



## Overview and Scrutiny Committee

Notice of a Meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane,  
Ashford, Kent TN23 1PL on Wednesday 11<sup>th</sup> June 2014 at 7.00 pm.

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The Members of this Committee are:-

Cllr Chilton (Chairman);  
Cllr Davison (Vice-Chairman);  
Cllrs. Aaby, Apps, Bartlett, Buchanan, Burgess, Feacey, Hodgkinson, Mrs Hutchinson, Miss Martin, Mrs Martin, Mortimer, Sims, Wedgbury, Yeo.

**\*\*Please note that prior to the meeting, at 5.30 p.m. in the Council Chamber, there will be a public presentation/briefing from the Highways Agency regarding the proposed M20 Junction 10A scheme. The Highways Agency is unable to attend the meeting itself.\*\***

## Agenda

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| 1. <b>Apologies/Substitutes</b> – To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii)                             |                      |
| 2. <b>Declarations of Interest:-</b> To declare any interests which fall under the following categories, as explained on the attached document: | i                    |
| a) Disclosable Pecuniary Interests (DPI)  |                      |
| b) Other Significant Interests (OSI)  |                      |
| c) Voluntary Announcements of Other Interests   |                      |

See Agenda Item 2 for further details

### Part I – Matters Referred to the Committee in Relation to Call-In of a Decision made by the Cabinet

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|--|---------|
| 3. To consider the Call-in of Cabinet Minute 397: M20 Junction10A            |         |
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## **Part II – Responses of the Cabinet to Reports of the Overview and Scrutiny Committee**

None for this Meeting

## **Part III – Ordinary Decision Items**

None for this Meeting

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## **Part IV – Information/Monitoring Items**

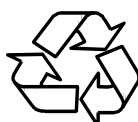
None for this Meeting



JV/VS  
3 June 2014

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Queries concerning this agenda? Please contact Kirsty Liddell:  
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**Declarations of Interest (see also “Advice to Members” below)**

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

**Advice to Members on Declarations of Interest:**

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/240134/Openness\\_and\\_transparency\\_on\\_personal\\_interests.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf) plus the link sent out to Members at part of the Weekly Update email on the 3<sup>rd</sup> May 2013.
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, with revisions adopted on 17.10.13, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Head of Legal and Democratic Services and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

Extract of the Minutes of the meeting of the Cabinet held on the 10<sup>th</sup> April 2014.

### **397 M20 Junction 10A**

The report considered the pro's and cons of the available options for the delivery of a new motorway junction and to establish a Cabinet position on the subject to inform future discussions with the Highways Agency, Kent County Council and developers as well as potential funding agencies such as the South East LEP.

The Portfolio Holder for Planning and Development confirmed that Junction 10A was one of the "Big Eight" proposals prioritised by the Council and was vital for the development in South East Ashford. He said that Highway Agency modelling indicated that the proposal could provide traffic capacity up to 2030 with a potential opening date of 2018.

The Portfolio Holder for Tourism and the Rural Economy considered the report dealt too heavily on the "pro's" rather than the "cons" of the proposal and suggested that there was a need to look further into the future. She considered that the new Junction might mean that Ashford had to increase the overall number of houses it would have to supply within its Local Plan and therefore she would have liked to see the information in the report challenged. She referred to the financial implications section of the report and drew attention to the fact that if any direct financial consequences arose for this Council, there could be a potential impact on the general revenue fund.

The Chairman explained that proposals for Junction 10A had been around for quite a while and confirmed that Kent County Council would be the Planning Authority. He said that the proposal was being developed by Kent County Council working with the Highways Agency and would involve detailed traffic modelling of the Junction. He emphasised that Cabinet was being asked to support in principle the Junction making no assumptions about future planning decisions which would be taken on their merits and at the appropriate time.

A Member, whilst accepting the need for a Junction 10A, said that it was important that it was the right one for Ashford. He said that he had concerns during the recent presentation by a representative of the Highways Agency on the current proposal. The Chairman explained that one of the reasons behind establishing Ashford's Strategic Delivery Board was that it was comprised of all partners who would be associated with the delivery of the Junction and he said that he would emphasise at meetings that it was vitally important that the Junction worked in practice. The Portfolio Holder for Transportation, Highways and Engineering said he had concerns over the proposed design of the Junction and was extremely worried that it could cause congestion in other areas of the Town.

The Head of Planning and Development explained that £20 million was available through LEP Funding but he said Kent County Council would be spending much of the forthcoming year working on a detailed business case. The LEP would need to be convinced that this was realistic. The Junction would only have Folkestone facing slip roads because of its proximity to Junction 10 and he commented that the interim scheme was the only option available at the present time.

The Portfolio Holder for Resource Management and Control referred to the recommendations in the report and confirmed that support was being sought in principle as a way to move forward. In terms of any future financial implications, he said that these would obviously need to be considered in terms of the potential benefits of the Junction in terms of the commercial impact on the Town Centre.

**Resolved:**

**That (i) support be given in principle to the delivery of the SELEP's 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.**

**Agenda Item No:** 12  
**Report To:** CABINET  
**Date:** 10<sup>th</sup> APRIL 2014  
**Report Title:** M20 Junction 10a  
**Portfolio Holders:** Cllr Robey & Cllr Galpin  
**Report Author:** Simon Cole, Policy Manager



**Summary:** The delivery of additional motorway junction capacity through a new Junction 10a to the south-east of Ashford is already recognised as one of the Council's Big 8 Priority projects. The existing Junction 10 was improved in 2007 but those improvements were acknowledged as having only a limited capacity and the Council's existing growth plans and extant planning permissions require the delivery of additional junction capacity in order to be fully delivered. In addition, it is recognised that the delivery of a new Junction 10a will be required to support a sound new Local Plan that looks ahead to 2030.

The report considers the pros and cons of the available options for the delivery a new motorway junction and to establish a Cabinet position on the subject to inform future discussions with the Highways Agency, Kent County Council and developers as well as potential funding agencies such as the South East LEP.

**Key Decision:** NO

**Affected Wards:** Weald East, Highfield, North Willesborough

**Recommendations:** The Cabinet be asked to:-

- a) Support, in principle, the delivery of the SELEP funded scheme for Junction 10a by 2019 and,
- b) Support, in principle, the subsequent delivery of an enhanced SELEP scheme to create a new, all-movements Junction 10a in the same location when funding permits.

**Policy Overview:** The need for a new Junction 10a to serve the planned growth of Ashford is acknowledged in the Council's adopted planning policy documents, specifically, the Core Strategy (2008) and the Urban Sites & Infrastructure DPD (2012). Although decisions are yet to be taken in respect of the quantity and location of planned development in the emerging Local Plan

to 2030, without a Junction 10a, the lack of additional motorway junction capacity in this area would have a fundamental impact on the council's ability to prepare the most suitable and sound Plan for the borough.

**Financial  
Implications:**

Discussions are underway on the funding of the interim scheme – the majority of the funding being from the Local Enterprise Partnership and the developer. Any remaining funding that may be needed is likely to be drawn from SPG6 contributions (and CIL in future). Should any direct financial consequences arise for the Council from either direct contributions or forward funding this could have a potential impact on the general revenue fund and would need to be reported to members for a decision.

**Risk Assessment** YES

**Equalities Impact  
Assessment** NO

**Other Material  
Implications:** None

**Background  
Papers:** None

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## **Report Title: M20 Junction 10a**

### **Purpose of the Report**

1. To consider the pros and cons of the available options for the delivery a new motorway junction and to establish a Cabinet position on the subject to inform future discussions with the Highways Agency, Kent County Council and developers as well as potential funding agencies such as the South East LEP.

### **Issue to be Decided**

2. Whether to support, in principle, proposals to deliver additional junction capacity through the construction of a new motorway junction to the south-east of Ashford.

### **Background**

3. Since the end of the 1990s, it has been recognised and accepted that the traffic-carrying capacity of M20 Junction 10 was inadequate to serve planned developments to the south and east of Ashford – an area that successive Local Plans (as well as Structure Plan and regional planning documents) had long identified as fundamental to achieving the council's aspirations for growth.
4. This recognition provided the catalyst for the procurement of the South of Ashford Transport Study (SATS) by a partnership of relevant stakeholders including the Borough and County Councils, the Highways Agency and local landowners and developers. The SATS was published in 1999 and identified a range of highway and other transport related improvements necessary to deliver the (then) planned growth of the town. The need for a new 'Junction 10a' to act as the long term solution to highway capacity constraints in the area was highlighted as part of the SATS package of measures.
5. Prior to the delivery of a 'Junction 10a', the SATS work proposed the construction of an 'interim' upgrade to the existing junction as a means of providing some limited additional capacity that would enable some new development to be released and thus release developer contributions towards the delivery of the wider package of measures, including a proportion of the costs of a 'Junction 10a' scheme. A subsequent 'J10 interim' upgrade scheme was forward funded by Taylor Wimpey and was completed in 2007 and this is the current junction layout at Junction 10.
6. Alongside the work on the J10 interim scheme, the Highways Agency was progressing options for the delivery of a new, all-movements Junction 10a scheme. Several options were considered including further improvements to the existing Junction 10; a single bridge J10a (like J6 (Faversham) of the M2), and an option to the east of Mersham. Eventually, a proposed scheme for a new gyratory interchange with a dual carriageway link road from the A2070 and connection to the A20 Hythe Road was settled upon as the optimum



scheme. This proposal also involved the closure of the two east-facing slip roads at the existing Junction 10 and so would result in a total of 6 slip roads between the two junctions. A public consultation exercise was carried on the proposal by the HA between June and September 2008 and this led to the scheme being given 'Preferred Route' status by the Government in 2009. This scheme remains what is now termed the 'Government' scheme for Junction 10a.

7. However, with the election of the Coalition Government in 2010 and the decision nationally to scale back on public spending, public funding was withdrawn from the 'Government' scheme for Junction 10a although it was not fully dropped and has remained on a 'long-list' of HA schemes since. The clear advice from the (then) Roads Minister to council officers was to seek a more locally designed and funded solution that would not rely on central government funding.
8. With the 'Government' scheme being stalled due to lack of available funding, a further alternative scheme has since been worked up. The initial work on this has been undertaken by the consultants Steer Davies Gleave (SDG), on behalf of AXA/DMI, the landowner / developer of the Sevington employment site which lies to the south east of the existing Junction 10 and which is allocated for development in the adopted Urban Sites & infrastructure DPD. As majority landowner in the area, some of AXA/DMI's land would have been required to deliver the 'Government' J10a scheme in any event but the lack of any additional junction capacity at the existing J10 would restrict their ability to market and develop out their site.
9. The proposal drawn up by SDG involves a single carriageway link road from the A2070 to a new bridge over the M20 adjacent to the existing Highfield Lane crossing linking to the A20, with an off-slip from the motorway for London bound traffic and an on-slip to the motorway for coast bound traffic – see Appendix. This proposal would retain all the existing slip roads at the existing Junction 10 interchange, so would also involve 6 slip roads in total between the two junctions.
10. Importantly, the SDG-designed scheme is intended to follow the key elements of the 'Government' scheme, so that it could be upgraded in the future to become the 'Government' scheme without significant abortive costs being incurred.
11. In 2013, the SDG-designed scheme was considered by the South East Local Enterprise Partnership (SELEP) Local Transport Board as one of the 6 key transport infrastructure priorities in the SELEP region (one of only two in Kent) and was provisionally awarded £19.7 million towards its delivery – see funding section below. Since then, it has been agreed with KCC that, as the locally responsible body for the spending of LEP funding, the delivery of the scheme would be led by them and not the developers or their consultants. This would involve KCC making a planning application for the scheme for which they would be the Planning authority (ABC would be a consultee).

## Capacity issues

12. When the SATS work was undertaken, an analysis of the available capacity at the existing Junction 10 was completed. This looked at traffic generated by both committed development (i.e. that with planning permission) and proposed development (i.e. in allocated plans but without planning permission) alongside predicted growth in 'background' traffic, i.e. that already on the network and not related to a specific development.
13. A system of generic 'Development Units' (DUs) was set up to compare trips generated by different land uses that use different trip rates. This showed that a total of 32.8 DUs of new traffic could be accommodated by the Junction interim improvement scheme (see para. 5 above) before a new J10a would be needed. The Council subsequently produced informal guidance to apportion the available capacity between competing developments and adopted supplementary planning guidance (SPG6) to provide the basis for levying developer contributions towards the SATS package of transport improvements.
14. Since then around 15 DUs of development has been implemented and the remainder committed in a variety of planning permissions across different sites. Some, such as at Cheeseman's Green, are limited by condition to the amount of development that can be released before a Junction 10a is in place. A recent review of the J10 interim scheme has indicated that it may be able to accommodate a small amount of additional development beyond the 32.8 DUs but there is no provision made to cater for traffic generation for any potential new allocations that the council may want to make as part of the emerging Local Plan 2030.
15. More recently, the HA has also commissioned work to consider the capacity of the SELEP funded J10a scheme. This work suggests that this scheme would enable the release of about 95 DUs of additional traffic before capacity would be exhausted. About 20DUs of this is from sites with planning permission (principally the permitted 'employment' element of the Cheeseman's Green outline consent) which would leave around 75 DUs worth to allocate to other sites as part of the Local Plan review. This is very likely to be sufficient to accommodate Ashford's growth requirements in this area in any new Local Plan.
16. There is no equivalent work to establish the capacity of the 'Government' J10a scheme (see para.6 above), although it is reasonable to expect that it would deliver more capacity than the SELEP scheme.

## **Costs / Funding and Timing issues**

17. The 'Government' scheme for J10a was assessed at various costs during its preparation. During its public consultation in 2008, the cost was estimated at somewhere between £66 – 90 million and before it was 'parked' in 2010, a figure around the £90 million mark was being quoted. Of this cost, it had been proposed that two-thirds would be funded by central government grant with the remainder forward-funded by the Homes & Communities Agency (HCA). This element was to have been re-paid from developer contributions as they arose from nearby developments

18. Since 2010, as public sector funding has been reduced, it is unclear what level of funding the Government would be prepared to commit to the delivery of Junction 10a, whilst the potential for HCA funding has disappeared. Whilst it is understood that central Government is reviewing its roads and infrastructure programmes post 2015, there is no clarity at present as to the priority that Junction 10a would be afforded in any central funding programme and the proportion of private sector funding that would be required to deliver the scheme. As such, it is very difficult to provide any level of certainty as to when the Government J10a scheme could be delivered or how it could be funded.
19. Provisional cost estimates of the SELEP J10a scheme suggest it will cost around £36 million to deliver of which £19.7million has been provisionally awarded by the SELEP LTB. AXA/DMI have indicated that they would be willing to help to fund the delivery of the scheme through a combination of SPG6 contributions and 'marriage' values involved in the engineering of the scheme which they would have to undertake in any event to deliver their own site. Discussions are underway as to how best to fund the remaining gap but any remaining funding that may be needed is likely to be drawn from SPG6 contributions (and CIL in future).
20. The SELEP funding is conditional on the money being spent by 2019 and so it is important that any programme for delivering the scheme ensures the junction is open by early 2019 at the latest. Although this is a relatively tight programme with little scope for slippage, KCC officers have drawn up a project programme that would see the scheme delivered in late 2018.

## **Risk Assessment**

21. There are a range of 'risk' issues that need to be taken into account in reaching a preferred position on this issue. These broadly fall into the categories of delivery, cost and traffic impact.
22. If no Junction 10a can be brought forward, then the existing junction 10 will gradually reach its notional traffic capacity as committed developments are built out. There are occasional episodes of significant congestion now and these could be expected to increase in frequency and magnitude without any solution in sight. The Council's ability to grant new planning permissions in the area would be severely restricted and this may have consequences for the economic health of the borough. This would also have a very significant impact on the nature and pattern of development that the council could seek to deliver through the new Local Plan, potentially meaning that more development in less suitable or sustainable locations may have to be contemplated. Therefore, the status quo position brings significant risks.
23. The main issues between the SELEP and Government J10a schemes lies in their respective costs and their certainty of delivery against the extra capacity they would generate. Taken against these criteria, the SELEP-funded scheme appears to be both much more affordable and deliverable, whilst the traffic modelling work carried out for the HA suggests that it would have adequate capacity to release existing planning permissions and support all necessary

growth in a new Local Plan to 2030. It is only beyond 2030 that the SELEP scheme may be inadequate to serve future growth.

24. For both schemes, an element of repayment to forward funders may be necessary as a means of ensuring that sufficient funds are committed in advance of taking the scheme forward. Some funds will be available in the SPG6 package fund but these will need to be supplemented by future income from Section 106 Agreements and / or CIL. The greater the forward funding required, the greater the potential exposure to the future virement of CIL receipts to this project. As it stands, this is likely to be greater (possibly significantly greater) with the funding of the Government J10a scheme where the overall scheme costs and percentage of developer funding is uncertain.

## **Policy Implications**

25. The deliverability of a Junction 10a scheme will be crucial in establishing the council's ability to deliver the growth strategy of its choice. A Local Plan Inspector will require evidence to show how and when a Junction 10a scheme will be delivered, including how it is intended to fund it, if the council's growth strategy is to be reliant on it coming forward. Without sufficient evidence, the Inspector could find the Plan unsound or propose less acceptable alternatives as a means of making the Plan sound. Hence, in policy-making, the greater the certainty over the deliverability of the junction the better
26. In a Development management context, there are limitations on what decisions the council may wish to take on planning applications where there is insufficient likelihood of infrastructure being available. Whilst the council has previously granted planning permissions against a future Junction 10a through the use of Grampian-style conditions (i.e. restricting what can be occupied prior to the completion of the junction), this is not particularly desirable for developers and can affect their ability to market their site and could be challenged if there was no realistic prospect of delivery. So, here again, the option that generates the most certainty in delivery should be preferred.

## **Conclusion**

27. The key role that Junction 10a has in the future development of Ashford cannot be doubted. A continuation of the current situation will only see the existing junction become more congested as time goes by to the detriment of Ashford's residents and businesses. Therefore, finding a deliverable solution seems to be fundamental in helping to resolve this problem before it gets worse.
28. Although concerns have been raised about the capacity of the SELEP-funded option, the independent technical analysis undertaken indicates that it would have adequate capacity to relieve existing congestion and allow new development to come forward for several years to come – potentially to 2030. On this basis, the SELEP-funded scheme should be seen as the initial phase of the longer-term Government scheme for Junction 10a which will be required at some stage in the future. The design of the SELEP-funded scheme specifically allows for its future 'upgrading' to the Government

scheme and so the choice need not be seen as being between one or the other but more about what can be delivered when.

29. In that context, the clear evidence is that the SELEP scheme can be delivered on the ground by early 2019. There is no such confidence in the Government scheme which would cost significantly more and almost certainly require more private sector investment up-front. The pragmatic solution is to support, in principle, the SELEP-funded Junction 10a scheme as a means of delivering additional motorway junction capacity in the short to medium term. This will enable planned development to come forward which itself will generate Section 106 contributions / CIL payments that will be able to be banked towards the eventual delivery of the comprehensive Government J10a scheme in the future when sufficient funds have accrued. This approach will enable the council to continue planning effectively for the growth of Ashford and to manage the consequent traffic growth pending the delivery of a long term solution.

### **Portfolio Holder's Views (Cllr Robey)**

30. The ability to achieve enough junction capacity at Junction 10 to enable the council's growth aspirations to come to fruition has been a thorn in the side of Ashford for a long time. The SELEP has recognised the strategic importance of Junction 10a and are willing to provide nearly £20m to help deliver it. So, at last, there is a realistic opportunity to deliver a Junction 10a scheme that can alleviate this problem for the foreseeable future and which will provide enough time and resources to bring forward the eventual long term solution. I endorse the conclusions of the report and support the recommendations.

### **Portfolio Holder's Views (Cllr Galpin)**

31. The Council has already identified that Junction 10a is one of the "Big Eight" projects to progress. The clarity of the argument for the Steer Davies Gleave model has been clear enough to secure financial support from SELEP. In addition, the importance of the project to the County as a whole is recognised in the Kent and Medway Growth Deal as a priority. This forms part of the South East LEP Growth Plan
32. It is worthy of note that the existing Local Development Framework would be rated unsound if it lacked a programmed J10a.
33. Without the SDG model J10a and the capacity it releases for traffic, significant job and housing creation in the Borough would be postponed indefinitely until a far larger funding pot could be secured. I therefore have no hesitation in supporting the recommendations of this report.

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# SE LEP Scheme – junction 10a

- A new two way 40mph single carriageway
- On and off slip roads built on the M20 in the direction of Folkestone
- New signal controlled junction with direct connection to the Sevington site
- New signal controlled junctions between the link road and the A2070.



Extract from Council Minute 412 and 413 24<sup>th</sup> April 2014

### **Extract from Minute 412**

In accordance with Procedure Rule 9.3 Mr Goodman advised that he wished to ask a question relating to the proposed Sevington warehouse development. He had been a resident of Willesborough for over 40 years and had seen Hythe Road change from a peaceful street to an urban freeway. Many people were concerned about the massive increase in traffic that the Sevington warehouse development would generate and that it would impact dramatically on Junction 10 in spite of the planned mini Junction 10A and that the resulting gridlock would spread back down Hythe Road into Willesborough as it often did. He was recently stupefied to hear an official from the Highways Agency declare that Junction 10 was operating well below capacity. No-one who had had to use the appallingly designed junction and had wasted hours in stationary traffic watching emergency ambulances struggling to reach the Hospital could believe that. With regard to the planned road alterations to facilitate the Sevington development, he understood that London bound heavy goods traffic emerging from it would join the A2070 at a signal controlled junction approximately 300 metres from Junction 10. Already traffic queued at peak hours along the A2070 northbound up to and beyond the junction with Barrey Road. The extra traffic from the development would have great difficulty joining the northbound carriageway of the A2070, and this would make the consequent gridlock at Junction 10 even worse than it already was. He questioned how Ashford could support a scheme that would generate worse gridlock on Junction 10 at peak hours as a matter of routine.

Councillor Robey, Portfolio Holder for Planning and Development, advised that there were two questions being asked in relation to Junction 10 under the Minutes of the Cabinet Meeting on the 10th April 2014 and he would respond then.

### **Extract from Minute 413**

In accordance with Procedure Rule 9.3 Mr Ross advised that he wished to ask three questions. He lived in Mersham and advised that the village would be significantly affected by the impacts arising from Junction 10A. The current design of the proposed interim Junction 10A provided for slip roads only in the direction of to and from Folkestone. This would not seem to offer any alleviation of the current congestion on the north going A2070 and the existing Junction 10 let alone meet the increased traffic volumes that would result from current and planned developments to the south east of Ashford. It seemed reasonable to assume that a substantial proportion of the increased traffic that would be generated by the aforementioned developments would be directed towards London or the railway station and that any increase in traffic in the direction of Folkestone would be minimal. He questioned whether Ashford Borough Council was willing to share with Council Tax payers the outcomes of any traffic modelling studies undertaken to date, that they had effectively funded, and to consider re-visiting this modelling to re-validate the current design and if necessary modify same. If the contention in Question 1 proved to be

correct and the design of interim Junction 10A was not modified did the Ashford Borough Council have any contingency plan to address the likely congestion that would arise? The current plans for an interim Junction 10A indicated Highfield Lane would no longer connect to the A20, but would be aligned with the single track, narrow Kingsford Street, directing traffic to the centre of Mersham. Under the AXA/DMI proposed plans for U19, Highfield Lane would be upgraded to a two-lane highway. There was a petition of over 230 residents who are totally opposed to the proposal, primarily on the grounds of the safety of residents in Kingsford Street and Mersham. Should a decision be taken to proceed with Junction 10A he asked if the Council would acknowledge these concerns by closing off access between Kingsford Street and Highfield Lane effectively making Kingsford Street a cul de sac.

Councillor Wedgbury apologised for interrupting, he felt it was important for all present to understand that it would be Kent County Council that would make the final decision on this issue not Ashford Borough Council. Therefore the questions being put forward should be put to Kent County Council rather than this Authority.

In accordance with Procedure Rule 9.3 Mr Murphy from Mersham and Sevington Parish Council advised that he wished to ask a question. He was representing the residents of Sevington and Mersham to raise their concerns about Minute 397 considered under item 8 of the agenda. When the Parish representatives attended a meeting on 20 January at the Council Offices, they heard disturbing conclusions being drawn that did not reflect the facts presented. The message on 20th January was that the interim scheme would fail. If it were assumed that a reduction of 15% in traffic volumes from "green" measures was achieved, would such failure be avoided. The 15% reduction was stated as the maximum that could be credibly hoped for. He questioned why the Council was supporting a scheme that would trigger significant additional building in the Ashford Borough with associated incremental traffic and congestion when the analysis to date predicted failure.

Councillor Robey, Portfolio Holder for Planning and Development advised that the three questions each raised issues regarding the design and likely operational effectiveness of the proposed interim Junction 10A. To avoid repetition the following position statement was designed to address all the points raised. The proposed interim Junction 10A had been subject to traffic modelling by the specialist consultants advising the Highways Agency, which was the Agency of Government responsible for improvements to the national motorway network. This work had concluded to the Highways Agency's satisfaction that the interim scheme will help divert sufficient traffic movements away from the existing Junction 10 and that the overall impact will be to create sufficient capacity for the new arrangement to last well into the 2020s. The assessment of when the scheme would come under pressure was based on the year 2030 not on the date of opening. This assessment took account of the extra traffic further planned development in the area would generate in that time. On this basis the scheme was put forward for funding from the South East Local Enterprise Partnership (LEP) by Kent County Council and the LEP had provisionally identified substantial funding towards this project. It remained the position that the Council wished to see the full, all movements Junction 10A scheme



opened as soon as it was needed. But in the absence of any specifically identified government funding to deliver that scheme, the interim Junction 10A proposed was an important step forward if the growing congestion problems at the existing junction were to be addressed which would otherwise only get worse. The interim scheme has been designed to be easily converted into the full scheme when funds allowed. Against this background the Borough Council's Cabinet considered the interim scheme at its last meeting and decided to support the project in principle at this stage. Kent County Council was now responsible for taking forward the project by testing it in detail and working up detailed designs, including the way local roads such as Kingsford Street and Highfield Lane were dealt with. This work would take several months and would provide the detailed information required for all parties to fully assess the proposals. Full information would need to be submitted by the County Council when a planning application was made for the new Junction 10A and related road improvements and this would, as normal, be available to the public to enable them to comment. When a planning application was made the Borough Council, as a key consultee, would need to consider the detailed evidence and full assessment of the project before concluding whether or not the scheme delivered the anticipated benefits, would work effectively and should be supported.

Councillor Bartlett drew attention to the minutes of the report on Junction 10A. He felt that whilst the minutes referred to a number of pros and cons there was also reference to one Portfolio Holders view that the report dwelt too heavily on the pros. He agreed with this statement. He wanted to set out some additional cons that were not set out in the report that went before Cabinet. Therefore he felt that the Cabinet may have misled themselves by supporting a scheme that was bad for Ashford. He referred to a meeting at International House on 23rd March 2011 at which he said the Council was told that the link road from the A2070 to the Junction 10A at Highfield Bridge may not be attractive to road users and would not remove trips using Junction 10. Because of that users, could expect the same level of traffic to use Junction 10 once Junction 10A was built. At a meeting at the Civic Centre on 30th May 2012 he said the Council was told that modelling accuracy would be lower for this privately funded scheme than one that involved public money. As this scheme would be privately funded the traffic modelling would be less reliable and less accurate, that was what the Highways Agency had advised. At the Highways Agency meeting on the 20th January 2014, the Highways Agency would not and indeed could not change the way in which traffic joined the M20 at Junction 10 other than altering the timing of the traffic lights on Hythe Road which fed the M20 entry. With the additional building in Willesborough, Sevington and Mersham that was intended, by the Cabinet, to follow the construction of Junction 10A, it meant that traffic leaving Willesborough seeking to join the M20 either to reach Tesco or the William Harvey Hospital would have no choice but to be held at the traffic lights for much longer than they were at the present time. It was also advised at the meeting on 20th January that the interim scheme was designed to ensure that traffic did not queue on the M20 and it was not a concern to the Highways Agency that there would be queues on the existing Junction 10 roundabout. The new design would fail every evening rush hour, not might, not maybe, but would fail. The result of this scheme according to the Highways Agency would be twice daily traffic chaos. Highfield Lane traffic would be directed through the village centre of Mersham, through Kingsford Street and Mersham would therefore become a rat-run for traffic from Bilsington, Kingsnorth and Aldington heading towards the A20. He felt that the most disturbing

aspect of the report was contained at paragraph 22 where it stated that 'the scheme would assist the Borough to deliver its future housing targets of 700 houses per year'. Without the scheme the report stated that these houses would need to be built in, what the report author described, 'unsuitable parts of the Borough'. He felt this set out the mindset of the Cabinet very clearly, that the 700 houses being built, would be built in Kingsnorth, Mersham and Stubbs Cross. This scheme would have the wholly undesirable effect of building yet more in a very congested part of the Borough. In short, he felt that it was a poor show that the paper to Cabinet did not cover these points. Colleagues from the Overview & Scrutiny Committee may wish to consider these further. In fact, they did, the paperwork had been delivered to Officers that evening to enable a more formal debate of these issues.

Councillor Robey, Portfolio Holder for Planning and Development, requested that Councillor Bartlett submitted his comments in writing.

Councillor Bartlett advised that the comments had been submitted as part of the Overview & Scrutiny Call-In, and he was certain that Council Officers would be able to provide copies of all of the questions that he had asked that evening. He was happy to send the minutes of the meetings with the Highways Agency, to the Portfolio Holder, which seemed to have not been properly considered in drafting the Cabinet report.

(10)

**Ashford Borough Council  
Overview and Scrutiny Committee  
Call In of Cabinet (Executive) Decision**

In line with Article 6 of the Constitution of the Ashford Borough Council, the undersigned request that the following decision be called in for Scrutiny by the Overview and Scrutiny Committee.

**Minute Number**

**Decision Date**

397

24/4/14




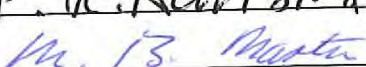
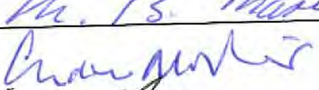


NB:

Under the terms of the Constitution, the Chairman and two Members, or any five Members of the Overview and Scrutiny Committee may call in a decision.  
Members have five working days from the publication of a decision to notify the Member Services and Scrutiny Manager that they wish the decision to be called in.

Name

Signature

STEWART ADAMS  
JILL HUTCHINGS  
BRENDAN CHILTON  
PETER DAVISON  
MARION MARTIN  
ANDREW MORTIMER  
24/04/14 JANE MARTIN  
PAUL BARTLETT

Date Of Request

Reason for Call In

POTENTIAL FORCE

+ All Apps  
on another  
sheet,

Whilst Members may not be required to give a reason for requesting Call In, providing reasons will assist in ensuring Cabinet Members and Officers attend the appropriate Committee meeting.

The minute relates to the report on the pro's and con's of the available options for the interim work at J10. At Cabinet that the report dwelt to heavily on the pro's without careful consideration of the con's.

Below are additional con's which were not considered at Cabinet.

In a meeting at International House on 23 March 2011 the Council were told that the link road from the A2070 to the J10A at Highfield Bridge "may not be attractive to road users and will not remove trips using J10." Because of this we can expect as much traffic using J10 once 10A is built.

At a meeting at the Civic Centre on 30 May 2012 the Council were told that "modelling accuracy would be lower for this privately funded scheme than one that involves public money". Because this scheme is privately funded we now know that the modelling accuracy is less accurate than is normally used.

At the Highways Agency meeting on 20 January 2014 we learnt that the Highways Agency will not and indeed cannot change the way traffic joins the M20 at J10 other than altering the timing of the traffic lights on Hythe Road which feeds the M20 entry. With the additional building in Willesborough, Sevington and Mersham that is intended by the Cabinet to follow the construction of J10A it means that traffic leaving Willesborough seeking to join the M20, reach Tesco's or the William Harvey will have no choice but to be held at the traffic lights for much longer.

*We also learnt at the meeting on 20 January 2014 that the interim scheme is designed to ensure that traffic did not queue on the M20 and it was not a concern to them that there would be queues on the J10 roundabout, we learnt that the new design would fail every rush-hour. The result of this scheme according to the Highways Agency is twice daily traffic chaos.*

*We learnt on 20 January that Highfield Lane traffic would now be directed through the village centre of Mersham and Kingsford Street, Mersham would become a rat run for traffic from Bilsington, Kingsnorth and Aldington heading towards the A20.*

*The decision to support interim J10A without the consideration of these points should be scrutinized.*

Please return this form to:

E-mail

Keith Fearon Member Services and Scrutiny Manager,  
keith.fearon@ashford.gov.uk

Questions or information regarding Call In or any other aspect of Overview and Scrutiny should be addressed to Julia Vink

Telephone 01233 330491



**Ashford Borough Council  
Overview and Scrutiny Committee  
Call In of Cabinet (Executive) Decision**

In line with Article 6 of the Constitution of the Ashford Borough Council, the undersigned request that the following decision be called in for Scrutiny by the Overview and Scrutiny Committee.

**Minute Number**

**Decision Date**

397

24/4/14

NB:

*Under the terms of the Constitution, the Chairman and two Members, or any five Members of the Overview and Scrutiny Committee may call in a decision.  
Members have five working days from the publication of a decision to notify the Member Services and Scrutiny Manager that they wish the decision to be called in.*

Name


Signature

JANE MARTIN

MARION MARTIN

HAROLD APPS

MARTIN



M. B. Martin



3

Date Of Request

24/04/14

Reason for Call In

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## **Call-in of Cabinet Minute number 397: M20 Junction 10A**

### **Introduction**

Following the Cabinet's decision in relation to M20 Junction 10A on 10<sup>th</sup> April 2104 (Minute number 397), ten Overview and Scrutiny Members requested that the decision should be called in for scrutiny (in line with Article 6 of the Constitution of Ashford Borough Council).

The Cabinet resolved 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.

Members have submitted questions in support of their reasons for requesting a Call-in. The attached report from the Head of Planning and Development sets out the relevant background and provides responses to these questions. This is not intended to prevent Members asking questions at the Call-in meeting but to assist in the debate.

### **Details of Call-in procedure rules from ABC Constitution: Part 4, Rules of Procedure, O&S Procedure Rules – Call-in**

Following consideration of the Cabinet's decision, the Committee can decide to proceed with the original decision, in which case the resolutions would come into effect immediately, or, if the Committee still has concerns, it may:-

- refer the decision back to the original decision making body (Cabinet) for reconsideration, setting out the nature of its concerns and suggesting amended recommendations. The Cabinet shall reconsider its original decision, within a further five working days, amending the decision, or not, before adopting a final decision (which shall not be subject to call-in). (In practice this would mean the O&S committee submitting its report to the Cabinet meeting in July).
- refer the matter to Full Council. If Council does not object to the decision that has been made then no further action is necessary and the decision will be effective as in the provision below. If the Council does object, however, it has no locus to make decisions in respect of an executive decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making body (Cabinet) together with the

Council's views on the decision. The Cabinet shall then choose whether to amend the decision or not, before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a Committee of it, a meeting of the Cabinet or the Cabinet Committee as the case may be, will be convened to reconsider the original decision within five working days of the Council request.

- If the Council does not meet, or if it does but does not refer the decision back to the decision making body, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.

**Report to:** Overview and Scrutiny Committee

**Date:** June 11<sup>th</sup> 2014

**Report Title:** M20 Junction 10A – Call-in of cabinet decision of 10 April 2014

**Report Author:** Richard Alderton

Summary: This report sets out the relevant background and provides responses to points raised by Members in advance of the Overview and Scrutiny meeting to aid the debate at that meeting.

## **Background**

There has been considerable debate around the design of the proposed SELEP junction 10A scheme and the impact it would have on the existing highway network. Some of this has involved important points of detail that will be addressed in the coming months as KCC, as the scheme promoter, carry out a more detailed assessment of the project and prepare a business case.

The O&S Committee has the opportunity now to flag up any issues it feels need tackling during this process.

To set the context the following points are relevant:

- The Council has long recognised the limited capacity at the existing junction 10 and the need to do something about it both to cater for the growing congestion problems that will occur in any event and the need to provide for the town's future growth.
- The SELEP scheme has been designed to be able to be upgraded to the full junction 10a with minimum wasted expenditure – the Highways Agency and KCC are working together to make sure this is the case.
- In the June 2013 Command Paper 'Investing In Britain's Future' the Government committed to funding the full scheme at M20 Junction 10a subject to finalisation of options and agreement being reached on developer contributions. The 2013 National Infrastructure Plan announced that the full scheme would go ahead subject to finalisation of options and developer agreement. The Highways Agency is continuing to develop its forward programme of major projects with a view to accelerated delivery of the full



scheme. The government has so far not confirmed what private sector contributions will be needed to top up Government funding towards the estimated cost of between £70 – 90m.

- The position agreed by Cabinet is to support the SELEP funded scheme in principle at this stage and it is intended that a detailed assessment should now take place and a business case prepared by KCC as scheme promoter. Other bodies that will need to be satisfied by this assessment are the Highways Agency as the national government agency responsible and the South East Local Enterprise Partnership, that will potentially be providing around £20m in funding.
- Whilst the SELEP scheme only provides Folkestone facing slips and thus only caters for a proportion of the existing movements at junction 10, it does nevertheless provide that relief and the Highways Agency believe that this will release substantial capacity at the existing junction 10 and enable planned development (including the local plan review) to be accommodated well into the 2020's. This will need to be tested in more detail in the coming months as part of the scheme assessment.

### **Specific questions raised by Cllr Bartlett**

Cllr Bartlett has helpfully provided notice of his questions as set out below together with responses from Council officers with input from the Highways Agency and Kent County Council.

1. *In a meeting at International House on 23 March 2011 the Council were told that the link road from the A2070 to the J10A at Highfield Bridge "may not be attractive to road users and will not remove trips using J10." Because of this we can expect as much traffic using J10 once 10A is built. The thinking here is that traffic heading towards Folkestone from South Ashford will avoid the new single carriageway as there will be traffic lights at the entrance to the distribution park and a right hand turn on to the Folkestone slip road also probably with traffic lights. For these reasons the Highways Agency said that drivers will continue to use J10 to access the M20. What modelling has there been to disprove this?*

Comment: This meeting was between the Highways Agency, AXA/DMI and their consultants and representatives of Ashford's Future but no Council officer was present. This is a misquote from the meeting notes. The meeting note in fact says: *'It is unclear at this stage whether the link road would operate satisfactorily as a single carriageway or dual carriageway. However, the road will need to be attractive*

to road users if it is to remove trips from Junction 10'. In short whether it was single or dual carriageway still had to be resolved.

The Highways Agency comment as follows:

The context of the meeting on 23 March 2011 was to explore whether there was a scheme that could be funded entirely by the private sector which would deliver enough capacity to release the local plan development at Sevington. The comments about a single/dual carriageway were made prior to any traffic modelling of what is now the SELEP scheme. Subsequently traffic modelling has shown that the link can provide an attractive option as a single carriageway and will provide more than sufficient capacity to release Sevington West (site U19). However the costs of the scheme have proved to be too great to be funded entirely by the private sector.

2. *An early version of the Interim scheme envisaged the A20 slip roads to and from Folkestone would be blocked off forcing all Folkestone bound traffic from North Willesborough to use the A20 and then the J10A slip road. It is understood that the reason this is now not the case is the new housing development at Highfield House will require traffic lights on the A20 near to the Pilgrims Hospice and pushing all the Folkestone bound traffic along the A20 would cause too much congestion on the A20 at the Highfield development. The result of all this is two slip roads heading towards Folkestone with 500 metres of each other. Slip roads are not normally permitted by the Highways Agency to be so close to each other for safety reasons, why is ABC comfortable that there are no safety implications in this case?*

The Highways Agency comment that the minimum distance between successive merges and diverges is 450 metres at 70mph.

Were the slip roads facing each other, then 500 metres would be too close. With regards to the U14 development area which includes the Highfield House site, it has always been the case that a signal-controlled junction would be required to release the whole of that site which is also intended to provide an alternative vehicular link to the William Harvey Hospital. This is the position reflected in policy U14 of the Urban Sites & Infrastructure DPD.

For information, neither the HA nor KCC recollect any previous version of the SELEP scheme that is as described in the question above.

3. *At a meeting at the Civic Centre on 30 May 2012 the Council were told that "modelling accuracy would be lower for this privately funded scheme than one that involves public money". Because this scheme is privately funded we now know that the modelling accuracy is less accurate than is normally acceptable by the Highways Agency. Why is it now believed that traffic modelling used*

*for this scheme is reliable? What assurances have been received that the modelling is accurate?*

Of course, the proposed SELEP junction is one that would be principally publically funded via the SELEP grant of nearly £20m. However, to clarify, the Highways Agency comment as follows:-

For a scheme that is fully privately funded the accuracy of traffic modelling expected by the Highways Agency is that which applies to any Local Plan or planning application. However where public funding is involved a higher standard of modelling is required by HM Treasury in order to demonstrate the proper use of public funds.

- 4. At the Highways Agency meeting on 20 January 2014 it was said that the Highways Agency will not and indeed cannot change the way traffic joins the M20 at J10 other than altering the timing of the traffic lights on Hythe Road which feeds the M20 entry. With the additional building in Willesborough, Sevington and Mersham that is intended to follow the construction of J10A it means that traffic leaving Willesborough seeking to join the M20, reach Tescos or the William Harvey will have no choice but to be held at the traffic lights for much longer. How much longer will the traffic from Willesborough be held at these lights? How long do the Highways Agency predict that the traffic queues will be and how far down Hythe Road will these extend – will they reach as far as the Norton Knatchbull School as many expect?*

Comment: The Highways Agency is currently looking at this issue in more detail and hopes to respond before the meeting.

- 5. It was said at the meeting on 20 January 2014 that the interim scheme is designed to ensure that traffic did not queue on the M20 and it was not a concern to them that there would be queues on the J10 roundabout accessing the M20, we learnt that the new design would fail every rush-hour. What evidence is now to hand to prove the Highways Agency were wrong on 20 January and why do ABC now believe that J10 will not fail daily in the way the Highways Agency said it would? How are the traffic reductions that are required in Ashford to assume that J10 does not fail going to be achieved?*

Comment: There has been a basic misunderstanding of the Highway Agency presentation on 20<sup>th</sup> January 2014. Paul Harwood explained that the capacity of the existing and SELEP junctions would indeed come under pressure at peak hours – but crucially that was an assessment modelled for the year 2030. The implication, therefore, is that by 2030 without further improvement to the full junction 10a, the junctions would be back in roughly the situation that existed in 2000, prior to the introduction of the current junction layout.

6. *It was said on 20 January that Highfield Lane traffic would now be directed through the village centre of Mersham and Kingsford Street. Is it agreed that it is unacceptable for Mersham to become a rat run for traffic from Bilsington, Kingsnorth and Aldington heading towards the A20? Will he give assurances that this will not be permitted to happen? How many additional traffic movements will this “rat running” create? Current estimates are 30-40 additional traffic movements per hour during the day in Kingsford Street.*

Comment: Detailed proposals for existing local roads – specifically Kingsford Street, Church Road and Highfield Lane – will be investigated in the coming months and the County Council will take into account views received. Neither the County Council nor the Borough Council would wish to see a situation arising where an unacceptable level of increase in traffic in Mersham is caused by ‘rat-running’.

KCC will carry out a local consultation on the proposed scheme during the planning stages of this project.

7. *It was said at Cabinet that J10A would assist the Borough to deliver its future housing targets of 700 houses per year. Why does Ashford need to build 700 houses per year – how many are other towns in Kent building? If it is true that Ashford is required to build so many houses why cannot they be spread around the Borough?*

Comment: This issue has been discussed by the Planning Task Group. Whilst a final housing target for the borough has not yet been agreed, there is a clear methodology set by Government to establish an ‘objectively assessed housing need’. Work for the Council has demonstrated this to be in the order of 780 homes per annum from 2014 to 2030. Although this is not binding, the Inspectorate will look very closely at whether the Council has met its objectively assessed need when the local plan is examined and a failure to do so may well result in the plan being found ‘unsound’. The further complication is the statutory ‘duty to co-operate’ with neighbouring authorities and others so that wider housing needs are met. New homes are, of course, planned elsewhere in the Borough but there are a range of reasons relating to the environment, infrastructure and the economy, why the bulk of new development tends to be planned for in and around the Ashford town area. The adopted Core Strategy and the adopted plans beneath it explain this rationale.

As a comparison, the objectively assessed housing need for Maidstone Borough over the period from 2011-31 equates to 980 dwellings per annum.

8. *Can it be confirmed that there are air pollution monitors in place at J10 and what are these levels currently? Recent research has shown that levels around A20/M20/A28 are above accepted EU guidelines, and that diesel exhaust is known to cause cancer in humans, how do ABC propose to protect the existing residents in the area?*

Comment: The Borough Council does monitor close to Junction 10 (at one of the closest sensitive facades, just short of the junction). Our latest Annual Progress Report (submitted to DEFRA last week) is on our AQ page at:  
<http://www.ashford.gov.uk/air-quality>

This report concluded no exceedances of Air Quality Objectives and no requirement for further action until the Updating and Screening Assessment in 2015. A few years ago the Environmental health team had a query around this junction and carried out a further assessment (active rather than passive monitoring) which concluded no exceedances and no further action required.

9. *When the M20 was built there was considerable blasting required through the Greenstone Ridge (which is Kentish Ragstone) in Sevington and Willesborough. How much blasting will be required for J10A and has there been an Environmental Impact Assessment of this activity and what assurances has he seen to ensure there is no impact on nearby properties in particularly the Church?*

Comment: The topography at the location of the SELEP scheme is rather different. The motorway will remain at its current elevation and the bridge over it will be close to the level of the existing Highfield Lane bridge. There is no blasting anticipated for the construction of the SELEP scheme. An Environmental Impact assessment that looks at all potential impacts will be carried out as it is required to support the planning application for the works.

10. *Has the impact of the Highfield House housing development on traffic flows around J10A been assessed? What views has the developers of that new estate told the Council that there will be from this development?*

Comment: On the first point, the assessment carried out for the Highways Agency has included planned development such as site U14 (which includes Highfield House). The second point is unclear.

11. *What assurances have been given that the full motorway junction will be available quickly – can it be confirmed that Ashford will not be in the same position as Sevenoaks with permanent traffic problems because their interim scheme never matures into a full scheme?*

Comment: The Highways Agency advise that the M25 junction 5 was never intended as an interim scheme so the comparison is not a valid one.

*12. Have assurances been received that the road from the A2070 to J10A will be level? The problem of an uphill run of the A2070 to J10 is that lorries travel very slowly and the resulting engine noise is extremely damaging to the Highfield residents quiet enjoyment of their properties. Can we know there will be no repeat of this design fault with J10A?*

Comment : Potential noise impacts will be assessed as part of the Environmental Impact Assessment needed to support the planning application for the scheme.

Clearly the new link road cannot be level as there is a level difference between the existing A2070 and the new bridge over the M20. However, the distance between these two points is greater than between the A2070 and J10 and therefore the gradient will be shallower .

*13. The Highways Agency promised to send ABC members and Parish Council their traffic forecasts and modelling and hold a second briefing to members at the 20 January briefing. Members welcomed this as it would enable them to assess the benefit of the scheme before concluding. Why did this not happen? Why has support been expressed to KALC and publicly in the press of the scheme without seeing this modelling and without the Council having expressed their support?*

Comment: Unfortunately this work has taken some considerable time for the Highways Agency consultants to produce in a form that is relatively easily interpreted and responds to the questions asked – it has been recently circulated to members and is re-circulated with these papers. This work demonstrates the modelled situation in 2030. Support for the SELEP scheme has always been ‘in principle’ – i.e. subject to the scheme proving to be deliverable in terms of its planning and environmental impact and the effects it has on the highway network.

*14. The field through which the link road from the A2070 to the M20 is a unique countryside habitat populated by farmland birds, hares and badgers. Has a report be commissioned on the impact of this development on these species to assess if it will be detrimental to the ecology of the surrounding area?*

Comment: Potential impacts on habitats, flora and fauna will be assessed as part of the Environmental Impact Assessment needed to support the planning application for the scheme. It should be remembered that previous work to support the delivery of the full Junction 10 scheme would have assessed a similar, if not greater ecological impact, although this work would need to be updated for any future scheme.

*15. High Speed 1 adjoins the link road and J10A. How does the noise generated by HS1 exacerbate the noise generated by the traffic using J10A? The uphill nature of the ground will cause the noise of both to be directed towards the residential area of North Willesborough and Highfield. Has a study been commissioned and reported on to assess the noise impact of creating an additional motorway junction near to HS1 which assesses the impact on residents?*

Comment: High Speed 1 runs some way away from the link road and is approximately 1km from junction 10a. Potential noise impacts will be considered as part of the Environmental Impact Assessment needed to support the planning application for the scheme. However, as Junction 10a lies further way from both the Highfield estate and North Willesborough than the existing Junction 10, it would be reasonable to assume that any reduction in traffic using Junction 10 would result in potentially less noise disturbance to local residents as a result.

*16. The established Core Strategy for Ashford requires a full motorway junction to be build and does not contemplate any interim scheme. It says "The delivery of the main bulk of the strategic employment site at Sevington that is identified in the adopted core strategy is reliant on Junction 10a." This policy was developed for good and valid reasons linked to the experience of nearby Authorities who have found that full schemes never materialise. It has been proved a mistake by others to opt for an interim scheme. This approach to the Core Strategy was specifically supported in the Inspector's report. A policy change has never been supported by Full Council. Changes to the Core Strategy which might bring forward the employment site at Sevington ahead of J10a (such as through an interim scheme) should await a Borough-wide review of the Core Strategy and will need to be supported by the Council. At which Council meeting was the embargo of allowing the employment site at Sevington to be brought forward before 10a agreed? Absent such agreement any interim scheme could not bring forward the employment use of the Sevington Site.*

Comment: To be clear, the 'quote' referred to in the question does not appear in the Core Strategy. Although not accurately quoted, there is a similar passage in the Urban Sites & Infrastructure DPD which was adopted by the Council in October 2012. It is true that the Core Strategy did not envisage the SELEP junction 10a – because there was no such proposal at the time. However, the Urban Sites & Infrastructure DPD clearly envisaged the potential for an alternative version of junction 10a which is most clearly articulated in paras. 9.27 – 29 of the DPD. Para. 29 states:

*"A private sector-led lower cost scheme that would part implement the Preferred Route scheme is being designed in collaboration with the Highways Agency with the aim of enabling the early delivery of additional development around the Junction 10 area".*

Policy U19 of the Urban Sites & Infrastructure DPD also provides for a minor release of development at the Sevington employment site prior to a Junction 10a being place.

The Council remains committed to achieving the full scheme at junction 10a as soon as possible and continues to work to achieve this. In the meantime, the SELEP scheme presents an opportunity to remove the uncertainty around when extra capacity can be delivered to relieve the growing problems at the existing junction and release new development. There is potential developer funding from the development of the Sevington site (U19) and from forthcoming developer contributions that will be triggered as existing schemes progress whilst the South East LEP has identified nearly £20m funding for the project. The SELEP scheme is, therefore, a deliverable prospect and is designed so it can be upgraded when the need arises to the full junction 10a.

*17. It is said that the scheme fits within the "Growth Without Gridlock" but this is at odds with the traffic data that was distributed to members last week which shows the new off slip from Folkestone failing in the PM peak hours. This data is based on 2012 traffic data. Before this project is taken further new traffic data should be taken in 2014 which can be expected to show greater numbers than 2012. It is reasonable to assume that with two years traffic growth the result will be traffic numbers exceeding capacity. What is the increase in traffic generally in the area 2012 - 2014. Empirical studies suggest 4.5% increase, is this right?*

Comment: The basis of the modelling is being misunderstood. The modelling is examining the position in 2030. There is no disagreement that the junction would be under pressure again by then as the diagrams show, but in the meantime there will be capacity for many years released by the SELEP scheme.

*18. No traffic census has been taken at the traffic lights on Hythe Road where traffic joins the M20 London Bound meets traffic from Willesborough. I understand the reason no census has been taken at that point is that there are no proposals to change the arrangements at that point. Nevertheless this point is key to the success or failure of interim J10A and traffic census is required. What are the current numbers at this junction, how much additional traffic will be created by the development and how near are these to capacity?*

Comment: This point has been referred to the Highways Agency for comment.

*19. The papers from the SDB say the junction will allow 7,000 houses to be built - where are these going to be please? I note you consider "Local Objections to the Scheme" to be a high level of risk to the Scheme and I agree with this. Unless the Council are absolutely clear where these 7,000 houses will be built the uncertainty and distrust over the scheme will grow and will represent a further risk to the scheme. I assume the plans are to build these*



*houses in Mersham, Wye, Willesborough or Kingsnorth - or are you planning further afield in Aldington? What are your proposals please?*

Comment: A proportion of the indicative number of 7,000 dwellings that could be released by the scheme already have planning permission. Significant parts of the consented sites at Cheeseman's Green and Newtown Works are currently restricted by the lack of available capacity at Junction 10.

The response to question 7 above sets out the context for the future planning of housing development in the borough through the new Local Plan to 2030. The preparation of the plan will be the process by which the Council will determine where any new residential allocations should be made but no decisions have yet been taken in this regard. The capacity of the junction will enable the Council to choose to site new residential development in and around the south-east of Ashford should it wish to.

*20. The papers refer to AXA/DMI parcels of land which will need to be compulsorily purchased. Can O&S Members have a copy. I understand these may be confidential.*

Comment: The Council does not have the detailed information on the parcels of land that would need to be acquired or, if not, compulsorily purchased. This information is, in any event, likely to be highly commercially sensitive.

*21. The papers refer to "studies carried out by DMI". Can I see these please? Are these papers the source of officers including Amazon in the pipeline for future business rate income in ABC's projections? If this is not the source what was the source please?*

Comment: The Strategic Delivery Board papers for April 2014 refers to AXA/DMI providing copies of their studies to KCC so that KCC can establish whether more work is required to support their planning application for the Junction. These are principally environmental studies carried out on AXA/DMI's behalf when they were previously leading on the delivery of the scheme and have now been transferred to KCC. None of the studies relate to potential occupier demand or interest.

As far as Amazon are concerned, the Chief Executive and head of Planning and Development were informed by AXA only of their potential interest in Sevington and on the basis this was not confirmed and was no more than an outside possibility. We were given that information on the express basis it would be treated in the strictest confidence as AXA were concerned it was commercially sensitive – my recollection is that AXA had themselves had no direct contact with Amazon and had only picked up the potential interest through an intermediary. As far as I can recall, we shared the information only with the Leader and Planning Portfolio holder on that confidential basis.

Subsequently we sought clarification on a number of occasions whether the potential interest had actually developed into a real one. We received no confirmation that this had happened.

*22. I see from the minutes of the Strategic Delivery Board that ABC and KCC have "agreed that KCC will act as lead partner and will prepare and submit planning application for the junction and the link road". I am of the view that the correct governance is that KCC should not prepare and submit their own planning application and that ABC should be the authority.*

Comment: Construction of the highway is development and therefore needs planning permission. Although the County Council and the Borough Council are both local planning authorities, most types of applications for planning permission are determined by the Borough Council. However, when the County Council intends to carry out development, it has to make that application to itself. That is the case here, which is why under the Town and Country Planning General Regulations 1992 the application cannot be determined by the Borough Council. There is no right of appeal against the County Council determining the application.

The Regulations come into play on a regular basis, such as construction of Repton Manor Primary School or the extra care facility on Ashford Road in St Michaels. As was the case with those applications, the Borough Council will be consulted on the application and Planning Committee will provide the response.

The application will be determined by the County Council's Planning Applications Committee. Just like members of the Borough Council's Planning Committee, the County members have to follow the Kent Code of Conduct as well as keep an open mind and not predetermine applications. There is no evidence that County members would not act appropriately when determining this application.

Under the same Regulations the Borough Council is able to determine its own applications, for example for the construction of new council houses. There has never been any evidence of Borough Council members failing to conscientiously consider such applications.

It has been suggested that the County Council would have a conflict of interest and shouldn't determine the application, as it will "receive a fee for project management". Whether this is correct or not any project management fee would not be paid to the members of the Planning Applications Committee but to the County Council itself. Individual County members would have no conflict unless a personal interest outside the County Council itself was involved. Even if the County Council might stand to benefit financially (eg. to the extent any "fee" exceeded costs it had incurred) provided the planning decision-making committee addressed its mind only to relevant planning considerations there is no inherent conflict such that a lawful decision could not be made. The receipt of any fee would not be a planning matter which could lawfully be taken into account.

It is not always the case that the County Council wishes to carry out development itself. For example, when the former Hopewell County Primary School became

surplus to requirements the County Council applied to the Borough Council for permission to re-develop the land for housing. The County Council had no intention of constructing the dwellings and therefore was not able to apply to itself. Another example is the junction on the A2070 to serve Cheeseman's Green, where the applicant was Crest Nicholson and not the County Council. Again the County Council did not wish to carry out the development itself.

In this case the County Council has decided it wishes to carry out the scheme and to be the applicant for the development for several reasons, including the strategic nature of the proposal and their in-house expertise and resources as highway authority. As a key player in the three county South East Local Enterprise Partnership, Kent County Council which successfully bid for approaching £20m LEP funding towards the SELEP junction proposal, is accountable for the delivery of the scheme to the LEP and the obvious delivery lead. The additional highway capacity that would be created is of strategic importance for the area as a whole as it helps to tackle a growing problem of congestion at the junction and provides for substantial growth in the future to meet likely local plan needs. This is in contrast to the A2070 junction, which is primarily intended to serve the Finberry development. The County Council is the highway authority and as such has significant expertise in assessing, managing and delivering such large road schemes.

This is a strategic major highway scheme that will be promoted and delivered by Kent County Council, using government funding, for which KCC is the accountable body. The planning application will be determined by the County Council's Planning Committee in the same way that many previous major strategic highway infrastructure projects of this nature and significance have been determined across the County.

There is no external procedure to follow when a local planning authority is considering applying to itself for permission. In particular, it is not for the Borough Council to approve the County Council's decision to be the applicant and as a consequence no formal approval has been given. There is no right of appeal either.

Accordingly if the County Council wish to both carry out the development and make the application it will have to be made to and determined by the County Council itself.

*23. Draft forward funding proposals have been submitted to ABC, please may I have a copy.*

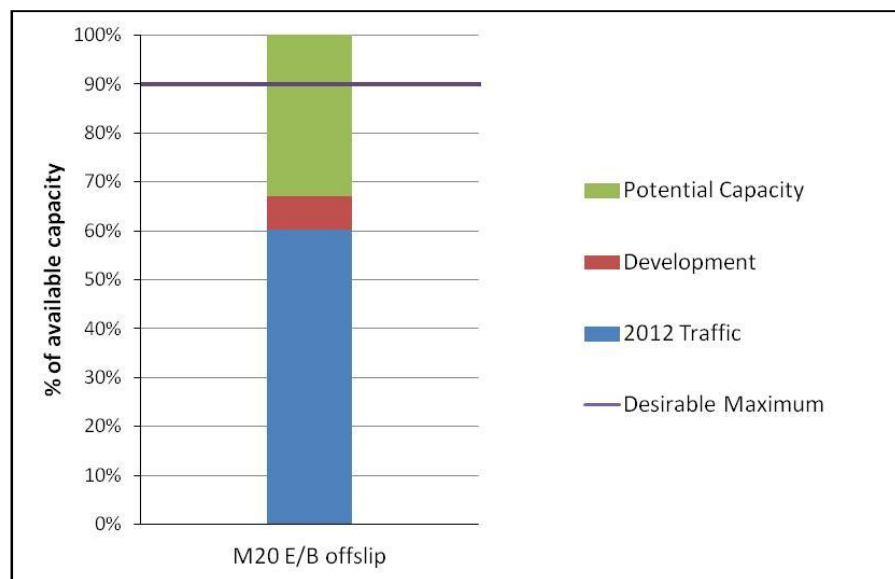
Comment: Cllr Bartlett's Freedom of Information request to release this information is currently being considered and will be resolved in advance of the O&S meeting. Members will be updated accordingly.



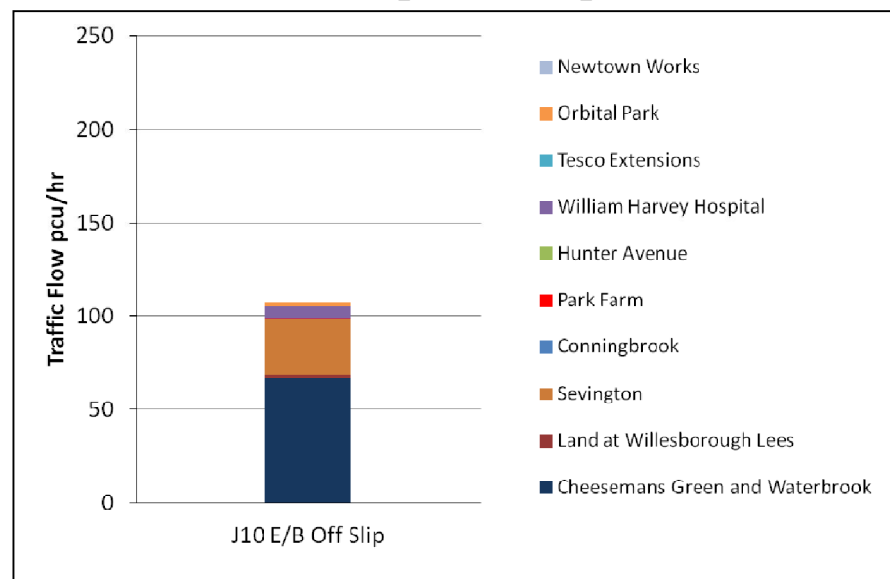
AM peak hour flows entering junction  
from the M20 E/B off slip

Total traffic	1060
Background	953
Development	107
Capacity @ 100%	1582

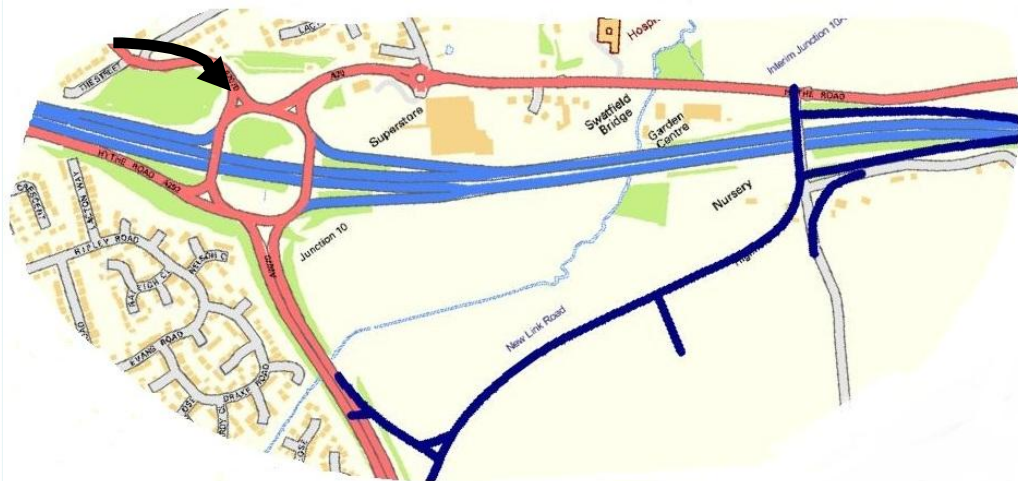
Total impact on the M20 Junction 10  
east-bound offslip



Development Impact



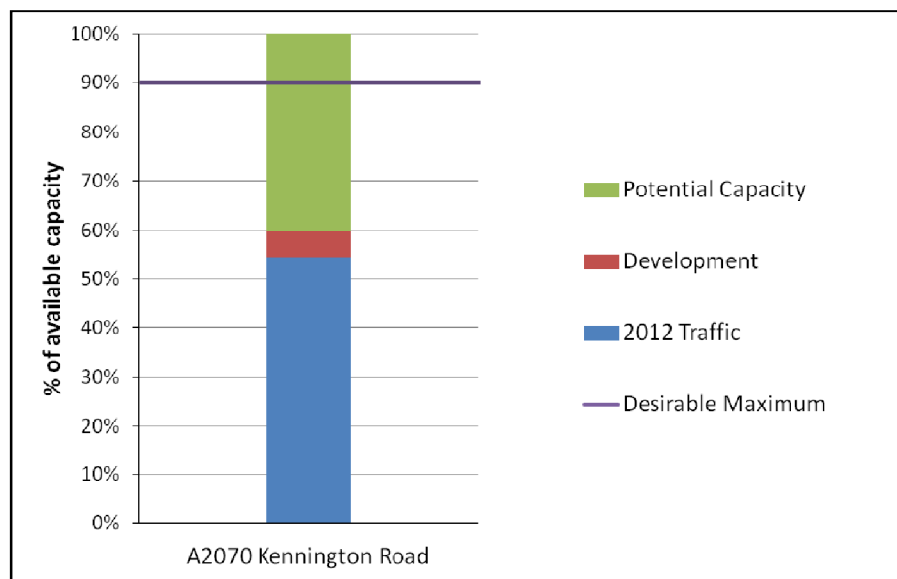
## M20 Junction 10A – AM peak M20 Junction 10 - Kennington Road



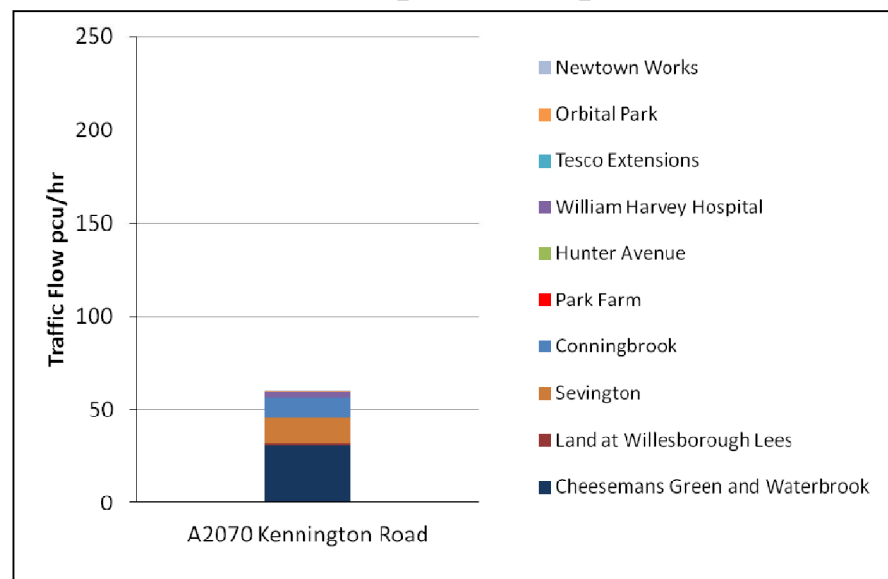
AM peak hour flows entering junction  
from Kennington Road

Total traffic	860
Background	780
Development	80
Capacity @ 100%	1436

Total impact on the M20 Junction 10  
Kennington Road Approach



Development Impact



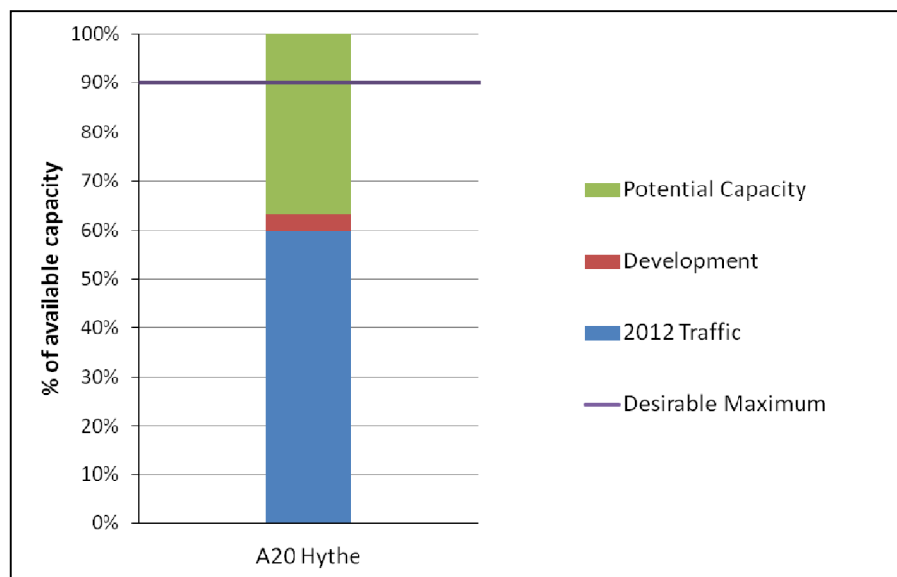
## M20 Junction 10A – AM peak M20 Junction 10 - A20 Hythe Road



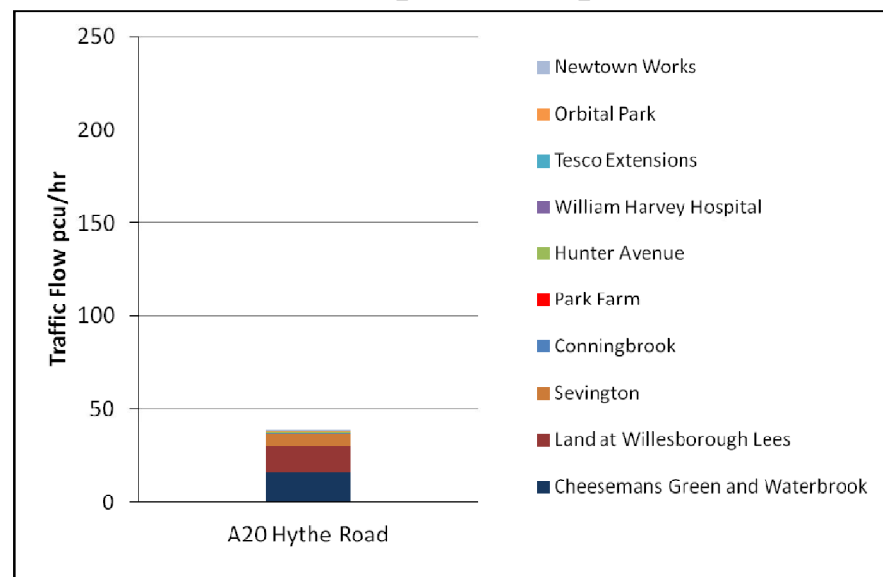
AM peak hour flows entering junction  
from Hythe Road

Total traffic	940
Background	887
Development	53
Capacity @ 100%	1485

Total impact on M20 Junction 10  
A20 Hythe Road Approach



Development Impact



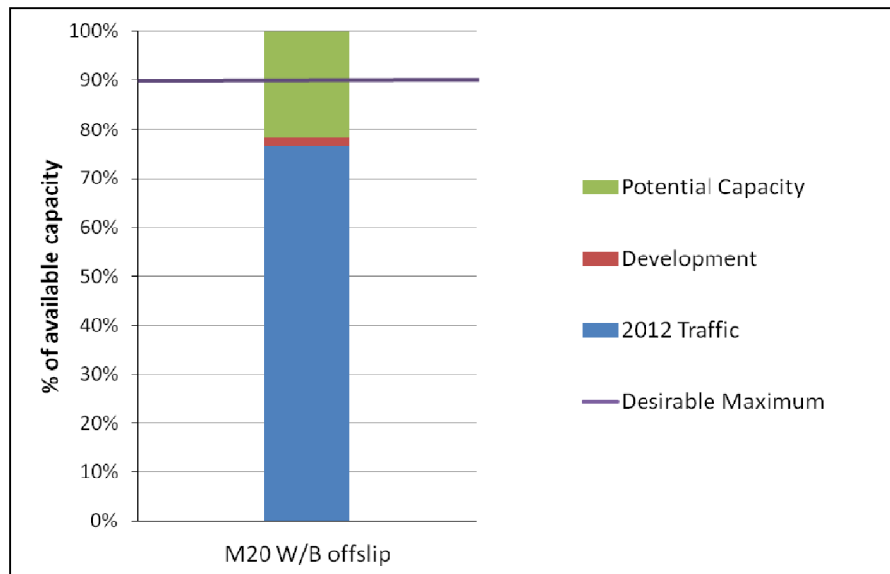




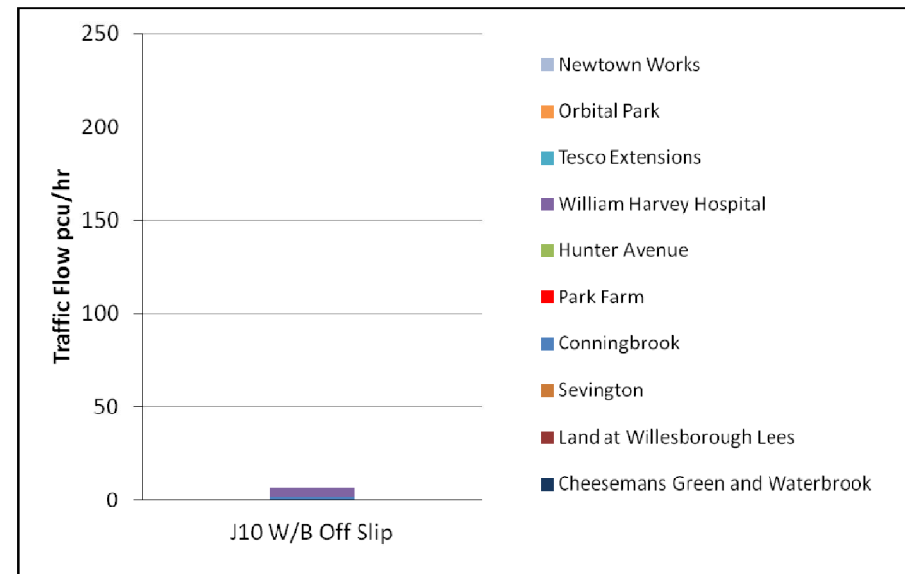
AM peak hour flows entering junction  
from the M20 W/B off slip

Total traffic	303
Background	296
Development	7
Capacity @ 100%	387

Total impact on the M20 Junction 10  
W/B offslip



Development Impact



## M20 Junction 10A – AM peak

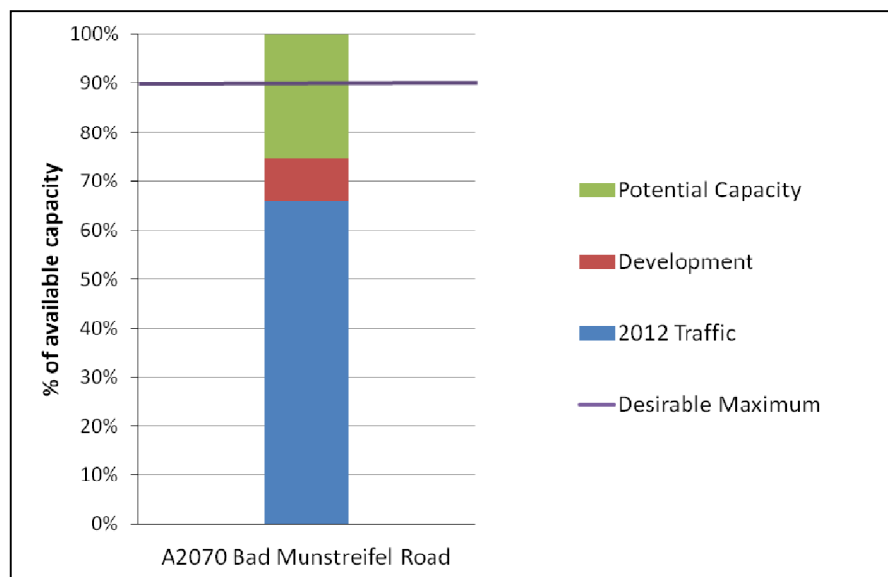
### M20 Junction 10 - A2070



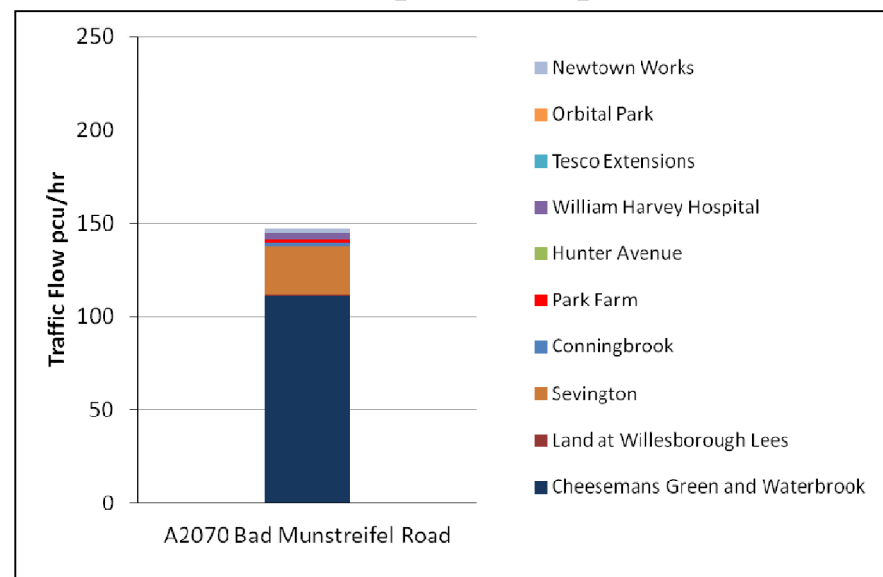
AM peak hour flows entering junction from the A2070 approach

Total traffic	1629
Background	1439
Development	190
Capacity @ 100%	2184

Total impact on the M20 Junction 10  
A2070 Approach



Development Impact





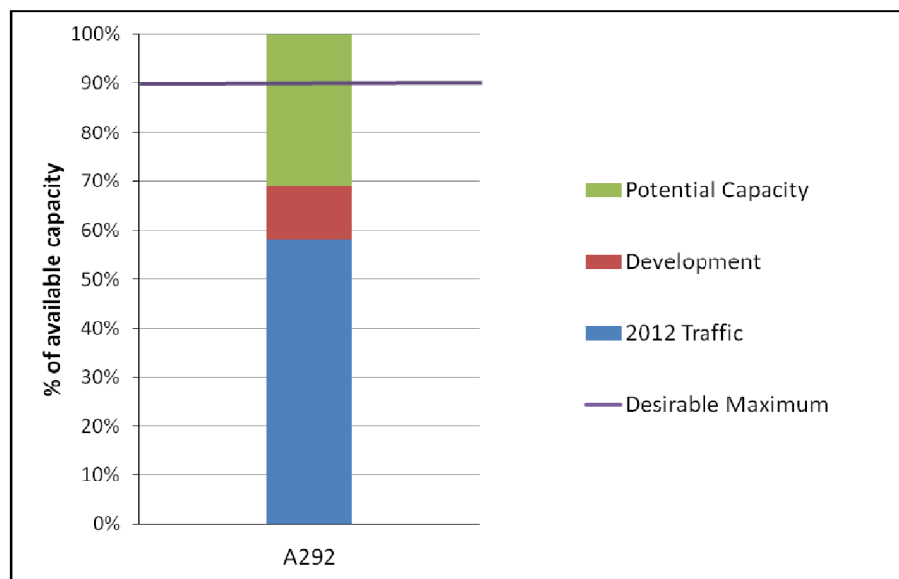
# M20 Junction 10A – AM peak M20 Junction 10 - A292 Hythe Road



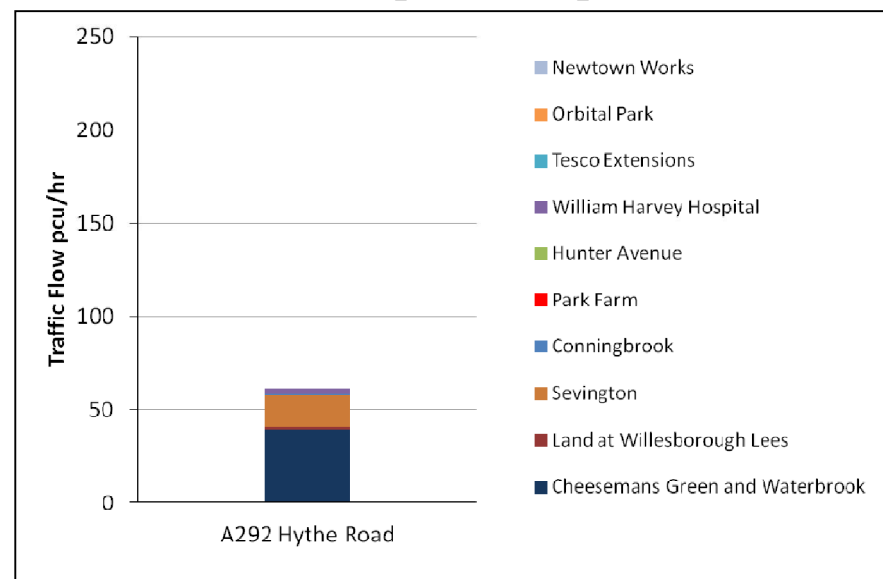
AM peak hour flows entering junction  
from the A292 Hythe Road

Total traffic	403
Background	340
Development	63
Capacity @ 100%	584

Total impact on the M20 Junction 10  
A292 Hythe Road Approach



Development Impact

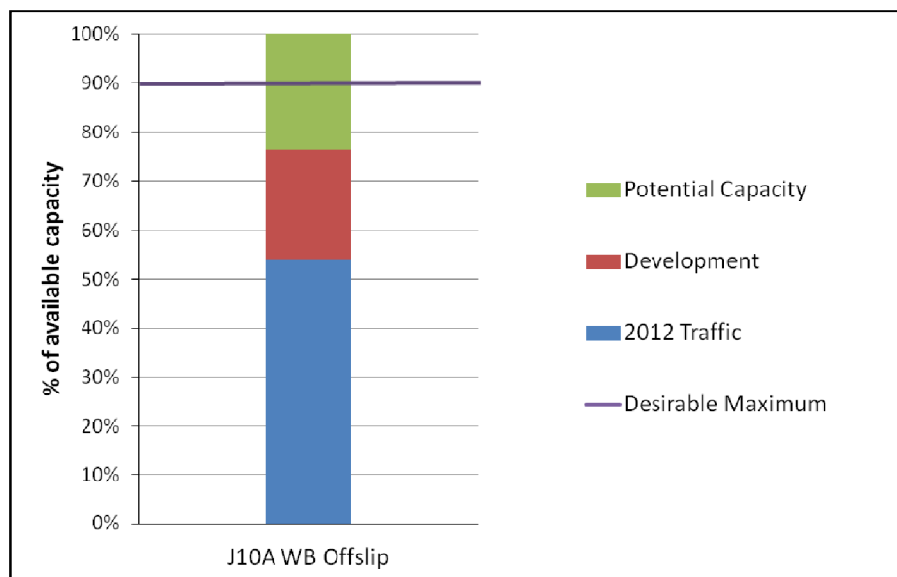




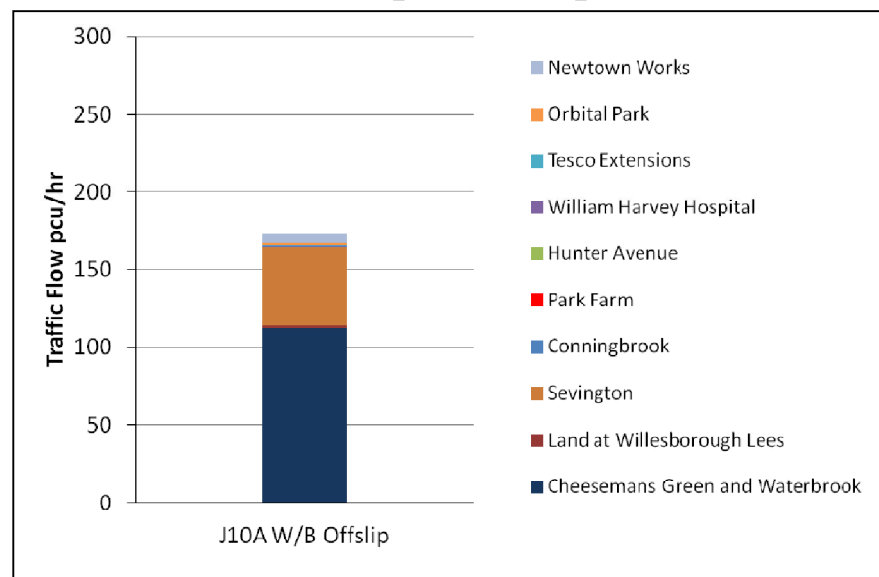
AM peak hour flows on  
J10A Westbound Offslip

Total traffic	595
Background	422
Development	173
Capacity @ 100%	780

Total impact on the M20 Junction 10A  
Westbound Offslip



Development Impact

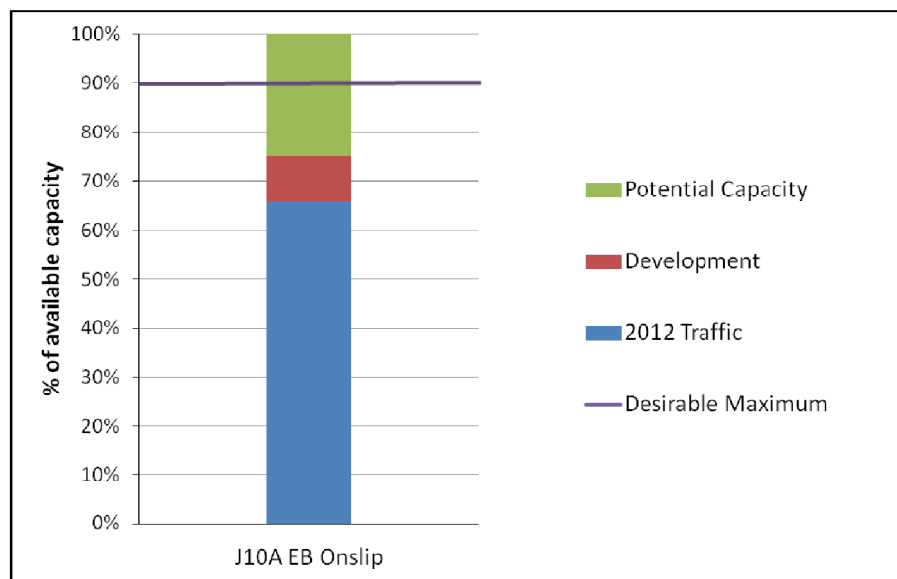




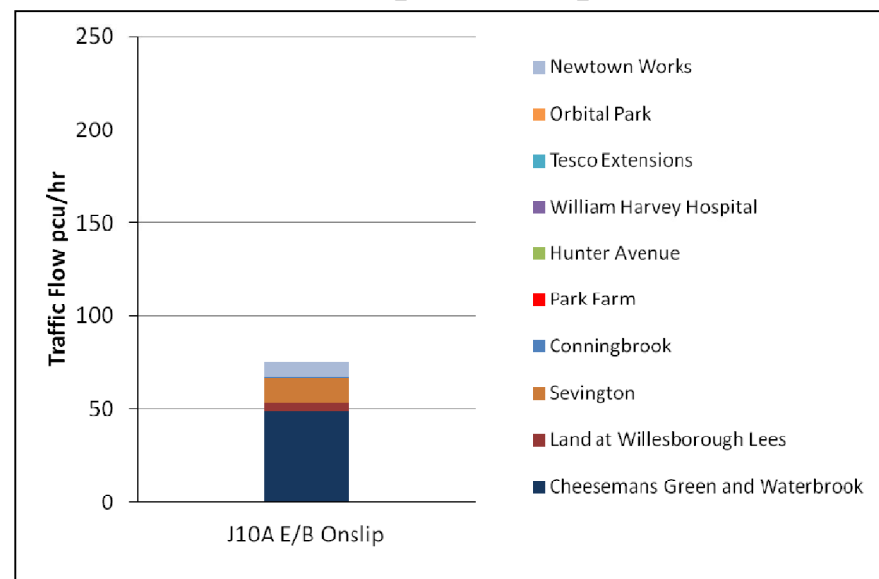
AM peak hour flows on  
J10A Eastbound Onslip

Total traffic	602
Background	526
Development	76
Capacity @ 100%	800

Total impact on the M20 Junction 10A  
Eastbound Onslip



Development Impact

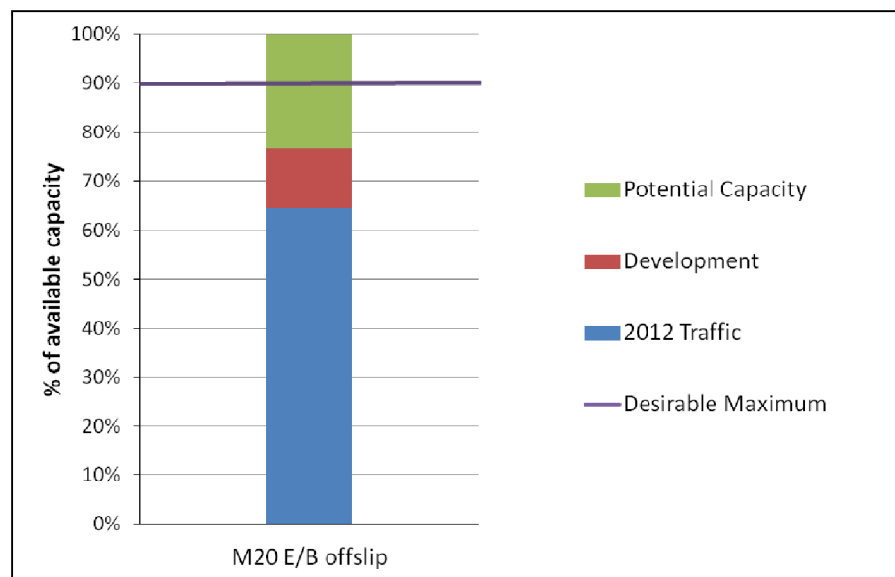




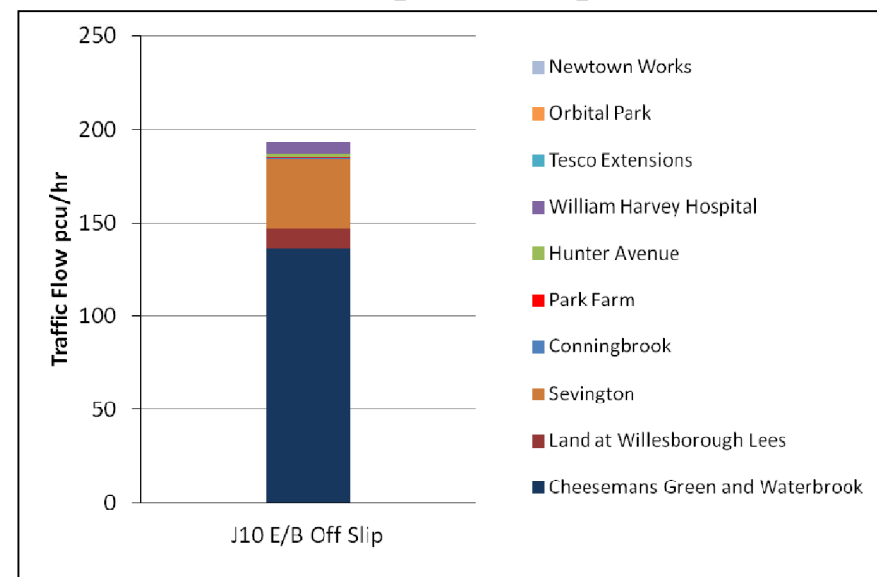
PM peak hour flows entering junction from the M20 E/B off slip

Total traffic	1212
Background	1022
Development	190
Capacity @ 100%	1582

Total impact on the M20 Junction 10 east-bound offslip



Development Impact





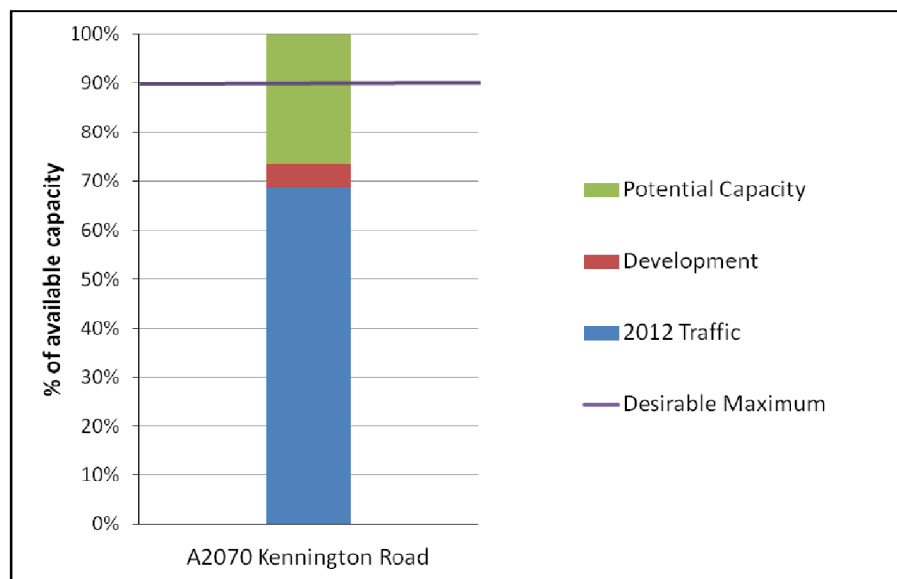
## M20 Junction 10A – PM peak M20 Junction 10 - Kennington Road



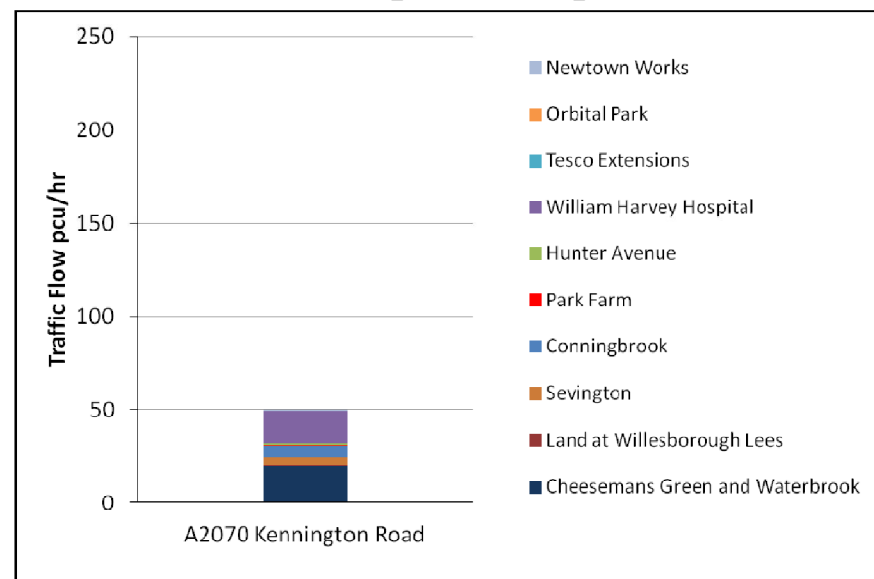
PM peak hour flows entering junction  
from Kennington Road

Total traffic	1054
Background	985
Development	69
Capacity @ 100%	1436

Total impact on the M20 Junction 10  
Kennington Road Approach



Development Impact



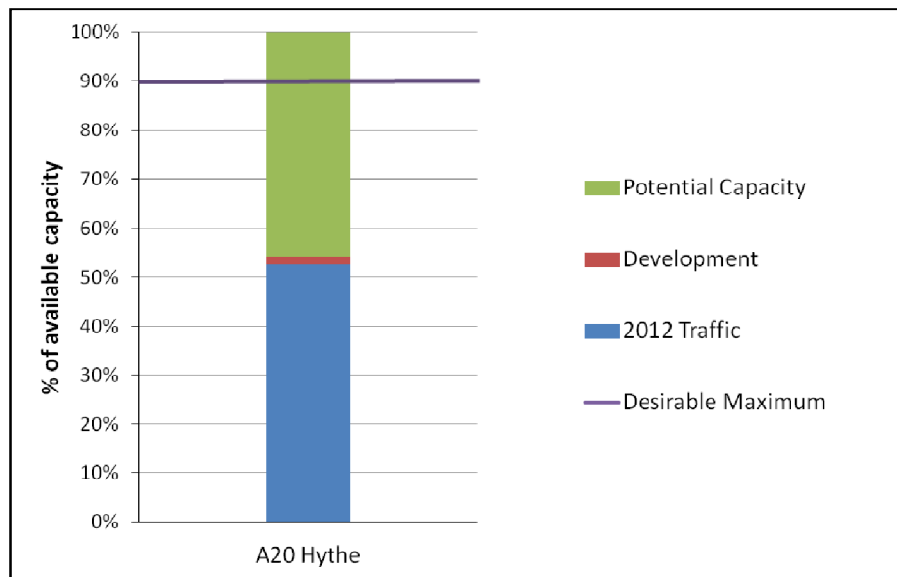
## M20 Junction 10A – PM peak M20 Junction 10 - A20 Hythe Road



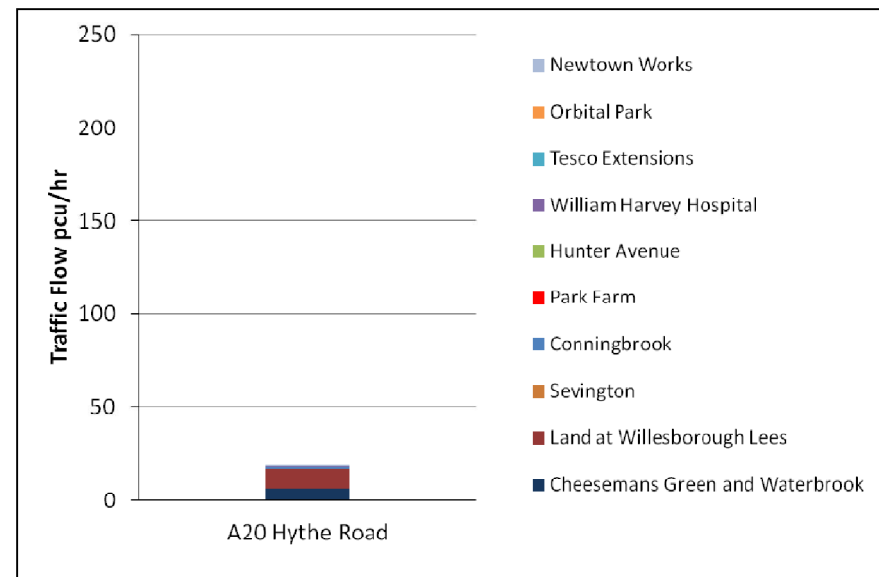
PM peak hour flows entering junction  
from Hythe Road

Total traffic	805
Background	781
Development	24
Capacity @ 100%	1485

Total impact on M20 Junction 10  
A20 Hythe Road Approach

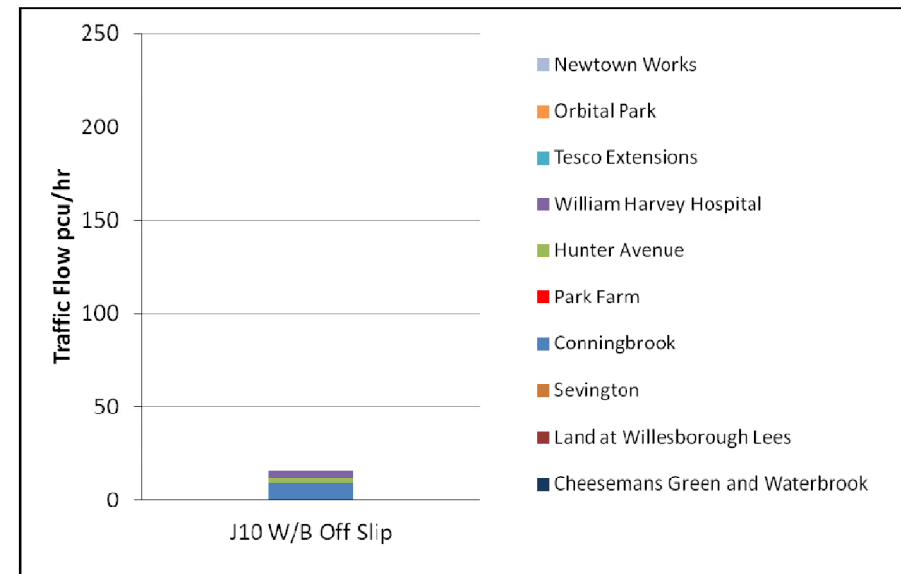


Development Impact





## Total impact on the M20 Junction 10 W/B offslip



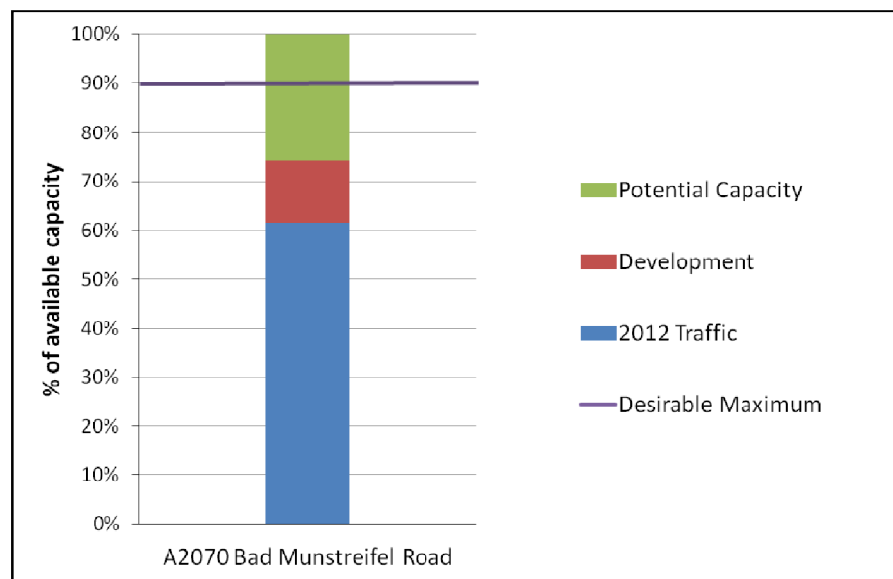
## M20 Junction 10A – PM peak M20 Junction 10 - A2070



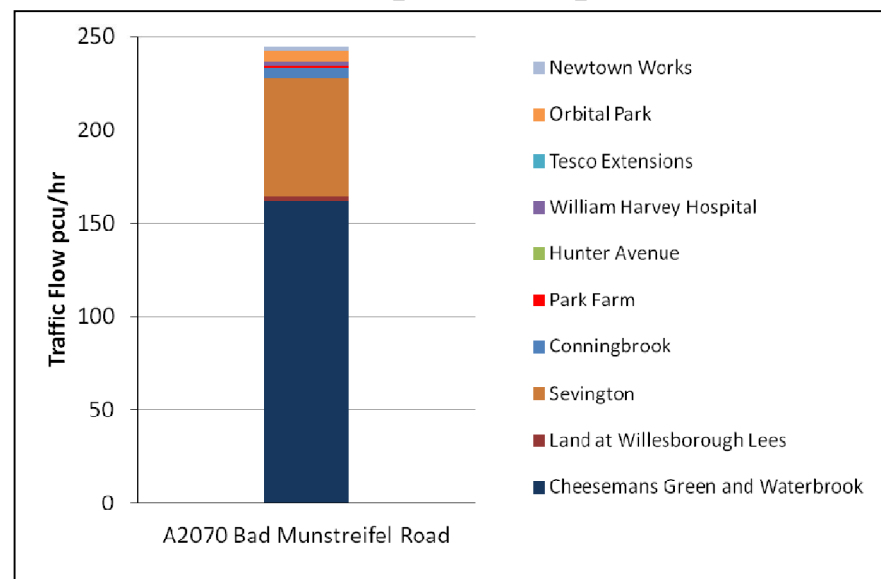
PM peak hour flows entering junction  
from the A2070

Total traffic	1623
Background	1344
Development	279
Capacity @ 100%	2184

Total impact on the M20 Junction 10  
A2070 Approach

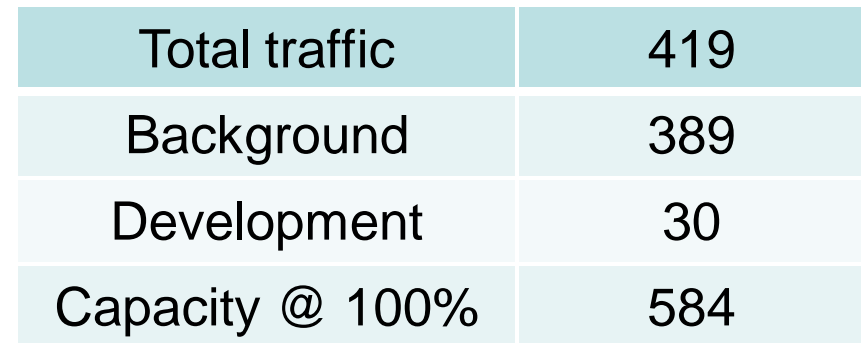


Development Impact

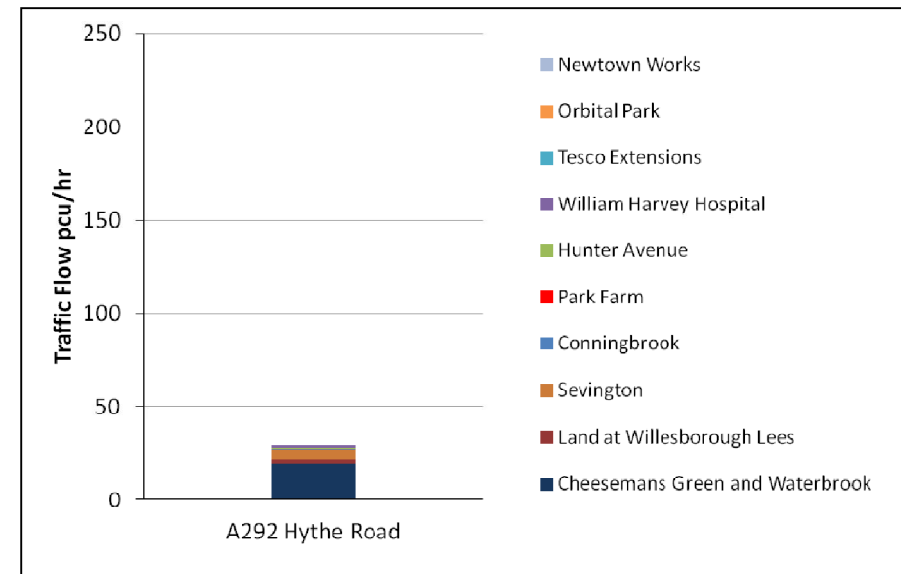




PM peak hour flows entering  
junction from the A292 Hythe Road



## Total impact on the M20 Junction 10 A292 Hythe Road Approach

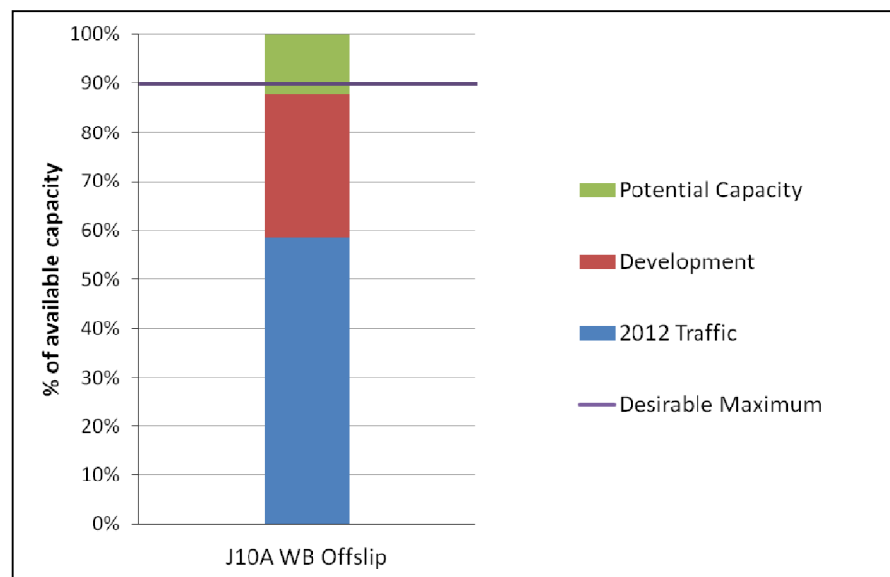




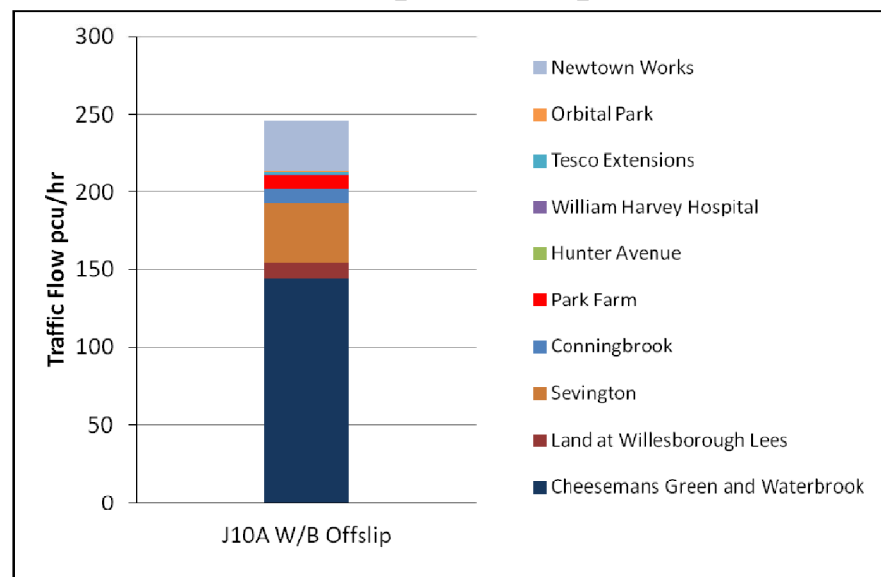
PM peak hour flows on  
J10A Westbound Offslip

Total traffic	685
Background	457
Development	228
Capacity @ 100%	780

Total impact on the M20 Junction 10A  
Westbound Offslip



Development Impact



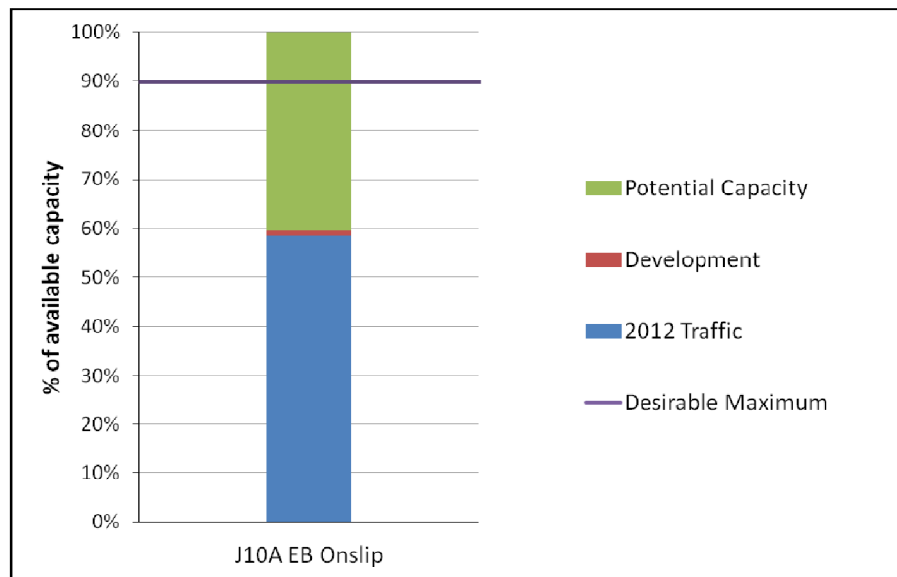
## M20 Junction 10A – PM peak M20 Junction 10A - Eastbound Onslip



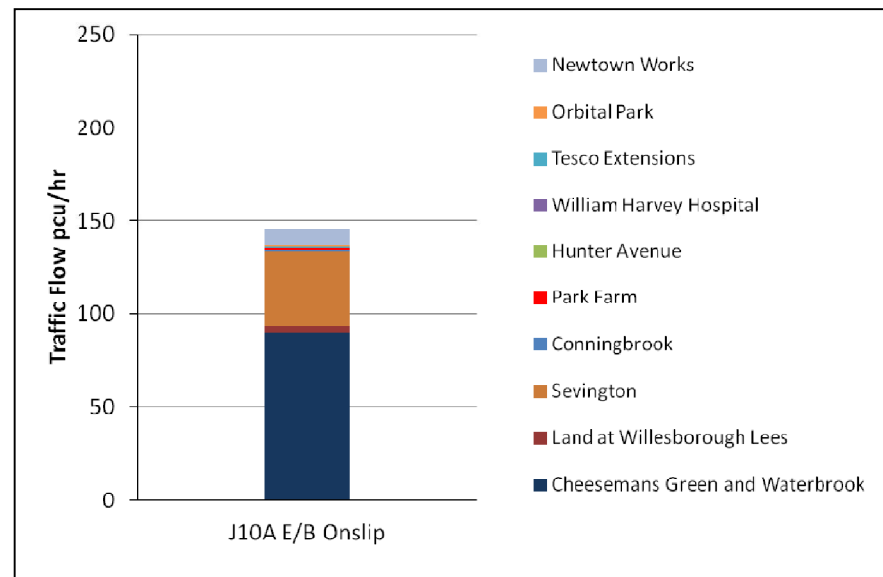
PM peak hour flows on  
J10A Eastbound Onslip

Total traffic	477
Background	468
Development	9
Capacity @ 100%	800

Total impact on the M20 Junction 10A  
Eastbound Onslip



Development Impact



### **Junction 10a and development at Sevington**

Note of a briefing for members held on 20<sup>th</sup> January 2013

The briefing was provided by Mary Gillett from KCC and Paul Harwood from the Highways Agency. 13 council members attended with guests from local parishes; area forums and the county council. Cllr David Robey chaired the session.

In introduction Richard Alderton updated the meeting on progress on the interim junction 10A scheme which has in principle grant support of nearly £20m from the South East LEP. He explained that the junction was designed in a way that it could be an interim scheme en route to the full junction 10A proposal should the latter be required but that was unlikely until sometime around 2030. The full scheme would cost in the order of £70 – 80m and there was no indication that such a sum would be forthcoming from government.

Crucially, therefore the interim scheme would buy considerable time to accommodate Ashford's growth needs for the foreseeable future without these having to be displaced to other more sensitive parts of the Borough where the impacts could be considerable.

At the first of these briefings held last autumn members had expressed concerns about the design and the modelling work undertaken on the interim scheme by the Highways Agency and Paul Harwood had been invited to explain this further.

Next Mary Gillett from the KCC Major Transport Projects team explained that KCC would be promoting the SELEP interim scheme and carrying out a period of testing the project to establish a detailed business case to justify the spending proposed – this is a primary condition of SELEP funding. As the project is operational development related to the County's role as highway authority, the County Council would be the planning authority determining a planning application. Mary would be the project manager for the scheme at KCC.

Paul Harwood gave a presentation – a copy is attached to this note. Paul explained the origins of the scheme and the design proposed. He then explained how the modelling had been undertaken, testing various scenarios. The first looked at the current state of affairs and the final two explored the impact of adding the developments permitted but unable to go ahead without J10a; plus an assumption about the future scale of growth the new local plan will allocate to 2030 and also the impact of the proposed AXA scheme at Sevington. The last option was a sensitivity test to see what the impact of a change in travel behaviour ('modal split') by 2030 would have.

The current state of affairs shows the junction under pressure, particularly in the evening peak – with a problem on the Kennington Road link. With the interim scheme built and all committed and future local plan development in place shows capacity used up in the evening peak, with the north side of the junction over capacity. The third scenario – assuming 15% less traffic on the basis people may

use other modes (bus, car sharing, bike etc) – shows the junction approaching capacity in the evening peak. The findings were illustrated by using queue lengths on each approach road to demonstrate the impact on congestion levels.

In conclusion, Paul re-emphasised the need for new junction capacity; explained that the SELEP scheme would provide capacity for the vast majority of the anticipated development coming forward in the next local plan (i.e. until 2030); and provide a breathing space for the town to enable the Government scheme to come forward in due course when it was needed.

A range of views were expressed in discussion by different members:

- The existing junction regularly fails in the evening peak with a particular problem on the off-slip from the London direction
- The impact of lorry traffic from Sevington combine with Operation Stack would create multiple problems
- The junction works well with the lights off (*response – work is underway to try to improve the phasing*)
- The Barrey Road junction remains a problem and potential danger (*response – this is not part of the SELEP scheme and would have to be promoted separately*)
- If a major occupier like Amazon locates at Sevington dedicated slip roads should be provided to the site
- Ashford should wait until the full Government scheme can be funded to provide the best solution
- More information is needed on actual flows onto the junction and the assumptions used (*response – Paul Harwood will be providing this*)
- KCC is the planning authority because this is operational development promoted by KCC but why Ashford cannot be the planning authority needs clarifying
- Concern that traffic on Highfield Lane would be diverted onto Kingsford Street and into Mersham (*response – this debate will be picked up by KCC as scheme promoter*)
- The Highways Agency should provide copies of notes of all meetings with AXA – a member intended to make FOI request

It was agreed that another briefing would be needed as the detailed design is tested – especially to tackle any detailed local issues arising.

*Cllr David Robey*