

Joint Transportation Board

13th December 2016

ABC/KCC Responses to Consultation by Highways England on Development Consent Order Application for M20 Junction 10a

A nationally significant infrastructure project development consent order application for the new Junction 10a was submitted in August 2016. The application is dealt with by the Planning Inspectorate with the final decision made by the Secretary of State (Transport). Both Ashford Borough Council and Kent County Council are consultees.

Ashford Borough Council and Kent County Council were consulted on the detailed proposals and made representations on 3 October 2016. Copies of the responses are attached to this report. Ashford Borough Council, through the Planning Committee, had previously made comments on the pre-application consultation in March 2016.

The preliminary meeting between the Planning Inspectorate and interested parties (including ABC and KCC) was held on 2 December. The meeting discussed the examination timetable and principal issues to be assessed. The examination will last for 6 months until May 2017. A decision will then be issued within 6 months of the examination being completed.

Recommendation:

That the Board receive and note the contents of the consultation responses from both Councils.

Development Directorate

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Our Ref: 15/00001/NSIP/AS
Your Ref: TR010006
Date: 03 October 2016

Location: Proposed M20 New junction 10A and M20 to A2070 Link Road, Bad Munstereifel Road, Sevington, Kent
Proposal: M20 Junction 10A

Ashford Borough Council's relevant representation comments are below.

1. Overview

- 1.1 Ashford Borough Council considers there is a compelling need in principle for a new Junction 10a and A2070 link road to provide further capacity to facilitate residential and employment development within the Ashford growth area identified in its existing development plan documents.
- 1.2 Ashford Borough Council also expects the scheme to avoid and mitigate, environmental and social impacts in line with the principles set out in the NPPF and government planning guidance. Good design should be an integral consideration of the proposals and it must be as aesthetically sensitive as possible.
- 1.3 The need for additional motorway junction capacity to the south-east of Ashford has been recognised since at least the turn of the century. The South of Ashford Transport Study (1999) highlighted that the limited available capacity at the existing Junction 10 would mean that some development proposals in the then emerging Borough Local Plan 2000 would be unable to be fully built out unless a new 'Junction 10a' could be provided.
- 1.4 Since then, the council has adopted the Core Strategy (2008) which remains the principal Development Plan Document for the borough and the subsequent Urban Sites & Infrastructure DPD (2012). Both Documents place significant weight on the need for Junction 10a to be delivered in order for allocated sites to be built out. The council has also granted planning permission for several developments which rely to some degree on Junction 10a coming forward.
- 1.5 On 9 June 2016 the Council approved a consultation version of the emerging Local Plan to 2030. The relies on the delivery of Junction 10a to an even greater degree

as it will be fundamental to the council's ability to demonstrate the deliverability of key proposed site allocations for housing and employment development. Without this ability, the new Local Plan would be expected to be found unsound, or otherwise far less suitable sites elsewhere in the borough would be required to be allocated instead.

1.6 Ashford Borough Council has constructively worked with Highways England and our partners at Kent County Council from the pre-application stage. This has included meetings with Highways England and setting up a Junction 10a community group where Ashford Borough Council, Kent County Council and Highways England meet with local residents, parish councils and local members to discuss issues. This is expected to continue during the examination stage.

1.7 Whilst Ashford Borough Council supports the principle of the proposals it has set out detailed issues where there are still objections or concerns and where further changes need to be considered. In addition further information and plans are required in certain areas to fully understand the impacts of the proposals. Some of these were raised at the pre-application consultation stage.

8 Ashford Borough Council has the following comments on specific issues:

2. Impact on public open space area in connection with works to Church Lane footbridge

2.1 Ashford Borough Council objects to the proposals in their current form as it impacts on existing public open space and play area and at present acceptable mitigation measures have not been provided.

2.2 The works at present are showing permanent and temporary acquisition of land forming part the Church Road Public Open Space area. This land also forms part of the Ashford Green Corridor and is dedicated as a LNR.

2.3 Highways England and Ashford Borough Council have been in discussion on this matter but this only came to light after the formal pre-application consultation. At present there is no formal statement of common ground between the two parties. Ashford Borough Council's current position is outlined below.

2.4 In response to the Statement of Reasons Vol.4

(i) Ashford Borough Council agrees as shown on drawing number HA514442-MMGJV-Gen-SMW-DE-Z-2204A with the measurements for plot 3/14b and 3/14a that 3/14b needs to be permanently acquired.

(ii) Ashford Borough Council considers that plot 3/14a should also be permanently acquired as the necessary changes in level will permanently affect the accessibility of this land for members of the public and maintenance operations making it unsuitable for use as public open space. Further the necessity of building up levels to ensure a stable raised ramp will also entail the use of fill which will hinder the establishment, survival and appearance of amenity planting and will significantly and permanently change the character of much of this land.

(iii) Ashford Borough Council objects to the proposed replacement land being given in exchange for the following reasons:

- It is visually and physically severed from the remaining useable open space and has extremely low amenity potential being a linear strip beside the highway.

- A stair access, as the only access, from the existing open space and residential streets is DDA compliant than the existing relatively gentle slopes.
- The existing land is within the Ashford Green Corridors and is a LNR but the proposed replacement land is not of sufficient wildlife potential to warrant it being part of the Ashford Green Corridor or LNR designation.

2.5 Ashford Borough Council does not therefore accept that it is suitable for replacement land. Other possible replacement land may be available which is more suitable for replacement land in that it is suitable for inclusion in the LNR and of visual amenity value and accessibility at least equivalent to the land acquired. This land has been identified to Highways England by Ashford Borough Council but there is no agreement at present with Highways England.

2.6 Part of the acquired land will be re-profiled in a way (Section A-A on drawing HA514442-MMGJV-GEN-00039-rev B) that effects and prohibits access by members of the public to the public open space area from Church Road as well as by maintenance vehicles. It is also not clear if the fenced off play area is directly affected. The main lighting scheme (figure 2.5d drawing number HA514442-MMGJV-GEN-SMV-DE-Z-602106 rev A) also indicates a mini pillar to serve the bridge lighting is within the play area. Confirmation of the overall impact on the POS/play area will be needed. A new access point is also likely to be needed and agreed and created at no cost to Ashford Borough Council.

3. Stour Park scheme and relationship with alternative scheme

3.1 The council has resolved to grant outline planning permission for the Stour Park development subject to a section 106 planning obligation agreement at the Planning Committee meeting 18 May 2016.

3.2. The illustrative master plan showing the proposed building footprint of the Stour Park development includes the principal access to the site from the access roundabout shown on the A2070 link as the alternative scheme proposals. The council has no objection to this access arrangement.

3.3 The indicative master plan of the Stour park development identifies that the northern boundary to the site would have a screen planting belt fronting towards the Junction 10a A2070 link road.

3.4 The planting for the Stour Park development would be supplemented by tree planting through the Junction 10a scheme. If the quantum of land needed by Highways England for the link road corridor is reduced by adjustments to its boundary with Stour Park northwards then the space available for tree landscaping entirely within Stour Park would be enhanced as a consequence.

3.5 Overall in view of the substantial scale of the Stour Park development the council requests a strong boundary of woodland scale tree planting of maximum depth possible on the southern side of the A2070 and that this supplements similar planting provided with the Stour Park development.

3.6 The Stour Park development identifies the importance of having a sensitive lighting scheme in terms of impact on ecological receptors (bats) and visual & historic receptors (St. Mary's Church and adjoining properties). The proposal is for limiting light spillage in certain areas marked purple as shown on the image attached as Annex 1.

3.7 In terms of ecological receptors, the recommendations of the bat conservation trust would be incorporated to ensure that the development mitigates impacts on wildlife. A bat activity map was provided and this highlights in purple ecologically desirable 'dark' areas of the site and in green conflict zones where street lighting has potential to cause fragmentation of habitat areas thus lessening the value to bats. The Stour Park applicant acknowledges that this would dictate as sensitive approach as possible in the conflict zones. The approach that would be taken in the areas marked purple would be to provide level (e.g. bollard) or directional lighting in order to limit excessive light spill into these areas with design to limit light spill being the subject of computer simulation with lux levels to be less than 1. The junction10a scheme involves new lighting being provided along the A2070 link road in close proximity to this area. The impact of this on ecological receptors in this area also needed to be considered as it has been for the Stour Park development.

4. Impact on grade 1 listed St Mary's Church and adjoining listed Court lodge complex

4.1 The setting of the grade 1 and adjoining grade 2 Court lodge complex is important. The comments from Heritage England need to be considered and whether improvements can be provided such as less highway paraphernalia and more space for landscaping to the noise barrier to the north. There are no details of the new footbridge so this impact on the setting of these buildings cannot be fully assessed.

5. Air quality

5.1 The context of the Environmental Statement is noted. Further clarification/information is required on the following matters outlined in Chapter 5 of the Environmental Statement.

5.2 Further information as to whether there is the potential for DMRB criteria for further assessment to be triggered for the construction phase, specifically

- (i) Whether changes in speed (either peak-hour or average) at the approaches to 50mph speed limits on the M20 could trigger DMRB criteria;
- (ii) Whether temporary changes associated with traffic lights on the A20 or changes in speed on the M20 would be likely to be significant.

5.3 Further information regarding modelled versus observed speeds that led to derivation of traffic speed data in Appendix 5.3.

5.4 Clarification as to the apparent minor discrepancy between 5.8.12, Table 5.13 and Appendix 5.4 (specifically with respect to receptor 1469). Confirmation that all receptors were fully considered in the 'Main Scheme – Operation' and 'Alternative Scheme – Operation' sections and whether any amendments to the section are necessary.

6. Noise and vibration

6.1 The context of the ES is noted. Further clarification/information is required on the following matters outlined in Chapter 9 of the Environmental Statement:

- (i) Section 9.2 – there is no reference to any local planning policy in respect of noise and vibration as the NPPF would require.
- (ii) One of the aims of the proposed scheme is to relieve current and ameliorate

anticipated future traffic congestion. However, the ES is not clear how the assessment has addressed the way in which congestion in future “Do–minimum” scenarios will influence the speed of traffic on the roads evaluated. This is potentially important as congestion often results in a drop in traffic speed and can cause the associated noise level to fall, if not over the whole of a 16 or 18 hour day to be reduced for substantial periods during that time. Consequently, it is not clear if the calculated difference between “Do– minimum” and “Do-Something” noise levels appropriately reflects the likely difference between the “Do–minimum” scenarios with congestion and the DS scenarios without, or at least with less, congestion. Clarification of if and how traffic congestion in the opening and design year “Do–minimum” scenarios and whether the assumed future “Do–minimum” noise predictions allow for reduced speed and therefore lower noise levels associated with congestion, is therefore recommended.

6.2 It should be explored whether the use low surface noise surfacing throughout the scheme add any material benefits in terms of noise and vibration.

7. Effects on All Travellers

7.1 The context of the ES is noted. Further clarification/information is required on the following matters outlined in Chapter 12 of the Environmental Statement:

- (i) The chapter refers to traffic models, but is not specific as to which have been used. It seems likely that appropriate models have been employed (e.g. an area-wide model such as SATURN, and/or specific junction models such as ARCADY or PICADY.
- (ii) Clarification sought over whether the traffic data has been predicted for the construction period

8. Landscape and visual

8.1 The areas likely to experience the greatest landscape effects are those adopted Landscape Character Areas physically affected by the proposed scheme and those which lie immediately adjacent to the proposals e.g. Mersham Farmland and Brabourne Lees Mixed Farmland. It is considered that the significance of landscape effects on these two landscapes in Year 1 and Year 15 have been underestimated.

8.2 In relation to visual receptors it is considered that the visual effects of the scheme have in a number of cases been underestimated either because they were not assessed, because the additional effects of the alternative proposal were not properly articulated or because ancillary aspects of the proposals were not sufficiently taken into account.

8.3 It is also considered that some of the mitigation planting proposals are inadequate and / or are uncharacteristic and have missed opportunities in relation to improving landscape legibility and place making. In addition, opportunities to improve access and connectivity between the urban areas of Ashford and the wider countryside do not appear to have been adequately considered. There is considerable scope to improve the landscape proposals within the Aylesford Stream valley in particular

8.4 A significant amount of existing established landscaping will be removed. It is important that substantial replacement and new planting is provided in particular the following locations.

- (i) The approaches along M20 corridor which currently are characterised by dense tree-lined landscaping. The planting proposals should look to continue

and retain this characteristic.

- (ii) Along Kingsford Street which currently has a narrow rural lane tree-lined character. The planting should look to continue this characteristic.
- (iii) The A2070 link road should have substantial landscaping provided along the southern end in particular and this integrates with landscaping provided for the substantial Stour Park development. The landscaping providing should include woodland scale planting.
- (iv) The northern end of the A20 where existing boundary landscaping along the highway is lost through the realignment of the road. Replacement boundary planting along the A20 with suitable trees will need to be provided.
- (v) The area around the new Church Road footbridge. The replanting on the western side and screening lost located close to the nearest dwellings along Nightingale Close is likely to result in overlooking from the footbridge. On the eastern side screening to St Mary's Church and the Court Lodge complex, more initial substantive planting is likely to be needed in these areas

8.5 Appendix 2.2 provides the indicative planting schedule. The final detail planting will need to be clear

8.6 Further clarification/information is required on the following matters outlined in Chapter 7 of the Environmental Statement:

- (i) It would be helpful to have an aerial photograph with the proposed scheme overlaid so that the features associated with the scheme could be readily placed in the existing landscape patterns and topography
- (ii) It would be useful if the environmental masterplan proposals included all aspects of the scheme which can have a visual cumulative effect including barriers, signage and lighting
- (iii) It is unclear why only three of the key viewpoints have been made into montages and not others.
- (iv) St Mary's Church is not shown on Figure 7.9b although it is expected that the removal of vegetation along the M20 will open up views to the church in Year 1.
- (v) The main LVIA document does not set out all volumes relevant to the chapter at the start of the chapter which would aid navigation and cross referencing.
- (vi) There is no reference to the Ashford Green and Blue Grid prepared by Shields Flynn (2008)
- (vii) No reference is made to landscape impacts and in particular physical and perceptual impacts
- (viii) Not all important visual receptors appear to have been picked up during the assessment. For example it is considered that key visual receptors also exist on the Public Right of Way which heads north from adjacent to St Mary's Church.
- (ix) The assessment of the alternative scheme is unclear and appears to just

repeat the text for the main scheme. A more appropriate description would be to focus on the additional effect of the third roundabout in terms of potential intensification of effects overall

- (x) The 3 m environmental barrier proposed along Highfield Lane to reduce acoustic impacts would appear out of character and visually intrusive when travelling along the lane. It could be concealed with foreground planting and the lane itself fringed with a dense hedgerow in order to retain its typical rural character as it connects to Kingsford Street
- (xi) No information is provided on the physical loss of trees, vegetation, grassland and arable land as a result of the proposed development, although it is noted that the plans in Appendix 7.1 Volume 3.2 show trees and hedgerows for removal
- (xii) It is unclear why the alternative proposal is not also assessed separately for Visual Receptors 1 and 2 both of which would afford views cross the Aylesford Stream to the rising land beyond.

9. Arboricultural Survey Report Appendix 7.1

- 9.1 TPO trees at Pilgrims Hospice boundary with A20 Hythe Road. The arboricultural survey report appendix 7.1 indicates no TPO trees are affected which is incorrect. The belt woodland trees on the southern boundary of the Pilgrims Hospice is protected by Tree Preservation Order No.22, 1998. The TPO has not been picked up in the survey which states that no TPO trees will be affected. The trees are included within the wider area of W1 of the survey and are mentioned as being implicated in the Arboricultural implications assessment.
- 9.2 The belt of woodland trees is an important visual feature and provides screening to the hospice from the busy A20 road. This will be of increasing importance with the construction of the Junction 10a link road. The loss of these trees is unacceptable on the grounds of visual amenity and needs to be addressed at this early stage
- 9.3 Page 8, paragraph 6 of the Executive Summary states that there are 36 tree groups in the survey, however the Schedule of Trees as well as page 14 paragraph 2.1.9 specifies that there are 35 groups which have been surveyed. An error in counting group G30 twice in the Schedule of Trees has resulted in inconsistency in the report.
- 9.4 Page 10, paragraph 1.5.1 states that the survey was undertaken by a qualified Arboriculturalist, please can the level of qualification for example 'level 3' qualification be specified. While this may not be a statutory requirement clarification concerning the competency of the surveyor would be required in line with best practice.
- 9.5 Page 13, paragraph 2.1.2 to 2.1.4 discusses 'grouping' of trees in the survey. In the absence of clarification it is assumed that the groups were selected in accordance 4.2.4 (B) of BS 5837:2012
- 9.6 Page 13, paragraph 2.1.4 discusses hybrid black poplar trees. Was a check made to establish if these were hybrid or native black poplar trees, as native black poplar are nationally important and may require special consideration or upgrading of their category status.
- 9.7 Page 24, Appendix B. Species list cross referencing common names with scientific/botanical names is missing from the report.(paragraph 1.5.6)

10. Arboricultural Implications Report Appendix 7.3

- 10.1 Page 8, paragraph 2 of the Executive Summary states that the Arboricultural Implications Report should be read in conjunction with M20 Junction 10a Arboricultural Survey Report (June 2016) document reference 341755-09-300-RE-02-A, however the Survey Report we have reviewed is reference July (2016) reference HA514442-MMGJV-GEN-SMW-RE-Z-630701, and therefore does not correspond.
- 10.2 Page 8, paragraph 2 of the Executive Summary states that 36 groups of trees were surveyed, however this does not correspond with the Schedule of Trees in the Arboricultural Survey Report which states 35 groups.
- 10.3 Page 11 paragraph 1.4.1 states that due to minor changes in the scope of works, a revised Arboricultural Survey report was issued. Clarification is required to whether the latest report corresponds to report reference July (2016) reference HA514442-MMGJV-GEN-SMW-RE-Z-630701.
- 10.4 In Section 3 there is no reference to root incursion analysis of root protection areas of impacted trees or specific construction mitigation recommendations. While it is not a requirement of BS 5837, it is established industry practice to undertake an assessment of root protection area incursions.

11. Visual impact of 3m Noise barrier along Kingsford Street and A2070

- 11.1. The 3 m acoustic barrier will be a visually prominent feature in places. Although it is recognised that mitigation for noise is crucial it is important that the barrier is visually screened and properly integrated into the existing landscaping scheme in the best way possible.
- 11.2 There are certain locations the barrier may be particularly intrusive and changes to the siting/landscaping should be considered if these still provide the required noise mitigation.
- 11.3. The start of the Kingsford Street footbridge on the Kingsford Street side, the barrier is located right up to the footpath from Kingsford Street with no planting/ screening in between. This may look oppressive when walking along the footway. Consideration should be given to setting the barrier further back into the native shrub and tree planting area. There are also two listed buildings located close-by - Ransley Cottage and Redburr and their setting would potentially be enhanced with better screening.
- 11.4. The barrier along the corner of Highfield Lane by the Junction 10a roundabout is exposed without any screening landscaping.
- 11.5. The initial barrier along the southern side of the A2070 near the Junction 10a interchange is right up against the footway/cycleway without any screening landscaping.
- 11.6. The barrier on the southern side of the A2070 roundabout has little of no landscaping screen and is partly sited on a noise bund. A cross section needs to be provided through this.
- 11.7. There needs to be confirmation that there is no problem with planting in particular larger specimen trees being planted close to barriers or highway hard surface areas in terms of impact on roots.

12. Flooding and drainage

- 12.1 The report refers to Ashford Borough Council as the Lead Local Flood Authority when it is actually Kent County Council.
- 12.2 With regards to the technical details then there are no objections to the runoff rate and methodologies being proposed. As discussed with Highways England throughout the process the design has focussed on ensuring Ashford Borough Councils local Sustainable Drainage SPD by seeking to limit runoff rates to those identified within the aforementioned document. Due to the betterments that achieving these rates can provide it is considered positive that HE are seeking to generally achieve these rates across the proposed scheme.
- 12.3 Pond 3 of the development a runoff rate of 4l/s/ha has been opted for rather than the 2l/s/ha (As stated in the Sustainable Drainage SPD) for the area north of the M20, however it is likely that ground conditions here will be similar to the rest of the development, with the underlying geology being of Hythe formation and therefore of low permeability. Furthermore, as identified within the available documentation, due to the area being drained to pond 3 being just over 1Ha the control rate would be limited to just above 2l/s, whilst small orifice controls can achieve the lower discharge rate, and with regular maintenance can continue to ensure the risk of blockages is very low, as this scheme involves national critical infrastructure the discharge rate of just over 5l/s from pond 3 is deemed acceptable
- 12.4 Appropriate levels of treatment are considered to be in place before the water finally discharges into the Aylesford stream. The use of ponds, when used in conjunction with appropriate vegetation, can enhance treatment process and biodiversity. However, appropriate maintenance will be required and consideration given in the final design to ensure that sufficient capacity is provided within the ponds, even during periods when these may be heavily vegetated

13. Funding statement

- 13.1 Paragraph 3.1.9 states the following:

“The contribution from local developer is reliant on a grant funding agreement between the Homes and Communities Agency (HCA) and Ashford Borough Council...”.

This needs amending as the contribution from local developer is reliant on a loan or grant funding agreement, not grant funding, between the Homes and Communities Agency HCA and Ashford Borough Council

14. Highfield lane

- 14.1 It should be explored if a closure of the vehicular link between Kingsford Street and Highfield Lane needs to be provided a part of these proposals for Junction10a to prevent unreasonable levels of rat-running through Mersham village.

15. Barrey Road

- 15.1 The council had previously requested that there is a right hand signalised turn-out from Barrey Road onto the A2070. It is regretted that a right hand turn from the Barrey Road junction is not included as part the proposals.

16 Pilgrims Hospice

- 16.1 The Pilgrims Hospice is a particularly sensitive site where the peace and tranquillity of residents is of great importance. There is concern about the impact of

works at the front of the site on this environment including the use of compounds nearby whose position needs to be clarified.

17 Highways

17.1 Ashford Borough Council will rely on comments made by Kent County Council on this matter.

18. Draft Development Consent Order

18.1 Part 2 section 8 - Limits of deviation. The full implications of this need to be considered and are these limits of deviation covered in the current environmental statement. It is not clear what is a materially new or material worse environmental effect from those reported in the Environmental statement.

18.2 Given the short time period for considering the application documents the Council has not fully assessed the wording of the draft development consent order. The Council may wish to submit written comments on the draft development consent order.

19. Further details required :

19.1 The two footway and cycleway bridges.

19.2 The retaining walls/structures and extent of them shown along M20 corridors and A2070 which should be aesthetically finished

19.3 The precise area and working of the compounds as they are shown indicatively

19.4 More user friendly sections through the development showing existing and proposed changes. The engineering sections provided are not user friendly to a lay person and it is not clear what the proposed changes in levels are.

20. Conclusion

20.1 The Council is supportive of the proposed new junction and the positive contribution towards the growth agenda of the borough. ABC will continue to work with Highways England and Kent County Council on this application to deal with the issues identified and welcomes the opportunity to comment in more detail at a later stage.



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BY EMAIL ONLY

3 October 2016

Dear Mr. Price,

Re: Application by Highways England for an Order granting development consent for the proposed M20 Junction 10a – Relevant Representation submission

Following the Planning Inspectorate's notification of decision to accept an application for examination for an order granting development consent (dated 11 August 2016), Kent County Council (KCC) requests that this letter be considered as a Relevant Representation and to be registered as an Interested Party for this application.

KCC fully supports the proposal for the construction of the M20 J10a. In the Ashford Borough Council - Kent County District Delivery Deal (2015), the new junction is listed as one of the 'Big 8' strategic projects that have been identified as having the greatest collective ability to unlock thousands of jobs and homes in the Ashford Borough.

KCC has set out its full commitment to work closely with Ashford Borough Council (ABC) in delivering the 'Big 8' strategic projects and in supporting the delivery of the Borough Council's growth agenda, which is set out in the emerging Local Plan 2030.

The submission of this application for a Development Consent Order by Highways England (HE) is welcomed, particularly as there is compelling need in principle for a new Junction 10a and link road to provide further capacity to facilitate residential and employment development in the Ashford growth area, as identified in Ashford's existing development plan documents.

KCC will continue the constructive dialogue with ABC and Highways England throughout the process to address outstanding matters. KCC has noted the letter sent from the Planning Inspectorate to HE on 21 September 2016, which identifies areas in which additional information is required during the pre-examination stage, including updated Works Plans and Book of

Reference. In addition, KCC, in collaboration with ABC, has commissioned an Independent Review of the Environmental Statement (ES) (APP-029- APP-208 in the Examination Library, covering air quality, noise and vibration, effects on all travelers and landscape and visual impacts), with the objective to ensure that the ES is compliant with the EC Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment. This may result in a recommendation for further areas of work, and KCC will welcome the opportunity to comment on matters of detail at future stages of the NSIP process.

This letter sets out a summary of the main aspects of the application with which KCC agrees and/or disagrees, together with an appropriate explanation, in accordance with the Planning Inspectorate's Advice Note 8.3. In summary, an outline of the principal submissions that KCC intends to make in relation to the application will concern:

- All matters concerning KCC as Local Highway Authority;
- Asset management/ maintenance;
- Public Rights of Way impacts;
- Cultural heritage impacts;
- Biodiversity impacts;
- All surface water management aspects of the scheme covered by KCC as the Lead Local Flood Authority; and
- Minerals and waste.

Local Highway Authority

The Local Highway Authority has made comments in respect of the status of the A20 Hythe Road in the context of M20 J10A.

The A20 Hythe Road currently forms part of the local road network. However, the closure of the east-facing slips as part of the proposal for M20 J10A would result in a greater volume of coast-bound traffic using the A20 Hythe Road. Accordingly, it is necessary for the Local Highway Authority to raise this as a matter requiring further discussion with HE. The Local Highway Authority considers that a suitable way forward would be for HE to take on maintenance responsibility for the section of A20 Hythe Road between the extent of HE's asset at M20 J10 and the proposed connection of M20 J10A with the A20 Hythe Road. It makes operational and strategic sense that this short section of road is picked up by HE, as it directly links the two junctions.

This request will not have implications on the cost of constructing the M20 J10A scheme, as maintenance is an on-going requirement post-scheme implementation. It is commonplace for such discussions to take place in respect of long-term asset status, and the Local Highway Authority is mindful that the matter should be resolved as soon as practicable.

It is understood that the Project Sponsor is checking this proposal with their legal team as this area sits outside of the "red line" for the scheme, but that

should not discount the requirement, especially as HE was made aware of the request some 18 months ago.

The draft DCO at section 12(4) (APP-018) also suggests that the Local Highway Authority may be liable for the maintenance of the surface over the two new footbridges. KCC requests confirmation that HE will be responsible for the structures in their entirety.

In addition, KCC proposes that HE should be the operators and maintainers of the adjacent sections of the A20, including the Swatfield Bridge, that it will strengthen as part of this proposal. The increase in traffic here will be very significant and is appropriate that HE takes responsibility for such infrastructure.

It is understood that the new A2070 link from 10a down towards Church Road will be part of the strategic trunk road network and therefore, for HE to manage.

KCC is aware that there have been a large number of complaints about potential HGV movements along Highfield Lane. It has been stated before that this lane should be closed and a turning area provided, but HE has not acknowledged this as being part of their responsibility. KCC's view is that this is not a local road network issue, and rather that residents/parish concerns should be addressed by HE and that HE should provide both the closure and turning area as part of the scheme.

In respect of street lighting, clear ownership will need to be identified. Issues around ownership, access and shared networks need to be established with HE in order to prevent future maintenance problems. KCC would seek confirmation from HE that lighting will be under the ownership of HE so that there will be no impact on KCC street lighting and maintenance issues.

The DCO draft (APP-018) at Part 2, Section 8, gives a 1m limit of deviation, the consequences of which will need to be considered and clarification is sought as to whether these limits have been covered in the Environmental Statement.

Further discussions between KCC Asset Managers and HE will be required to resolve these outstanding matters.

Public Rights of Way

The General Arrangement Plans still refer to the Kingsford Street Bridge (APP-010, sheet 2 of 4) as a footbridge (without an equestrian access), so KCC would like to see evidence of how this has been arrived at through the design stage process.

The proposed drawings for Public Rights of Way (PRoW) extinguishments are as expected and requested.

The only other concern is in relation to the retained PRow connections to the south side of the new A2070 access road, shown on the Rights of Way and Access Plans 03 and 04 (APP-008). There appear to be level changes and drainage channels that would prevent access to the new footway/cycleway. Access points and suitable ramps and access will be required to connect the retained Footpaths AE337A and AE338.

Cultural Heritage

In summary, the assessment of Cultural Heritage issues is reasonable. In addition to the points raised below, further detailed comments are provided in Appendix A.

There is potential for the scheme to impact on prehistoric, Roman, Early Medieval and Medieval remains which may be considered of greater importance than “low local value” only. The evaluation work so far is too limited to suggest there are no significant remains within the scheme area.

The designated milestone (HA no: 1276471) (Table 6.5, p 16 and p18, APP-034) should not be excluded from mitigation solely on the basis only of a site visit made in 13 October 2014 (para. 6.7.15, APP-034).

Archaeological mitigation needs to be integrated into all aspects of the scheme, including the initial enabling works, ecological and drainage works.

Assessment of St Mary’s Church should reflect the complexity of its significance and be more detailed. Historic England has noted that there is likely to be considerable harm from the proposed Stour Park scheme but that suitable mitigation measures for both schemes could reduce the level of harm (APP-199 and APP-043, page 13, 14/00906/AS). Mitigation for St Mary’s Church needs to be agreed with Historic England.

HE needs to put forward a meaningful construction programme with mechanisms in place to ensure archaeological mitigation is suitably dealt with, including County Archaeologist sign off of detailed mitigation and agreement of post-excavation works.

Biodiversity

KCC is satisfied that HE’s ecologists have a sound understanding of what species and habitats are present and what mitigation is required.

However, there is a need to ensure that the time to create/enhance the habitat for the required mitigation is factored in to the development timetable. This will ensure that development works are not delayed waiting for habitat to establish before the mitigation is implemented, nor that substandard mitigation is carried out at the risk of the mitigation being unsuccessful (e.g. species dying as there is not sufficient food to support them).

Habitat enhancements should be carried out as soon as possible to give them sufficient time to establish. For instance, it is noted that the dormouse mitigation is proposing to create a dormouse feeding station; this can only be a short-term mitigation measure, and long-term habitats must be created that provide suitable foraging habitat for dormouse. Measures must be in place to ensure the feeding station is stocked up for as long as required.

To address this and wider concerns about the timetable for such works, it is suggested that a timetable is produced, clearly setting out the programme for the proposed habitat enhancements/creation and species/habitat mitigation. This will ensure the development timetable can be designed accordingly.

In respect of long-term management, there is a need to ensure that the created/enhanced management is managed long-term to ensure that the mitigation will be successful. This means either changing long-term management plans for HE land or ensuring landowners (where enhancements will be carried out) can, and are willing to, manage the habitat appropriately. For example, the receptor site for reptiles is proposed to be located on the London Bound M20 Highways verge which is currently unsuitable for reptiles (as it is regularly cut), so there is a need to ensure that the maintenance team understands that the management of this area has changed.

It is also worth noting that there are other developments being delivered or proposed within this area. The ecologists for the M20 J10A application should ensure they are aware of any developments within the surrounding area to confirm the mitigation proposed remains suitable; there may be a need to tweak / change the mitigation due to other works being carried out within the immediate area.

Lead Local Flood Authority

KCC has reviewed the flood risk assessments and drainage strategy information and is generally satisfied with the proposals for the management of surface water generated by the scheme.

KCC is supportive of the proposed new junction and the positive contribution that it will make towards the growth agenda of the Borough Council. KCC looks forward to working with ABC and HE as the project process progresses and will welcome the opportunity to comment on matters of detail in the Examination.

Should you require any additional information or clarification, please do not hesitate to contact me.

Yours sincerely,

Katie Stewart

Director - Environment, Planning and Enforcement

Appendix A

In relation to cultural heritage, set out below are more detailed comments on specific sections of the application details:

1. 6.7.8 – milestone (MM43) – a Listed Grade II milestone not identified on site. May be buried and needs to be looked for more robustly. It was observed and listed in 1989 so there needs to be assessment as to what might have happened to it. 6.7.17 suggests that as the milestone was not observed during a site walkover it must have been removed or misallocated. However, October would still be a time of high vegetation cover and a small object could easily be buried. It should not be assumed that it is no longer present. Suggestion that it is premature to state in Table 6.8 and paragraph 6.11.3 that this asset is missing and therefore does not require any mitigation. Recommendation that this designated asset is still subject to mitigation until it is definitively clarified whether it survives on site or not.
2. 6.7.12 – need to check the visible impact on Lacton Green Conservation Area, 150m north of scheme boundary. Robust consideration is needed in view of scale and height of new roundabout and possible increased traffic flows.
3. 6.7.13 – Hatton Park should be Hatch Park.
4. 6.7.13 – a designated heritage asset is generally considered to be of national importance. Disagrees with the Cultural Heritage assessment which suggests that some designated heritage assets, such as Hatch Park parkland, can be of “High regional value”.
5. 6.7.30 should highlight that the scheme area has only been partially evaluated. Many of the trenches were not excavated, partly due to ecological constraints. As such, there are areas north of St Mary’s Church, which will be impacted by both the scheme and by the proposed site compound, which have not been reasonably evaluated. Further archaeological evaluation of this area ahead of initial scheme works is essential.
6. 6.8.6 – the prehistoric background data is fine but there have been some more recent findings from Ashford Orbital Park including 3 Iron Age funerary enclosures (Oxford Archaeology East 2015).
7. 6.8.13 and 6.8.14 – there is no mention of a Lime kiln and its associated quarry which are identifiable on the 1st Ed OS map immediately north of the new motorway roundabout. It is not clear whether this post medieval structure is within the scheme or not but recommendation that some assessment of this feature is required to ensure suitable assessment and mitigation if necessary.

8. 6.8.19 – assessment of importance level of Palaeolithic remains is debateable. Palaeolithic remains are so rare that they are generally considered to be of importance, subject to their context. It should also be noted that river valleys, including the Aylesford Stream one, were favourable areas for prehistoric activity. This valley could also have high potential for palaeo-environmental evidence which could provide valuable information on the development of the stream in relation to the River Stour and the local environment during the Prehistoric and later periods. Palaeo-environmental evaluation and assessment would need to be fully integrated into the formal programme of archaeological works.
9. 6.8.20 – Disagree with the assessment that the scheme is likely to only contain prehistoric or Roman features of “Low local value”. The archaeological fieldwork so far has been minimal and there was evidence of prehistoric activity. There is potential for this scheme to have an impact on archaeology of greater significance than “low local value”.
- 10.6.8.21 – Disagree with the assessment that the scheme is likely to contain early medieval or medieval remains of “low local value”. Early medieval remains are not common and in view of the proximity of St Marys Church Sevington and Court Lodge, suggestion that there is reasonable potential for remains which may be of greater significance than “low local value”.
- 11.6.8.19 The Archaeological Potential and Value Assessment does not provide reasonable statement of significance for St Mary’s Church Sevington. St Mary’s Church is a significant and complex archaeological and historic site and there is potential for the scheme to impact on remains directly associated with this asset as well as on its setting and character. As such, there needs to be a robust assessment of this designated heritage asset dealing with all areas of significance and value. Mitigation needs to be clearly informed and evidence-based.
- 12.6.8.19 and vol 6.3 App 15.1 - The comments from Historic England submitted with the application details are noted, although it is focused on the proposed industrial development off Highfield Lane. HE’s comments repeat the concerns over the level of harm to St Mary’s Church and consider it is “substantial” but that mitigation could effectively reduce the level of harm. In view of this, there is a need for this Highways England scheme to also ensure that mitigation measures for St Mary’s church are robust and agreed with Historic England.
- 13.6.9 Mitigation and Compensation Measures need to be more robust. Mitigation for heritage needs to be scheduled well in advance of construction work and integrated into every aspect of the scheme, including site compound set up, landscaping, drainage schemes etc. If

there are intentions to undertake geotechnical work, especially along the Aylesford Stream area, it would be advantageous to include archaeological palaeo-environmental work.

14. Fig. 6.2 (volume 6.2) Non Designated Assets drawing does not indicate the presence of known archaeological remains within the scheme area or within the study area, as suggested by the Archaeological Evaluation of Land West of Highfield Lane and by the Geophysical Survey.
15. Cannot not find any appendices for heritage assessment including copies of the evaluation report and the geophysical survey report. These reports need to be consulted as part of this scheme and should be available.
16. There seemed to be only two figures showing heritage assets and areas. This is a bit limited and it would be helpful to have more detailed Cultural Heritage figures, especially ones showing areas of impact on known heritage assets.