

Notice of Compulsory Acquisition under Section 134(7) of the Planning Act 2008
THE M20 JUNCTION 10a DEVELOPMENT CONSENT ORDER 2017

Notice of authorisation of compulsory acquisition

The above order, made under the Planning Act 2008 by the Secretary of State for Transport and published on 1st December 2017, includes provision authorising the compulsory acquisition of land, existing rights over land and of rights over land by creating new rights, as described in Schedule 1.

The order includes provision authorising the acquisition for the purpose of construction of a new junction 10a on the M20, together with associated works.

A copy of the order has been deposited at Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL and may be inspected at all reasonable hours.

A person aggrieved by the order may challenge the order only in accordance with section 118 of the Planning Act 2008, which stipulates that any proceeding must be brought by filing a claim form for judicial review before the end of the period of 6 weeks beginning with the day after the day on which the order was published (or, if later, the day on which the statement of reasons for making the order was published).

Once the provision in the order authorising compulsory acquisition comes into force, Highways England may acquire any of the land (including any existing rights and/or new rights) described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2.

Any person who would be entitled to claim compensation if a general vesting declaration were executed is invited to give Highways England at:

M20 Junction 10a

Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ

Email: M20-J10a@highwaysengland.co.uk

Phone: 0300 123 5000

Information about the person's name, address and interest in land, using a prescribed form. The prescribed form is set out in Schedule 3.

Schedule 1

Description of the land, existing rights and the new rights

Land Plot Ref	Extent, description, and situation of the land or right
2/1/f	All interests and rights in approximately 3869.15 square metres of land forming part of the former A2070.
2/2/b	All interests and rights in approximately 2462.51 square metres of agricultural land located south–west from existing M20 J10
2/4/a	All interests and rights in approximately 4565.50 square metres of land and premises forming part of Wyevale Garden Centre, Romac Construction Limited and RCL Pools Ltd business, located between A20 and M20 motorway
2/7/a	All interests and rights in approximately 2030.18 square metres of land forming part of ‘Sweatman Mowers’ business located south of A20.
2/8/a	All interests and rights in approximately 1510.49 square metres of woodland located north of A20.
3/1/a	All interests and rights in approximately 2479.48 square metres of land forming part of the former A2070.
3/1/b	All interests and rights in approximately 3442.42 square metres of land forming part of the former A2070
3/1/c	All interests and rights in approximately 1477.88 square metres of land forming part of the former A2070
3/1/d	All interests and rights in approximately 996.26 square metres of land forming part of the former A2070
3/1/e	All interests and rights in approximately 1973.35 square metres of land forming part of the existing A2070.
3/1/f	All interests and rights in approximately 1459.53 square metres of land forming part of the former Church Road.
3/1/g	All interests and rights in approximately 6365.45 square metres of land forming part of the A2070 verge.
3/1/h	All interests and rights in approximately 5803.23 square metres of land forming part of the existing A2070.
3/1/i	All interests and rights in approximately 6152.02 square metres of land forming part of the existing A2070.
3/1/j	All interests and rights in approximately 2052.41 square metres of land forming part of the existing Church Road.
3/2/a	All interests and rights in approximately 1399.3 square metres of land forming access path running alongside the A2070 located south–west from existing M20 J10.
3/2/b	All interests and rights in approximately 43265.62 square metres of agricultural land located south–west from existing M20 J10.
3/14/b	All interests and rights in approximately 1738.39 square metres of special category land (open space) located east of former A2070
3/14/d	All interests and rights in approximately 300.45 square metres of land forming part of Barrey Road.
3/15/a	All interests and rights in approximately 523.91 square metres of land forming part of Ashford Business Park, adjacent to Barrey Road.
3/16/a	All interests and rights in approximately 4052.90 square metres of mixed crop agricultural land located west of former A2070
3/16/b	All interests and rights in approximately 73966.84 square metres of agricultural land, located south from M20 motorway
3/16/e	All interests and rights in approximately 7897.69 square metres of grassland located south from M20 motorway.
3/17/a	All interests and rights in approximately 5236.30 square metres of agricultural land located south from M20 motorway.
3/18/a	All interests and rights in approximately 21464.40 square metres of agricultural/ commercial land with house (Highfield Bungalow) located south form M20 motorway.
4/1/a	All interests and rights in approximately 5343.08 square metres of land forming part of the former A20 Hythe Road.
4/1/c	All interests and rights in approximately 132.02 square metres of land forming part of the former A20 Hythe Road.
4/1/e	All interests and rights in approximately 1474.67 square metres of land forming part of the former and existing Kingsford Street.

Land Plot Ref	Extent, description, and situation of the land or right
4/1/f	All interests and rights in approximately 242.20 square metres of land forming part of the former and existing Kingsford Street.
4/9/a	All interests and rights in approximately 10586.52 square metres of commercial land forming part of Wyevale Garden Centre and Kent Leisure Buildings, located between A20 and M20 motorway
4/10/a	All interests and rights in approximately 7875.1 square metres of agricultural land located north of A20.
4/11/a	All interests and rights in approximately 1667.67 square metres of woodland located between M20 motorway and A20
4/11/b	All interests and rights in approximately 3199.39 square metres of woodland located south of M20
4/11/c	All interests and rights in approximately 8363.05 square metres of agricultural land located between M20 motorway and A20
4/11d	All interests and rights in approximately 15569.38 square metres of agricultural land south of M20 motorway.
4/12/a	All interests and rights in approximately 3603.96 square metres of agricultural land. Land on the northwest side of Bockham Lane, Ashford.
4/13/a	All interests and rights in approximately 135.50 square metres of land forming Southern Water pumping station, located next to former Highfield Lane.
4/16/c	All interests and rights in approximately 3656.27 square metres of agricultural land located on former Highfield Lane.
4/16/d	All interests and rights in approximately 1903.36 square metres of grassland, located south from Kingsford Street.
4/19/a	All interests and rights in approximately 2242.99 square metres of agricultural land located between M20 motorway and Kingsford Street
2/3/a	A right to install, operate and maintain lighting columns and cables including access with or without vehicles plant and machinery over approximately 139.09 square metres of land forming A20 verge.
2/4/b	A right to construct, divert , remove, use and maintain utility connections and equipment including a mains gas pipeline including access with or without vehicles plant and machinery and a permanent new right to construct, operate and maintain eastbound off slip from the M20 and related works and mitigation measures including access with or without vehicles plant and machinery over approximately 9034.28 square metres of agricultural land and public footpath (no. AU53A) located south from A20.
3/14/a	A right to construct, operate and maintain the Church Road overbridge and related works and mitigation measures including access with or without vehicles plant and machinery over approximately 1588.07 square metres of special category land (open space) located east of former A2070.
3/16/d	A right to construct, divert, remove, use and maintain utility connections and equipment including a mains gas pipeline including access with or without vehicles plant and machinery over approximately 1898.6 square metres of agricultural land located south from M20 motorway.
3/16/g	A right to construct, divert, remove, use and maintain utility connections and equipment including a mains gas pipeline including access with or without vehicles plant and machinery over approximately 743.52 square metres of agricultural land. Land located south from M20 motorway.
4/1/d	A right to construct, use and maintain environmental mitigation measures including access with or without vehicles plant and machinery over approximately 738.94 square metres of land forming part of the former Highfield Lane.
4/16/a	A right to construct, use and maintain environmental mitigation measures including access with or without vehicles plant and machinery over approximately 663.96 square metres of agricultural land.
4/16/b	A right to construct, use and maintain environmental mitigation measures including access with or without vehicles plant and machinery over approximately 924.05 square metres of agricultural land located on former Highfield Lane.

Schedule 2

Statement on the effect of parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981

Power to execute a general vesting declaration

1. Once the provision in the M20 Junction 10a Development Consent Order 2017 which authorises compulsory acquisition comes into force, the acquiring authority (hereinafter called Highways England) may acquire any of the land (including any existing rights and / or new rights) described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (“the Act”). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in Highways England at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

2. As soon as may be after Highways England execute a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the notice of the authorisation of compulsory acquisition. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in Highways England together with the right to enter on the land and take possession of it. Every person on whom Highways England could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.

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

Modifications with respect to certain tenancies

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a “minor tenancy”, i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or “a long tenancy which is about to expire”.

The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.

5. The modifications are that Highways England may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

Schedule 3

Form for giving information

The M20 Junction 10a Development Consent Order 2017

To: Highways England

[I] [We] being [a person] [persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to section 134(7) (cza) of the Planning Act 2008.

- Name and address of informant(s) (i).....
- Land in which an interest is held by informant(s) (ii).....
- Nature of interest (iii).....

Signed

.....

[On behalf of]

Date.....

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

(ii)The land should be described concisely

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