names and addresses of all the informants.

(ii) The land should be described concisely.

(iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number.