

Agenda Item No: 10
Report To: Council
Date: 17 July 2014



Report Title: Report of the Overview and Scrutiny Committee - Call-in of Cabinet Minute 397/04/14: M20 Junction 10A
Report Author: Senior Scrutiny Officer on behalf of the O&S Committee

Summary:	Report on the Overview and Scrutiny Committee Call-In of Minute No.397 (Cabinet 10 th April 2014). The Committee has debated the M20 Junction 10A report of 10 th April 2014 and agreed to refer the Cabinet decision to support the interim (SELEP) scheme to full Council under part 4 of the O&S procedure rules. The Committee has also drawn up recommendations which the Council is asked to consider.
-----------------	--

Key Decision: No

Affected Wards: All

Recommendations: **The Council be asked to consider the O&S Committee's resolution that :-**

The O&S Committee notes that:-

- i. **The interim scheme is fundamentally different from the full scheme for 3 reasons:-**
 - **Highfield Lane**
 - **Hythe Road**
 - **Single carriageway rather than dual carriageway.**
- ii. **The interim scheme poses a risk to the Council because it is so different and could have a negative effect on the quality of life of the residents of the whole Borough.**
- iii. **Council policy is for a full scheme at Junction 10A.**

The O&S Committee refers the Cabinet's decision to support the interim (SELEP) scheme to full Council under Part 4 of the O&S Procedure rules. The O&S Committee believes that further consideration at full Council should include the following items:-

- **Independent traffic data**
- **A report on alternative options for Junction 10A**
- **A traffic census on the impact of the interim scheme**
- **Details of compulsory purchase**

- **Details of the funding scheme**
- **Full and detailed consultation with affected residents Borough wide (only if a planning application for the interim scheme is submitted).**

Policy Overview:	This decision was called-in in accordance with the Constitution.
Financial Implications:	See report to Cabinet 10 April 2014
Risk Assessment	See report to Cabinet 10 April 2014
Other Material Implications:	See report to Cabinet 10 April 2014
Exemption Clauses:	N/A
Background Papers:	None
Contacts:	julia.vink@ashford.gov.uk – Tel: (01233) 330491

Report Title: Report of the Overview and Scrutiny Committee - Call-in of Cabinet Minute 397/04/14: M20 Junction10A

Background

1. Ten Overview and Scrutiny (O&S) Members requested that the Cabinet decision of the 10th April 2014 on M20 Junction10A be 'called-in' for further discussion before the resolutions were implemented. The Cabinet had resolved as follows:- That:
 - i. support be given in principle to the delivery of the SELEP funded scheme for Junction 10A by 2019
 - ii. support in principle be given to the subsequent delivery of an enhanced SELEP scheme to create a new, all movements Junction 10A in the same location when funding permits
2. Questions for the meeting were submitted by Members of the Committee and these, together with the Officers' answers, made up the report to the meeting. Officers from ABC and KCC were present to assist the Committee with their review.

A full copy of all the papers submitted to O&S are available on the Council's website <https://secure.ashford.gov.uk/cgi-bin/committee/index.cfm?fuseaction=doctrack.details&ItemID=1729>

The Overview & Scrutiny Committee Meeting

3. The Minutes of the O&S meeting on 11th June 2014 are attached at Appendix 1.
4. Prior to the O&S meeting on 11th June 2014 there was a public presentation/briefing by the Highways Agency on J10A. Notes of this briefing are attached at Appendix 2.

Matters Arising

5. In view of the O&S Committee's statement that the Cabinet's support, in principle, for the SELEP scheme conflicted with Council policy for a 'full' J10A scheme, the Head of Legal Services and Monitoring Officer has prepared legal advice as set out in Appendix 3.
6. In relation to the request for additional information referred to in the bullet points in the O&S recommendations – the Head of Planning & Development has provided additional information in the attached Appendix 4. If the Council considers that further information or detail is required then it should raise an objection on this basis and refer the decision back to Cabinet – see Paragraph 7 below.

Options for the Council

7. Having considered the report and recommendations from O&S, Council have the following options:-
 - a) If the Council at this meeting does not raise an objection then the Cabinet decision will be effective from the date of the Council meeting.
 - b) If the Council does object it cannot make its own decision on the matter (unless the Cabinet decision was contrary to the Policy Framework). The Council should refer the decision to which it objects back to Cabinet together with its reasons for objecting. The Cabinet will then decide whether to amend its decision. Given the advice of the Head of Legal Services and Monitoring Officer in Appendix 3, there are no grounds for concluding that the Cabinet decision on 10th April 2014 was contrary to the Policy Framework.

8. Therefore, the Council needs to decide at this meeting whether or not to object to the Cabinet's decision.

Contact: Julia Vink

Email: scrutiny@ashford.gov.uk

Appendix 1 – Minutes of the 11 June 2014 O&S meeting

Appendix 2 – Notes of the Highways Agency presentation/briefing 11 June 2014

Appendix 3 – Head of L&D and MO advice

Appendix 4 – Commentary by Head of P&D on matters referred to in O&S
Committee recommendations on 11 June 2014

Overview and Scrutiny Committee

Minutes of a Meeting of the Overview and Scrutiny Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **11th June 2014**.

Present:

Cllr. Chilton (Chairman);
Cllr. Davison (Vice-Chairman);

Cllrs. Aaby, Apps, Bartlett, Burgess, Clokie, Hodgkinson, Mrs Hutchinson, Miss J Martin, Mrs M Martin, Mortimer, Sims, Wedgbury, Yeo.

In accordance with Procedural Rule 1.2 (iii) Councillor Clokie attended as Substitute Member for Councillor Feacey.

Apologies:

Cllrs. Feacey, Marriott, Shorter.

Also Present:

Cllrs. Davey, Mrs Dyer, Galpin, Michael, Ovenden, Robey, Smith.

Head of Planning and Development, Policy Manager, Principal Solicitor (Strategic Development), Senior Scrutiny Officer, Member Services & Scrutiny Support Officer, KCC Major Projects Manager, KCC Head of Transportation.

31 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a 'Voluntary Announcement' as he lived in Sevington, near to Junction 10.	32
Mortimer	Made a 'Voluntary Announcement' as he lived near to Junction 10, and was also the Ward Member for North Willesborough.	32
Wedgbury	Made a 'Voluntary Announcement' that he was a Member of the KCC Planning Committee. He said he would not be swayed by the view of Ashford Borough Council if an application came before KCC's Planning Committee, but would look at all the information available at that time.	32

32 Part I – Matters Referred to the Committee in Relation to Call-in of a Decision made by the Cabinet - To consider the Call-in of Cabinet Minute 397: M20 Junction 10A

The Chairman introduced this item. He said that a list of questions had been supplied by Cllr Bartlett and if any Members wished to have more information on Question 23, a pink paper was available to provide further details. However, because it would be necessary to exclude members of the public if it were discussed, he would circulate this paper at the end of the meeting if Members wished to see it.

The attending officers from KCC and ABC introduced themselves and explained their roles.

The Head of Planning and Development advised that this meeting had been called to review the decision made by Cabinet in April with regard to the J10A SELEP interim scheme. He explained that there had subsequently been developments in relation to the original full J10A scheme. Within the last week an announcement had been made that the Highways Agency Investment Board were to recommend to the Minister that the full J10A scheme was brought back into the government programme. This indicated a firm degree of commitment to the full scheme, subject to ministerial approval, which was believed to be a relative formality.

The Head of Planning and Development advised that the main issues for the Council related to guarantees regarding the delivery of the full scheme. The Council would need reassurance that there was a strong probability of the scheme being brought forward. The Council would also need clarification on how much funding would have to be provided from the private sector. The first indications from the Department for Transport were that the private funding level that was to support the SELEP scheme would be sufficient to bring forward the necessary public funding for the full scheme. He felt that it would be in the Council's best interests to maintain both schemes in case the funding for the full scheme did not materialise. In answer to a question, he clarified that the £20m available from the Local Enterprise Partnership would be considered public sector funding. He also explained that the Department for Transport had indicated that the absolute sum required from the private sector would remain the same for either the full or interim scheme.

During the ensuing discussion, the following points were covered:

- It was queried whether the Sevington East development was essential to support the interim scheme, and The Head of Planning and Development responded that there was no assumption that the Sevington East development would be necessary to fund the interim scheme. However, he could not give assurances about development contributions to the full scheme from future site allocations.
- There was concern that the full scheme would trigger larger developments, in view of the fact that the interim scheme was expected to give rise to 7,000 houses and 5,000 jobs. The Head of Planning and Development said that

there was no relationship between the size and capacity of the junction and the rate of development. The additional capacity of the full scheme would make life easier for residents throughout the Borough, but would not necessarily lead to greater housing development.

- There was a question about the implications of taking no action. The Head of Planning and Development explained that the Highways Agency would object to the Local Plan if it was considered that the strategic road network could not cope with proposed development. However, future housing numbers were not influenced by one junction alone, and the Local Plan included all types of access, including railway networks.
- It was noted that the Council was only a consultee and had no major role in making the final decision. Not all of the town's residents were concerned. One Member asked what useful action the Overview and Scrutiny Committee could take. The Head of Planning and Development acknowledged that permission for the full scheme to be constructed would be sought via a Highways Agency application to the Planning Inspectorate, which would effectively remove local decision-making. However, he pointed out that the Council was an important consultee and would need to be part of the decision making process, especially with regard to more detailed local issues. He considered the Council had a credible voice to influence the scheme, especially working together with KCC, who also wanted to achieve the full scheme.
- A Member welcomed the news about the full junction scheme, although felt that more commitment and reassurance was needed from government and was concerned that the Council would be open to challenge regarding the Duty to Cooperate. The Head of Planning and Development agreed that this was an important consideration, and the Council should consider all requests very carefully. Infrastructure was important, but there were other critical issues to be considered, such as environmental impact, employment development, availability of services, and impact on villages.
- In answer to a question about traffic flow to the William Harvey Hospital, KCC Major Projects Manager responded that more in-depth surveys would be taking place, lasting between 6-10 months, to get a full picture with regard to where vehicles were travelling to and from.
- A Member noted that the call-in meeting had originally been convened to discuss the interim scheme, but the recent press release had clouded discussion. The Council's Core Strategy stated that the Council wanted a full scheme at J10A, and it was a very different proposition to build an interim junction. The Member considered that the interim scheme failed on many levels. There were concerns with regard to increased traffic congestion on the Hythe Road approach to the M20 London bound on-slip, as well as the danger of Kingsford Street becoming a 'rat run', and that the Cabinet had moved from the agreed and accepted policy by supporting the interim scheme. The Head of Planning and Development responded that although there was no interim scheme envisaged in the Core Strategy, it was referred to in the Urban Sites Development Plan Document, which was produced after the Core Strategy. He considered that for this reason it was recognised in

Council policy. He also pointed out that the issues in relation to M20 access at Hythe Road had been dealt with in the Highways Agency's presentation earlier in the evening. KCC Major Projects Manager said that with regard to either the interim or full scheme there would be full consultation with affected residents, when both sides of the argument would be taken into consideration, and it was early days at present. The Member reiterated that the policy of the Council was a full junction, and the Urban Sites Plan should not be used as an excuse to support the interim scheme. He considered that this was such an important development issue that it should not have been agreed by Cabinet without recourse to Council. He considered that it did not reflect well on Cabinet that Overview and Scrutiny had to call-in their decision.

- Several Members considered that there was a need to understand the issues better in relation to the interim scheme, and to validate the traffic figures quoted by the Highways Agency. There was some discussion about the benefits of considering other options and the possibility of commissioning a consultant to identify and evaluate other solutions. The Policy Manager assured the meeting that many options had been considered over the years, including a flyover, tunnelling and different locations for the scheme. The full scheme had been considered the best option in terms of environmental impact, value for money and traffic management. He said it might be helpful to recirculate details of all the previously considered options for the sake of transparency and to set Members' minds at rest that all alternative solutions had been considered.
- Some Members felt that both schemes should be pursued in parallel; others that the full scheme alone should be sought.

After further debate, it was resolved that:

This Committee notes that

- (a) the interim scheme is fundamentally different from the full scheme for 3 reasons:-**
- 1 Highfield Lane**
 - 2 Hythe Road**
 - 3 Single carriageway rather than dual carriageway**
- (b) The interim scheme poses a risk to the Council because it is so different and could have a negative effect on the quality of life of the residents of the whole Borough.**
- (c) Council policy is for a full scheme at Junction 10A.**

This Committee refers the Cabinet's decision to support the interim scheme to full Council under part 4 of the Overview and Scrutiny Procedure Rules.

This Committee believes that further consideration at full Council should include the following items:-

- **Independent traffic data**
- **A report on alternative options for Junction 10A**
- **A traffic census on the impact of the interim scheme**
- **Details of compulsory purchase**
- **Details of the funding scheme**
- **Full and detailed consultation with affected residents Borough-wide (only if a planning application for the interim scheme is submitted).**

Queries concerning these Minutes? Please contact Rosie Reid:
Telephone: 01233 330565 Email: rosie.reid@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees

Presentation on M20 Junction 10a prior to the Meeting of the Overview & Scrutiny Committee on 11 June 2014 at 5.30pm.

Present:

Cllr. Robey (Chairman);

Cllrs. Aaby, Apps, Burgess, Chilton, Clokie, Davison, Mrs Dyer, Galpin, Hicks, Hodgkinson, Miss Martin, Mrs Martin, Michael, Mortimer, Ovenden, Sims, Smith, Wedgbury.

Also Present:

Richard Alderton – Head of Planning and Development, Simon Cole – Policy Manager, Jeremy Baker – Principal Solicitor (Strategic Development), Julia Vink – Senior Scrutiny Officer, Kirsty Liddell – Member Services and Scrutiny Support Officer.

Paul Harwood – Regional Lead for Economic Development (Highways Agency).

Mary Gillett – Major Projects Planning Manager (Kent County Council)

Tim Read – Head of Transportation (Kent County Council)

Mr Simkins – Kent County Councillor.

Presentation

Paul Harwood advised that he would address the Highways Agency's role in the Junction 10a proposal, the background to the schemes, the Agency's analysis of how the South East Local Enterprise Partnership (SELEP) scheme would perform and the relationship between the SELEP and Highways Agency's proposed schemes for Junction 10a. Using a PowerPoint presentation, with hard copies having been distributed to all those present, he advised that the Highways Agency was not the scheme promoter however it was a potential objector to Ashford's emerging Local Plan to 2030. Their interest was in whether the SELEP scheme would provide enough capacity for development in Ashford's emerging Local Plan to 2030.

In 2000 the M20 Junction 10 was heavily congested with traffic queuing back on to the M20 itself. This meant that traffic from a growing Ashford could not be accommodated at this Junction. Developers paid to improve the Junction in 2007 which in turn meant that development could continue in Ashford until 2000 traffic conditions returned at Junction 10. This however did not provide enough capacity for Ashford's Core Strategy.

The Highways Agency (HA) had originally designed a M20 Junction 10a scheme, east of the existing Junction 10, to accommodate development in Ashford's Core Strategy and address the underlying congestion at Junction 10. Ashford's Core Strategy was based on the scheme being delivered. The HA scheme was put on hold due to the financial crisis. Around this time AXA/DMI announced their desire to develop their Sevington West site. This presented two problems, how to progress the Sevington West site in the short term and would Ashford's Core Strategy be deliverable without the HA scheme for Junction 10a.

The SELEP scheme was conceived by Ashford's Future as a fully developer funded scheme to enable the delivery of the Sevington West development. AXA owned the majority of the land required for the scheme. Analysis showed that the scheme would deliver more capacity than was needed for Sevington West; in fact it would probably enable all the development in the Council's Core Strategy to be released. However the scheme was too expensive to be fully developer funded. The SELEP scheme was subject to a bid for funding from the Department for Transport, which was successful. Due to public money being involved a more accurate analysis of traffic and economic benefits was required. There was a need to justify the use of public funds which meant that a better traffic model was required, including the use and types of journeys taken.

He then drew attention to a number of slides that detailed the Highways Agency's assessment of the impact that the SELEP scheme would have on the existing and proposed slip roads. These were compiled using an assessment of likely development in 2030 (using the early stages of the emerging Local Plan), existing traffic models (which were quite good but dated from the 2001 census), a simplified assumption regarding 'background' traffic growth and a focus on capacity relative to 2000 levels rather than absolute capacity. The slides also assumed a scaled down development at Cheeseman's Green compared to the presentation given to Members on 20th January 2014. The slides showed that all 'arms' of the Junction would operate within capacity. The slip road with the greatest stress would be the Westbound off-slip at Junction 10a in the pm peak.

Analysis of the Hythe Road junction with the M20 Westbound on-slip had been undertaken. This had shown that with development taking place in Ashford there would be an increase in delay at this junction.

In conclusion the HA had found that with the SELEP scheme and likely development to 2030 Junction 10 would continue to operate within capacity. In fact it would operate much better than it did in 2000. Therefore the HA was unlikely to be an objector to Ashford's emerging Local Plan to 2030.

Paul Harwood then drew attention to the HA scheme. The SELEP scheme could be considered as a first stage of the HA scheme. The SELEP scheme would consist of two east facing slip roads to the M20 from a new bridge adjoining Highfield Lane, linked by a single-carriageway link road to A2070. The HA scheme would consist of a dual carriageway link road with four slip roads and a roundabout over the M20, with the two eastbound slip roads of the existing Junction 10 being closed. In Autumn 2013 the Government recommitted to funding the HA scheme, subject to value for money and a contribution from development. The Department for Transport (DfT) had advised that a development contribution similar to that for the SELEP scheme would be sufficient. DfT officials had now recommended that the HA scheme was fully restarted, however Ministerial confirmation of this was awaited. Subject to that confirmation the HA would progress the full scheme, enabling work on this had already commenced. Discussions would need to take place with the SELEP and KCC regarding the relationship between the HA scheme and the SELEP scheme. The HA and DfT would also need to discuss the development contribution with Ashford Borough Council and KCC.

Councillor Robey, Portfolio Holder for Planning and Development and the Chairman of the meeting, thanked Paul Harwood for the presentation and opened the session up to questions/comments from Members.

Councillor Galpin enquired as to the timeframe for the works to be undertaken and the Junction to be fully opened.

Paul Harwood advised that it was hoped that it would be delivered to broadly the same timeframe as the SELEP scheme and would open in Spring 2018.

Councillor Hodgkinson queried why the list of developments included to assess capacity of the SELEP scheme had not included the proposed Chilmington Green development? This would be significant development, with over 5,700 dwellings planned.

Paul Harwood advised that this was not included as it was the other side of Ashford. He did not wish to 'over-egg' the sophistication of the model. Some refinement would be needed.

Councillor Wedgbury questioned when a planning application relating to the scheme would be lodged with KCC.

Paul Harwood advised that there would not be a planning application. The scheme would be dealt with by a Development Consent Order, which was likely to be submitted to the Planning Inspectorate in Autumn 2015.

Councillor Michael queried the mix of Passenger Car Units (PCUs). Using the data from the presentation the total development traffic to 2030 equated to an additional 1,500 PCUs. Lorries would use the junction also. This appeared to be a small increase in traffic for the level of development expected to 2030. He requested a detailed breakdown of the expected levels. Councillor Michael questioned how accurate the original modelling work undertaken for Junction 10 had been? Had a 20-30% shortfall been factored in? Was the model right?

Paul Harwood advised that the Junction 10 'interim scheme' in its current form had not been constructed in 2007 as had originally been intended. The original plan had been for a bypass to the north of the junction, linking Tesco and the William Harvey Hospital. As the scheme developed environmental concerns had been raised relating to the proximity to housing. This had resulted in the widening of the road bridges to three lanes and a new pedestrian bridge being installed. The final scheme resulted in more capacity being released than had originally been intended.

Councillor Michael questioned whether the model used for Junction 10a was accurate? He also requested a breakdown of PCUs and raw data.

Paul Harwood advised that the model was being updated. The slides in the presentation and hand-out detailed the breakdown of PCUs. The development traffic would be mainly private cars.

Councillor Davison felt that the presentation had been interesting. The full Junction 10a proposal would enable 7,000 new houses to be built, was this in addition to the 7,000 already allocated in the current Core Strategy? He questioned whether Compulsory Purchase Orders would need to be made to enable the construction of the Junction? He further questioned whether the mix of traffic from the proposed Sevington Warehouse development had been factored in?

Paul Harwood advised that the Policy Manager would be able to give greater detail on the quantum of development. In respect of traffic movements these could be split as follows; office buildings would result in trips being made at peak hours, with HGVs from a distribution warehouse being spread widely throughout the day and night. There would be less impact on the road network for a warehouse than a residential development. To come up with a potential number of traffic movements from a warehouse, statistics were used from existing similar sites elsewhere in the Country.

Councillor Mortimer questioned whether the PCUs took into account the proposed development at Sevington and whether details regarding traffic movements had been submitted as part of the planning application?

The Head of Planning and Development advised that there had been no application submitted for the Sevington site to date. The Policy Manager added that he had requested the HA to use the early assumptions made by AXA, and when the business model was provided for the site this information would be fed into the model. Junction 10a would release capacity for the development allocated within the current Core Strategy.

Councillor Smith questioned what would happen to the east facing slip roads at Junction 10.

Paul Harwood advised that the east facing slip roads at Junction 10 would be closed as they would 'clash' with the west facing slip roads of Junction 10a.

Councillor Michael felt that the news that the scheme would progress was excellent, however had some concerns that this could change, particularly in light of the elections in 2015.

Paul Harwood advised that the status of the HA would be changing. This had been highlighted in the Queen's Speech as part of the Infrastructure Bill. The HA would cease to be an agency of the Department for Transport, and would operate as a Government owned company with the Secretary of State as the shareholder similar to the set-up of Network Rail. The HA would operate the network under licence and would be forward funded from 2015 to 2020. If a new Government decided to cut funding then they would need to undertake a public consultation on the proposed changes which would make it difficult to change any funding commitment.

Councillor Mrs Martin questioned how proposed development(s) would be impacted by the scheme? She was concerned that once a decision was made there would be no going back.

Paul Harwood advised that should neither scheme be delivered then there would be no capacity for development. The intention of the original scheme had been to enable the AXA/DMI proposal to be developed. As that scheme had been developed it was clear that it was a solution to a wider problem. There were a number of developers that had been granted planning permission that could not be progressed unless Junction 10a was in place.

The Head of Planning and Development advised that there was no scenario where development could not take place. The alternative would be for development to be spread around the Borough instead.

Councillor Miss Martin queried if the traffic flow patterns took into account traffic restrictions on certain roads? She further questioned whether HGVs would be required to use specific routes?

Paul Harwood advised that the traffic flow patterns took into account one-way street restrictions. It would be a decision for KCC as to whether there would be restricted routes for HGVs. Figures showed that there would be capacity in both Junction 10 and the SELEP scheme at 2030, with the link closest to capacity being at Junction 10a.

--- end ---

M20 JUNCTION 10A
CABINET DECISION ON 10 APRIL 2014
ADVICE OF HEAD OF LEGAL SERVICES & MONITORING OFFICER

BACKGROUND

1. Normally, the Cabinet can properly take decisions on all executive functions unless they have been reserved by statute for decision by full Council or regulatory committees eg: on planning applications.
2. The Council's Constitution provides that only full Council can make a decision on an executive function covered by the Policy Framework if the Cabinet is minded to make it

 "in a manner which would be contrary to the Policy Framework....."
3. The view of the Overview & Scrutiny Committee appears to have been that the Policy Framework adopted by the Council requires or supports only a "full" (or all-movements) J10A and therefore the Cabinet decision to support in principle the SELEP scheme for J10A was contrary to the Policy Framework and was therefore a decision the Cabinet had no power to make.

POLICY POSITION

4. The Monitoring Officer's role in the Constitution includes advising on whether Cabinet decisions are in accordance with or are contrary to the Policy Framework (para 12.03 p.37)
5. The Policy Framework includes the "plans and strategies and alterations thereto which together comprise the Local Development Framework." I have examined these documents – in particular the policies in the adopted Core Strategy (July 2008) and adopted Urban Sites and Infrastructure DPD (Oct.2012)¹. I have concluded that the decision of Cabinet on 10 April was not contrary to the Council's Policy Framework and that in constitutional terms it was therefore proper for the Cabinet to make that decision.²
6. Policies CS2 and CS15 of the adopted Core Strategy both refer to the creation of

 "a new motorway junction (J10A) to increase the capacity of the existing motorway junctions....."

¹ The Local Transport Plan for Kent 2011-16 is also part of the Policy Framework. This simply refers to "new junction on M20 to provide the necessary capacity to serve and support new development sites"

² The correct focus is on the detailed policies in these documents. Supporting text is descriptive or explanatory of the policies and/or a reasoned justification of them. However, for completeness reference is made to various extracts from supporting text of policies.

Policy CS2 refers to the need for this to be “brought forward at the same time as the new development (it) will serve.”

7. In terms of detailed design features for the new junction, the policies themselves are entirely silent. The supporting text to Policy CS15 (para 11.11) refers to the new junction as being “grade-separated” but this does not feature in the policy itself. Both the SELEP and “full” J10A schemes meet the “grade-separated” description in any event.

The only detailed locational reference for J10A is in para 9.27 of the Urban Sites & Infrastructure DPD (supporting text to Policy U24) which refers to a location a few hundred metres to the east of the existing interchange. Both the SELEP and “full” J10A schemes meet this general locational reference.

8. Although the scheme in contemplation by the Highways Agency in 2008 was their full, all-movements scheme, there is no ABC policy requirement – or even preference – that the new junction should be of any specific design. The Core Strategy deliberately avoided prescribing detail save for repeated references to the creation of the necessary capacity to facilitate strategic development. This is not surprising as it would not normally be a function of a land use planning Core Strategy to prescribe matters of detailed infrastructure design.
9. The adopted Urban Sites & Infrastructure DPD is much more recent and took account of the postponement of the full J10A scheme by Government at that time. This contains several references in supporting text to solutions other than the 2008 “full” J10A scheme. For example:
 - Para 5.24 refers to the Highways Agency working on possible delivery of an interim J10A improvement that could be delivered in the next 5 years. Para 9.29 refers to this as “part implementation” of the “full” 2008 scheme.
 - Para 6.158 refers to possible delivery of “an interim Junction 10A improvement that could be delivered within the plan period”.

CONCLUSION

10. On the basis that the Core Strategy does not prescribe (either in policy or supporting text) a particular design of J10A and that supporting text in the Urban Sites & Infrastructure DPD acknowledges and supports the possibility of delivery of an “interim J10A” solution, I have concluded that the decision of Cabinet on 10 April to support in principle the SELEP scheme was not contrary to the Council’s Policy Framework, and was thus a decision the Cabinet was entitled to take.

T W MORTIMER
 Head of Legal Services &
 Monitoring Officer
 July 2014

**Commentary by Head of Planning & Development on Matters referred to in
O&S Committee Recommendations on 11 June 2014**

- **Highfield Lane**

Both the SELEP scheme and the full scheme would remove the direct link between Highfield Lane and the A20 Hythe Road. The full scheme does not provide a direct link from either Highfield Lane or Kingsford Street onto the proposed J10a roundabout. Vehicular access from Highfield Lane to the A20 Hythe Road could be achieved via the Sevington development site and the proposed J10a / A2070 link road, if that site came forward as currently envisaged.

- **Hythe Road**

Neither the SELEP nor the full J10a scheme proposes any alterations to the A292 Hythe Road on the western side of J10. Both J10a schemes provide a connection to the A20 Hythe Road on the eastern side of J10 where J10A links into the A20. The A20 would form two of the arms of the J10a roundabout in the full scheme and would form part of a T junction in the SELEP scheme.

- **Single carriageway rather than dual carriageway.**

The SELEP scheme proposes a single two-way carriageway for the J10a / A2070 link road whereas the full scheme proposes a dual-carriageway for this link road.

- **Independent traffic data**

Traffic data collected for scheme promoters – whether KCC for the SELEP scheme or the Highways Agency for the full scheme - is provided by consultants selected by the promoter against clear standards for data collection and reliability. Full traffic counts and roadside surveys are currently being carried out by the Highway Agency as part of the business case assessment of the full junction 10a scheme. A similar level of surveying would be needed to complete the full assessment of the interim scheme proposal. The carrying out of a parallel exercise by ABC would be extremely costly and should only be considered if there were evidence of significant flaws in the exercise being undertaken on behalf of promoters. However in the event that there is evidence of grounds for concern, the Council should raise them with the Agency direct so that they can be rectified.

- **A report on alternative options for Junction 10A**

At the time of the Government's previous consultation on the full scheme in 2008, two alternative options to the preferred scheme were put forward for public consideration. The first of these involved further improvements to the existing Junction 10 including an additional bridge crossing of the motorway between the two existing overbridges whilst the second alternative showed a single bridge version of J10a linking with the A20 but with 'all-movements' slip roads.

Officers have requested a copy of the full report on options previously considered from the HA.

- **A traffic census on the impact of the interim scheme**

This presumably refers to an independent attempt at modelling the impact of the interim junction. As referred to earlier in relation to traffic data, to do this would cost a very significant sum simply to collect the data, assuming we could have access to the computer model the HA use to apply the data and model outcomes. In short this would be an extremely expensive exercise to duplicate the work of the Highways Agency. In the event that there is evidence of grounds for concern, the Council should raise them with the Agency direct so that they can be rectified.

Details of compulsory purchase

The Borough Council does not hold this information. The scheme promoter – KCC in the case of the SELEP scheme – will be reviewing what land is required for the scheme. The developer of the Sevington site has assembled a large proportion of the land needed and this could be a part of the developer contribution arising to fund the scheme. Any remaining land would need to be purchased by agreement by the promoter or failing that through compulsory purchase using the normal legal procedures in parallel with the necessary road traffic orders.

- **Details of the funding scheme**

The South East LEP has agreed in principle to fund approximately £20m of the cost of the interim scheme. The remainder (c £16m) would be provided through s106/ CIL as development comes forward that benefits from the junction capacity created by the scheme.

- **Full and detailed consultation with affected residents Borough wide (only if a planning application for the interim scheme is submitted).**

A planning application for the SELEP scheme would be submitted by the County Council – the Borough Council being a consultee. For such a major project the Borough Council would expect to work closely with the County Council to agree details of a full programme of consultation that would be carried out locally. In putting together its own response the Borough Council would continue to work closely with local people to reflect concerns expressed and to seek to identify solutions – for example, adequate mitigation of impacts. This approach would be followed throughout the process to give the best prospects of influencing the detailed scheme design at its formative stages.