



GOVERNMENT OFFICE
FOR THE SOUTH EAST

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8 June 2005

Dear Sir or Madam

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981
A2/A282/M25 (J2) – DARTFORD IMPROVEMENT

1. I am directed by the First Secretary of State and the Secretary of State for Transport ("the Secretaries of State") to refer to the letter of 27 August 2004 ("the August letter") setting out their decision on the draft Orders, Scheme and Certificates relating to the proposed improvements of the A2/A282/M25 (J2), which were considered at the public local inquiries held between 3 and 12 February 2004.
2. Paragraph 11 of the August letter stated that the Secretaries of State were minded to adopt the Highways Agency's proposed modifications that related to the access arrangement to the site of the former Mabledon Hospital. The August letter also stated that before reaching a decision on that part of the A2/A282 TRUNK ROADS (M25 JUNCTION 2 IMPROVEMENT) APPROPRIATION AND SIDE ROADS ORDER 200 that related to these modifications, the Secretaries of State would consider any representations from those persons who were likely to be affected by them. It was also stated at paragraphs 14 and 16 of the August letter that a decision would be deferred on plots 4/1 and 4/2 in the A2/A282 TRUNK ROADS (M25 JUNCTION 2 IMPROVEMENT) COMPULSORY PURCHASE ORDER (NO) 200 and in respect of the open space Exchange Land Certificate until the satisfactory outcome of the consultation, because they were affected by the modifications. Consequently, this caused the decision on plot 2/2, which is the area of land designated as open space referred to in the Certificate, to also be deferred.
3. In response to the August letter, the Highways Agency on 3 November 2004 published a consultation document dated November 2004 that explained the modifications in detail. This was sent to residents in the Littledale area, Kent County Council, Dartford Borough Council and Darenth Parish Council, the statutory bodies who have an interest in this matter, and the Consulting Engineers representing the Secretary of State for Health who own the site of the former Hospital, and gave an opportunity of making representations about the modifications.

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4. The Highways Agency, in response to this consultation, received one representation from a resident in Coombfield Drive, in the village of Darent. This raised concerns about the need for the new access given that the present track to the site was currently impassable and on the impact of the construction works. The Highways Agency responded to this representation by letter dated 22 December 2004 explaining that the proposed improvement to the A2 in the published scheme required the stopping-up of the current access to the former Mabledon Hospital site leaving no alternative means of access. In these circumstances, the Highways Act requires another reasonably convenient means of access to be provided. The fact that the current access is blocked to prevent illegal access to the site, and that the site is currently derelict, does not prevent this requirement from applying. The alternative access is intended to provide an equivalent level of access to that being stopped-up and is not part of any future redevelopment of the site. The Highways Agency also addressed the concerns about the impact on the surrounding area of the modifications during construction and explained the proposals to mitigate the effects of the scheme and its construction.

THE DECISION OF THE SECRETARIES OF STATE

5. The Secretaries of State have carefully considered this representation and the Highways Agency's response contained in their letter dated 22 December 2004. They agree with the Highways Agency's response and are satisfied that it answers adequately all the concerns made in the representation. They have, therefore, decided that the remaining part of the draft Appropriation and Side Roads Order, to which the modifications relate, should now be made accordingly. They have also decided that this now allows that part of the CPO, which relates to plots 2/2, 4/1 and 4/2, to be made, and the Exchange Land Certificate to be issued by the First Secretary of State for the designated open space in plot 2/2.

6. In taking this decision, the Secretary of State for Transport has, in carrying out his duty to keep under review the trunk road network, had regard to the requirements of local and national planning, including the requirements of agriculture. The Secretary of State for Transport is also satisfied that the scale and nature of the proposed modifications do not affect the published environmental statement requiring it to be revised and republished.

ORDERS TO BE MADE AND CERTIFICATE ISSUED

7. In the light of the decisions taken above, the Secretary of State for Transport will make shortly:

the remaining part of the draft A2/A282 TRUNK ROADS (M25 JUNCTION 2 IMPROVEMENT) APPROPRIATION AND SIDE ROADS ORDER 200, incorporating the proposed modifications to the former site of the Mabledon Hospital, which will now become a separate Order under the provisions of paragraph 8 of Schedule 1 of the Highways Act 1980; and

the remaining part of the draft A2/A282 TRUNK ROADS (M25 JUNCTION 2 IMPROVEMENT) COMPULSORY PURCHASE ORDER (NO) 200, which relates to plots 2/2, 4/1 and 4/2, which will now become a separate Order under the provisions of section 259 of the Highways Act 1980.

8. The First Secretary of State will issue shortly the Exchange Land Certificate relating to designated open space.

9. Public Notice will be given when the Orders are made and the Exchange Land Certificate in respect of open space land issued. Any person who wishes to question their validity, or of any particular provision contained in them, on the grounds that the Secretary of State for Transport or the First Secretary of State has exceeded their powers or has not complied with the relevant statutory requirements in making the Orders or issuing the Certificate may, under the provisions of Schedule 2 to the Highways Act 1980, and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such application must be made within six weeks of publication of notice that the Orders have been made or the Certificate issued.

INSPECTION OF DOCUMENTS

10. A copy of this letter has been sent to those who received a copy of the August letter, and those who were consulted about the proposed modifications. Those entitled to inspect the Highways Agency consultation document, the representation received and the Highways Agency response, may apply to the Secretary of State for Transport within six weeks of receipt of this letter. Any such application should be made to John Martin, Federated House, London Road, Dorking RH4 1SZ, Tel: 01306 878129. Applications should state the date and time (within normal office hours) when it is proposed to make the inspection. At least three days notice should be given, if possible.

Yours faithfully

PP. *Claire Sher.*

John Haward

Director
Government Office for the South East