

M2 Junction 5 Improvements

Statement of Reasons accompanying the
Draft and Made Orders

STATEMENT OF REASONS

for

**THE HIGHWAYS ENGLAND (A249 TRUNK ROAD STOCKBURY
ROUNDAABOUT IMPROVEMENTS) COMPULSORY PURCHASE
ORDER 2019**

and

**THE HIGHWAYS ENGLAND (A249 TRUNK ROAD STOCKBURY
ROUNDAABOUT IMPROVEMENTS) (SIDE ROADS) ORDER 2019**

and

**THE A249 TRUNK ROAD (STOCKBURY ROUNDAABOUT
IMPROVEMENTS) ORDER 20[]**

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1. Introduction

1.1 Introduction

1.1.1 This Statement of Reasons (SoR) relates to the M2 Junction 5 Improvements (the "**Scheme**") and has been submitted by Highways England Company Limited (the "**Applicant**") to the Secretary of State for Transport (the "**Secretary of State**"). It relates to the making of the following orders:

- The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) Compulsory Purchase Order 2019 (the "CPO");
- The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) (Side Roads) Order 2019 (the "SRO"); and
- The A249 Trunk Road (Stockbury Roundabout Improvements) Order 20[.] (the "Line Order"),

together, the "**Orders**"

1.1.2 The Scheme is being progressed under the Highways Act 1980 therefore the permitted development rights under Schedule 2 Part 9 Class B of the Town and Country Planning (General Permitted Development) Order 2015 are applicable.

1.1.3 This Statement explains the purpose and effect of the Orders, which in the case of the CPO and the SRO have been made by the Applicant and submitted to the Secretary of State for confirmation, and in the case of the Line Order prepared in draft and submitted to the Secretary of State for making.

1.2 Purpose/Need for Statement of Reasons

1.2.1 There are qualified rights to property and a home and family life under the European Convention on Human Rights. Therefore there is a requirement to demonstrate a compelling case in the public interest for the compulsory acquisition of land. This Statement of Reasons sets out the case for compulsory purchase of land to enable the Scheme.

1.2.2 This Statement has been prepared in support of the making of the Orders in accordance with 'Guidance on Compulsory purchase process and The Crichel Down Rules' (MHCLG, 2018) (the "**Guidance**"). It is not intended to discharge the Applicant's requirement to produce, nor is it to be taken as, its 'Statement of Case' in the event that the Secretary of State should call a public inquiry to be held to consider any objections received to the Orders.

1.2.3 The Applicant reserves the right to expand or otherwise modify this Statement in the event of a public inquiry into the Scheme and Orders being held and will produce such Statement of Case as may be required under the appropriate rules and at the appropriate time indicated under The Highways (Inquiries Procedure) Rules 1994 and The Compulsory Purchase (Inquiries Procedure) Rules 2007.

1.3 The Scheme

1.3.1 The Scheme is located within the Stockbury Valley, approximately 5km south west of Sittingbourne, approximately 7.5km south east of Gillingham, and is located at the Stockbury Roundabout in Kent. The Scheme comprises the following elements:

- The proposed Junction 5 improvements involve the replacement of the existing Stockbury Roundabout with a new grade-separated junction;
- Stockbury Roundabout would remain at-grade and would be enlarged to accommodate connections to the roundabout. The A249 mainline would flyover the Stockbury Roundabout, with the approaches on embankments and retaining walls, and with two single span bridges over the roundabout;
- Four new slip roads, three of which include dedicated left turn lanes at the roundabout for the following turning movements:
 - A249 southbound to M2 westbound;
 - A249 northbound to M2 eastbound; and
 - M2 eastbound to A249 northbound.
- The existing Maidstone Road connection with Stockbury Roundabout will be stopped up and a new Maidstone Road Link will be provided, connecting to Oad Street to the north of the M2;
- A new link road will be provided between Stockbury Roundabout and Oad Street, with the new link road connecting into Oad Street near the existing junction of Oad Street and the A249. The existing Oad Street and A249 junction would be closed. Oad Street will remain open for local access to properties but will not have direct access onto the A249 as currently exists. The existing southbound lanes of the A249 will be retained south of the existing junction with Oad Street and this will be converted into a two-way single carriageway to provide continued access to properties and land fronting onto this section of road and connection to South Green Lane; and
- The Honeycrook Hill junction with the A249 will be stopped up.

1.3.2 A detailed description of the Scheme is set out in Chapter 2 of this Statement and in Chapter 2 of the Environmental Statement (the “**ES**”).

1.4 The need for the Scheme

1.4.1 The Scheme forms part of the Department for Transport (DfT) and the Highways England (HE) Regional Investment Programme (RIP) and is needed to primarily address the capacity and performance deficiencies of the junction. The approach to the junction experiences high levels of delay and the junction is included on the list of the top 50 national casualty locations on the motorway network. The upgrades are required to increase the capacity of the network to accommodate traffic from planned new developments.

1.4.2 A detailed explanation of the need for the Scheme is set out in Chapters 2 and 5 of this Statement and also in Chapter 2 of the ES.

1.5 Compulsory acquisition

1.5.1 A description of the extent and nature of the compulsory acquisition powers sought by the Applicant is set out in Chapter 3 of this Statement.

1.5.2 The extent of the land interests affected by the compulsory acquisition powers sought by the Applicant is described in Chapter 4 of this Statement.

1.5.3 The Applicant has carried out diligent inquiry to identify all persons with an interest in the land affected by the proposed compulsory acquisition.

1.5.4 The Applicant has entered into negotiations to acquire other parties' interests voluntarily and is progressing those discussions. These negotiations are not yet complete. Although the Applicant remains committed to this approach, it is necessary for it to have the ability to acquire the land interests by compulsory acquisition if necessary in order to ensure that the Scheme can be delivered on time. The Applicant is satisfied that the acquisition of all of the land interests is necessary to enable the Scheme to proceed.

1.6 The case for compulsory acquisition

1.6.1 The Applicant is satisfied that the powers of compulsory acquisition sought are necessary, proportionate and justified. The Applicant is further satisfied that the powers sought are in accordance with all relevant statutory and policy guidance.

1.6.2 The Applicant's powers in respect of the acquisition of land and the acquisition of rights over land or the creation of new rights is set out in Paragraph 3.1.3. The Applicant is firmly of the view that there is a compelling case in the public interest for the compulsory acquisition powers sought as set out in Chapter 4 of this Statement.

1.7 Human rights

1.7.1 In preparing the Orders the Applicant has had regard to the European Convention on Human Rights and the Human Rights Act 1998. Chapter 5 of this Statement considers how the Scheme complies with this legislation notwithstanding any infringement of the private rights of those whose interests in the Land may be affected by the exercise of powers of compulsory acquisition.

1.8 Special considerations

1.8.1 To the south of the existing M2 Motorway, the Land is within the Kent Downs Area of Outstanding Natural Beauty. This is considered further in Chapter 4 below.

1.8.2 Statutory undertaker apparatus will need to be diverted or protected in order for the Scheme to be constructed. Any diversions required outside the proposed land acquired for the Scheme will require the statutory undertakers to acquire land/easements through their own statutory powers.

2. The Scheme

2.1 Objectives of the Scheme

2.1.1 In line with the National Policy Statement for National Networks (NPSNN) and the overarching objectives of the DfT RIS, the objectives of the Scheme are to:

- **Support economic growth** - To enhance the capacity, connectivity and resilience provided by the M2 J5, in order to contribute positively to strengthening the local and regional economic base, delivering housing allocations within the Swale Local Plan and promoting economic growth across the region;

- **A safe network** – To improve safety and security offered by M2 J5 to all road users. By reducing the number of people killed or seriously injured (KSI) and slight collisions;
- **A more free-flowing network** – To improve the journey quality and journey time and reliability for all routes through M2 Junction 5; and
- **An improved environment** – To deliver a high standard of design for any M2 J5 improvement that reflects the quality of the landscape and setting, and that minimises the adverse environmental impact of new construction.

2.1.2 Chapter 4 considers how the Scheme addresses the objectives.

2.2 Description of the Scheme

- 2.2.1 The preliminary design for the Scheme is shown on the Scheme drawings which are included as Figure 2.2 Scheme Drawings (6 Sheets) in Volume 3 of the ES.
- 2.2.2 The proposed Junction 5 improvements involve the replacement of the existing Stockbury Roundabout with a new grade-separated junction.
- 2.2.3 Stockbury Roundabout would remain at-grade and would be enlarged to accommodate connections to the roundabout. The A249 mainline would flyover the Stockbury Roundabout, with the approaches on embankments and retaining walls, and with two single span bridges over the roundabout.
- 2.2.4 Four new slip roads will be provided, three of which include dedicated left turn lanes at the roundabout for the following turning movements:
- A249 southbound to M2 westbound;
 - A249 northbound to M2 eastbound; and
 - M2 eastbound to A249 northbound.
- 2.2.5 The existing Maidstone Road connection with Stockbury Roundabout will be stopped up and a new Maidstone Road link will be provided, connecting to Oad Street to the north of the M2.
- 2.2.6 A new link road will be provided between Stockbury Roundabout and Oad Street, with the new link road connecting into Oad Street near the existing junction of Oad Street and the A249. The existing Oad Street and A249 junction would be closed. Oad Street will remain open for local access to properties but will not have direct access onto the A249 as currently exists. The existing southbound lanes of the A249 will be retained south of the existing junction with Oad Street and this will be converted into a two-way single carriageway to provide continued access to properties and land fronting this section of road and connection to South Green Lane.
- 2.2.7 The Honeycrook Hill junction with the A249 will be stopped up.
- 2.2.8 The Preliminary Environmental Design shown on Figure 2.3 (5 Sheets) in Volume 3 of the ES shows mitigation which has been embedded with the Scheme design, including areas of new landscape planting, habitat creation and new non-motorised user routes. These mitigation measures have been developed through an iterative design process with a multidisciplinary team responding to a complex range of environmental and engineering constraints

found within and adjacent to Junction 5 and embedding the design principles identified in the Road to Good Design 2018¹.

- 2.2.9 The Scheme has been designed as far as possible to avoid key environmental features. This process will continue during the Scheme's detailed design development to ensure that any additional design opportunities are identified to avoid residual environmental impacts on key environmental features that are currently the result of the preliminary design.
- 2.2.10 The proposed improvements will be undertaken in accordance with mitigation measures outlined in the Outline Environmental Management Plan (Appendix A in Volume 2 of the ES).

Non-motorised user provisions for walkers, and cyclists

- 2.2.11 There are several Public Rights of Way (PRoWs) which are adjacent to or intersect with the sections of road which will be considered within the assessment. These PRoWs include a network of footpaths, and a bridleway. The PRoWs allow Non-motorised users (NMUs) travelling between the villages of Danaway, Stockbury and Lower Harlip to cross the existing M2 Junction 5. Affected PRoW are as follows:
- ZR71 – a footpath connecting Wormdale Hill Road outside Danaway and Bull Lane in Hartlip, parallel to the north of the M2, and to the west of the A249;
 - An unnamed footpath and bridleway along Green Lane in Stockbury, which connects to a footbridge that extends across the M2;
 - A footbridge connecting the above footpaths across the M2; and
 - KH85 – a footpath connecting Church Wood and the above footbridge with the A249. The footpath is considered as a dead end as it does not include a safe crossing point on the A249.
- 2.2.12 None of the roads which are considered in this assessment are suitable for use by pedestrians, cyclists or equestrian users. No pavements or dedicated cycleways are present which would encourage this use.
- 2.2.13 The Scheme design proposes to extend the KH85 footpath to link along the scheme boundary to a new Public Footpath along Honeycrook Hill which is being stopped up. The ZR71 footpath will also be relocated further to the north as shown on the Scheme Drawings in Volume 3.
- 2.2.14 There are six bus stops within the Scheme area. Two of these are located on either side of the A249, approximately 60m south of where Oad Street meets the A249. Two others are located just north of where Church Hill meets the A249 and a further two are located on either side of Maidstone Road approximately 800 m north of the M2 Junction 5. The Scheme proposes to divert the existing bus route via Oad Street and the Maidstone Road link.
- 2.2.15 The two bus stops near the junction (located either side of the A249) will be relocated to the Oad Street link. The bus stops currently located north of Church Hill are proposed to be removed due to their proximity to the proposed A249 slip

¹ Highways England, the Road to Good Design, 2018

roads. Alternative bus stops are available to use approximately 800m to the south. The Maidstone Road bus stops would not be affected. The bus stops serve two bus routes : the 333 between Maidstone and Davington, and the 334 between Maidstone and Sheerness.

2.3 Preferred option

- 2.3.1 A staged approach was developed to review Scheme options. Initial options were identified at the Strategy, Shaping and Prioritisation Pre-Project Stage in 2008. These were then developed further as part of the Option Identification Stage and included in the 'long list' of options. A review of the 'long list' options was undertaken in 2015 to identify a 'short list' of design options to be taken forward for assessment.
- 2.3.2 The 'shortlist' options were then assessed in terms of technical feasibility, safety, engineering, value for money and environmental considerations. Between September and October 2017, Highways England consulted the local community and statutory consultees on the options at each junction. In response to stakeholder comments the Preferred Route Announcement in May 2018 confirmed a modified version of the flyover to be taken forward as the single preferred option.
- 2.3.3 Further design and assessment work was completed between June 2018 and January 2019. This resulted in minor amendments and refinements following discussions with landowners and stakeholders.
- 2.3.4 Chapter 3 of the ES provides a detailed explanation of all options considered since 2008 and reasons for their rejection.

2.4 Need for and benefits of the Scheme

- 2.4.1 The M2 Junction 5 has capacity constraints resulting in unsatisfactory network performance. This affects M2 east-west movements and A249 north-south movements between Sittingbourne and Maidstone, with current traffic demands significantly exceeding capacity. In particular, the approach to the junction from the east experiences high levels of delay.
- 2.4.2 The Scheme is required to provide for planned residential and commercial development. Swale Borough Council is planning for an additional 14,124 dwellings and 130,000m² of employment land up to 2031 (Swale Borough Council, 2017²). This scale of development is expected to have a significant impact on the performance of the M2 Junction 5. Growth plans set out in the Local Economic Partnerships' Strategic Economic Plan³ are likely to be inhibited by a lack of capacity at this junction. In addition, the Kent Corridors to M25 Route Strategy Evidence Report (Highways Agency, 2014) identified that more efficient operation of the M2 Junction 5 would be essential to secure the economic development potential of the area.
- 2.4.3 The Scheme is also required due to safety concerns, as identified during the route based strategy sifting process. The M2 Junction 5 is one of the top 50 national casualty locations on England's major 'A' roads and motorways, and one of the main areas within the Kent Corridors to M25 Route Strategy Evidence

² Bearing Fruits 2031: The Swale Borough Local Plan 2017

³ Local Economic Partnerships' Strategic Economic Plan (South East Local Enterprise Partnership, 2014)

Report⁴ which interacts with vulnerable road users. There were 111 personal injury accidents recorded between January 2011 and December 2015, with almost half of these occurring during the morning and evening peak periods.

2.4.4 Additionally, people travelling to and from the Maidstone area currently use the rural Oad Street to avoid the congested M2 Junction 5. This puts pressure on the local road network, which is not suited to large volumes of traffic and results in increased safety risk.

2.4.5 The commitment to undertake a detailed improvement study at the M2 Junction 5 was initially made as part of the 2014 Autumn Statement.⁵ This commitment was subsequently confirmed in the DfT Road Investment Strategy (RIS). The improvements will contribute to national transport objectives by:

- Providing additional capacity;
- Enhancing journey time reliability;
- Improving the safety of the M2 Junction 5 and surrounding local road network for road users; and
- Supporting the development of housing and the creation of jobs.

2.4.6 Further information on the need for the Scheme, including details of the traffic modelling, is included in Section 5 of this Statement and the Scheme Assessment Report which was published at the Scheme Option Selection Stage.

3. Compulsory Acquisition

3.1 Scope of compulsory acquisition powers sought

3.1.1 The scope of the compulsory acquisition powers sought by the Applicant is set out in full in the CPO.

3.1.2 The Applicant seeks authorisation to acquire the majority of the Land required for the Scheme outright. For some plots the Applicant is seeking authorisation to compulsorily acquire or create new rights, for example in relation to drainage. The Applicant has sought to minimise the extent of compulsory acquisition, including the acquisition or creation of rights instead of outright acquisition, wherever possible.

3.1.3 A summary of the powers in the Highways Act 1980 which are relied upon in relation to the Scheme is provided below:

- Under section 239 the Applicant as the strategic highways company may acquire land required for the construction of a trunk road and as highway authority may acquire land required for the construction of a highway which is to become maintainable at the public expense. It may also acquire land which is required for the carrying out of works authorised by an order relating to a trunk road under section 14 (i.e. the SRO) or for the provision of buildings or facilities to be used in connection with the construction or maintenance of a trunk road. The Applicant may also acquire any land required for the improvement of a

⁴ Kent Corridors to M25 Route Strategy Evidence Report, former Highways Agency, April 2014

⁵ Autumn Statement 2014, HM Treasury, the Rt Hon Danny Alexander and the Rt Hon George Osborne, 8 December

highway, being an improvement which it is authorised by the Highways Act to carry out;

- Under section 240 the Applicant as highway authority may acquire land required for use in connection with the construction or improvement of a highway, or with the carrying out of works authorised by an order relating to a trunk road under section 14 (i.e. the SRO) and the carrying out of a diversion or other works to watercourses;
- Under section 246, the Applicant as highway authority may acquire land for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved by it has or will have on the surroundings of the highway;
- Section 249 prescribes distance limits from the highway for the acquisition of land for certain purposes;
- Section 250 allows the Applicant as the highway authority to acquire rights over land, both by acquisition of those rights already in existence, and by the creation of new rights; and
- Section 260 allows the Applicant as highway authority to override restrictive covenants and third party rights where land already acquired by agreement is included in a compulsory purchase order.

3.1.4 The Guidance⁶ provides advice to acquiring authorities on the use of compulsory purchase powers and the Applicant has taken account of this in making the CPO as described in this Statement of Reasons.

3.1.5 The Applicant is using its powers of compulsory purchase contained in the Highways Act 1980 and the Acquisition of Land Act 1981 because it is satisfied that the acquisition of the Land is required to facilitate the construction and operation of the Scheme. The Applicant recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest (paragraphs 2 and 12 of the Guidance). It is considered that a compelling case exists here.

3.1.6 On confirmation of the Order the Applicant intends to execute General Vesting Declarations in order to secure title to, or rights in, the Land. Alternatively, it may follow the Notice to Treat procedure.

3.1.7 The 'Mining Code' contained in Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 is incorporated in the CPO. The incorporation of Parts 2 and 3 does not of itself prevent the working of minerals within a specified distance of the Land, but it does enable the Applicant to serve a counter-notice stopping the working of minerals, subject to the payment of compensation.

3.2 Description of the land and its location, features and present use

3.2.1 The Scheme is located 58km from the centre of London, 5km north east of Sittingbourne. The M2 is an important motorway linking Rochester to Faversham, and a key route to the Port of Dover. M2 Junction 5 is the main access point for

⁶ 'Guidance on Compulsory purchase process and The Crichel Down Rules' (MHCLG, 2018)

people travelling northeast to Sittingbourne, the Isle of Sheppey and the Port of Sheerness, and southwest to Maidstone and surrounding villages.

3.2.2 M2 Junction 5 sits within a valley and the land surrounding the junction is predominately rural. To the north of the junction, the landform is that of a rolling arable landscape, with medium sized agricultural fields. The rural lanes are densely vegetated by hedgerows and hedgerow trees. Large fields dominate the area to the north of the M2. Small areas of ancient woodland, Church and Chestnut Wood, are adjacent to the junction.

3.2.3 To the south of the M2, the landform is gently undulating, typical of a dry valley landscape, with a series of dip slope valleys. The landform of the dip slope limits views to areas within the valley and resultantly towards the existing A249 which is situated within the base of the valley. Land use around the junction is a mixture of agriculture, cropping, orchards and equestrian fields.

3.2.4 Settlement in the area consists of groups of properties located along Maidstone Road, north of the roundabout and along Sittingbourne Road/A249, south of the roundabout. Farmsteads are also scattered along Oad Street, Pett Road and South Green Lane.

3.2.5 The A249 dual carriageway and M2 motorway are prominent infrastructure features. Both are in direct contrast with the historic and traditional pattern of rural roads within the area, which are often narrow, winding and with sharp bends.

3.2.6 The junction sits within the Kent Downs Area of Outstanding Natural Beauty (AONB), the M2 corridor forms the northern boundary for the AONB. The Kent Downs AONB is renowned for its special characteristics, including:

- Its dramatic landform and topography;
- Panoramic and long-ranging views;
- Rich habitats;
- Mixed farmland;
- Extensive ancient woodland;
- Tranquillity;
- Remoteness; and
- Its historic and built heritage.

3.2.7 For further information about the existing situation, including particular sensitivities, environmental constraints and designations within 1km of the Scheme, see Chapter 2 and Figure 2.1 of the ES.

3.3 The extent of the Land

3.3.1 The full extent of the Land subject to powers of compulsory acquisition and required in order to enable the Applicant to construct and operate the Scheme is shown on the CPO Plans, which comprise 2 sheets. The Plans are located in the folio numbered Guildford 88 and individually named Sheet 1 and Sheet 2. It comprises 106 plots, each of which is described in the Book of Reference.

3.3.2 The Land comprises approximately 38.7hectares. Of this, approximately 38.5 hectares will be acquired permanently.

3.4 Identifying persons with an interest in the Land

- 3.4.1 In preparing the Orders the Applicant has carried out diligent inquiry in order to identify all persons with an interest in the Land.
- 3.4.2 Diligent inquiry to identify affected landowners, those with interests in land, and those with a potential claim was undertaken by the Applicant's land referencing supplier. The categories of persons identified and the methods used to identify them are described below. Land referencing will continue to be undertaken throughout the making of the Orders to ensure that any changes in ownership or other interests are identified and to ensure that any new persons will be subject to appropriate engagement.

3.5 Owners, lessees and other persons with an interest in the Land

- 3.5.1 Persons with land interests were first identified using information from the Land Registry (registered freehold and leasehold titles). The titles contain details of the registered proprietors, as well as their mortgagees, if applicable. They also contain details of various rights and restrictions that burden the title. Analysis of those details outlines further parties as the beneficiaries of these rights and restrictions. Other interests, such as options to purchase or contracts for sale, may be found in the registered titles as well.
- 3.5.2 Parties in the area were contacted by visits to the site, letters and telephone conversations, both to confirm that their details and details regarding their interests are correct, and to identify any further unregistered interests, such as tenancies or occupancies.
- 3.5.3 Finally, all parties with an interest in the Land were sent a land interest questionnaire, complete with a plan demonstrating their interest. The questions included confirmation of the party's details, the nature of their interest(s), and whether there are any other parties with an interest in the land in question.
- 3.5.4 All parties have been validated so far as possible to confirm that their details are correct. For registered companies, this includes checking their details with Companies House to confirm their registered details.

3.6 Persons likely to be entitled to make a relevant claim

- 3.6.1 There is no prescriptive criteria/method for identifying persons likely to have a relevant claim (i.e. a claim for compensation under section 10 of the Compulsory Purchase Act 1965). In this case, the approach to identifying possible claimants was based on identifying receptors likely to be affected by noise and air quality impacts and properties which could possibly have visibility of the Scheme. A general area of approximately 300m from the centre line of the works was considered to capture the possible claimants. This area was reduced around built up areas (depending on topography) where the potential for claims would reduce after the first few rows/blocks of buildings.
- 3.6.2 Land interest questionnaires were sent to all identified parties to confirm their details, as described above.

3.7 Negotiations to acquire the Land by agreement

- 3.7.1 The Applicant is aware of the requirement in paragraph 2 of the Guidance to take reasonable steps to acquire all of the land and rights included in the CPO by agreement.
- 3.7.2 At the same time, the Applicant notes that the Guidance recognises that although compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Accordingly, the Guidance recognises at paragraph 2 that it may often be sensible for the acquiring authority to plan a compulsory purchase timetable as a contingency measure and initiate formal procedures (i.e. progress the making of an order). The Guidance notes that this will help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.
- 3.7.3 The Applicant has engaged with all landowners and occupiers with a view to ultimately acquiring their interests by agreement. This has involved sending land interest questionnaires and consultation letters, inviting them to consultation exhibitions held in September and October 2017 and one-to-one meetings. As a result, the Applicant is in the process of starting to engage with landowners/occupiers with regard to the acquisition of their interests by agreement. Negotiations with this objective will be ongoing throughout the process. The status of these negotiations at the time of writing is set out in Appendix 2 to this Statement. Where appropriate negotiations will consider agreements to use land for a specified, temporary period rather than permanent acquisition.
- 3.7.4 Whilst negotiations are ongoing, the Applicant is mindful that it is under a duty to acquire land at best value and that it is required to deliver the Scheme within a specified timescale. It has concluded that it may not be possible to acquire all land interests necessary to deliver the Scheme within this timescale. In addition, some plots are in unknown ownership and cannot be acquired by agreement. The Applicant has therefore concluded that the Scheme is unlikely to be capable of being delivered without compulsory acquisition powers.

4. The Case for Compulsory Acquisition

4.1 Guidance on Compulsory purchase process and The Crichel Down Rules' (MHCLG, 2018) - "the Guidance"

- 4.1.1 The Guidance sets out fundamental principles which the Secretary of State will take into account in deciding whether or not to confirm a compulsory purchase order. It states:
- A compulsory purchase order should only be made where there is a compelling case in the public interest (paragraphs 2 and 12);

- The confirming authority (i.e. the Secretary of State) will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the order by agreement (paragraph 2). This is addressed in Chapter 4 of this Statement;
- The purposes for which the compulsory purchase order is made must justify interfering with the human rights of those with an interest in the land affected, with particular consideration to be given to the provisions of Article 1 and, in the case of a dwelling, Article 8 of the Convention (paragraph 12). This is addressed in Chapter 6 of this Statement;
- The Secretary of State will consider each case on its own merits. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but the Secretary of State will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time (paragraph 13);
- An acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire (paragraph 13);
- An acquiring authority should be able to show that all the necessary resources are likely to be available within a reasonable time-scale (paragraph 13). The acquiring authority should address sources of funding and the timing of that funding as part of its justification (paragraph 14); and
- The acquiring authority will need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation.

4.2 Compelling case in the public interest

4.2.1 The Applicant is satisfied that paragraphs 2 and 12 of the Guidance are met and that there is a compelling case in the public interest for compulsory acquisition.

Need and benefits

4.2.2 As set out in Chapter 2 of this Statement, the need for the Scheme and associated benefits relate to current capacity constraints at M2 Junction 5, resulting in unsatisfactory network performance. This affects M2 east-west movements and A249 north-south movements between Sittingbourne and Maidstone, with current traffic demands significantly exceeding capacity.

4.2.3 The objectives of the Scheme are to:

- Support economic and housing growth;
- Improve safety and security for all users of M2 Junction 5;
- Improve journey quality and journey time and reliability; and
- Deliver a high standard of design to reflect the quality of the landscape and setting and minimise the adverse environmental impact of new construction.

4.2.4 The approach to the junction from the east is characterised by high levels of delay and the junction is identified in the list of the top 50 national casualty locations⁷. It is also noted that growth plans, as set out in the Local Economic Partnerships' Strategic Economic Plan⁸, are likely to be inhibited by a lack of capacity at this junction.

4.2.5 The M2 Junction 5 has been identified for improvements primarily to address the capacity and performance deficiencies of the junction. The upgrades are required to increase the capacity of the network to accommodate traffic from planned new developments.

Support economic growth

4.2.6 Traffic flows along this section of the M2 indicate that the mainline flows are at or near route capacity. The overarching aim of minimising delays on the M2 will result in maximised economic growth in the region.

4.2.7 The proposals seek to improve access and connectivity along the M2 between London, Canterbury and Dover, with the overarching effect of contributing to the regional economy by way of facilitating increased access to places of work, bridging the gap between businesses and employees. Furthermore, the efficient movement of goods will be facilitated through the scheme proposals.

A more free-flowing network

4.2.8 Journey times are expected to reduce as a result of the scheme. Customers are forecast to see £218 million of journey time benefits and a further £6m of vehicle operating cost savings.

4.2.9 In addition, journeys are expected to become more reliable, through a reduction in incident-related disruption and travel time variability. This represents a forecast of £0.3 million of value to customers. It also offers a potential improvement to journey quality through reduced driver frustration, leading to an improvement in customer satisfaction

A safe road network

4.2.10 The Scheme will contribute towards a safer road network through the reduction of accidents and casualties experienced. Table 1 details the forecast number of reduced casualties as a result of the implementation of the Scheme.

Table 1: Accidents and Casualties over Appraisal Period

Scenario	Accident Summary (PIAs)	Casualty Summary (Casualties, by Severity)			Economic Summary (Cost and Benefits)
		Fatal	Serious	Slight	
Do-Minimum	16,086	202	2,018	20,532	£ 723.41 m
Do-Something	15,556	194	1,953	19,884	£ 699.29 m
Benefit	531	8	65	649	£ 24.12 m

Note: All values are in 2010 market prices discounted to 2010.

⁷ Kent Corridors to M25 Route Study Evidence Report, Highways England, April 2014.

⁸ South East Local Enterprise Partnership, Growth Deal and Strategic Economic Plan, 2014.

- 4.2.11 The monetised cost of accidents is lower in the DS scenario than the DM scenario, which means that the scheme provides an accident benefit. The accident saving from the proposed scheme is £24.12 million. This relates to a saving of 531 accidents over the appraisal period, equivalent to eight fatal casualties, 65 serious casualties and 649 slight casualties.

Minimise the impact on the environment

- 4.2.12 The Scheme has been developed over previous project stages and is the result of analysis and assessment of traffic, engineering, buildability and environmental factors as well as consultation with stakeholders and the local community. Objectives have been developed in response to the design principles set out in the Road to Good Design published by Highways England in 2018, delivering the government's vision for the Strategic Road Network to work more harmoniously with its surroundings, impacting less on local communities and the environment.
- 4.2.13 Environmental designations including areas of Ancient Woodland, veteran and ancient trees, Scheduled Monuments and Listed Buildings were identified during the environmental assessment work as part of schematic design. The Scheme is majorly within the Kent Downs AONB.
- 4.2.14 The road and improvements have been sited to take account of its geographical context and sense of place. The proposed junction improvements have aimed to avoid key environmental features and the new infrastructure (Stockbury Flyover) has been designed to be in keeping with the existing urbanising features associated with the M2 and A249. The proposed mitigation design includes reinstatement and new planting to screen the road improvements as well as to provide replacement habitats for those being lost due to the Scheme and the use of local stone to clad the proposed flyover.
- 4.2.15 The siting of the junction avoids environmental designations in the area including the ancient woodlands and impacting the Scheduled Monument but the proposed new layout of Oad Street requires the demolition of one property.
- 4.2.16 The ES provides an analysis of the direct, indirect, temporary and permanent impacts of the Scheme, determined by undertaking detailed level assessments. The Scheme is likely to have significant impacts on the visual and landscape receptors immediately adjacent to the Scheme including areas situated within the Kent Downs AONB area however, once the mitigation planting has been established this will serve to restore the visual amenity and to an extent provide sufficient screening for a large proportion of those receptors immediately adjacent to the Scheme. The loss of woodland and scrub during construction will result in temporary moderate adverse effects on dormice populations however, due to the habitat creation that will be carried out as part of the Scheme, long-term slight beneficial effects are anticipated on the dormouse population once these habitats have become established.

Provide value for money

- 4.2.17 The economic case developed by the Applicant shows an initial benefit cost ratio (BCR) of 3.14, representing high value for money. Inclusion of journey time reliability benefits and Wider Economic Impacts gives an adjusted BCR of 3.28. Benefits include, but are not limited to, reduced travel times, improved safety and reduced driver stress as the Scheme relieves congestion at M2 Junction 5. Dis-benefits arise primarily from delays during construction at already busy junctions,

as well as operational landscape impacts arising from an increase in the extent of lighting.

- 4.2.18 Without the proposed interventions to improve the performance of the junctions, the objectives would not be met when future traffic levels increase.

The Road Investment Strategy (RIS)

- 4.2.19 In December 2014 the Department for Transport ("DfT") published its Road Investment Strategy⁹ (RIS) for the period 2015-2020, announcing £15 billion to be invested in the strategic road network (SRN). The RIS outlines a number of indicators and requirements which monitor the performance of the Strategic Road Network.
- 4.2.20 Section 2 of the RIS explains that the SRN requires upgrading and improving to ensure it can deliver the performance needed to support the nation throughout the 21st century. Inconsistent and insufficient investment in roads has led to problems on the network, with capacity being close to breaking point at certain points, poor connectivity at others, and increasingly common environmental black spots. Certainty of funding, the ability to plan for the long term and the opportunity to drive increased efficiency, being the products of roads reform, are seen as providing the tools to bring lasting improvements to the network.
- 4.2.21 The RIS explains that DfT's ambition is to revolutionise the road network and create a modern SRN that supports a modern Britain, making a real difference to people and businesses. It wants to have transformed the network by 2040, delivering safe, more stress-free journeys, as well as enhanced reliability and predictability. As part of achieving this DfT expects the Applicant to make the network safer and improve user satisfaction, while smoothing traffic flow and encouraging economic growth.
- 4.2.22 Section 4 of the RIS explains that by 2040, without sustained investment and other action, congestion will become a serious problem for many important routes. Based on a 'high growth scenario', the projections estimate that every household will spend 16 hours stuck in traffic each year, with 28 million working days lost and a £3.7 billion cost to the freight industry annually. Difficulties could include:
- Impeded travel between regions that hampers business;
 - Longer travel times that constrain possible job opportunities;
 - Negative impacts on efforts to spur economic growth, with enterprise zones, potential housing sites and areas of high growth held back by bottlenecks;
 - Increased stress on roads to ports and airports, making it harder for British businesses to access export markets; and
 - Safety and the environment suffering as congested traffic is more polluting and there is an increased risk of accidents.
- 4.2.23 Improvements to M2 Junction 5 were included in the Department for Transport Road Investment Strategy. The identified improvement consisted of additional capacity for the junction, through improvements to the slip roads and enhanced junction approaches. The improvements contribute to national transport objectives by:

⁹ Road Investment Strategy: for the 2015/16 – 2019/20 Road Period, Department for Transport, March 2015.

- Providing additional capacity;
- Enhancing journey time reliability;
- Improving the safety of the M2 Junction 5 and surrounding local road network for road users; and
- Supporting the development of housing and the creation of jobs.

4.2.24 Scheme need was confirmed by the Autumn Statement 2014¹⁰ and through inclusion in the Road Investment Strategy (RIS): 2015 to 2020. It forms part of Highways England Delivery Plan 2015-2020¹¹.

4.2.25 The objectives of the Scheme (as set out above) closely reflect the DfT's ambitions for the SRN set out in the RIS and the Scheme is considered to have strong support from the DfT through the RIS. The Scheme is an important part of achieving the DfT's ambitions for the SRN, both overall and in the London and South-East region in particular, and its delivery will help the Applicant to meet the DfT's expectations.

4.2.26 The M2 Junction 5 improvements are one of the major improvements identified in RIS. The junction improvements were originally proposed in Kent County Council's 2010 framework for regeneration, Growth without Gridlock; and in 2014 in Swale Borough Council's Draft Transportation Strategy and the South East Local Economic Partnership's Growth Deal and Economic Plan¹².

National Planning Policy Framework

4.2.27 The National Planning Policy Framework (MHCLG, February 2019) (NPPF) sets out the Government's planning policies for England. It provides a framework within which local authorities and residents can produce local and neighbourhood plans reflecting the needs and priorities of communities. The NPPF advises that local authorities should take account of the need for strategic infrastructure, including nationally significant infrastructure within their areas.

4.2.28 Paragraph 80 states that "significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development." Paragraph 102 confirms that: "transport issues should be considered from the earliest stages of plan-making and development proposals". Planning policies should inter alia: "provide for any large-scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy."

4.2.29 Paragraph 104 (e) directs planning policy to provide for any large-scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.

4.2.30 Paragraph 109 states that, on highways grounds, development should only be prevented if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The scheme has been designed to alleviate congestion and improve highway safety and is therefore in accordance with this policy.

¹⁰ Autumn Statement 2014, HM Treasury, December 2014.

¹¹ Highways England Delivery Plan 2015 – 2020, Highways England, March 2015.

¹² South East Local Enterprise Partnership, Growth Deal and Strategic Economic Plan, 2014

- 4.2.31 Paragraph 127 of the NPPF states that decisions should be made in line with ensuring that new developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Extensive woodland planting adjacent to Church Wood is proposed to enhance this Ancient Woodland and to ensure that there is no net loss for this valuable habitat type as a result of the Scheme. Furthermore, the important hedgerows along Oad Street and adjacent to Honeycrook Hill will be translocated along Oad Street and any remaining gaps will be infilled with hedgerow and tree planting, as well as wildflower understorey and hedgerow trees planted to the back of the translocated hedgerows.
- 4.2.32 Paragraph 181 states that decisions should contribute to compliance with national objectives relating to Air Quality Management Areas (AQMA) and Clean Air Zones. Whilst the Scheme may affect an AQMA in Maidstone south of the study area, the Scheme is unlikely to have a significant adverse effect on air quality.

National Networks National Policy Statement

- 4.2.33 The Government has produced a series of National Policy Statements, including the National Policy Statement for National Networks (DfT, 2014) (NN NPS). The NN NPS sets out "the Government's vision and policy for the future development of nationally significant infrastructure projects on the national road and rail networks" and provides guidance for promoters of such projects. Although the Scheme is not classified as a Nationally Significant Infrastructure Project (NSIP), it is nevertheless on the SRN and the NN NPS confirms that it may be a material consideration in decision making on non-NSIP schemes, and whether, and to what extent, it is a material consideration will be judged on a case by case basis.
- 4.2.34 The NN NPS identifies that there is a "critical need" to improve the national networks to address road congestion and provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth. Without improving the network, it will be difficult to support further economic development, employment and housing and this will impede economic growth and reduce people's quality of life. The NN NPS states that: "the Government has therefore concluded that at a strategic level there is a compelling need for development of the national road network."
- 4.2.35 It is considered that the Scheme will help to address the critical need identified in the NN NPS, and particularly that it will support and stimulate economic growth and activity in Kent and provide a safe, expeditious and resilient network through the improved connectivity afforded by the implementation of the Scheme.
- 4.2.36 Paragraph 5.194 of the NN NPS states that any project should demonstrate good design through optimisation of scheme layout to minimise noise emissions and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission. The Scheme will result in beneficial noise effects at seven properties in the short and long term at Stockbury Valley, immediately to the south of the proposed roundabout and significant beneficial effects at two Noise Important Areas (NIAs). Furthermore, no significant adverse effects or perceptible noise increases are predicted at sensitive receptors located in NIAs.

Highways England: Strategic Business Plan 2015 to 2020

- 4.2.37 The Highways England: Strategic Business Plan 2015 to 2020¹³ (the Plan) outlines its support for short-term targets as well as long-term aspirations. It outlines that highways schemes should not significantly impact on network availability.
- 4.2.38 The Plan also states that a longer term and more efficient approach to maintaining our roads will take place through upgrading some of the busiest junctions and alleviating many of the worst bottlenecks.

Regional Policy

- 4.2.39 The Draft New London Plan (2018)¹⁴ recognises the importance of working collaboratively with a wide range of strategic partners to achieve good transport connectivity within London and also between London and the wider South East.
- 4.2.40 In terms of the status of the document, consultation on the Draft New London Plan has closed. The Draft New London Plan showing Minor Suggested Changes, which includes clarifications, corrections and factual updates to the Consultation Draft Plan that will help inform the Examination in Public (EiP), was published on 13th August 2018. The EiP commenced on 15th January 2019 and is ongoing at the time of writing.
- 4.2.41 Specifically, by enhancing capacity of the junction, the Scheme aligns with Policy T3 of the Draft New London Plan by supporting the development of London and the Wider South East.
- 4.2.42 The Kent Council Local Transport Plan (2016-2031)¹⁵ identifies that upgrades to M2 Junction 5 are required to provide free-flow between the M2 and A249 and alleviate capacity issues.
- 4.2.43 At a regional level, the scheme aligns with the policy theme of enabling growth set out in the Kent Local Transport Plan 4 due to the improvements seeking to reduce congestion which in turn will increase access and connectivity, leading to economic growth.

Local Policy

- 4.2.44 The Scheme also has strong support in local policy documents. A brief summary of relevant policy documents is set out below.
- 4.2.45 Policy SD8 of the Kent Downs AONB Management Plan 2014-2019¹⁶ stipulates that proposals will be opposed which negatively impact on the distinctive landform, landscape character, special characteristics, qualities, setting and views to and from the Kent Downs AONB. To comply with this policy a planting scheme incorporating native species of local provenance is proposed to mitigate impacts of the Scheme on the landscape and visual amenity in and around the AONB. The planting scheme reflects existing planting on site and the recommendations from the Kent Downs AONB design guidance.
- 4.2.46 The Scheme design seeks to minimise impacts, both from the scheme and cumulative impacts from the Scheme and other committed developments, upon the AONB through measures such as the use of new lighting technologies to limit

¹³ Highways England: Strategic Business Plan 2015 to 2020. Highways Agency, 2014

¹⁴ The Draft New London Plan (2018). Greater London Authority, 2018

¹⁵ Local Transport Plan 4: Delivering Growth without Gridlock 2016–2031. Kent County Council

¹⁶ Kent Downs AONB Management Plan 2014-2019. Folkestone and Hythe District Council, 2014

light pollution, the conservation of important hedgerows, the extension of existing woodland and reconnection of fragmented woodland.

- 4.2.47 The Swale Borough Council Local Plan 2017¹⁷ emphasises the need to relieve problems of congestion and safety at M2 Junction 5 and A249. Junctions on the A249 corridor also need upgrading to support further long-term growth.
- 4.2.48 Policy DM 34 (Scheduled Monuments and archaeological sites) of the Swale Borough Local Plan 2017 states that there will be a preference to preserve nationally important archaeological sites in-situ and to protect their settings. Development should achieve acceptable mitigation of adverse archaeological effects. Further, this policy requires provision to be made for archaeological excavation and recording of the site in advance of and during construction, where preservation in-situ is not justified. The Scheme conforms with this policy through an archaeological strategy which will be developed for the Scheme in consultation with the Kent County Council Heritage Conservation Team. This strategy will identify the locations of and types of archaeological mitigation that will be applied based on the results of the evaluative works undertaken. The strategy will also identify areas where impact to significant archaeology could be designed out.
- 4.2.49 Policies DM28 of the Swale Borough Local Plan focuses on the conservation, enhancement and extension of biodiversity in development proposals, as well as minimising any adverse impacts and compensating where impacts cannot be mitigated. The Scheme has minimised the loss of habitats as far as possible throughout the Preliminary Design Stage. Specific measures include protecting designated sites, protected species, ancient woodland and trees; mitigating and compensating for loss of habitats within designated sites; mitigating and compensating for loss of hedgerows and other habitats; and mitigating loss of pyramidal and bee orchid colonies.
- 4.2.50 Policy DM30 of the Swale Borough Local Plan focuses on proposals which, “after any dis-benefits have been minimised and mitigated, the overall landscape and biodiversity benefits of the proposals decisively and disproportionately outweigh harm to other public interests and policies”, as well as “outstanding design, layout and landscaping scheme that benefits the condition of landscape and biodiversity.” Specific measures implemented as part of the Scheme include optimal timing of works, habitat creation and exclusion fencing will be implemented where potential adverse impacts to habitats and species may occur.
- 4.2.51 The Scheme also seeks to create habitats through native woodland, species-rich grassland, scrub, native hedgerow, and pond replacement, which will contribute to an overall increase in the total area of ecologically valuable terrestrial and aquatic habitats. The majority of habitat creation will replace arable farmland, resulting in an increase in the area of terrestrial and aquatic habitats of biodiversity value. Habitat creation will also result in a continuous extension to the woodland cover to the west of Stockbury Roundabout which will connect Church Wood with hedgerows along Honeycrock Hill, Amels Hill and Church Hill, thereby increasing connectivity to the wider landscape.
- 4.2.52 The Medway Council Local Plan 2003¹⁸ identifies the need for traffic management including improving the road network’s capacity. The Scheme will help meet this need by enhancing capacity of M2 Junction 5. Medway Council is currently

¹⁷ Bearing Fruits 2031, Swale Borough Council, 26 July 2017.

¹⁸ Medway Local Plan 2003. Medway Council 2003

working on a new Local Plan, which will replace the 2003 Plan. Publication of the draft plan is expected in the summer of 2019.

- 4.2.53 The Medway Council Plan 2016/17-2020/21 2017/18 Update¹⁹ sets out how the Council will provide the best possible services for its residents. The plan also identifies the need to tackle congestion hotspots. The Scheme will help meet the identified objectives of the plan by reducing congestion on the local and national road network.
- 4.2.54 The Maidstone Borough Council Local Plan 2017²⁰, in particular Policy SP 2, identifies key highway and infrastructure requirements, including improvements to the M2 Junction 5 roundabout.
- 4.2.55 Policy SP 23 of the Maidstone Borough Local Plan is a key policy. It states that the local authority will mitigate the impact of development where appropriate on the local and strategic road networks and facilitate the delivery of transport improvements to support the growth proposed by the local plan. The Council pledges to ensure the transport system supports the growth projected by Maidstone's local plan and facilitates economic prosperity and is committed to improving highway network capacity and function at key locations and junctions across the borough. Finally, the policy states that the Council will improve strategic links to Maidstone across the county and to wider destinations including London.
- 4.2.56 Policy SP 23 is met through the design and layout of the Scheme by minimising permanent land take affecting identified individual receptors, allowing ongoing access for NMU and vehicle travellers where possible, maintaining public transport routes, re-providing bus stops and minimising disruption, and perceived severance for communities nearby. A clear and concise traffic management plan will be designed to direct users during construction and support access to local facilities.
- 4.2.57 Policy DM3 of the Maidstone Borough Local Plan outlines the vision to enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change. The climate change vulnerability assessment has not identified any significant effects of climate change to the Scheme assuming further mitigation measures such as monitoring of structures and consideration of site temperature records are used to properly assess the risk of future climate change.
- 4.2.58 The groundwater sensitivity of the study area is very high, owing to the Scheme being underlain by a Principal Aquifer and the presence of Source Protection Zones (SPZs). Therefore, the drainage design includes pollution control measures on drainage to ground. The drainage design has been developed in parallel with discussions with the Environment Agency to ensure the design meets regulatory requirements.
- 4.2.59 Policy DM 1 of the Maidstone Borough Local Plan states that development which creates high quality design should "respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development." Demolition of one residential unit (The Gate House) and the closure of the existing private means of access to Bowl Reed are necessary to provide a new junction which meets the Scheme's objectives. Discussions with the occupants of the Gate House to agree appropriate

¹⁹ Medway Council Plan 2016/17-2020/21 2017/18 Update. Medway Council

²⁰ Maidstone Borough Local Plan, Maidstone Borough Council, October 2017

compensation are ongoing and an alternative private means of access to Bowl Reed forms part of the Scheme.

- 4.2.60 Policy CP 7 of the Swale Borough Local Plan states that development should “ensure that there is no adverse effect on the integrity of a Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar site, alone or in combination with other plan and projects.” The Habitat Regulations Assessment (HRA) has identified the potential for the Scheme, on its own or in combination with other development, to increase nitrogen deposition on sensitive habitats within North Downs Woodlands SAC and sensitive habitats which support great crested newts within Peter’s Pit SAC. However the HRA concludes that there would be no significant effects on the North Down Woodlands SAC or on Peters Pit SAC.

Summary

- 4.2.61 The Scheme has strong support from Government through the DfT and the RIS. Further support for the Scheme is found in the NPPF and the NN NPS, which both emphasise the importance of, and indeed the "critical need" for, projects such as the Scheme. Local planning policy is supportive of the Scheme, with Kent, Maidstone and Swale Councils all recognising the need for improvements to transport infrastructure, including the Scheme, to enable the ambitions in their plans to be realised.
- 4.2.62 The Applicant considers that there is a compelling case in the public interest for confirmation of the CPO and that the CPO, if confirmed, would strike an appropriate balance between public and private interests.

4.3 Timing of the Orders and the Scheme

- 4.3.1 The Scheme is due to start construction by Spring 2020. Construction is due to be completed and the Scheme opened to traffic by 2022. A significant amount of work, including the carrying out of EIA, the preparation of the Orders and the procurement of various consultants and contractors, has been and continues to be carried out on the basis of these timings, which as far as the Applicant is concerned are firm, subject to the Orders being confirmed. The confirmation of the Orders during 2019 is therefore important to ensure that work on the Scheme can start in full in 2020 and that construction is not delayed due to the necessary land interests not having been secured. Although the Applicant already owns some of the Land, it is necessary for it to secure the ability to acquire, or create rights over, all of the Land so that there is no impediment or delay to construction.
- 4.3.2 The Applicant therefore considers that there are sufficiently compelling reasons for the powers to be sought at this time.

4.4 Use of the Land

- 4.4.1 The Applicant has a clear idea of how it intends to use the Land. Confirmation of the Orders will enable the Applicant to compulsorily acquire land required for the Scheme in order to improve highways, stop up highways and private means of access to premises and to provide new means of access to premises. It will also enable the Applicant to compulsorily acquire land required for the mitigation of adverse effects

- 4.4.2 A significant amount of work has been carried out to date on the design of the Scheme and the preliminary design is shown on the Scheme drawings (ES Figure 2.2) and the Preliminary Environmental Design drawings (ES Figure 2.3). This design work has in turn informed the preparation of the Scheme boundary and the CPO Plans.
- 4.4.3 The purpose for which each plot of land is required is described in Appendix 1 to this Statement.
- 4.4.4 As discussed in section 2 above, the Scheme represents the most feasible option which requires the least amount of permanent acquisition. The Applicant has further sought to minimise the extent of compulsory acquisition through the acquisition or creation of rights instead of outright acquisition where appropriate. Careful consideration has been given to the amount of land that is required and the plots shown on the CPO Plans have been drawn so as to minimise land take as far as possible.

4.5 Funding

- 4.5.1 The Applicant is content that there is a reasonable prospect of the necessary funds for acquisition being available. The financial case has demonstrated that the scheme is affordable, that risks have been taken into account in the costings and are being actively managed, and that efficiency targets are in place and being managed.
- 4.5.2 The cost is being funded as part of the first RIS period 2015 to 2020. The RIS outlines a multi-year investment plan including over 100 major schemes funded by £15.2 billion of public money. This Scheme is one of the projects included within the RIS (funded by DfT).
- 4.5.3 The current Scheme forecast is £100.7 million and includes the estimated cost of the compulsory acquisition of the land required for the Scheme.

4.6 Other consents and impediments

- 4.6.1 It may be necessary for the Applicant to obtain a protected species licence for the construction of the Scheme in relation to Hazel Dormice and Bats. The Applicant has had discussions with Natural England in this regard and is not aware of any reason why a licence should not be granted if required. This is addressed further in Chapter 7 (Biodiversity) of the ES.
- 4.6.2 Traffic Regulation Orders will be made as appropriate and when necessary in respect of the Scheme.
- 4.6.3 The diversion and protection of statutory undertaker apparatus is addressed in Chapter 7 of the SoR.
- 4.6.4 The Applicant does not consider that the Scheme is likely to be blocked by any physical or legal impediments to implementation.

5. Human Rights

5.1 The Protected Rights

5.1.1 The Human Rights Act 1998 incorporated into domestic law the provision of the European Convention on Human Rights (ECHR). The ECHR includes provisions in the form of Articles, which aim to protect the rights of the individual. The relevant Articles can be summarised as follows:

- Article 1 of The First Protocol protects the rights to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest.
- Article 6 entitles those affected by compulsory powers to a fair and public hearing.
- Article 8 protects the right of the individual to respect for his private and family life, his home and his correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.

5.1.2 Section 6 of the Act prohibits public authorities from acting in a way which is incompatible with the rights protected by the ECHR.

5.1.3 Paragraph 12 of the Guidance sets out how applicants should approach the issue of human rights:

"An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."

5.2 Compliance with the convention

5.2.1 The Applicant recognises that the Scheme may have an impact on individuals but considers that the significant public benefits that will arise from the Scheme as set out in this Statement outweigh any harm to those individuals. The CPO strikes a fair balance between the public interest in seeing the Scheme proceed (which is unlikely to happen in the absence of the CPO) and the private rights which will be affected by the compulsory acquisition.

5.2.2 In relation to both Article 1 and 8, the compelling case in the public interest for the compulsory acquisition powers included within the CPO has been demonstrated in Chapter 4 of this Statement. The land over which compulsory acquisition powers are sought as set out in the CPO is the minimum necessary to ensure the delivery of the Scheme. The Scheme has been designed to minimise harm whilst achieving its publicly stated objectives. In this respect the interference with human rights is both proportionate and justified.

5.2.3 In relation to Article 6, the Applicant is content that the proper procedures have been followed for both the consultation on the Scheme and in determining the compulsory acquisition powers included within the CPO. Throughout the development of the Scheme the Applicant has given persons with an interest in the land an opportunity to comment on the proposals and the Applicant has

endeavoured to engage with landowners. The Applicant has had regard to landowner feedback in both the initial design of the Scheme and in iterative design changes throughout the life of the Scheme. Examples of design changes resulting from consultation feedback are provided within the Consultation Report.

- 5.2.4 Furthermore, any individuals affected by the CPO may submit representations to the Secretary of State during the period specified in the notice advertising the making and preparation of the CPO (a copy of which will be served on all persons affected by the CPO). If an inquiry is held subsequently then any party objecting to the CPO may make representations to the Secretary of State as part of that process. Additionally, if the CPO is confirmed, a person aggrieved may challenge that decision by way of judicial review in the High Court if they consider that the grounds for doing so are made out.
- 5.2.5 Accordingly, it is considered that those affected by the CPO are entitled to a fair and public hearing.

5.3 Acquisition of residential properties

- 5.3.1 One residential property is being acquired for the Scheme. The property is adjacent to the existing junction between the A249 and Oad Street and is known as The Gate House.
- 5.3.2 Due to its proximity to the existing road network there is no way that the proposed improvements to Stockbury Interchange can be carried out without the acquisition and subsequent demolition of this property.
- 5.3.3 Engagement with the owners and occupiers of The Gate House was largely initiated in 2018. One to one meetings have taken place to discuss the process for the purchase of the property by the Applicant and to answer questions relating to their particular circumstances. The owners have continued to be sent communications to update them on the progress of the scheme and to request permission to undertake survey work on their property. Discussions with the owners of the property are ongoing.

5.4 Fair compensation

- 5.4.1 Any person affected by the exercise of compulsory acquisition powers may be entitled to compensation. This entitlement to compensation is provided for by the compensation code. The Applicant has the resources to pay such compensation and has demonstrated in Chapter 4 of this Statement that these resources are available.
- 5.4.2 Any dispute in respect of compensation may be referred to the Upper Tribunal (Lands Chamber), an independent tribunal, for determination.

5.5 Summary

- 5.5.1 For the reasons set out above, the Applicant considers that any infringement of the rights of those whose interests in the land might be affected by the exercise of powers of compulsory acquisition would be proportionate and legitimate, would be in the public interest and would be in accordance with national and European law. The Applicant therefore considers that it would be appropriate and proportionate for the Secretary of State to confirm the Orders.

6. Special Considerations

- 6.1.1 The land is within the Kent Downs AONB. Subsequent advice arising from stakeholder engagement has resulted in off-site mitigation in the form of bolstered tree and shrub planting along Church Hill.
- 6.1.2 In terms of landscape, where tree planting has been proposed, it includes native species reflecting both those currently on site, yet with regard to recommendations from the Kent Downs AONB design guidance and to local landscape character enhancement suggestions. Native planting is to be of local provenance.
- 6.1.3 There is one Scheduled Monument, the Ringwork and Baileys at Church Farm (1009949), within the Scheme area. There is one Grade I Listed Building, the Church of St. Mary Magdalene (1086193), located near the scheme.
- 6.1.4 An overall archaeological strategy will be developed for the Scheme in consultation with Kent County Council (KCC) Heritage Conservation Team. This strategy will identify the locations of and types of archaeological mitigation that will be applied based on the results of the evaluative works undertaken. The strategy will also identify areas where impact to significant archaeology will be if possible designed out.
- 6.1.5 None of the Land is ecclesiastical or burial ground.
- 6.1.6 No part of the Land forms common land or public open space.
- 6.1.7 No Veteran Trees being lost as part of the scheme

6.2 Statutory undertaker apparatus and land

- 6.2.1 In order to mitigate the impact of the Scheme on the undertakings of Southern Water, South East Water, UK Power Networks, BT Openreach and National Roads Telecommunications Services (NRTS), the Applicant has identified a number of diversions of apparatus, and protective measures to be taken in respect of apparatus to be retained in situ, which will prevent any disruption to those undertakings. Where applicable, arrangements will be made to divert or protect the apparatus under the provisions of the New Roads and Street Works Act 1991 (NRSWA).
- 6.2.2 In addition to the statutory public consultation, engagement has taken place with the statutory undertakers to determine likely diversion requirements and estimated costs as part of the NRSWA C3²¹ process. Where possible the diversions will be contained within the proposed highway boundaries. However, diversions required outside the proposed highway boundaries will require statutory undertakers to acquire land/easements through their own statutory powers. The Applicant has identified likely diversions to Southern Water, UK Power Networks, BT Openreach and NRTS apparatus.
- 6.2.3 Written confirmation (diversion agreements) that statutory undertakers are content with the proposed solutions in respect of their apparatus will be obtained at the detailed design stage. Discussions with the affected statutory undertakers are ongoing and the Applicant is confident that agreement will be reached with those undertakers who have not yet provided such written confirmation.

²¹ New Roads and Street Works Act 1991: Measures necessary where apparatus is affected by major works (diversionary works) a code of practice – C3 Budget Estimate

- 6.2.4 The Applicant will continue to liaise with all affected undertakers as the Scheme progresses.

6.3 Kent Downs Area of Outstanding Natural Beauty

- 6.3.1 Part of the land lies within the Kent Downs Area of Outstanding Natural Beauty (AONB), a nationally important protected landscape shown on Figure 2.1 of the Environmental Statement Volume 3.
- 6.3.2 The Kent Downs AONB is renowned for its special characteristics, including: its dramatic landform and topography, panoramic and long-ranging views, rich habitats, mixed farmland, extensive ancient woodland, tranquillity, remoteness and its historic and built heritage.

7. The Planning Position

- 7.1.1 Section 55(1) of the Town and Country Planning Act 1990 provides the definition of development for the purpose of that Act. Subsection 55(2)(b) exempts certain operations from being categorised as development, namely “the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment”.
- 7.1.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) sets out, in Schedules 1 and 2, the developments for which planning permission is granted by the GPDO.
- 7.1.3 Class B of Part 9 of Schedule 2 to the GPDO relates to development of roads by either the Secretary of State for Transport or, as is the case with the Scheme, the Applicant as a 'strategic highways company'. Class B confirms that any works in exercise of the functions of the Applicant under the Highways Act 1980 or works in connection with, or incidental to, the exercise of those functions is considered permitted development. This includes development that is subject to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

7.2 The Line Order

- 7.2.1 Section 10 of the Highways Act 1980 (the HA 1980) makes provision in relation to the status of trunk roads. Amongst other things it confirms that the Minister (i.e. the Secretary of State) may by order direct that any highway or proposed highway to be constructed by the Applicant shall become a trunk road, or that any trunk road shall cease to be a trunk road, from such date as may be specified in the order. Section 10(3A) confirms that the power to direct that a highway or proposed highway shall become a trunk road includes the power to direct that the Applicant is the highway authority for that trunk road.
- 7.2.2 The Scheme involves the construction of new highway that is to become trunk road, as follows:
- a new section of A249 dual carriageway trunk road elevated above the existing Stockbury Roundabout central island
- 7.2.3 Accordingly, the Applicant seeks the Line Order under sections 10 and 41 of the HA 1980 to confirm the status of this new highway as trunk road and the Applicant's status as highway authority for that road.

7.3 The SRO

- 7.3.1 Section 14 of the HA 1980 confers powers on highway authorities in relation to roads that cross or join trunk roads or classified roads. Amongst other things it provides that an order may be made to authorise the highway authority for a road to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road, or is or will be otherwise affected by the construction or improvement of the road. The order may also authorise the construction of a new highway for purposes concerned with such alteration, or for any other purpose connected with the road or its construction.

- 7.3.2 Section 14(1)(b) confirms that an order may make provision for the transferring to another highway authority of a highway constructed under the order.
- 7.3.3 In the case of the Scheme, the 'road' for the purposes of section 14 is considered to be the A249 trunk road.
- 7.3.4 Accordingly, the Applicant has made the SRO to authorise it to carry out the works that are specified therein, including:
- improving the A249 to allow for grade separation at the Stockbury Roundabout and conversion of the A249 Sittingbourne Road southbound dual carriageway to a two-way single carriageway to provide continued access for properties fronting the existing road and access to South Green Lane;
 - improving and widening of the un-classified road (South Green Lane) to tie in with the proposed improvements to the A249 Sittingbourne Road;
 - improving and widening of un-classified road (Oad Street) to tie in with the proposed improvements to the A249 Sittingbourne Road and un-classified road (Pett Road);
 - improving and widening of un-classified road (Pett Road) to tie in with the proposed improvements to un-classified road (Oad Street);
 - improving and widening of the un-classified roads (Maidstone Road and Oad Street) to tie in with the construction of the new highway linking Maidstone Road to Oad Street;
 - stopping up a length of the existing un- classified road known as Amels Hill to facilitate the improvements to the A249;
 - stopping up lengths of existing highway to then be used for alternative purposes and reclassified as such as stated in the SRO schedule at Honeycrook Hill;
 - stopping up lengths of existing highway (footpath) and constructing new highways (footpath) as required;
 - stopping up a length of existing highway know as Maidstone Road as required to facilitate the new scheme works;
 - constructing a new highway (as classified) for the purpose of linking Maidstone Road to Oad Street;
 - stopping up existing private means of access to property or land as stated in the SRO schedule; and
 - providing new private means of access where access will be required in future as stated in the SRO schedule.
- 7.3.5 Each new highway created under the SRO is to be transferred to KCC as the local highway authority.
- 7.3.6 The proposed A249 main carriageway and slip roads south of existing Stockbury roundabout for 690m in a south westerly direction to the end of the proposed slip road tapers, and a section of the new Oad Street for 50m from its junction with the new Stockbury roundabout, which will be maintained by Highways England under an agreement with Kent County Council under Section 4 of the Highways Act.

- 7.3.7 The SRO provides that rights of statutory undertakers and telecommunications code operators will continue to exist in relation to any of their apparatus that is in the highway if that highway is stopped up under the order, subject to section 21 of the HA 1980. This provision is authorised by sections 14(1)(c) and 14(2). Section 21 applies certain provisions of the Town and Country Planning Act 1990 (subject to modifications) relating to the extinguishment of such rights where a highway is stopped up or diverted under a section 14 order.
- 7.3.8 Section 125 of the HA 1980 provides that an order made under section 14 may also authorise the authority to stop up any private means of access to premises adjoining or adjacent to land forming part of the road or forming the site of any works authorised by the order, and to provide new means of access to any such premises. The SRO therefore also includes provisions for the stopping up of existing private means of access and the creation of new private means of access, as outlined above. Where an existing private means of access is to be stopped up with no new access provided, that is because the Applicant is of the view that another reasonably convenient means of access is available, or because there will be no requirement for access to that location in the future.

8. Conclusions

- 8.1.1 This Statement sets out why compulsory powers have been sought in the CPO and explains why the Applicant considers such powers to be necessary, proportionate, and justified.
- 8.1.2 In determining the extent of the compulsory acquisition powers proposed in the CPO, the Applicant has had regard to the requirements of the relevant legislation and to the advice in the Guidance. The Applicant is content that the scope of the powers sought and the extent of the interests in the Land to be acquired by compulsory acquisition are required for the Scheme and are the minimum necessary that will allow the Applicant to construct, operate and maintain the Scheme. The purpose for which each part of the Land is required is set out in Appendix A to this Statement.
- 8.1.3 The Applicant has consulted all persons affected by the compulsory acquisition powers and persons who may have a claim for compensation arising from the Scheme. The Applicant has sought to acquire interests in the Land by agreement wherever practicable. The status of negotiations with affected landowners and occupiers for the acquisition of their land interests is set out in Appendix B to this Statement.
- 8.1.4 The Applicant has considered the human rights of the individuals affected by the compulsory acquisition powers. It is satisfied that there is a compelling public interest case for compulsory acquisition and that the public benefits arising from the Scheme will outweigh the harm to those individuals.
- 8.1.5 Without the grant of compulsory acquisition powers, the Applicant considers that it will not be possible to construct the Scheme, or realise the public benefits arising from it.
- 8.1.6 There is a compelling case in the public interest for the compulsory acquisition powers sought by the Applicant in the CPO. The exercise of the compulsory acquisition powers that are sought is shown throughout this Statement to be necessary and proportionate to the extent that interference with private land and rights is required.

- 8.1.7 Although it has extensive permitted development rights under the GPDO, the SRO and the Line Order are required for the Scheme to be delivered, as explained in Chapter 7 of this Statement.

9. Inspection of Documents

- 9.1.1 The documents listed in section 9.1.2 below are available for inspection during normal office opening hours at:

- Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ;
- Swale Borough Council, Sheppey Gateway, High Street, Sheerness, Kent ME12 1NL;
- Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ;
- Kent County Council, County Hall, Maidstone, Kent ME14 1XQ;
- Sittingbourne Library Central Avenue, Sittingbourne, Kent, ME10 4AH; and
- Maidstone Library Kent History And Library Centre, James Whatman Way, Maidstone, Kent, ME14 1LQ.

- 9.1.2 The following list of documents will be available for inspection as described above:

- Side Roads Order Booklet and associated Public Notice;
- Section 10 Line Order Booklet and associated Public Notice;
- Compulsory Purchase Order Booklet (Orders and Schedules);
- Compulsory Purchase Order Booklet (Plans);
- Compulsory Purchase Order Public Notice;
- Statement of Reasons for the Orders;
- The Environmental Statement Public Notice;
- The Environmental Statement (Vol 1, 2 & 3);
- The Environmental Statement Non-Technical Summary (Vol 4);
- Scheme Assessment Report; and
- Report on Public Consultation.

10. Contacts Details

- 10.1.1 Further information on the Scheme and the Orders can be obtained from Highways England by emailing:

M2J5@highwaysengland.co.uk

11. What Happens Next

11.1.1 The CPO and SRO have been made and published by Highways England and have been submitted to the Secretary of State for confirmation. The Line Order has been prepared in draft and submitted to the Secretary of State for making.

11.1.2 Until 25th July 2019, any objection or representation can be made to the Orders, in writing, to:

The Secretary of State for Transport
National Transport Casework Team
Department for Transport
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne NE4 7AR

or by email to: Nationalcasework@dft.gov.uk

stating the title of the Scheme and, if relevant, the grounds of objection.

11.1.3 Following the expiration of the representation period the Secretary of State will decide whether the Orders should be made and confirmed, with or without modifications. If objections are received the Secretary of State will consider whether an inquiry is to be held before they make their decision, which in the event of an inquiry will be after consideration of the inspector's report and recommendations.

12. List of Related Documents

12.1.1 Without limitation, the Applicant may refer to the following documents and legislation in the event of a public inquiry into the Orders:

12.2 Application documents

- The Environmental Statement
- The Outline Environmental Management Plan (Environmental Statement, Volume 2 – Appendix B)
- The Register of Environmental Actions and Commitments (Environmental Statement, Volume 2 – Appendix B, Chapter 3)
- The Report on Consultation
- The Scheme Assessment Report

12.3 Legislation (as amended)

- The Highways (Inquiries Procedure) Rules 1994
<http://www.legislation.gov.uk/ukxi/1994/3263/introduction/made>
- The Compulsory Purchase (Inquiries Procedure) Rules 2007

<http://www.legislation.gov.uk/ukxi/2007/3617/introduction/made>

- The European Convention on Human Rights (as amended)
https://www.echr.coe.int/Documents/Convention_ENG.pdf
- The Human Rights Act 1998
<https://www.legislation.gov.uk/ukpga/1998/42/introduction>
- The Highways Act 1980
<https://www.legislation.gov.uk/ukpga/1980/66>
- The Acquisition of Land Act 1981
<https://www.legislation.gov.uk/ukpga/1981/67/contents>
- The Town and Country Planning Act 1990
<https://www.legislation.gov.uk/ukpga/1990/8/contents>
- The Town and Country Planning (General Permitted Development) (England) Order 2015
<http://www.legislation.gov.uk/ukxi/2015/596/contents/made>

12.4 National Policy and Guidance

- The National Planning Policy Framework (2019)
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- The National Networks National Policy Statement (2014)
<https://www.gov.uk/government/publications/national-policy-statement-for-national-networks>
- Road Investment Strategy 2015-2020 (2014)
<https://www.gov.uk/government/collections/road-investment-strategy>
- Highways England Strategic Business Plan 2015-2020 (2014)
<https://www.gov.uk/government/publications/highways-england-strategic-business-plan-2015-to-2020>

12.5 Local Policy and Guidance

- Swale Borough Council Local Plan (2017)
<https://www.swale.gov.uk/local-plan-for-swale/>
- Medway Council Local Plan (2003)
https://www.medway.gov.uk/downloads/download/22/medway_local_plan_2003
- Medway Council Plan 2016/17-2020/21 (2017/18 Update)
<https://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?lId=18256>
- Maidstone Borough Council Local Plan (2017)

<http://www.maidstone.gov.uk/home/primary-services/planning-and-building/primary-areas/local-plan-information/tier-3-primary-areas/local-plan-progress>

- Kent Local Transport Plan (2016-2031)

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/transport-and-highways-policies/local-transport-plan>

- Kent Downs AONB Management Plan 2014-2019

<https://www.kentdowns.org.uk/landscape-management/management-plan/>

12.6 Other

- The Design Manual for Roads and Bridges (DMRB) – Volumes 1-15

<http://www.standardsforhighways.co.uk/ha/standards/dmr/>

Appendices

Appendix A. Purpose for which compulsory acquisition powers are sought

Plot No.	Details of the purpose for which compulsory acquisition powers are sought
Sheet 1	
1/1	Plot required for the construction of the new highway, an attenuation pond and all associated works.
1/1a	Plot required for the construction of the new highway, an attenuation pond and all associated works.
1/1b	Plot required for the construction of the new highway, an attenuation pond and all associated works.
1/2	Plot required for the construction of the new highway and all associated works.
1/2a	Plot required for the construction of the new highway and all associated works.
1/2b	Plot required for the construction of the new highway and all associated works.
1/2c	<p>Title to create a private means of access and to grant private rights of way. The private means of access will serve; E.J. Mackelden & Sons (Bobbing) Limited of Combe, Brushford, Dulverton, Somerset, TA22 9RT, Tenant I Kemsley Farms Limited c/o Mr I Kemsley, Hooks Hole, Chestnut Street, Borden, Sittingbourne, Kent, ME9 8DA, Agent Mr Stuart Mair of George Webb Finn, 43 Park Road, Sittingbourne, Kent, ME10 1DY; BT Openreach NNHC, 4th Floor, Kiln House, Pottergate, Norwich, NR2 1AJ; The Kent County Council, County Hall, Maidstone, Kent, ME14 1XQ; Highways England Company Limited, c/o The Company Secretary, Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ; and, Highways England Company Limited, c/o The Company Secretary, Ash House, Falcon Road, Sowton, Exeter, EX2 7LB. Dedication required for a 120 metre linear length of footpath.</p>
1/2d	Plot required for the construction of a private means of access/footpath and all associated works.
1/2e	Plot required for the construction of a private means of access/footpath and all associated works.
1/2f	Plot required for the construction of a private means of access/footpath and all associated works.
1/2g	<p>Title to create a private means of access and to grant private rights of way. The private means of access will serve; E.J. Mackelden & Sons (Bobbing) Limited of Combe, Brushford, Dulverton, Somerset, TA22 9RT, Tenant I Kemsley Farms Limited c/o Mr I Kemsley, Hooks Hole, Chestnut Street, Borden, Sittingbourne, Kent, ME9 8DA, Agent Mr Stuart Mair of George Webb Finn, 43 Park Road, Sittingbourne, Kent, ME10 1DY.</p>
1/2h	Plot required for the construction of the new highway and all associated works.
1/2j	<p>Title to create a private means of access and to grant private rights of way. The private means of access will serve; BT Openreach NNHC, 4th Floor, Kiln House, Pottergate, Norwich, NR2 1AJ; The Kent County Council, County Hall, Maidstone, Kent, ME14 1XQ; Highways England Company Limited, c/o The Company Secretary, Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ; and, Highways England Company Limited, c/o The Company Secretary, Ash House, Falcon Road, Sowton, Exeter, EX2 7LB Dedication required for a 220 metre linear length of footpath.</p>

Plot No.	Details of the purpose for which compulsory acquisition powers are sought
1/2k	Plot required for the construction of the new highway and all associated works.
1/2m	Title to create a private means of access and to grant private rights of way. The private means of access will serve; E.J. Mackelden & Sons (Bobbing) Limited of Combe, Brushford, Dulverton, Somerset, TA22 9RT, Tenant I Kemsley Farms Limited c/o Mr I Kemsley, Hooks Hole, Chestnut Street, Borden, Sittingbourne, Kent, ME9 8DA and Agent Mr Stuart Mair of George Webb Finn, 43 Park Road, Sittingbourne, Kent, ME10 1DY.
1/2n	Plot required for the construction of a private means of access/footpath and all associated works.
1/2p	Plot required for the construction of a private means of access/footpath and all associated works.
1/2q	Plot required for the construction of the new highway and all associated works.
1/2r	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
1/2s	Plot required for the construction of the new highway, an attenuation pond and all associated works.
1/2t	Plot required for the construction of the new highway and all associated works.
1/2u	Plot required for the construction of the new highway and all associated works.
1/2v	Plot required for the construction of the new highway, an attenuation pond and all associated works.
1/2w	Plot required for the construction of the new highway, an attenuation pond and all associated works.
1/2x	Plot required for the construction of the new highway, an attenuation pond and all associated works.
1/2y	Dedication required for a 6 metre linear length of footpath.
1/3	Plot required for the construction of the new highway and all associated works.
1/3a	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
1/3b	Not used
1/3c	Plot required for the construction of the new highway and all associated works.
1/3d	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
1/3e	Licence to construct a private means of access. The private access will serve; E.J. Mackelden & Sons (Bobbing) Limited, Combe, Brushford, Dulverton, Somerset, TA22 9RT, Tenant I Kemsley Farms Limited, c/o Mr I Kemsley, Hooks Hole, Chestnut Street, Borden, Sittingbourne, Kent, ME9 8DA and Agent Mr Stuart Mair of George Webb Finn, 43 Park Road, Sittingbourne, Kent, ME10 1DY.
1/3f	Dedication required for a 594 metre length of new footpath. The land subsequently returned to the owner.
1/3g	Plot required for the construction of the new highway and all associated works.
1/3h	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
1/3j	Plot required for the construction of the new highway, an attenuation pond and all associated works.
1/4	Plot required for the construction of the new highway and all associated works.

Plot No.	Details of the purpose for which compulsory acquisition powers are sought
1/5	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
1/5a	Plot required for the construction of the new highway and all associated works.
1/5b	Plot required for the construction of the new highway and all associated works.
1/6	Not used
1/7	Plot required for the construction of the new highway and all associated works.
1/8	Plot required for the construction of the new highway and all associated works.
1/9	Plot required for the construction of the new highway and all associated works.
1/10	Plot required for the construction of the new highway and all associated works.
1/11	Plot required for the construction of the new highway and all associated works.
1/12	Plot required for the construction of the new highway and all associated works.
1/12a	Plot required for the construction of the new highway and all associated works.
1/13	Plot required for the construction of the new highway and all associated works.
1/14	Plot required for the construction of the new highway and all associated works.
1/15	Plot required for the construction of the new highway and all associated works.
1/16	Plot required for the construction of the new highway and all associated works.
1/17	Plot required for the construction of the new highway and all associated works.
1/17a	Plot required for the construction of the new highway, an attenuation pond and all associated works.
1/18	Plot required for the construction of the new highway and all associated works.
1/18a	Plot required for the construction of the new highway and all associated works.
1/19	Plot required for the construction of the new highway and all associated works.
1/19a	Plot required for the construction of the new highway and all associated works.
1/19b	Plot required for the construction of the new highway and all associated works.
1/19c	Plot required for the construction of the new highway, an attenuation pond and all associated works.
1/19d	Plot required for the construction of the new highway, an attenuation pond and all associated works.
1/19e	Plot required for the construction of the new highway and all associated works.
1/19f	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
1/20	Plot required for the construction of the new highway and all associated works.
1/21	Plot required for the construction of the new highway and all associated works.
Sheet 2	
2/1	Plot required for the construction of the new highway and all associated works.
2/1a	Plot required for the construction of the new highway and all associated works.
2/1b	Plot required for the construction of the new highway and all associated works.
2/1c	Plot required for the construction of the new highway and all associated works.

Plot No.	Details of the purpose for which compulsory acquisition powers are sought
2/1d	Plot required for the construction of the new highway and all associated works.
2/1e	Plot required for the construction of the new highway and all associated works.
2/1f	Plot required for the construction of the new highway and all associated works.
2/1g	Plot required for the construction of the new highway and all associated works.
2/1h	<p>Title to create a private means of access and to grant private rights of way. The private means of access will serve;</p> <p>Mr Stephen William Attwood of Parsonage Farm, Parsonage Lane, Bredgar, Sittingbourne, Kent, ME9 8HA;</p> <p>Mr Kevin Dennis Attwood of Down Court Farm, Down Court Road, Doddington, Sittingbourne, Kent, ME9 0AT;</p> <p>Mr Michael Christopher Attwood and Miss Stella Jane Attwood of Thrognall Farm, Bull Lane, Newington, Sittingbourne, Kent, ME9 7SJ;</p> <p>Highways England Company Limited, c/o The Company Secretary, Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ; and,</p> <p>c/o The Company Secretary, Ash House, Falcon Road, Sowton, Exeter, EX2 7LB with Agent Tom French, BTF Partnership, Canterbury Road, Challock, Ashford, TN25 4BJ.</p>
2/1j	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
2/1k	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
2/2	Plot required for the construction of the new highway and all associated works.
2/2a	Plot required for the construction of the new highway and all associated works.
2/2b	Plot required for the construction of the new highway and all associated works.
2/2c	Plot required for the construction of the new highway and all associated works.
2/2d	Plot required for the construction of the new highway and all associated works.
2/2e	Plot required for the construction of the new highway and all associated works.
2/2f	Plot required for the construction of the new highway and all associated works.
2/2g	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
2/2h	Plot required for the construction of the new highway and all associated works.
2/2j	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
2/3	Dedication required for a 341 metre linear length of footpath. The land subsequently returned to the owners.
2/3a	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
2/3b	Plot required for the construction of the new highway and all associated works.
2/4	Plot required for the construction of the new highway and all associated works.
2/4a	Plot required for the construction of the new highway and all associated works.
2/4b	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
2/5	Plot required for the construction of the new highway and all associated works.

Plot No.	Details of the purpose for which compulsory acquisition powers are sought
2/5a	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
2/5b	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
2/5c	Plot required for the construction of the new highway and all associated works.
2/5d	Licence to construct a private means of access. The private access will serve; Mr Stephen William Attwood of Parsonage Farm, Parsonage Lane, Bredgar, Sittingbourne, Kent, ME9 8HA, Mr Kevin Dennis Attwood of Down Court Farm, Down Court Road, Doddington, Sittingbourne, Kent, ME9 0AT and Mr Michael Christopher Attwood and Miss Stella Jane Attwood, Thrognall Farm, Bull Lane, Newington, Sittingbourne, Kent, ME9 7SJ
2/6	Plot required for the construction of the new highway and all associated works.
2/6a	Plot required for the construction of the new highway, an attenuation pond and all associated works.
2/6b	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
2/6c	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
2/6d	Plot required for the construction of the new highway and all associated works.
2/6e	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
2/6f	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
2/6g	Licence to construct a private means of access. The private access will serve; E.J. Mackelden & Sons (Bobbing) Limited, Combe, Brushford, Dulverton, Somerset, TA22 9RT, Tenant I Kemsley Farms Limited, c/o Mr I Kemsley, Hooks Hole, Chestnut Street, Borden, Sittingbourne, Kent, ME9 8DA and Agent Mr Stuart Mair of George Webb Finn, 43 Park Road, Sittingbourne, Kent, ME10 1DY.
2/6h	It is proposed that this plot be acquired for essential mitigation under Section 246 of the Highways Act 1980.
2/7	Licence to construct a private means of access. The private access will serve; Mr Nicholas James Ratcliffe of Bowl Reed, Oad Street, Sittingbourne, Kent, ME9 8JX
2/8	Title to create a private means of access and to grant private rights of way. The private means of access will serve; Mr Nicholas James Ratcliffe of Bowl Reed, Oad Street, Sittingbourne, Kent, ME9 8JX

Appendix B. Status of negotiations with landowners

Plot No.	Status
1/1 to 1/1b	HE ownership. As promoters of the scheme, HE is supportive of the proposals.
1/2 to 1/2y	Kent County Council (KCC) ownership. Discussions held with KCC and they are supportive of the proposals. Agreement will be formalised through the Side Roads Order (SRO) and Section 4 agreement.
1/3 to 1/3j	Land Agent identified as recipient of communications and meetings held with agent in September and October 2018 regarding acquisition of parcels of land for the scheme and arrangements to maintain safe and appropriate access to land. Engagement ongoing.
1/4	Initial engagement with owner in June 2018 regarding scheme and in September 2018 regarding 'half width' ownership of carriageway adjacent to property. Engagement ongoing.
1/5 to 1/5b	Unknown owner. Land Registry records have been checked and discussions held with local landowners. Notices to be posted on site when CPO is published.
1/6	Not used
1/7	Land Agent identified, communications provided in September 2018 regarding 'half width' ownership of carriageway adjacent to property. Engagement ongoing.
1/8	Initial engagement with owner in June 2018 regarding scheme and in September 2018 regarding 'half width' ownership of carriageway adjacent to property. Engagement ongoing.
1/9	Communications sent in September 2018 regarding 'half width' ownership of carriageway adjacent to property. Engagement ongoing.
1/10	Meeting held in June 2018 and further communication in September 2018 regarding 'half width' ownership of carriageway adjacent to property. Engagement ongoing.
1/11	Communications sent in September 2018 regarding 'half width' ownership of carriageway adjacent to property. Engagement ongoing.
1/12 and 1/12a	Land agent has been identified. Communications sent in September 2018 regarding 'half width' ownership of carriageway adjacent to property. Engagement ongoing.
1/13	Communications sent in September 2018 regarding 'half width' ownership of carriageway adjacent to property. Engagement ongoing.
1/14	Communications sent in September 2018 regarding 'half width' ownership of carriageway adjacent to property. Engagement ongoing.
1/15	Communications sent in September 2018 regarding 'half width' ownership of carriageway adjacent to property. Engagement ongoing.
1/16	Meeting held in June 2018 regarding scheme and communications in in September 2018 regarding 'half width' ownership of carriageway adjacent to property. Engagement ongoing.
1/17 and 1/17a	Meetings held regarding acquisition of property in June and September 2018 with engagement ongoing.
1/18 and 1/18a	Unknown owner. Land Registry records have been checked and discussions held with local landowners. Notices to be posted on site when CPO is published.
1/19 to 1/19f	Meetings held in June and September 2018 regarding purchase of parcels of land for scheme. Land Agent has been instructed. Engagement ongoing.
1/20	Initial engagement with owner in November 2018 regarding 'half width' ownership of carriageway adjacent to property. Engagement ongoing.
1/21	Communications sent in September 2018 regarding 'half width' ownership of carriageway adjacent to property. Engagement ongoing.

Plot No.	Status
2/1 to 2/1k	HE ownership. As promoters of the scheme, HE is supportive of the proposals.
2/2 to 2/2j	Kent County Council (KCC) ownership. Discussions held with KCC and they are supportive of the proposals. Agreement will be formalised through the Side Roads Order (SRO) and Section 4 agreement.
2/3 to 2/3b	Land Agent identified. Initial meeting with owners in June 2018 regarding purchase of parcels of land for scheme. Engagement ongoing.
2/4 to 2/4b	Unknown owner. Land Registry records have been checked and discussions held with local landowners. Notices to be posted on site when CPO is published.
2/5 to 2/5d	Land Agent identified. Engagement ongoing regarding purchase of parcels of land for scheme.
2/6 to 2/6h	Land Agent of owner identified as recipient of communications and meetings held with agent in September and October 2018 regarding acquisition of parcels of land for the scheme which is currently tenanted. Engagement ongoing. Two meetings in June and September 2018 have been held with tenant regarding realignment of land required for scheme to minimise disruption on current business facilities and costs reimbursed to reposition facilities still impacted. Engagement ongoing.
2/7	Two meetings held in June 2018 and January 2019 and ongoing engagement primarily regarding scheme design in the proximity of property and potential safety mitigation including moving of access to the property into adjoining land.
2/8	Two meetings held in June 2018 and January 2019 with representative of owners and ongoing engagement primarily regarding scheme design in the proximity of property and using the land for repositioning access to adjacent property on this site as a safety mitigation.

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