

# A2 Bean and Ebbsfleet Junction Improvements

Statement of Reasons accompanying  
the Draft and Made Orders

## **STATEMENT OF REASONS**

**for**

**THE HIGHWAYS ENGLAND (A2 TRUNK ROAD BEAN AND  
EBBSFLEET JUNCTION IMPROVEMENTS)  
COMPULSORY PURCHASE ORDER 2019**

**and**

**THE HIGHWAYS ENGLAND (A2 TRUNK ROAD BEAN AND  
EBBSFLEET JUNCTION IMPROVEMENTS)  
(SIDE ROADS) ORDER 2019**

**and**

**THE A2 TRUNK ROAD (BEAN AND EBBSFLEET  
JUNCTION IMPROVEMENTS)  
(SLIP ROADS AND ROUNDABOUTS) ORDER 20[ ]**

## Notice

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## Document history

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**Appendix A - Purpose for which compulsory acquisition powers are sought**

**Appendix B - Status of negotiations with landowners**

## 1. Introduction

- 1.1 This Statement of Reasons relates to the A2 Bean and Ebbsfleet Junction 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:
- a) The Highways England (A2 Trunk Road Bean and Ebbsfleet Junction Improvements) Compulsory Purchase Order 2019 (the "**CPO**");
  - b) The Highways England (A2 Trunk Road Bean and Ebbsfleet Junction Improvements) (Side Roads) Order 2019 (the "**SRO**"); and
  - c) The A2 Trunk Road (Bean and Ebbsfleet Junction Improvements) (Slip Roads and Roundabouts) Order 20[o] (the "**Line Order**"),

together, the "**Orders**"

- 1.2 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.

### Status of this Statement of Reasons

- 1.3 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.
- 1.4 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.

### The Scheme

- 1.5 The Scheme is located in the Dartford and Gravesham Boroughs of Kent. It comprises improvements to the junctions at Bean and Ebbsfleet and the A2 mainline, including provision for non-motorised users. It also includes a new bridge over the A2.
- 1.6 A detailed description of the Scheme is set out in Chapter 2 of this Statement and in Chapter 2 of the Environmental Statement ("**ES**").

## The need for the Scheme

- 1.7 The Scheme forms part of the Kent Thameside Strategic Transport Programme ('STP') and is needed to support future growth in the area including up to 15,000 new houses at Ebbsfleet Garden City. Traffic modelling indicates that without the Scheme the road network in this area will become congested, resulting in delays and adverse environmental effects.
- 1.8 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.

## Compulsory acquisition

- 1.9 The Applicant seeks compulsory acquisition powers in respect of certain land interests. A detailed description of the extent and nature of the powers sought is set out in Chapter 3 of this Statement.
- 1.10 The extent of the land interests affected by the compulsory acquisition powers sought by the Applicant is described in Chapter 4 of this Statement.
- 1.11 The Applicant has carried out diligent inquiry to identify all persons with an interest in the land affected by the proposed compulsory acquisition.
- 1.12 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.

## The case for compulsory acquisition

- 1.13 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.
- 1.14 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 5 of this Statement.

## Human rights

- 1.15 In preparing the Orders the Applicant has had regard to the European Convention on Human Rights and the Human Rights Act 1998. Chapter 7 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.

## Special considerations

- 1.16 Chapter 7 of this Statement identifies an area of Crown Land that is affected by the compulsory acquisition powers sought in the CPO. The Applicant has engaged with the relevant Crown Authority in relation to this land. The Applicant has also considered what other consents are required in order to enable the Scheme to proceed and set out how those will be secured.
- 1.17 Part of the Land is designated as Green Belt. This is considered further in Chapter 7 below.

## 2. The Scheme

### Objectives of the Scheme

- 2.1 The objectives for the Scheme were developed in conjunction with the Department for Transport and local authorities. They are to:
- a) Support economic and housing growth in north Kent, including Ebbsfleet Garden City.
  - b) Increase the capacity of the junctions and minimise the impact on the A2.
  - c) Improve journey times.
  - d) Improve road safety.
  - e) Minimise the impact on the environment.
  - f) Provide value for money.
- 2.2 Alongside these objectives, and specifically 'minimising the impact on the environment', the Applicant aims to:
- a) Minimise the environmental impact as measured in accordance with the Design Manual for Roads and Bridges.
  - b) Where possible, improve air quality with regard to vehicle emissions generally and specifically at the existing declared Air Quality Management Areas.
- 2.3 Chapter 5 considers how the Scheme addresses the objectives.

### Description of the Scheme

- 2.4 The preliminary design for the Scheme is shown on the Scheme drawings which are included as Figure 2.2 in the ES.

#### Bean Junction

- 2.5 The proposed Bean junction improvements broadly retain the existing layout but with an additional bridge over the A2 adjacent to the existing Bean Lane overbridge and a new slip road on to the A2 for eastbound traffic.

- 2.6 The existing roundabouts will also be enlarged and converted to full traffic signal control. The Bean North Roundabout will be widened to the east to accommodate eastbound on-slip, full traffic signal control and a new southbound link to the new bridge over the A2. This will require demolition of eleven properties (Ightham Cottages) and the acquisition of Spirit's Rest Horse sanctuary.
- 2.7 A new bridge over the A2 east of the existing Bean Lane Overbridge will be provided for southbound traffic from the roundabout (the existing Bean Lane Overbridge will be used for northbound traffic) and there will be a new entry slip road on to the A2 for eastbound traffic. The entry slip will provide four running lanes eastbound between the entry slip and the A296 merge by replacing the hard shoulder with a hard strip.
- 2.8 The A2 westbound off-slip will be widened to three lanes on the approach to the roundabout with all three lanes available for right turn movement to Bean Lane (link road). The existing dedicated left turn lane from Bean Lane to the westbound on-slip will be removed. The existing B255/A296 slip road will be kept open in its existing layout, including the dedicated left turn lane. A narrow traffic island or barrier will be introduced to the B255 southbound carriageway between the Bluewater Parkway merge and the A296 diverge, segregating the four-lane carriageway into a dual two-lane carriageway.

#### Ebbsfleet Junction

- 2.9 The proposed Ebbsfleet Junction improvements also broadly follow the existing road layout but with the existing roundabouts enlarged and provision of full traffic signal control. Access will be provided from the junctions to the new and future development areas. The link road between the roundabouts will be widened from the existing single carriageway to a dual two-lane carriageway with additional widening to three lanes on the approach to the roundabouts. The existing eastbound and westbound off-slips will be retained.
- 2.10 The Ebbsfleet East Roundabout will be extended to the north and an additional arm added to accommodate access to the Station Quarter South development. The eastbound exit arm from Ebbsfleet East Roundabout will be widened to three lanes, which divides into two carriageways with one lane heading to the local road network at Pepperhill Junction and the other two lanes heading to the A2. The eastbound off-slip will be widened at the approach to the roundabout with a dedicated signal controlled left turn lane.
- 2.11 The eastbound off-slip will be widened at the approach to the roundabout with a dedicated signal controlled left turn lane. The Ebbsfleet West Roundabout will be extended to the south and will be fully signalised. The west arm at the roundabout will provide access to the Ebbsfleet Green development. The circulatory carriageway will be widened to provide for three lanes. The entry to the roundabout from the north will also be widened to three lanes on the approach to the junction.

### A2 mainline

- 2.12 Narrow lanes will be provided along the A2 eastbound carriageway over a length of approximately 1.5km between Bean Junction and Ebbsfleet Junction. This is required to avoid the need to widen the A2 into the north verge, where significant constraints are present including ancient woodland, electricity pylons, a subway and a grade II listed arched footbridge.
- 2.13 Along this section the central reserve metal barrier will be replaced with rigid concrete barrier to provide more width on the eastbound carriageway. The existing central reserve concrete barrier will be shifted slightly south under Swanscombe Footbridge, to provide more width on the eastbound carriageway. There will be changes to the gantries along the A2 including one demolished gantry, two new cantilever gantries and changes to the signs and signals on retained gantries.

### Non-motorised user provisions for walkers, and cyclists

- 2.14 A number of public rights of way (PRoW), footways and cycleways are located close to the Bean and Ebbsfleet Junctions. A non-motorised user (NMU) route links the A296 to Bean Village via Bean Lane in front of Ightham Cottages and Hope Cottages. This includes a footway which is located on the eastern side of the existing B255 Bean Lane Overbridge with a signalised pedestrian crossing adjacent to Hope Cottages. Cyclists are instructed to dismount when using the footway across the existing Bean Lane Overbridge. The Bean Junction improvements will close the existing footway over the bridge. As a replacement for this link it is proposed to include a new segregated cycleway and footway across the east side of the new bridge and along the east side of Bean Lane (North), crossing the new slip roads via new signalised crossings.

### Mitigation and other works

- 2.15 The works described above would be subject to specific mitigation requirements, for example, landscaping and environmental mitigation. These are set out in the Outline Environmental Management Plan ("**OEMP**") and the Register of Environmental Actions and Commitments ("**REAC**") and shown on the Preliminary Outline Environmental Design drawings, which are included as Figure 2.3 in the ES.

### Preferred option

- 2.16 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.

- 2.17 The 'shortlist' options were then assessed in terms of technical feasibility, safety, engineering, value for money and environmental considerations. Between January and March 2017, Highways England consulted the local community and statutory consultees on the options at each junction. The Preferred Route Announcement in August 2017 confirmed a single combined preferred option would be taken forward as the preferred route, but (in response to stakeholder comments) the closure of the B255 / A296 slip road connection and the use of traffic signals on roundabouts would be reviewed as the scheme progressed.
- 2.18 Further design and assessment work was subject to additional public consultation held between 21st February and 4th April 2018. Refinements to the proposals following the public consultation and on-going stakeholder engagement are summarised in the Report on Consultation. These include retaining the slip road from B255 to A296, however, the operational modelling identified that signalling the roundabouts will result in better operation during peak periods than without signals.
- 2.19 Refinements were also undertaken following discussions with landowners to ensure permanent land acquisition was minimised (see Appendix 2 for more information).
- 2.20 Chapter 3 of the ES provides a detailed explanation of all options considered since 2008 and reasons for their rejection.

### Need for and benefits of the Scheme

- 2.21 The Scheme is needed to support the development of significant new residential and employment development in the region. Dartford Borough Council's Core Strategy (2011) identifies a requirement for up to 17,300 homes between 2006 and 2026. Development has already commenced to create a new Garden City at Ebbsfleet and the Borough has delivered 7,463 new homes across the plan period up to April 2018. Planning permission exists at April 2018 for 12,300 more (Annual Monitoring Report 2017 and Dartford Five Year Deliverable Housing Land Supply 2018). The Gravesham Core Strategy (2014) sets a housing requirement of 6,170 dwellings for the period 2011 to 2028 of which 1,325 were completed up to April 2017 (Gravesham Five Year Deliverable Housing Land Supply Statement 2017-2022).
- 2.22 Although the existing road network usually operates within its design capacity, it does experience challenges, including congestion at Bean Junction during peak hours and traffic flows along the A2 being at, or near, route capacity. The existing road network in the area of the Scheme has insufficient reserve capacity to support future development.
- 2.23 Traffic modelling indicates that without the Scheme the road network will become congested, resulting in delays and adverse environmental effects:
- 2.24 Traffic using the A2 Bean junction (including the A296) will increase by 30% in the weekday AM and PM peaks, and 44% in the weekday interpeak, by 2038 compared with 2016 traffic levels; and

- 2.25 Traffic using the Ebbsfleet junction will increase by 150% in the weekday AM peak, 197% in the weekday interpeak and 122% in the weekday PM peak, by 2038 compared with 2016 traffic levels.
- 2.26 Further information on the need for the Scheme, including details of the traffic modelling, is included in Chapter 5 of this Statement, the ES and the Scheme Assessment Report which was published at the Scheme Option Selection Stage.
- 2.27 Chapter 15 of the ES refers to the London Resort. This is a proposed nationally significant infrastructure project near Swanscombe, Kent, to the north of the Scheme. The ES explains that the London Resort has not been assessed in the ES due to critical interdependencies in delivery of the schemes. At the time of writing there is uncertainty about whether, and if so when, the London Resort will be delivered. The Applicant will inform the Secretary of State if this position should change in a way that has consequences for the Scheme and/or the Orders.

### 3. Compulsory Acquisition

#### Scope of compulsory acquisition powers sought

- 3.1 The scope of the compulsory acquisition powers sought by the Applicant is set out in full in the CPO.
- 3.2 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.
- 3.3 A summary of the powers in the Highways Act 1980 which are relied upon in relation to the Scheme is provided below:
- a) 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 highway, being an improvement which it is authorised by the Highways Act to carry out.
  - b) 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.

- c) 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.
- d) Section 249 prescribes distance limits from the highway for the acquisition of land for certain purposes.
- e) 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.
- f) 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.

3.4 The Guidance provides guidance to acquiring authorities on the use of compulsory purchase powers and the Applicant has taken account of this in making the CPO.

3.5 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.

3.6 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.

3.7 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.

## 4. The Land

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

4.1 The Scheme is located between Dartford and Gravesend in north Kent. The A2 was built in the 1970s and links London to Dover. In 2008 the road east of Bean Junction was widened to four lanes. The grade-separated junctions at Bean and Ebbsfleet are approximately 1.2 miles (2km) apart on the A2. The Bean Junction connects the A296 and B255 and provides access to the Bluewater Retail Park, a shopping centre to the north of the A2 and north/north-west of the Bean Junction. The Ebbsfleet Junction connects the A2260 and Southfleet Road. Ebbsfleet Junction was constructed in 2005 to serve the Ebbsfleet International Rail Station and the surrounding Ebbsfleet Valley and Eastern Quarry developments that form part of Ebbsfleet Garden City.

- 4.2 The A2 follows undulating topography, falling east from Bean to a low point at the B262 Pepper Hill Junction. West of Bean Junction, the A2 Bean Hill cutting is enclosed by Darenth Wood, which is ancient woodland and a Site of Special Scientific Interest. Darenth Wood retains a medieval boundary that is a Scheduled Monument abutting the highway boundary of the A2.
- 4.3 At Bean Junction highway planting merges with existing mature vegetation, including The Thrift ancient woodland and two other areas of ancient woodland and the semi-mature planting around Bluewater Retail Park. This planting helps to buffer receptors from the A2, including adjacent housing and the undulating arable farmland and Bean village that lies within Green Belt to the south of the A296 and the A2.
- 4.4 To the north of the A2 and A296 the quarried landscape, shaped by the former cement industry in this area, is defined by steep chalk cliffs and mature vegetation along the highway boundary. This area is being extensively developed with new housing and mixed-use areas as part of Ebbsfleet Garden City.
- 4.5 At Ebbsfleet Junction the wide verges and structured planting form what is considered to be the vehicular 'entrance gateway' to the Ebbsfleet Valley. Expansive open views from the A2 and junction approaches look across the rural landscape to the Kent Downs. The numerous transmission lines and railway infrastructure are dominant features.
- 4.6 An area around the A2 is known to have dated back to the Romano-British period and includes Springhead Roman site Schedule Monument that lies immediately adjacent to the A2 at Ebbsfleet Junction. There are also prehistoric remains from the Palaeolithic and Neolithic periods.
- 4.7 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.

### The extent of the Land

- 4.8 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. It comprises 98 plots, each of which is described in the Book of Reference.
- 4.9 The Land comprises approximately 18.71 hectares. Of this, approximately 9.22 hectares will be acquired permanently.

### Identifying persons with an interest in the Land

- 4.10 In preparing the Orders the Applicant has carried out diligent inquiry in order to identify all persons with an interest in the Land.

- 4.11 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.

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

- 4.12 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.
- 4.13 Visits to the site were undertaken to speak to parties in the area, 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).
- 4.14 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, of the nature of their interest(s), and whether there are any other parties with an interest in the land in question.
- 4.15 All parties have been web 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.

### Persons likely to be entitled to make a relevant claim

- 4.16 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). An approach was agreed with key environmental specialists and the Applicant's District Valuer for the purposes of ensuring that all possible claimants were consulted as part of the consultation which took place in February and March 2018. In addition to identifying possible claimants based on the information obtained via the process described in the preceding paragraphs, the approach was based on identifying receptors predicted to suffer from noise and air quality impacts (based on Stage 2 environmental assessment information) and properties which could possibly have visibility of the Scheme following a site visit. 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.
- 4.17 Land Interest Questionnaires were sent to all parties identified to confirm their details, as described above.

## Negotiations to acquire the Land by agreement

- 4.18 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.
- 4.19 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.
- 4.20 The Applicant has engaged with all landowners and occupiers with a view to acquiring their interests by agreement. This has involved sending land interest questionnaires and consultation letters, inviting them to consultation exhibitions held in February and March 2018 and one to one meetings. As a result, the Applicant is in the process of engaging with a significant number of landowners/occupiers with regard to the acquisition of their interests by agreement, and 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.
- 4.21 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.

## 5. The Case for Compulsory Acquisition

- 5.1 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) A compulsory purchase order should only be made where there is a compelling case in the public interest (paragraphs 2 and 12).
  - b) 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.

- c) 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.
- d) 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).
- e) An acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire (paragraph 13).
- f) 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).
- g) 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.

## Compelling case in the public interest

- 5.2 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

- 5.3 The need for and benefits of the Scheme are set out in Chapter 2 of this Statement and in the other documents, including Chapter 2 of the ES. In summary, the Scheme will:

*Support economic and housing growth in North Kent, including Ebbsfleet Garden City*

- 5.4 The need for the Scheme has been recognised at a national and regional level for over a decade. In 2006 work commenced on the STP, which involved modelling the transport impacts arising from planned development in the area and identifying schemes to mitigate those impacts. The Highways Agency was one of the partners involved in preparing the STP. Two of the schemes identified for inclusion in the STP were improvements to the A2 Ebbsfleet Junction and improvements to the A2 Bean Junction.
- 5.5 In 2008 an initial strategy shaping and prioritisation study was undertaken by the Highways Agency. The study identified improvement options for the Bean and Ebbsfleet junctions. In 2010, funding for the STP was withdrawn following the Government's Comprehensive Spending Review. The schemes were revived in 2013 as part of the Government's Spending Review.

- 5.6 In the 2014 Budget the Government announced that it would support a new Garden City at Ebbsfleet in Kent, for up to 15,000 new homes based on existing brownfield land, involving up to £200m of public investment and to be driven forward by the Ebbsfleet Development Corporation (EDC) that has compulsory purchase powers. EDC are contributing £45m to this project. The wider economic benefits of the Scheme are estimated to be £5m.

*Increase the capacity of the Bean and Ebbsfleet junctions and minimise the impact of increased traffic on the A2*

- 5.7 Traffic flows along this section of the A2 route indicate that the mainline flows are at or near route capacity. The proximity of the two junctions further contributes to a reduction in operational service levels. Traffic congestion is experienced at Bean Junction during peak hour periods and also at weekends related to the Bluewater Regional Shopping Centre. There are no existing congestion problems experienced at the Ebbsfleet junction.

- 5.8 As set out in Chapter 2 of this Statement, without intervention traffic levels are expected to increase significantly. The consequences of the traffic increases would be:

- a) Congestion on the approaches to and through the Bean junction will be exacerbated by predicted future traffic growth. Morning and evening peak periods would experience unacceptable levels of delay and congestion at the junction with traffic blocking back onto the A2 and flow breakdown on the mainline.
- b) Congestion at both junctions would result in extensive queueing and delays on the B255 and A2260.
- c) The number of casualties will increase both at the junctions and on the mainline A2 resulting from the congestion.

*Improve journey times*

- 5.9 Journey times are expected to reduce as a result of the Scheme. Customers are forecast to see £159m of journey time benefits and a further £10m of vehicle operating cost savings.

- 5.10 In addition, journeys are expected to become more reliable, through reduction in incident-related disruption and travel time variability. This represents a forecast £11m of value to customers. This also offers potential improvement to journey quality through reduced driver frustration, potentially leading to an improvement in customer satisfaction.

*Improve road safety*

- 5.11 The Scheme will contribute to a reduction in the number of people killed or seriously injured in collisions. The scheme is forecast, over the 60-year appraisal period, to save 154 accidents, 1 fatality, 19.5 serious injuries and 185.7 slight injuries. The Scheme includes improvements to several non-motorised routes which will improve the safety and amenity of the routes for the benefit of all users.

*Minimise the impact on the environment*

- 5.12 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.
- 5.13 Environmental designations including a Site of Special Scientific Interest (SSSI), 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.
- 5.14 The road has been sited to take account of its geographical context and sense of place. The proposed junction improvements largely follow the layout of existing road infrastructure in terms of style and function i.e. larger roundabouts replacing smaller roundabouts of a similar nature.
- 5.15 The siting of the junction at Bean avoids environmental designations in the area but the proposed new over bridge at Bean Junction requires the demolition of Ightham Cottages. In addition, the new southbound approach to Bean North Roundabout and new slip roads would result in the direct loss of three veteran trees. A compensation strategy is proposed that includes translocation and replanting of existing trees, and new planting including 9 semi mature oak trees and woodland planting. See Chapter 7 of this Statement for further information on veteran trees.
- 5.16 The proposals for the Ebbsfleet Junction closely follow the existing layout and comprise infrastructure of similar nature to the existing. Reinstatement of the distinctive amenity planting will maintain the existing strong sense of place.
- 5.17 The ES provides an analysis of the direct, indirect, temporary and permanent impacts of the Scheme, determined by undertaking detailed level assessments. The direct impacts on three veteran trees results in a significant adverse permanent effect, however replacement habitats will provide enhancement and overall biodiversity net gain for the area. Long-term visual impacts for occupants of Hope Cottages (adjoining the Scheme) will also be significant due to views of the overbridge at Bean and increased number of lanes of traffic, however it is expected that the proposed mitigation planting will mature gradually following construction and screen the views therefore reducing any significant effects.

*Provide value for money*

- 5.18 The economic case developed by the Applicant shows an initial benefit cost ratio (BCR) of 2.33, representing high value for money. Inclusion of journey time reliability benefits and Wider Economic Impacts gives an adjusted BCR of 2.59. Benefits are reduced travel times and improved reliability as the Scheme relieves congestion on the Bean and Ebbsfleet junctions of the A2. Dis-benefits arise primarily from delays during construction at already busy junctions.
- 5.19 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)

- 5.20 In December 2014 the Department for Transport ("DfT") published its Road Investment Strategy ("RIS") for the period 2015-2020, announcing £15 billion to be invested in the strategic road network.
- 5.21 Section 2 of the RIS explains that the Strategic Road Network ("SRN"), of which the A2 is part, 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.
- 5.22 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.
- 5.23 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:
- a) Impeded travel between regions that hampers business.
  - b) Longer travel times that constrain possible job opportunities.
  - c) Negative impacts on efforts to spur economic growth, with enterprise zones, potential housing sites and areas of high growth held back by bottlenecks.
  - d) Increased stress on roads to ports and airports, making it harder for British businesses to access export markets.
  - e) Safety and the environment suffering as congested traffic is more polluting and there is an increased risk of accidents.

It can be seen that many of these difficulties are highly relevant to the Scheme, particularly considering its location on the network. The RIS notes that the Scheme will play a particularly important role in unlocking access to new housing developments, in this case including the Ebbsfleet Garden City<sup>1</sup>.

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<sup>1</sup> Page 39

- 5.24 As part of achieving the DfT's vision the RIS and accompanying Investment Plan, which sets out how the Applicant is to turn the DfT's intentions into reality by delivering performance improvements in the short term, set out a list of 69 new schemes that are to be delivered by the Applicant over the 2015-2020 period. The list includes the Scheme, which is identified as one of the key investments in the SRN for London and the South-East. Its status is confirmed as being 'committed subject to other contributions'<sup>2</sup>, which means that the DfT is committed to providing part of the funding for the Scheme in the expectation that the balance will be available from other parties, including local authorities and/or affected property developers. Funding for the Scheme is addressed in detail further on in this chapter.
- 5.25 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.

#### National Networks National Policy Statement

- 5.26 The Government has produced a series of National Policy Statements, including the 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<sup>3</sup>.
- 5.27 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<sup>4</sup>. 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.*"<sup>5</sup>

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<sup>2</sup> Page 46

<sup>3</sup> Paragraph 1.4

<sup>4</sup> Paragraph 2.2

<sup>5</sup> Paragraph 2.22

- 5.28 Paragraph 2.23 confirms that the Government's wider policy is to bring forward improvements and enhancements to the SRN to address the need described in the NN NPS. Proposed enhancements to the existing national road network are described, including (of most relevance to the Scheme) "junction improvements, new slip roads and upgraded technology to address congestion and improve performance and resilience at junctions, which are a major source of congestion" and "improvements to trunk roads, in particular dualling of single carriageway strategic trunk roads and additional lanes on existing dual carriageways to increase capacity and to improve performance and resilience."
- 5.29 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 north Kent and provide a safe, expeditious and resilient network.

#### National Planning Policy Framework

- 5.30 The National Planning Policy Framework (MHCLG, 2018) ("**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 provide for any large scale transport facilities that need to be located in their area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy<sup>6</sup>.
- 5.31 Paragraph 59 acknowledges the Government's objective of significantly boosting the supply of homes, noting that "*it is important that a sufficient amount and variety of land can come forward where it is needed*". Paragraph 72 states that "*The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.*" As noted in Chapter 2 of this Statement, the Scheme would support significant residential development, including at Ebbsfleet Garden City.
- 5.32 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."

#### Local policy

- 5.33 The Scheme also has strong support in local policy documents. A brief summary of relevant policy documents is set out below.

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<sup>6</sup> Paragraph 104

- 5.34 The Dartford Borough Council Core Strategy Local Plan (2011) is a long-term plan to regenerate the Borough by outlining where and how new homes, infrastructure and jobs will be created. It includes an Infrastructure Delivery Plan (Appendix 2), which is a list of infrastructure that is required to meet the demand for future growth and enable the ambitions set out in the Core Strategy to be achieved. The Infrastructure Delivery Plan includes strategic junction improvements at Bean and Ebbsfleet<sup>7</sup>.
- 5.35 The Core Strategy includes Policy CS 16: Transport Investment. It states that the Council will work with its partners to deliver a Strategic Transport Infrastructure Programme (see below) to ensure that the transport network operates at acceptable levels and that transport infrastructure is in place to support new development.
- 5.36 The Dartford Development Policies Plan (2017) states that Policy CS 16 remains "highly relevant with partnership work ongoing, including for major junction upgrades and through the Strategic Transport Infrastructure Programme...Extensive collaboration is occurring between Highways England, the EDC, the Council and Kent County Council"<sup>8</sup>.
- 5.37 The Gravesham Borough Council Local Plan Core Strategy (2014) sets out a long-term vision for the future of the Borough based on what is needed to support existing and future communities. Like the Dartford Core Strategy, it includes an Infrastructure Delivery Schedule (Appendix 6), which is a list of infrastructure that is required to support the delivery of the Core Strategy. The Infrastructure Delivery Schedule includes a strategic junction improvement at Ebbsfleet<sup>9</sup>. Paragraph 5.4.5 of the Core Strategy states: "*Enhancing capacity at the A2 Ebbsfleet junction is essential to the delivery of development at Ebbsfleet and Eastern Quarry, developments which will take place within both Gravesham and Dartford Boroughs*".
- 5.38 Kent County Council's Local Transport Plan 4: 2016-2031 notes that the County Council's role is to enable planned, sustainable growth and ensure the necessary infrastructure is in place to stimulate regeneration and encourage people and businesses to come to Kent. The transport network needs to be able to cater for current demand, enable economic growth and support a growing population. The delivery of junction improvements at Bean and Ebbsfleet is noted as one of the transport priorities for Dartford<sup>10</sup>.
- 5.39 The Kent Thameside Strategic Transport Infrastructure Programme aims to deliver key improvements to the strategic transport network, thereby enabling planned development to be realised. This relates directly to Ambition 1 (To Grow the Economy) of the Vision for Kent 2012 to 2022 and actions set out in Bold Steps for Kent to drive economic prosperity. The Programme includes junction improvements at Bean and Ebbsfleet.

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<sup>7</sup> See pages 109/110 and 114/115 respectively.

<sup>8</sup> Paragraph 7.1

<sup>9</sup> Page 198

<sup>10</sup> Page 33

## Conclusions

- 5.40 The Scheme has strong support from Government through the DfT and the RIS and it is expected that it will be delivered during the 2015-2020 investment period. Further support for the Scheme is found in the NN NPS and NPPF, 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, Gravesham and Dartford Councils all recognising the need for improvements to transport infrastructure, including the Scheme, to enable the ambitions in their plans to be realised.
- 5.41 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.

## Timing of the Orders and the Scheme

- 5.42 The Scheme is due to start construction by Spring 2020. Construction is due to be completed and the Scheme opened to traffic by 2023. 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.
- 5.43 The Applicant therefore considers that there are sufficiently compelling reasons for the powers to be sought at this time.

## Use of the Land

- 5.44 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 and enable the acquisition of rights for construction and maintenance of the Scheme. Twenty one of the 98 plots are required as a temporary licence working space in connection with the construction of the Scheme (total area 1.84ha).
- 5.45 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 Outline Environmental Design drawings (ES Figure 2.3). This design work has in turn informed the preparation of the Scheme boundary and the CPO Plans.
- 5.46 The purpose for which each plot of land is required is described in Appendix 1 to this Statement.

5.47 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.

## Funding

5.48 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.

5.49 An agreement was signed in January 2018 between DfT, DCLG and Ebbsfleet Development Corporation (EDC), such that EDC would underwrite the £45m third party contribution to add to the Applicant's majority funding (from DfT) to deliver the Scheme. To date the Applicant has received two payments totalling circa £15m in accordance with the payment schedule in the agreement.

5.50 The remaining cost is being funded as part of the first Road Investment Strategy (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) and is committed subject to the contribution from EDC being secured.

5.51 The current Scheme forecast (£111.7m) which includes the estimated cost of the compulsory acquisition of the land required for the Scheme, is significantly below the RIS commitment when the third-party funding of £45m is taken into account.

## Other consents and impediments

5.52 It may be necessary for the Applicant to obtain a protected species licence for the construction of the Scheme in relation to Hazel Dormice. 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.

5.53 Some of the works required for the Scheme may take place within 8 metres of the Ebbsfleet River, which is classified as a main river by the Environment Agency. Any works within that distance will require an Environmental Permit. Discussions have taken place between the Applicant and the Environment Agency and the Applicant is not aware of any reason why a permit should not be granted if required. This is addressed further in Chapter 8 (road drainage and the water environment) of the ES.

5.54 The area of Crown Land that is affected by the Orders is addressed in Chapter 7 of this Statement.

5.55 Traffic Regulation Orders will be made as appropriate and when necessary in respect of the Scheme.

- 5.56 The diversion and protection of statutory undertaker apparatus is addressed in Chapter 7 below.
- 5.57 The Applicant does not consider that the Scheme is likely to be blocked by any physical or legal impediments to implementation.

## 6. Human Rights

### The protected rights

- 6.1 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:
- a) 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.
  - b) Article 6 entitles those affected by compulsory powers to a fair and public hearing.
  - c) 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.
- 6.2 Section 6 of the Act prohibits public authorities from acting in a way which is incompatible with the rights protected by the ECHR.
- 6.3 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."

### Compliance with the convention

- 6.4 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.

- 6.5 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 5 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.
- 6.6 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.
- 6.7 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.
- 6.8 Accordingly, it is considered that those affected by the CPO are entitled to a fair and public hearing.

### Acquisition of residential properties

- 6.9 Eleven residential properties are being acquired for the Scheme. The properties are adjacent to the existing Bean Junction and are known as Ightham Cottages.
- 6.10 Due to their proximity to the existing road network there is no way that the proposed improvements to the Bean Junction can be carried out without the acquisition and subsequent demolition of these properties.
- 6.11 Engagement with the owners and occupiers of Ightham Cottages has been ongoing since 2015. Regular one to one meetings have taken place to discuss the process for the purchase of the Cottages by the Applicant and to answer questions relating to the particular circumstances of each owner/occupier. In addition, the owners and occupiers were notified of the exhibitions which took place in March 2017 and February and March 2018 and some of them attended those events. At the time of writing four of the eleven cottages have been purchased by the Applicant and blight notices have been received in respect of a further three. Discussions with the owners and occupiers of the remaining four cottages are ongoing.

## Fair compensation

- 6.12 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 5 of this Statement that these resources are available.
- 6.13 Any dispute in respect of compensation may be referred to the Upper Tribunal (Lands Chamber), an independent tribunal, for determination.

## Conclusion

- 6.14 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.

## 7. Special Considerations

- 7.1 There are no ancient monuments or listed buildings within the Land.
- 7.2 The Land is not within a conservation area and none of it is owned by the National Trust.
- 7.3 None of the Land is ecclesiastical or burial ground.
- 7.4 No part of the Land forms common land or public open space.

### Crown land

- 7.5 Section 327 of the Highways Act 1980 provides that the appropriate authority for any Crown land (in this case The Crown Estate Commissioners) and a highway authority may agree that any provisions of that Act shall apply to the land in question. While the agreement is in force the relevant provisions of the Act shall apply to the land, subject to the terms of the agreement.
- 7.6 The Applicant has made provision in the CPO for the acquisition of an area of Crown land comprising 5 plots, 1/27a, 1/27b, 1/27c, 1/27d and 1/29a, as described in the Book of Reference and shown on the CPO Plans. The agreement of The Crown Estate Commissioners to the compulsory acquisition of this land is required.

- 7.7 The Applicant has entered into discussions with The Crown Estate Commissioners. After sending Land Interest Questionnaires and consultation letters in February 2018, an initial one to one meeting was held with their agents, Savills, on 13 August 2018. An explanation of the Scheme and the extent of the land required to carry out works was provided. Savills has confirmed that the information has been relayed to the Crown Estate Commissioners. Highways England has instructed its District Valuer to progress negotiations. The Applicant has not yet been able to secure the necessary agreement from The Crown Estate Commissioners to the compulsory acquisition but will continue to endeavour to secure it.

### Statutory undertaker apparatus and land

- 7.8 In order to mitigate the impact of the Scheme on the undertakings of Thames Water, Southern Gas Networks, National Grid, UK Power Networks and telecommunications companies, 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**").
- 7.9 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 C3 process. The diversions will be contained within the proposed highway boundaries. The Applicant has identified likely diversions to Thames Water, Southern Gas Networks, UK Power Networks, BT Openreach, Vodafone and Virgin Media apparatus.
- 7.10 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.
- 7.11 The Applicant will continue to liaise with all affected undertakers as the Scheme progresses.

### Veteran Trees

- 7.12 Three veteran trees will be lost as a result of the Scheme. Extensive work has been carried out to investigate whether the loss of the trees can be avoided, but has concluded that it cannot. More information on the three affected trees can be found in Chapter 7 of the ES. All three trees are located immediately adjacent to the highway boundary.
- 7.13 A 'veteran tree' is one that has entered an ancient age classification for its species, or that contains a range of features that increases its habitat value. The glossary in the NPPF defines an ancient or veteran tree as: "*A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.*"

- 7.14 Paragraph 175(c) of the NPPF states that: "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists".
- 7.15 A footnote to this paragraph gives examples of 'wholly exceptional reasons': "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat." The Scheme is an infrastructure project of the kind referred to in this footnote.
- 7.16 Chapters 2 and 5 of this Statement explain and describe the need for and considerable public benefits of the Scheme. Although the Scheme will result in the loss of veteran trees, the loss is limited to just three trees. A wider mitigation/compensation strategy will involve the advance planting of 2.2ha of native woodland. Additional habitat creation will result in a total of 5.64ha of native woodland, 2.8ha of species-rich grassland, 0.61ha of native scrub, 200m of native hedgerow and an extra 0.2ha of ponds, which contribute to an overall increase in the total area of terrestrial and aquatic habitats as a result of the Scheme.
- 7.17 Nine new trees of the same native species as the lost veteran trees will be planted with space around them to develop into an open crown. These pedunculate oaks will be of local origin. Pedunculate oaks will also be included in the wider woodland creation plan, along with other native species.
- 7.18 A Habitat Management Plan will be implemented for the maintenance and management of newly created habitats (particularly new woodland and individual trees) to ensure their successful establishment. Monitoring will take the form of arboricultural/ecological surveys of newly planted trees, focusing on those planted with the aim of developing into veteran trees) and woodland to inform appropriate ongoing management practices.
- 7.19 Monitoring will be undertaken by walkover survey annually in the first two years after planting. Newly planted trees will be monitored annually throughout the maintenance period. After the initial two years, an ongoing schedule of monitoring of newly created habitats will be agreed with the Applicant's contractor.
- 7.20 The above measures to compensate for the loss of veteran trees are included in section 7.8 of the ES, the OEMP in Appendix 2 of the ES and as commitments in the REAC (Chapter 3 of Appendix 2 of the ES). It is therefore considered that a suitable compensation strategy, as referred to in the NPPF, exists.

- 7.21 In conclusion there is a clear need for the Scheme, which is an important infrastructure project. The Scheme will have extensive and considerable public benefits, as described in this Statement, which are considered to outweigh the harm that will be caused by the loss of three veteran trees. 'Wholly exceptional reasons' are therefore considered to exist for the purpose of paragraph 175(c) of the NPPF. A suitable compensation strategy also exists for the purposes of paragraph 175(c) by virtue of the extensive mitigation and compensation measures to be provided to secure an overall increase in habitat, including the planting of a greater number of trees of the same type as the veteran trees to be lost. It is therefore considered that the requirements of paragraph 175(c) are satisfied in relation to the Scheme.

## Green Belt

- 7.22 Part of the Land is designated as Green Belt, as shown on Figure 2.1 of the Environmental Statement Volume 3.
- 7.23 Dartford's Green Belt was first designated in 1958 and was subsequently extended with eastern areas of the Borough being incorporated into the Green Belt by 1978. The Green Belt boundaries across this eastern part of the Borough, including land south of the A2, have remained unchanged since.
- 7.24 The extension of the Green Belt originally covered much of the land north of the A2. However, the Kent and Medway Structure Plan (2006) made provision for the amendment of the Green Belt boundary to exclude Eastern Quarry and St Clements Valley from the Green Belt to assist the Thames Gateway growth objectives. This was supported by Dartford's Strategic Housing Land Availability Assessment and Strategic Employment Land Availability Assessment (2010) and Core Strategy (2011). Land north of the A2 is now no longer within the Green Belt, with the exception of the land west of the B255 and east of the M25 including the northern section of Darenth Wood and Darenth Country Park.
- 7.25 The land to the south of the A2 is open in nature and this is preserved by the Green Belt designation. This area also contributes to North Kent's horticultural belt, an important area for market garden production. There are also a number of designated SSSI's throughout this area of the Green Belt with Darenth Wood SSSI being in close proximity to the Scheme.
- 7.26 The populated settlements of Betsham, Bean and Lane End (Darenth) lie within the Green Belt south of the A2. The villages are tightly bound by the Green Belt boundaries to prevent significant extension to the settlements and thus to retain the openness of the area. This area to the south of the A2 is considered to be 'urban fringe' and provides important opportunities for recreational pursuits for both urban and rural dwellers.
- 7.27 The land acquisition within the Green Belt is required to accommodate the Scheme at Bean Junction and comprises approximately 6ha (of which 2.6ha is required for environmental mitigation).
- 7.28 According to paragraph 133 of the NPPF the aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 7.29 'Inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances' (paragraph 143). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Although the Scheme is not the subject of a planning application, the same test that Local Planning Authorities are required to apply has been taken into account as part of the design process for the Scheme.
- 7.30 The landscape and visual impacts of the Scheme have been assessed by Ms Angela Wade (BA (Hons), Dip LA). The assessment is set out in Chapter 9 of the ES. Paragraph 9.12.1 notes that the existing junctions at Bean and Ebbsfleet will increase in size and extent, resulting in a slight increase in the influence of the highway at either junction. The type of development proposed is of a similar nature to the highway infrastructure which already exists. The Chapter concludes that the only residual significant landscape and visual impact of the Scheme is the impact on receptors at 2-16 Hope Cottages. With regard to the impact on the landscape, initial moderate adverse impacts are predicted to reduce to slight beneficial at Bean Junction and to neutral elsewhere by year 15, when mitigation planting would be expected to have established. It is not therefore considered that the Scheme will have any long-term adverse impact on the openness of the Green Belt.
- 7.31 Paragraphs 145 and 146 of the NPPF set out forms of development that are not, or may not be, considered inappropriate. Paragraph 146 includes local transport infrastructure which can demonstrate a requirement for a Green Belt location, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 7.32 The Applicant considers that the Scheme can be classified as 'local transport infrastructure'. As described in Chapter 5 of this Statement, it finds significant support in local policy. One of the main objectives of the Scheme is to support economic and housing growth in north Kent, including Ebbsfleet Garden City. The Scheme will also increase the capacity of the junctions and improve journey times and road safety for all users. It is therefore considered that the Scheme falls within this exception in paragraph 146, on account of the relatively limited development that is required in order to expand the capacity of the existing highway network. The Scheme would not introduce new development into the area of a scale considered to conflict with the aim of preserving the openness of the Green Belt. Accordingly, it is not considered to be inappropriate development.

- 7.33 For completeness, and in order to address any claim that the Scheme does not preserve the openness of the Green Belt or conflicts with the purposes of including land within it, the existence of 'very special circumstances' has been considered. Paragraph 144 requires the potential harm to the Green Belt, and any other harm resulting from the proposal, to be clearly outweighed by other considerations in order for 'very special circumstances' to exist. 'Very special circumstances' are considered to exist in this case on the basis that the Scheme will:
- a) Support economic and housing growth in North Kent, including Ebbsfleet Garden City.
  - b) Increase the capacity of the Bean and Ebbsfleet junctions and minimise the impact of increased traffic on the A2.
  - c) Improve journey times.
  - d) Improve road safety.
  - e) Minimise the impact on the environment.
  - f) Provide value for money.

Chapters 2 and 5 of this Statement provide more detail on each of these significant benefits.

- 7.34 Given the current regeneration plan established by the local authorities and all of the benefits that regeneration will bring, and the necessary facilitative function of the Scheme in the implementation of this regeneration plan, point (a) on its own is considered to lead to a conclusion that 'very special circumstances' exist in this case for the purposes of paragraph 144. The other benefits referred to at (b) to (f) add further weight in the balance of 'other considerations' against harm to the Green Belt. It is the Applicant's view that, when taken together, the benefits of the Scheme clearly outweigh any limited harm to the Green Belt and that very special circumstances therefore exist.

Gravesham Borough Council Core Strategy 2014

- 7.35 The Gravesham Core Strategy contains strategic objective SO8 that generally accords with the NPPF; it aims to preserve the openness of the Green Belt to maintain its national and local planning purposes and protect it from inappropriate development. The Scheme therefore satisfies SO8 for the same reasons as set out above under the NPPF.
- 7.36 Policy CS02 (Scale and Distribution of Development) in the Core Strategy states that "strategic Green Belt boundary review will be undertaken to identify additional land to meet the housing needs up to 2028 and to safeguard areas of land to meet development needs beyond the plan period", expressly recognising the need to assess Green Belt boundaries in light of the local regeneration objectives.

## 8. The Planning Position

- 8.1 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'.
- 8.2 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.
- 8.3 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<sup>11</sup>.
- 8.4 Additionally, Class A of Part 9 of Schedule 2 to the GPDO provides that highway improvement works by any highway authority on land within the boundaries of a road, or on land outside but adjoining the boundary of an existing highway, is permitted development.

### The Line Order

- 8.5 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.
- 8.6 The Scheme involves the construction of new highway that is to become trunk road, as follows:
- a) four new slip roads to connect the eastbound and westbound carriageway of the A2 trunk road with a modified Bean junction; and
  - b) two new slip roads and a modified roundabout to connect the eastbound carriageway of the A2 trunk road with a modified Ebbsfleet junction.
- 8.7 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.

## The SRO

- 8.8 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.
- 8.9 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.
- 8.10 In the case of the Scheme, the 'road' for the purposes of section 14 is considered to be the A2 trunk road.
- 8.11 Accordingly, the Applicant has made the SRO to authorise it to carry out the works that are specified therein, including:

### Bean Junction

- a) improving the existing local highway A296 (Watling Street) on the east and west sides of the B255 and A296 / Bean Lane roundabout to facilitate the modified approach roads;
- b) improving the existing local highway B255 (north of the A2 trunk road) between the Bean North roundabout and St. Clements roundabout to facilitate widened lanes, increased roundabout circulatory carriageway at Bean North roundabout and construction of new slip roads as referred to in the Line Order;
- c) improving the existing local highway B255 (south of the A2 trunk road) between the A2 trunk road, adjacent to Hope Cottages and Bean House to facilitate an increased roundabout circulatory carriageway at Bean South roundabout and construction of new slip roads as referred to in the Line Order;
- d) stopping up lengths of existing highway to then be used for alternative purposes and reclassified as such as stated in the SRO schedule at Bean Lane (old) from Ightham Cottages northwards (north of the A2 trunk road) and also Bean Lane (old) adjacent to No's 15 & 16 Hope Cottages (south of the A2 trunk road);
- e) constructing new highways (as classified) either as a public highway (crossing the A2 trunk road on a new bridge) or as a cycle track (with a right of way on foot) as required;
- f) stopping up existing private means of access to premises or land connecting to / from the A296, Bean Lane (old) (north of the A2 trunk road), Ightham Cottages, Hope Cottages as required to facilitate the new scheme works; and
- g) providing new private means of access to said locations where access will be required in future;

## Ebbsfleet Junction

- h) improving the existing local highway Ackers Drive on the west of the modified Ebbsfleet West roundabout to facilitate the modified roundabout;
- i) improving the existing local highway A2260 between the Ebbsfleet West roundabout and Ebbsfleet Gateway roundabout to facilitate widened lanes and increased roundabout circulatory carriageway at Ebbsfleet West roundabout;
- j) constructing a new highway spur (as classified) for the purposes of connection to a development proposed to the north of the Ebbsfleet East roundabout from the modified Ebbsfleet East roundabout as referred to in the Line Order;
- k) stopping up existing private means of access to premises or land connecting to / from the Ebbsfleet West and East roundabouts as required to facilitate the new scheme works; and
- l) providing new private means of access to said locations where access will be required in future.

8.12 Each new highway created under the SRO is to be transferred to Kent County Council as the local highway authority.

8.13 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.

8.14 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.

## **9. Conclusions**

9.1 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.

- 9.2 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 1 to this Statement.
- 9.3 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 2 to this Statement.
- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 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 8 of this Statement.

## 10. Inspection of Documents

- 10.1 The documents listed in Chapter 13 below are available for inspection during normal office opening hours at:
- a) Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ (Monday-Friday, 9.30am to 5pm);
  - b) Dartford Borough Council, Civic Centre, Home Gardens, Dartford, DA1 1DR (Monday-Thursday 8.45am to 5.15pm, Friday 8.45am to 4.45pm);
  - c) Swanscombe & Greenhithe Town Council, The Groves, Swanscombe, DA10 0GA (Monday, Tuesday, Thursday & Friday 9.30am to 4.00pm, Wednesday by appointment only).

## 11. Contacts Details

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

[a2beanandebbsfleetjunctionsImprovements@highwaysengland.co.uk](mailto:a2beanandebbsfleetjunctionsImprovements@highwaysengland.co.uk)

## 12. What Happens Next

- 12.1 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.
- 12.2 Until 28th March 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](mailto:Nationalcasework@dft.gov.uk)
- stating the title of the Scheme and, if relevant, the grounds of objection.
- 12.3 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.

## 13. List of Related Documents

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

### Application documents

- a) The Environmental Statement
- b) The Outline Environmental Management Plan (Environmental Statement, Volume 2 – Appendix B)
- c) The Register of Environmental Actions and Commitments (Environmental Statement, Volume 2 – Appendix B, Chapter 3)
- d) The Report on Consultation
- e) The Scheme Assessment Report
- f) The Technical Appraisal Report

### Legislation (as amended)

- g) The Highways (Inquiries Procedure) Rules 1994
- h) The Compulsory Purchase (Inquiries Procedure) Rules 2007

- i) The European Convention on Human Rights (as amended)
- j) The Human Rights Act 1998
- k) The Highways Act 1980
- l) The Acquisition of Land Act 1981
- m) The Town and Country Planning Act 1990
- n) The Town and Country Planning (General Permitted Development) (England) Order 2015

### National Policy and Guidance

- o) The National Planning Policy Framework (2018)
- p) The National Networks National Policy Statement (2014)
- q) Road Investment Strategy 2015-2020 (2014)
- r) Guidance on Compulsory purchase process and The Cichel Down Rules (2018)

### Local Policy and Guidance

- s) Dartford Borough Council Core Strategy Local Plan (2011)
- t) Dartford Development Policies Plan (2017)
- u) Dartford Annual Monitoring Report 2017
- v) Dartford Five Year Deliverable Housing Land Supply 2018
- w) Gravesham Borough Council Local Plan Core Strategy (2014)
- x) Gravesham Five Year Deliverable Housing Land Supply Statement 2017-2022
- y) Kent Thameside Strategic Transport Programme
- z) Kent County Council's Local Transport Plan 4: 2016-2031
- aa) Vision for Kent 2012 to 2022

### Other

- bb) The Design Manual for Roads and Bridges

# Appendices

## Appendix A.

# Purpose for which compulsory acquisition powers are sought

Plot No.	Details of the purpose for which compulsory acquisition powers are sought
<b>Sheet 1</b>	
1a	Required for permanent acquisition for construction of a new drainage pond.
2a	Required for permanent acquisition for construction of the modified B255 and Bean Lane.
3a	Required for permanent acquisition for construction of the modified B255, Bean Lane and NMU route.
3b	Required for permanent acquisition for construction of the modified B255, Bean Lane, NMU route, Bean Lane roundabout, new eastbound entry slip and new bridge crossing the Trunk Road (A2).
3c	Required for permanent acquisition for construction of the modified Bean Lane, Bus Lay-by and NMU route.
4a	Required as a temporary licence for working space as a compound in connection with the construction of the scheme works.
4b	Required for permanent acquisition for construction of the modified Bean Lane and NMU route.
4c	Required as a temporary licence working space in connection with the construction of the scheme works.
4d	Required for the provision of vehicular rights of access required for the benefit of:- 1) WT Investments LLP, 2) Highways England Company Limited, 3) Dartford Borough Council, 4) UK Power Networks (Operations) Limited. And all those persons having rights to cross the owners land.
4e	Required as a temporary licence working space in connection with the construction of the scheme works.
4f	Required for the provision of vehicular rights of access required for the benefit of:- 1) WT Investments LLP, 2) Highways England Company Limited, 3) Dartford Borough Council, 4) UK Power Networks (Operations) Limited. And all those persons having rights to cross the owners land.
4g	Required for permanent acquisition for construction of the modified Bean Lane, NMU route and Bean Lane roundabout.
4h	Required for the provision of vehicular rights of access required for the benefit of:- 1) WT Investments LLP, 2) Highways England Company Limited, 3) Dartford Borough Council, 4) UK Power Networks (Operations) Limited. And all those persons having rights to cross the owners land.
4i	Required as a temporary licence working space in connection with the construction of the scheme works.
5a	Required for permanent acquisition for construction of the modified Bean Lane roundabout and new eastbound entry slip and new bridge crossing the Trunk Road (A2).
5b	Required for permanent acquisition for construction of the modified drainage pond and construction of a maintenance and private access track (to DBC land and electricity pylon).
6a	Required as a temporary licence working space in connection with the construction of the scheme works.
6b	Required for permanent acquisition for construction of a maintenance and private access track (to electricity pylon).
7a	Required for permanent acquisition for construction of a maintenance and private access track (to electricity pylon).
7b	Required for permanent acquisition for construction of a maintenance and private access track (to electricity pylon).

Plot No.	Details of the purpose for which compulsory acquisition powers are sought
8a	Required for permanent acquisition for construction of the modified Bean Lane roundabout and NMU route.
9a	Required for permanent acquisition for construction of the modified Bean Lane roundabout and NMU route.
10a	Required for permanent acquisition for construction of the modified Bean Lane roundabout and NMU route.
11a	Required for permanent acquisition for construction of the modified Bean Lane roundabout and NMU route.
12a	Required for permanent acquisition for construction of the modified Bean Lane roundabout and NMU route.
13a	Required for permanent acquisition for construction of the modified Bean Lane roundabout and NMU route.
14a	Required for permanent acquisition for construction of the modified Bean Lane roundabout, NMU route and the new eastbound entry slip.
15a	Required for permanent acquisition for construction of the modified Bean Lane roundabout and NMU route.
16a	Required for permanent acquisition for construction of the modified Bean Lane roundabout and NMU route.
17a	Required for permanent acquisition for construction of the modified Bean Lane roundabout and NMU route.
18a	Required for permanent acquisition for construction of the modified Bean Lane roundabout, NMU route and the new eastbound entry slip.
19a	Required for permanent acquisition for construction of the modified Bean Lane roundabout, NMU route and the new eastbound entry slip.
20a	Required for permanent acquisition for construction of the modified Bean Lane roundabout, NMU route and the new eastbound entry slip.
21a	Required for permanent acquisition for construction of the modified Bean Lane roundabout, NMU route and the new eastbound entry slip.
22a	Required for permanent acquisition for construction of the modified Bean Lane roundabout, NMU route, new eastbound entry slip and new bridge crossing the Trunk Road (A2).
23a	Required for permanent acquisition for construction of the modified Bean Lane roundabout, NMU route, new eastbound entry slip and new bridge crossing the Trunk Road (A2).
24a	Required for permanent acquisition for construction of the modified Bean Lane roundabout, NMU route, new eastbound entry slip and new bridge crossing the Trunk Road (A2).
24b	Required for permanent acquisition for construction of the modified Bean Lane roundabout, NMU route and the new eastbound entry slip.
24c	Required for permanent acquisition for construction of the modified drainage pond and construction of a dual maintenance and private access track (to DBC land and electricity pylon).
25a	Required for permanent acquisition for construction of the modified westbound exit slip.
26a	Required for permanent acquisition for construction of the modified westbound exit slip.
26b	Required for permanent acquisition for construction of the modified westbound exit slip.
27a	Required for permanent acquisition for construction of the modified westbound exit slip and Bean South roundabout.

Plot No.	Details of the purpose for which compulsory acquisition powers are sought
27b	Required for permanent acquisition for construction of a new drainage soakaway.
27c	Required for the provision of vehicular rights of access required for the benefit of:- 1) The Queen's Most Excellent Majesty in Right of the Crown, 2) Highways England Company Limited, 3) Kent County Council. And all those persons having rights to cross the owners land.
27d	Required for landscaping under section 246 of the Highways Act 1980.
28a	Required for permanent acquisition for construction of earthworks for a new overhead gantry.
29a	Required for permanent acquisition for construction of a new highway turning head.
30a	Required for permanent acquisition for construction of a new highway turning head.
30b	Required for permanent acquisition for construction of a new highway turning head and NMU crossing facility.
31a	Required for permanent acquisition for construction of a new NMU crossing facility.
31b	Required for permanent acquisition for construction of a new NMU crossing facility.
32a	Required for rights over the land under section 250 of the Highways Act 1980 to access for the installation of traffic management and modification to existing traffic signs.
33a	Required for rights over the land under section 250 of the Highways Act 1980 to access for modification to existing traffic signs and gantry.
33b	Required for rights over the land under section 250 of the Highways Act 1980 to access for the installation of traffic management and modification to existing traffic signs and gantry.
33c	Required for rights over the land under section 250 of the Highways Act 1980 to access for modification to existing traffic signs.
33d	Required for rights over the land under section 250 of the Highways Act 1980 to access for modification to existing traffic signs.
33e	Required for rights over the land under section 250 of the Highways Act 1980 to access for modification to existing traffic signs.
33f	Required for rights over the land under section 250 of the Highways Act 1980 to access for modification to existing traffic signs.
33g	Required for rights over the land under section 250 of the Highways Act 1980 to access for modification to existing traffic signs.
33h	Required for rights over the land under section 250 of the Highways Act 1980 to access for modification to existing traffic signs.
<b>Sheet 2</b>	
1a	Required for permanent acquisition for construction of the modified A2260.
2a	Required for permanent acquisition for construction of the modified A2260.
2b	Required for permanent acquisition for construction of the modified and widened A2260.
2c	Required as a temporary licence working space in connection with the construction of the scheme works.
2d	Required as a temporary licence working space in connection with the construction of the scheme works.
2e	Required for permanent acquisition for construction of the modified and widened A2260.
2f	Required for permanent acquisition for construction of the modified and widened A2260.

Plot No.	Details of the purpose for which compulsory acquisition powers are sought
2g	Required as a temporary licence working space in connection with the construction of the scheme works (private access to the pylon) and required for rights over the land under section 250 of the Highways Act 1980 to construct and maintain drainage.
2h	Required as a temporary licence working space in connection with the construction of the scheme works (private access to the pylon) and required for rights over the land under section 250 of the Highways Act 1980 to construct and maintain drainage.
2i	Required for the provision of vehicular rights of access required for the benefit of:- 1) Ebbsfleet Investment (GP) Limited and their partners, 2) Highways England Company Limited (for access to drainage and retaining wall), 3) Kent County Council (for access to drainage and retaining wall), 4) National Grid Electricity Transmission Plc (for access to pylon). And all those persons having rights to cross the owners land. Also required for rights over the land under section 250 of the Highways Act 1980 to construct and maintain drainage.
2j	Required as a temporary licence working space in connection with the construction of the scheme works (private access to the pylon) and required for rights over the land under section 250 of the Highways Act 1980 to construct and maintain drainage.
2k	Required for rights over the land under section 250 of the Highways Act 1980 to construct and maintain drainage.
2l	Required as a temporary licence working space in connection with the construction of the scheme works (private access to the pylon).
2m	Required as a temporary licence working space in connection with the construction of the scheme works (private access to the pylon).
2n	Required for the provision of vehicular rights of access required for the benefit of:- 1) Ebbsfleet Investment (GP) Limited and their partners, 2) Highways England Company Limited (for access to drainage and retaining wall), 3) Kent County Council (for access to drainage and retaining wall), 4) National Grid Electricity Transmission Plc (for access to pylon). And all those persons having rights to cross the owners land.
2o	Required as a temporary licence working space in connection with the construction of the scheme works (private access to the pylon).
2p	Required as a temporary licence working space in connection with the construction of the scheme works (private access to the pylon and new spur).
3a	Required for permanent acquisition for construction of the modified and widened A2260.
4a	Required as a temporary licence working space in connection with the construction of the scheme works.
4b	Required for permanent acquisition for construction of the modified and widened Ackers Drive.
4c	Required as a temporary licence working space in connection with the construction of the scheme works.
4d	Required for permanent acquisition for construction of the modified and widened Ackers Drive.
4e	Required for permanent acquisition for construction of the modified and widened Ackers Drive.
5a	Required as a temporary licence for working space as a compound in connection with the construction of the scheme works.
5b	Required for permanent acquisition for construction of the modified eastbound exit slip, Ebbsfleet East and Ebbsfleet West roundabouts.

Plot No.	Details of the purpose for which compulsory acquisition powers are sought
6a	Required as a temporary licence working space in connection with the construction of the scheme works.
6b	Required for permanent acquisition for construction of the modified Ebbsfleet East roundabouts.
6c	Required as a temporary licence working space in connection with the construction of the scheme works.
6d	Required for the provision of vehicular rights of access required for the benefit of:- 1) J&B Construction Limited, 2) Ebbsfleet Investment (GP) Limited and their partners, 3) DTG Elliott & Son Limited. And all those persons having rights to cross the owners land.
7a	Required for permanent acquisition for construction of the modified Ebbsfleet East roundabouts.
7b	Required as a temporary licence working space in connection with the construction of the scheme works.
7c	Required as a temporary licence working space in connection with the construction of the scheme works.
7d	Required for the provision of vehicular rights of access required for the benefit of:- 1) Ebbsfleet Investment (GP) Limited and their partners, 2) DTG Elliott & Son Limited. And all those persons having rights to cross the owners land.
8a	Required for permanent acquisition for construction of the modified eastbound entry slip.
9a	Required for rights over the land under section 250 of the Highways Act 1980 to access maintain drainage.
10a	Required for rights over the land under section 250 of the Highways Act 1980 to access maintain drainage.
11a	Required for rights over the land under section 250 of the Highways Act 1980 to access maintain drainage.

## **Appendix B.**

# **Status of negotiations with landowners**

Plot No.	Status
1/1a	Initial engagement and discussions in September 2018. Shape of area required refined at request of landowner to minimise impact on viability of the farm. Agent for landowner confirmed on 13/12/18 that a further meeting to discuss Scheme was not required.
1/2a	Meeting held in February 2018 to discuss the development at Ebbsfleet and the land required for the scheme. Discussions regarding the timing of the works and minimising impacts.
1/4a to 1/4i and 1/28a	Meeting held in May 2018 to discuss the land to be acquired, further meeting planned for January 2019 to discuss land required permanently for the scheme, land required temporarily for construction and vehicular rights of access required for the benefit of adjoining landowner and statutory undertakers.
1/5a & 1/5b and 1/6a & 1/6b	Engagement and discussions in May, July and November 2018 with tenant to discuss the acquisition of the land. Ongoing engagement with Planning team in relation to the Scheme. Meeting to discuss the acquisition of land held with Property team in November 2018.
1/7a, 1/7b and 1/25a	Meeting held in May 2018 to discuss the land to be acquired, further meeting planned for January 2019.
1/9a	On-going engagement regarding the acquisition of the property.
1/10a	On-going engagement regarding submission of blight notice.
1/11a	Purchased by the Applicant.
1/12a	Purchased by the Applicant.
1/15a	Purchased by the Applicant.
1/16a	On-going engagement regarding completion of purchase by the Applicant.
1/17a	On-going engagement regarding the acquisition of the property.
1/18a	On-going engagement regarding completion of purchase by the Applicant.
1/19a	On-going engagement regarding completion of purchase by the Applicant.
1/20a	On-going engagement regarding submission of blight notice.
1/21a	Purchased by the Applicant.
1/27a to 1/27d and 1/29a	Initial engagement and discussions in August 2018 including in relation to the agricultural tenancy. District Valuer has been instructed and is progressing discussions with Crown Estate's agents.
2/1a, 2/3a and 2/4a to 2/4e	Initial meeting held in February 2018 to discuss the development at Ebbsfleet and the land required permanently and temporarily for the scheme. Discussions regarding the timing of the works and minimising impacts.
2/2a to 2/2p, 2/5a & 2/5b, 2/7a to 2/7d	Initial engagement and discussions in September 2018. A second meeting took place in December 2018 at which discussions revolved around best approach to maintain access to pylons for National Grid.
2/6a to 2/6d	Initial engagement and discussions with this landowner in July 2018 and subsequently in November 2018 to discuss land required permanently for the scheme, land required temporarily for construction and vehicular rights of access required for the benefit of adjoining landowners.
2/8a, 2/9a and 2/11a	Two meetings held in March and September 2018 to obtain information about the business, discuss the land to be acquired and the Scheme design and any anticipated impacts during construction.

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