

**Application by WTI/EFW Holdings Ltd for Wheelabrator Kemsley K3 and WKN
The Examining Authority's further written questions and requests for information
(ExQ2)**

Issued on 6 May 2020

Responses From: Highways England (IP Reference 20023079)

Date: 20 May 2020

Completed By: Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial (Town) Planning Manager
Spatial Planning Team, South East Region Operations Directorate
Highways England, Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ

The following comprises an email trail between Highways England and the applicant, setting various matters that are intended to become the subject of the proposed Statement of Common Ground.

It is submitted to safeguard Highway England's position in and with regards to this Examination.

We will provide updates or a final SoCG in due course.

While dates are retained, names/contact details/ email background text have been deleted where appropriate

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From: Bown, Kevin
Sent: 23 April 2020 16:08
To: David Harvey Bowie, David **Cc:** David Archibald; Planning SE
Subject: RE: FAO David Harvey: Highways England updated response (our ref #9113) Consultation correspondence re: PINS re EN010083 The Wheelabrator Kemsley K3 Generating Station & WKN Sittingbourne DEADLINE DATE 3 DECEMBER 2019(OFFICIAL DEADLINE DATE 4 DECEMBER 2

Dear David H (far to many David's involved so adding last name initial to distinguish!)

That sounds fine. Just forward David As updates when you are ready and we can arrange a telecon to include David B to discuss them and best way forwards.

Regards

Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial (Town) Planning Manager
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Highways England | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ

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From: David Harvey
Sent: 22 April 2020 11:25
To: Bowie, David

Cc: Bown, Kevin; David Archibald

Subject: RE: FAO David Harvey: Highways England updated response (our ref #9113) Consultation correspondence re: PINS re EN010083 The Wheelabrator Kemsley K3 Generating Station & WKN Sittingbourne DEADLINE DATE 3 DECEMBER 2019(OFFICIAL DEADLINE DATE 4 DECEMBER 2019)

Good morning David

I hope you and Kevin are well.

I am conscious I have not responded to your email below- in the first instance thank you for your time to meet at the end of January and for subsequently providing your further mark up of David's note.

As you are no doubt aware the April hearings were replaced by a set of further written questions, albeit a limited number of those dealt with highways. We then expect a further set of questions to be issued on the 6th May. In the interim David is intending to work through your comments and to provide a consolidated note which identifies any outstanding matters, which ideally we would like to take the opportunity to discuss via a call in due course, so that we can reflect those discussions in any submissions at Deadline 4 and so that we can move forward with preparing a SoCG. As such we will be in touch when David has prepared that further note, but if you did have any comments on that approach or updates in the meantime then we would welcome those.

Regards

David

David Harvey

Director



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From: Bowie, David
Sent: 24 March 2020 15:24
To: David Harvey
Cc: Planning SE <; Chris Ratcliffe; David Archibald; Tim Spicer Bown, Kevin Bradley, Alistair 'colin.finch

Subject: RE: FAO David Harvey: Highways England updated response (our ref #9113) Consultation correspondence re: PINS re EN010083 The Wheelabrator Kemsley K3 Generating Station & WKN Sittingbourne DEADLINE DATE 3 DECEMBER 2019(OFFICIAL DEADLINE DATE 4 DECEMBER 2

Dear David,

Further to our communications last week and your email of 17 January which included an RPS TN response to previous Highways England comments (from 10 January 2019 and updated comments from 4 December 2019), thank you for your patience whilst I have been considering the information. We subsequently met with on 28 January and I agreed that I would provide you with a response to the TN.

For ease of use my response is structured as per the TN, referencing paragraphs that require an additional response:

6 Para 1.9 states that “TA has been prepared in accordance with discussions and agreements with Highway Officers at KCC and Highways England....” records of any agreements should be included within the TA appendices. **It is not clear if these agreements are provided in the Appendices, which should be cross-referenced in the text.**

7 The Transport Assessment has been prepared in accordance with initial discussions and advice from Highways England prior to its submission, however, formal agreements as such are not included as an Appendix but can be discussed during our meeting on 28th January 2020. **HE response: details of scoping should be provided.**

10 Para 5.1 states that discussion with HE have informed the future year assessment of 2031 – any scoping discussions should be detailed in Appendices. **Scoping should be included in Appendices and cross referenced in text.**

11 The Transport Assessment has been prepared in accordance with initial discussions and advice from Highways England prior to its submission, however, formal agreements as such are not included as an Appendix but can be discussed during our meeting on 28th January 2020. **HE response: details of scoping should be provided.**

12 Section 5.3 to 5.5 states that, for 2021, 2024 and 2031 “No TEMPRO growth rates have been applied to the base traffic flows as the quantity of development associated with the committed development exceeds the assumptions for projected development within TEMPRO”. A comparison should be made to demonstrate that the assumptions made are robust and that they are comparable to TEMPRO. **This comparison has now been made. Note that Para 5.6 and Table 5.1 utilise the**

Sittingbourne MSOAs (Swale 007, 009, 010, 011 and S012) for the TEMPRO assessment. More regional trips from Sheppey could also be subject to growth; this has not been considered in the analysis provided.

13 The analysis of TEMPRO data for the Sittingbourne MSOAs (Swale 007, 009, 010, 011 and S012) against committed and cumulative sites included in the assessment has shown there to be significantly more households and jobs included in the assessments than TEMPRO allows for.

14 For a 2024 future year, Table 5.2 of the TA shows that the number of committed plus cumulative additional households included in the assessments are 2,646 to 2,746. The number of committed plus cumulative additional jobs included in the assessments are 4,523. These are far higher than the TEMPRO additional households and jobs of 1,443 and 851 (Table 5.1 of the TA) respectively.

15 For a 2031 future year, Table 5.2 of the TA shows that the number of committed plus cumulative additional households included in the assessments are 4,772 to 4,822. The number of committed plus cumulative additional jobs included in the assessments are 5,212. These are far higher than the TEMPRO additional households and jobs of 2,272 and 1,303 (Table 5.1 of the TA) respectively.

16 These comparisons are summarised in Table 1.

Table 1: Comparison of Additional Households and Jobs in the Assessment Relative to TEMPRO

Hour Begin	2016 to 2024	2016 to 2031
TEMPRO additional households	1,443	2,272
Committed sites additional households in assessment	933 to 983	933 to 983
Cumulative sites additional households in assessment	1,713 to 1,763	3,839
Total additional households in assessment	2,646 to 2,746	4,772 to 4,822
Additional households in assessment relative to TEMPRO	1,203 to 1,303	2,500 to 2,550
TEMPRO additional jobs	851	1,303
Committed sites additional jobs in assessment	2,241	2,241
Cumulative sites additional jobs in assessment	2,282	2,971
Total additional jobs in assessment	4,523	5,212
Additional jobs in assessment relative to TEMPRO	3,672	3,909

17 Although there are some other allocated sites in surrounding areas such as Sheppey, these allocations are not as large as those that are in the Sittingbourne area. If the MSOAs from surrounding areas such as Sheppey were to be included within the TEMPRO comparison, then the number of additional households and jobs would still be lower than those that have been allowed for in the assessments. **HE response: Whilst the point is understood it should be noted that there are a number of large allocations some of which were outside of the adopted Local Plan and have now been granted consent at appeal. We need to be satisfied that the figures used in the modelling are robust and therefore require a up to date breakdown of all relevant sites that will impact the A249 (essentially the Local Plan + consented + appeal sites).**

18 Para 5.24 – identifies developments that have been considered for the cumulative assessment: it is not 100% clear what constitutes the “cumulative assessment” and what it represents. For example, how does it align with the Local plan to 2031 and does the assessment align with Webtag’s definition of uncertainty? 19 Cumulative developments are all known emerging developments that do not have planning consent, either an undetermined planning application, a screening submission, or an allocated site in the Local Plan. Table 5.5 of the TA sets out the cumulative developments in the context of the Local Plan and certainty of delivery. **HE response: noted**

20 It is not clear how trip rates have been calculated and included for the future year developments – for example para. 5.33 states that “MU3 allocation for residential – no application to date. Traffic flows associated with full occupation are included in the 2031 cumulative assessment. Traffic flows associated with construction are included in the 2024

assessment" A table of what developments are included within each junction model scenario would help to clarify assumptions made. DHA

commented that the TA sets out the trip generation assumptions – noted.

21 Details on the trip generation and distribution assumptions for each of the committed and cumulative developments are set out in paragraphs 5.46 to 5.51 and Tables 5.6, 5.7 and 5.8. HE response: noted

Trip Generation, Mode Share and Assignment

Construction

22 Para 6.53 in this TA (and 6.19 in previously reviewed) states that based on original K3 assumptions, 75% of the movements assumed for the previous K3 application have been used as the WKN is a single line facility and K3 double - it is stated that "the project team have estimated that a reasonable estimate of construction activity at the WKN Proposed Development will be 75% of that of the K3 construction" further evidence should be provided to explain the project team estimate and how

vehicular trips relate to the construction of both facilities.

23 Estimates of construction traffic for K3 were made in 2009 as part of its planning application, which was a peak of up to 120 two-way HGV movements per day. Further to that, and more recently, ongoing liaisons with the construction contractors for K3 have determined that there were up to 643 construction staff on site at the peak construction for K3.

24 K3 is a two-line facility whereas WKN will be a single line facility. This means that there is one incineration line for WKN in comparison to two incineration lines for K3.

25 Each line typically has its own waste feed crane and grab, own furnace feed hopper, own grate, own furnace (primary combustion chamber), own auxiliary burners, own boiler, own flue gas treatment plant, own stack and own residue handling systems. There will therefore be double of each of these components to construct for K3 in comparison to WKN.

26 In addition, the K3 facility will have a throughput of 550,000 tonnes per annum, increasing to up to 657,000 tonnes per annum whereas the WKN facility will have a throughput of 390,000 tonnes per annum. The building and footprint of K3 will be larger than WKN, as well as associated civils and electrical works etc. Construction requirements, construction works and materials for K3 will therefore be more than those for WKN.

27 At application stage, only estimates of construction can be undertaken. The applicant has made an estimate that the construction works for WKN will be approximately 75% of the construction works for K3. On this basis, the K3 construction staff and construction HGVs have been factored by 75% to estimate those for WKN.

28 Para 6.54 and 6.55 state that during peak construction there will be a maximum of 45 HGVs per day and 482 workforce – there is no evidence of how this has been calculated and this should be provided.

29 Details of these estimates are set out above. In summary, a peak of up to 45 HGVs per day equates to 90 two-way HGV movements per day, which is 75% of those that were estimated for the K3 planning application. A peak construction workforce of 482 staff is 75% of the peak construction workforce of 653 staff that the K3 construction contractors advised were on site.

HE response : We concur with the KCC response in their response re WKN Construction that "The TA demonstrates that a peak of 482 staff would be on site during months 24-40 of construction. 45 HGV deliveries or 90 movements. We request evidence from the existing K3 construction programme to evaluate that the level of HGV movements for that

application are robust. Further to that, we request that the hourly number of deliveries is demonstrated through traffic count evidence for one week. The information will provide evidence that the assumptions that have been made are justifiable”.

Operation

30 The HGV numbers quoted in section 3 for WKN (125 HGVs per day / 250 movements from 390k tonnes waste) and K3 (34 HGVs per day / 68 movements from 107k tonnes waste) are not evidenced. Details of how these numbers have been calculated should be provided. It is noted that the 2010 application specifically refers to aggregates. Are these aggregates included in the daily movements quoted? This does not appear to have been clarified in the DHA response or the updated TA. We require details of annual and daily inputs / outputs (tonnage), and how this will be accommodated by the RCVs and HGVs vehicles adopted and therefore clarity over how many vehicle trips will be anticipated.

31 Estimates of HGV movements have been made based upon the annual tonnage, estimated payloads and an estimate of requirements for reagents etc associated with the process. The applicant is confident that these estimates are representative of the daily HGV movements that would be generated, however, there is an element of commerciality over these estimates.

HE response: We understand that KCC has sought explanations and evidence to justify the submitted numbers of movements, including details of movements associated from the applicants operational Ferrybridge waste to energy site to help assess the peak hour movements from this site. KCC concluded that ‘no evidence on these matters has been forthcoming and therefore it is contested that the submitted operational hourly movements averaged across the day have no justification’ and that ‘the impact on the extended peak hours movements has not been properly assessed’. The SRN (particularly at the A249 Grovehurst and M2J5) is particularly sensitive to even small traffic increases. Accordingly it is vital that the worst case situation is fully understood and evidenced. Given the potential peak hour impact of this proposal on the SRN we are unable to understand the potential peak hour impact without a fully evidenced breakdown of annual and daily inputs and outputs it is difficult to sense check the trip generation figures. Without this further evidence HE would concur with KCC conclusions and would potentially require a cap related to peak hour traffic generation.

33 Whilst the policy section refers to the need for a travel plan the TA does not mention that one will be produced. A Travel Plan should be prepared and agreed with the Highways Authorities in order to manage operational HGV and staff movements and minimise impact in peak hours. Para 6.99 of the updated TA states that a draft Travel Plan has been prepared in relation to the movement of staff, visitors and waste vehicle movements during the WKN proposed Development operational phase.

Having reviewed the Travel Plan we have the following comments:

- The draft Travel Plan refers to avoidance of the highway network peak. Target 4 “To encourage Waste Vehicles to Travel Outside of the Highway Network Peak hours” and the monitoring of HGV movements is welcomed. It would be helpful to emphasise that at this location Highways England consider the worst hours on this part of the network as typically 08:00 to 09:00 and 17:00-18:00. This should be clear in the Travel Plan.
- This could be added to the Travel Plan. HE response : Travel Plan should be updated.
- The draft Travel Plan does not appear to include a commitment to further measures should the targets not be met. The requirement for further action to meet targets should be made. The “Plan B” should either be detailed in itself, or the action to be taken while it is prepared and implemented specified, in order to ensure that the network does not suffer because the targets are not being met.
- The Travel Plan can be updated to allow for a review of its measures should monitoring determine that its targets are not being met. HE response : Travel Plan should be updated.
- It is noted that the draft Travel Plan is for WKN only – are there opportunities to provide further benefits and efficiencies by aligning elements with the K3 facility (particularly as it will have been in operation prior to WKN).
- K3 and WKN will operate separately to one-another with their own contracts, own staff, own management team and own budgets etc. The business plans for K3 and WKN are such that they are separate to one-another and do not allow for the extension of the Travel Plan to incorporate K3. The business plan for K3 is based upon the consent as granted as well as budgets and the roles and responsibilities of staff. Although the applicant recognises that there may be wider benefits to be had by extending the Travel Plan to be aligned with K3, there would be no efficiencies to be gained by doing so; there may in fact be inefficiencies introduced to the K3 budget and business plan. There will be costs associated with operating any Travel Plan. Whilst there may be additional

costs associated with a combined Travel Plan, if sustainable travel can be better promoted by such a Travel Plan then this should be investigated further before dismissing as an additional cost.

- In summary, before occupation of the development the Full Travel Plan shall be submitted in writing and agreed by the local planning authority in conjunction with Highways England. The Travel Plan shall include targets to reduce the number of car journeys and promote the use of public transport and other sustainable transport measures as well as minimising traffic during the network peak hours (08:00 to 09:00 and 17:00-18:00). It will also include a review date and a commitment to further measures should the targets not be met.
- The Travel Plan confirms that it will evolve into a Full Travel Plan prior to occupation. HE response : Noted

34 Para 6.6 and 6.48 states that “HGV movements would be generated throughout the day and would typically be spread fairly equally in terms of hourly movements according to the percentages set out above,” It is not clear where these percentages are set out. Therefore, the figures in table 6.1 (and 6.4) cannot be verified. The percentages have now been set out in the updated TA para 6.14. Whilst the higher percentages of the banding provided has been taken forward to reflect higher HGV activity during the day, the evidence behind the assumed percentages (“75% of HGV movements will occur between 07:00 and 18:00, with 25% of HGV movements occurring between 18:00 and 07:00 to ensure a robust assessment”) is not provided.

35 Following the grant of consent for K3 in 2012, an application was made to Kent County Council to vary condition (2) and delete condition (4) of the planning permission to allow a variation to the permitted hours of delivery to allow for 24 hours 7 days per week operation (planning ref. SW/14/506680) (granted April 2015). This application estimated that between 25% and 50% of HGV movements would occur between 18:00 and 07:00 and between 50% and 75% of HGV traffic will occur between 07:00 and 18:00. 36 The DCO application has continued this assumption. However, notwithstanding the original estimates, sensitivity assessments have been undertaken that assume all HGV movements occur between 07:00 and 19:00. HE response : Noted

37 Similarly, para 6.15 suggests that HGV movements would be typically spread equally in terms of hourly movements at various times of the day. The text refers to occasional peaks in HGVs at various times of which would be balanced by troughs the day. 38 Para 6.17 suggests that KCC’s proposal to benchmark the proposed arrival and departure profiles to other similar sites is inappropriate as each site is different. Para 6.19 and 6.20 suggests that from experience, such deliveries can result in two peaks during the day which results in troughs during network peaks, therefore implying that a flat profile is a robust assessment. We suggest that benchmarking with other sites would be useful. As a minimum further evidence is required to demonstrate that the flat profile adopted is robust and that delivery peaks are not aligned with network peaks (08:00 to 09:00 and 17:00 to 18:00).

39 Paragraphs 6.16 to 6.21 of the TA sets out the justification on why benchmarking the temporal distribution of another site is not appropriate. HE response: The TA para 6.18 states that ‘Given these variables, the waste vehicle arrival times for one facility will be different to another facility. This is acknowledged but surely an understanding of the potential variance in peak hour traffic would be useful in understanding a potential range of impacts and how the proposals for this site differs and why. Further information is still required to demonstrate that the flat profile adopted is robust and that delivery peaks are in no way aligned with network peaks (08:00 to 09:00 and 17:00 to 18:00).

40 Furthermore, if a flat arrival / departure profile is being used it is not clear why in table 6.5 there are differences in the two-way HGV totals – e.g. why is there 19 between 15:00 and 16:00 and only 14 between 17:00 and 19:00? This should be explained.

41 There is an element of rounding associated with the individual hourly traffic flows for each of the individual waste streams / HGV types for K3 and for WKN. Any such rounding was undertaken impartially to each waste stream / HGV type and to each hour. When considered cumulatively, by adding all of the waste streams / HGV types together, Table 6.5 shows that there are some hours of the day where such rounding has affected the hourly traffic flows more so than others. For example,

08:00 to 09:00 shows 19 two-way HGV movements per hour and 14:00 to 15:00 shows 14 two-way HGV movements per hour. Table 6.5 calculates a total of 252 two-way HGV movements per day whereby only 250 two-way HGV movements per day have been applied for, all as a further result of the individual rounding. 42 Notwithstanding the above, the Transport Assessment includes a sensitivity assessment with all HGV movements spread equally over a 12 hour day of 07:00 to 19:00 and assesses an increased peak hour vehicle movement in comparison to those derived from Table 6.5.

HE response – noted but the difference appears to be greater than rounding. To robustly understand potential peak hour HGV traffic, any effects of rounding should reflect higher numbers in the traffic peak periods to be more robust.

43 Para 6.12 and para 6.57 outlines assumptions regarding distribution of deliveries however it is not clear how these proportions have been determined and how they compare with assumptions in the 2010 TA for K3. The DHA response says this has been done but a reference number to the new TA would help to verify this.

44 Distribution and assignment of waste deliveries is considered in the TA at paragraphs 6.29 to 6.30 and paragraphs 6.95 to 6.96. The distribution and assignment of HGVs (bulked articulated waste deliveries) are the same as that for the consented K3, which was previously agreed with highway officers at HE and KCC as part of its consenting process. HE response: as per previously highlighted that, whilst the distribution may have been agreed for the consented K3, further evidence is now likely to be available on which to verify any trip distribution assumptions. Any assumptions used should be evidenced in the TA.

45 The distribution and assignment of Refuse Collection Vehicles (RCVs) is based upon the estimate of deliveries for RCVs taken from the Transport Assessment (RPS Report Ref JNY9545-01A) which supported application ref SW/18/503317 which varied condition 3 of planning permission SW/17/502996 to enable RCVs to deliver waste to K3. These distribution and assignment estimates were previously accepted by highway officers as part of that consented process. HE response : noted – this should be evidenced in the TA to allow verification.

Transport Assessment

46 A Construction Traffic Management Plan should be prepared and agreed with the Highways Authorities that includes details of AILs required, travel plan for construction workers, optimising deliveries outside of the peak hours (08:00 to 09:00 and 17:00 to 18:00). It should also minimise conflict with other construction activities in the local and wider area such as for K4 to minimise disruption caused. Para 6.74 of the updated TA outlines that a draft Construction Traffic Management Plan (CTMP) has been provided and that a full CTMP will evolve prior to construction commencing once a contractor has been appointed. Having reviewed the draft CTMP we have the following comments:

- The draft CMTP objectives are listed in Section 3. To minimise impacts on the SRN during the AM and PM peak hours (Highways England consider the worst hours on this part of the network as typically 08:00 to 09:00 and 17:00-18:00) it would be beneficial to include an objective to address this directly.
- This can be added to the draft CTMP. HE response : CMTP should be updated accordingly.
- Paragraphs 5.5 and 5.6 allude to the potential construction period clash with the M2 Junction 5 and Grovehurst Roundabouts improvement schemes and the need for the construction manager to keep abreast of any impacts. We have provided comment on this in the summary and conclusions section at the end of this response.
- Para 6.10 states that there will be a requirement for large items of plant to be delivered for the construction of WKN which are likely to be defined as Abnormal Indivisible Loads (AIL). An assessment will need to be undertaken to identify suitable routes to transport AILs to Site and Highways England will need to be in agreement of this. We recommended that reference is made in the CTMP to contact the HE Abnormal Load Team abnormal.loads@highwaysengland.co.uk to discuss requirements.
- This can be added to the draft CTMP. HE response : CMTP should be updated accordingly.
- Section 8 includes examples of construction vehicle direction signs. Para. 8.7 states that final wording to be used on signs is subject to agreement between KCC and the LHA. If it is intended that these signs are to be positioned on the SRN then Highways England will need to be consulted and agree to the signing strategy.
- This can be added to the draft CTMP. HE response : CMTP should be updated accordingly.
- In summary, before construction of the development the Full CMTP shall be submitted in writing and agreed by the local planning authority in conjunction with Highways England. The Travel Plan shall include an objective to minimise traffic during the network peak hours (08:00 to 09:00 and 17:00-18:00).

47 In Tables 7.1 to 7.12 it would be useful to include numbers as well as percentages to help understand impact. Whilst the DHA response states that numbers have been provided in the appendices to the TA some narrative within the text around the additional vehicles at the SRN would inform the percentages.

48 Some balancing has been undertaken in the TA with regards to providing a narrative of the increases as a narrative for the SRN would, for consistency, also need to include a narrative for the local road network, which would produce a very lengthy text section. A balanced approach has therefore been undertaken in the TA to provide the details in the Tables

and in the Appendices and provide a brief narrative that picks out only the peak and / or noteworthy impacts. HE response : these are the impacts that Highways England will be interested in (and likewise the local road network will be of greater concern to KCC). A percentage assessment is not helpful as it does not account for the current and forecast local network conditions (which are demonstrated elsewhere in the TA) i.e. the forecast queues and/or slow moving traffic and queuing that results due to congestion even without this proposal. Where congestion is already severe and slip road queueing extends towards and beyond the mainline traffic, then even a small increase in vehicles can result in a 'severe' impact on the SRN in terms of safety and operation. Therefore HE would request that numerical values as well as % impacts are included which alone do not always fully reflect impacts. Having to search through thousands of pages of appendices to ascertain vehicle numbers is not ideal. A cross reference to page numbers for the Appendix listing in the TA would be very useful.

49 Notwithstanding the comments above regarding definition of scenarios, Table 7.16 does not present a scenario of the "2031 base + cumulative development" traffic flows – therefore it is not easy to readily identify the impact of the proposed developments on junction performance. The TA does not include assessment for all scenarios.

50 Section 13 refers to sensitivity tests that investigate the impact of all HGVs arriving / departing between 07:00 and 19:00 – this section does not appear to clearly outline a new arrival / departure profile and Appendix AL could not be located. The impact of this redistribution on the AM and PM peak hours is therefore not yet understood. This section should include a table to demonstrate changes to the arrival / departure profile due to all HGVs arriving / departing between 07:00 and 19:00. Sensitivity testing does not currently consider the impacts of an arrival / departure profile that is not flat (see above comments).

51 Appendix AL is located on PDF pages 1,609 to 1,615 of Part 2 of the TA. Appendix AL shows only the AM and PM peak hour turning movements through the network. 52 Tables 6.2 and 6.5 of the TA shows the hourly vehicle movements through the day for the K3 Proposed Development and the WKN Proposed Development. These tables have been replicated below to show a comparison between these and the sensitivity scenarios on a weekday. Tables 2, 3 and 4 show this comparison for the K3 Proposed Development, WKN Proposed Development and the K3 and WKN Proposed Developments respectively.

Table 2: Comparison of Sensitivity Temporal HGV Movements for the K3 Proposed Development (two-way movements)

Hour Begin	K3 HGV Movements (Table 6.2 of TA)	Sensitivity HGV Movements	Difference
07:00	5	6	1
08:00	5	6	1
09:00	4	6	2
10:00	4	6	2
11:00	4	6	2
12:00	4	6	2
13:00	5	6	1
14:00	5	6	1
15:00	5	6	1
16:00	5	6	1
17:00	5	6	1
18:00	5	6	1

Table 3: Comparison of Sensitivity Temporal HGV Movements for the WKN Proposed Development (two-way movements)

Hour Begin	WKN HGV Movements (Table 6.5 of TA)	Sensitivity HGV Movements	Difference
07:00	19	21	2
08:00	19	21	2
09:00	18	21	3
10:00	18	21	3
11:00	18	21	3
12:00	18	21	3
13:00	14	21	7
14:00	14	21	7
15:00	19	21	2
16:00	19	21	2
17:00	14	21	7
18:00	14	21	7



Table 4: Comparison of Sensitivity Temporal HGV Movements for the K3 plus WKN Proposed Developments (two-way movements)

Hour Begin	K3 plus WKN HGV Movements	Sensitivity HGV Movements	Difference
07:00	24	27	3
08:00	24	27	3
09:00	22	27	5
10:00	22	27	5
11:00	22	27	5
12:00	22	27	5
13:00	19	27	8
14:00	19	27	8
15:00	24	27	3
16:00	24	27	3
17:00	19	27	8
18:00	19	27	8

HE response – Verified that Appendix AL is provided on page 1,611, which indicates that the sensitivity test for the WKN and K3 upgrade will result in 26 AM peak and 38 PM peak hour trips. However, as previously mentioned (and described above) the appropriateness of a flat HGV profile needs to be further verified and the effects of rounding need to be shown as being worst case for the AM and peak hour periods.

Summary and Conclusions

53 Para 8.3 states that “the principle of up to eight movements in a peak hour is unlikely to have a significant impact.” The overall trip generation on the A249 Grovehurst junction and the wider SRN in peak hours is not specified in the current TA however the numbers presented in the analysis suggest the overall impact is greater than 8 trips? The DHA response states that “This was a previous statement being replicated” However the overall trip generation at the A249 Grovehurst

junction (according to Appendix J) is 24 AM peak hour trips and 29 PM peak hour trips, therefore the statement does not appear relevant.

54 This is a quote from KCC and is provided to give a level of context. HE response – understood but irrespective of whether we agree that “up to eight peak hour movements is unlikely to have a significant impact” or not, the impact is, as declared in the TA over three times the amount (and according to the sensitivity tests over four times) therefore this statement is confusing and should be removed.

55 Para 8.6 states that the K3 and WKN proposals “would not result in a severe impact upon the operation of the highway network.” However, considering the comments above we do not currently have sufficient information to assess the potential transport impact of the development on the SRN and therefore cannot determine if the proposal will materially affect the safety, reliability and/or operation of the existing SRN in accordance with the tests set out in Department for Transport Circular C2/13, particularly para’s 9 & 10, and DCLG NPPF, particularly para 109.

56 The A249 and M2 Junction 5 experience congestion and are sensitive to increases in traffic at peak times; indeed Para 4.44 of the TA acknowledges that “congestion at M2 junction 5 is a barrier to development on Swale and capacity improvements required at A249 Key Street and Grovehurst”. Accordingly, in addition to the above, Highways England require a breakdown of the numbers of HGVs and cars in the AM and PM peak during construction and operation scenarios, as a minimum at these locations on the SRN. This is to ensure that the additional traffic from the development can be accommodated on the SRN without additional queues and delays. This breakdown has been provided for the A249 Grovehurst but not the M2 Junction 5. This should be provided for clarity.

57 A diagram showing the turning movements of vehicles generated by the K3 and WKN Proposed Developments through the M2 Junction 5 is attached. HE response – this information has now been provided (this may need to be updated to address comments above) and indicates traffic flows of 28 in the AM peak and 28 in the PM peak in the sensitivity scenario. The issues and proposed mitigation at M2 Junction 5 has been discussed elsewhere in this response. When finalised these diagrams should be included in the TA and fully referenced.

58 It is also requested that the number of vehicle movements during peak hours (08:00 – 09:00 and 17:00 – 18:00) be avoided where possible / practicable and that this should be encouraged through a Construction Traffic Management Plan during construction and a Travel Plan during operation, particularly in the period prior to an improvement at the M2 Junction 5 being completed and opened to traffic. A draft Travel Plan and CTMP have been provided – see comments above.

59 As above, this can be added to the draft CTMP. HE response – noted please add to CTMP

60 Considering growth in the wider area, it is understood that Swale Borough Council adopted the Local Plan ‘Bearing Fruits 2031’ with a number of Major Modifications as recommended by the Inspector following June 2017’s examination in public. One such modification related to the Plan being reviewed in detail at 5 years and that there was a requirement to determine the implications of the Local Plan on the operation of both the Strategic and Local Road networks and address any necessary requirements i.e. highway mitigations required to the end of the Local Plan period (2031) and at 2022 which covers the accepted 5 years.

61 This DCO application would fall outside of the Local Plan proposals which must now be considered as committed development. The highway mitigations sought on both the Local and Strategic Road networks will be designed to ensure that the traffic situation is no worse than currently experienced with the addition of the strategic developments i.e. ‘a nil detriment’. Accordingly, the implications of the traffic impacts of the DCO proposals will need to be considered in the same way assuming full

buildout of the Local Plan proposals. Accordingly, any worsening of traffic conditions resulting from the DCO proposals will require highway mitigation to ensure at least ‘nil detriment’ is achieved at full operation.

62 The DHA response states that “*The policy test is not to mitigate any impact to achieve ‘nil detriment’. The policy test is that developments should only be refused if the residual cumulative impact on the highway network is ‘severe’.*”

63 The peak hour traffic flows generated by the K3 and WKN Proposed Developments are very small in comparison to baseline traffic flows on the local road network and on the strategic road network. They are also very small in comparison to the strategic developments allocated in the Local Plan.

64 Indeed, a comparison of the weekday peak hour traffic flows generated by the K3 and WKN Proposed Developments has been made with those generated by the other cumulative sites in Table 5.

Table 5: Comparison of K3 and WKN Proposed Developments Traffic Flows to Other Cumulative Development Traffic Flows (Weekday Peak Hours)

	A249 South of Grovehurst Junction		A249 North of the M2	
	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
Other Cumulative Development Traffic Flows (excluding K3 & WKN)	711	670	1097	972
K3 plus WKN Proposed Developments	23	28	24	28
% of Total Cumulative Flows	3.1%	4.0%	2.1%	2.8%
K3 plus WKN Proposed Developments (sensitivity scenario)	26	37	27	37
% of Total Cumulative Flows	3.5%	5.2%	2.4%	3.7%

65 As can be seen, during the weekday AM peak hour, the K3 and WKN Proposed Developments form only 3.1% of all cumulative development traffic flows on the A249 to the immediate south of Grovehurst, reducing to only 2.1% on the A249 to the immediate north of the M2. During the weekday PM peak hour, the proportions are 4.0% and 2.8% respectively. 66 For completeness, the same comparison has also been undertaken for the sensitivity scenario. During the weekday AM peak hour, the K3 and WKN Proposed Developments in the sensitivity scenario form only 3.5% of all cumulative development traffic flows on the A249 to the immediate south of Grovehurst, reducing to only 2.4% on the A249 to the immediate north of the M2. During the weekday PM peak hour, the proportions are 5.2% and 3.7% respectively.

67 As can be seen, the peak hour traffic flows generated by the K3 and WKN Proposed Developments are very small in comparison to the strategic developments allocated in the Local Plan.

68 The implications of the traffic impacts of the K3 and WKN Proposed Developments are therefore different to the strategic developments allocated in the Local Plan and they should not be considered in the same way as these.

HE response: noted however in this case a percentage assessment is not helpful as it does not account for the current and forecast local network conditions (which are demonstrated elsewhere in the TA) i.e. the forecast queues and/or slow moving traffic and queuing that results due to congestion even without this proposal. Where congestion is already severe and slip road queueing extends towards and beyond the mainline traffic, then even a small increase in vehicles can result in a ‘severe’ impact on the SRN in terms of safety and operation. The proposal would be expected to at least mitigate its own impacts.

69 Irrespective of any additional changes to the trip generation and distribution methodology discussed above, the updated TA currently indicates an impact of 24 AM peak and 29 PM peak trips at the A249 Grovehurst junction. A number of junction assessments for several scenarios and future years are presented in sections 7 to 12, both using the existing geometry of Grovehurst and an interim scheme associated with the NW Sittingbourne Development. In each case it is demonstrated that the

junction is exceeding capacity with significant or ‘severe’ delays and levels of queuing at the junction and specifically on the A249 off-slips. Whilst it is acknowledged that these forecast conditions are also attributable to other committed developments, this proposal is contributing to worsening traffic conditions. Although not specified it is clear that most of the trips at Grovehurst junction also will impact upon the M2 Junction 5 during the AM and PM peak periods, exacerbating existing issues

and the cumulative impact of the level of trips associated with this proposal. M2 Junction 5 is significantly over capacity and there is no opportunity to allow any further traffic impacts at this junction other than those that have been agreed with Swale Borough Council without causing significant road safety issues on top of the severe delays and queuing already experienced. Accordingly, Highways England cannot allow any further development that is likely to impact on M2 Junction 5 in its current format without appropriate mitigations.

70 Given the strategic nature of the A249 and its links to / from the M2, the M20 and the surrounding districts including Medway, Maidstone, Ashford and Canterbury, it can be expected that developments in these districts would ultimately generate additional traffic movement through the M2 Junction 5. To prevent any additional traffic through the M2 Junction 5 in its current form is effectively saying that the entirety of mid-Kent, and perhaps even beyond, is currently closed for development, which is contrary to the aims of Government and the NPPF. Given that improvements to the M2 Junction 5 are actively being progressed with a scheme and funding in place, this is a time-limited situation, which is contrary to the aims of Government.

HE response : Unfortunately, this is the case in that no additional new trips through M2 J5 will be permitted until such time as M2 J5 is substantially completed. Restrictions are already in place as part of recently granted planning consents.

71 It is noted that the supporting transport assessment suggests that a small percentage or small number of additional trips on the respective highway junctions should not be considered severe as per the NPPF test. Highways England do not accept such an argument where the additional trips impact on parts of the highway network that are over capacity. Additional trips on over capacity junctions where severe delays and queuing are experienced/predicted are not suddenly making those junctions operate within capacity they are simply adding to the delays and queues already encountered and are thereby considered severe in themselves. Accordingly, those junctions that are over capacity will require mitigation as a result of the DCO proposals to the point at which the network can be demonstrated to be no worse off (capacity, delays and safety) than it would have otherwise been without the proposals.

72 Paragraph 9 of Department for Transport Circular 02/13 'The Strategic Road Network and the Delivery of Sustainable Development' states:

'Development proposals are likely to be acceptable if they can be accommodated within the existing capacity of a section (link or junction) of the strategic road network, or they do not increase demand for use of a section that is already operating at over-capacity levels, taking account of any travel plan, traffic management and/or capacity enhancement measures that may be agreed. However, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

73 Paragraph 9 of Circular 02/13 differentiates between parts of the strategic network that operate within capacity and parts of the strategic network that operate in excess of capacity. It then goes on to confirm that irrespective of whether the network operates within or in excess of capacity, developments should only be refused if the residual cumulative impact of development is severe.

HE response : If the congestion is already severe then any additional traffic placed on that section of the network will be considered severe.

74 It should also be noted that, despite the peak hour assessments undertaken, it is unlikely waste vehicle movements would travel on the adjacent highway network during the weekday AM and PM peak hours. The TA sets out these details in its paragraphs 14.6 to 14.12. In summary:

- The weekday AM and PM peak hours are the peak traffic periods when queuing and delay are at their maximum;
- Queuing and delay can cause problems to waste vehicle operators as they are less efficient and thus less economic when they are delayed;
- The waste vehicles will not be controlled by the operator, they will be controlled by the supplier who has a contract to dispose of waste at the facility. It is not economic, nor efficient, for haulage companies when their

waste vehicles are unable to undertake their daily tasks due to traffic congestion. Instead they strive to maximise the operational use of their waste vehicles;

- An example of this is the condition which haulage companies seek to insert to contracts with a facility whereby waste vehicles have a maximum turnaround time of up to 20 to 45 minutes within such a facility. This is to ensure that their vehicles are not unduly delayed within facilities because that impacts upon their efficiency and thus their economies;
- Waste vehicle drivers are governed by legislation on driving hours, therefore a waste vehicle in congestion affects the ability of their drivers to undertake their daily tasks;
- Congestion affects the fuel economy and longevity of the waste vehicles; and
- If congestion is known in a certain location at a certain time, the haulage companies will time their waste vehicle movements to avoid this in order to maximise their efficiency and their economies.

HE response : this is noted however depending on the origin and destination of journeys undertaken, waste vehicles are likely to be involved in some peak hour congestion. Vehicles could only be discouraged from travelling on the SRN at peak times by condition to enforce this by penalty. In the event we discussed this at our meeting.

75 Both the A249 Grovehurst junction and the M2 Junction 5 are programmed for significant improvements although they are subject to respective statutory processes. The improvements are likely to provide spare capacity at both junctions which, subject to the final agreed assessment of the impacts, could be used by the DCO proposals. However, if that is the route to which the applicant considers appropriate the DCO proposals will be tied to both highway improvement schemes. Highways England will seek Grampian condition(s) which would prohibit the DCO proposals being brought into use until such time as both schemes were completed and open to public traffic in full.

76 From a business point of view, the applicant needs to secure waste contracts on which to base the investment into the construction of WKN in particular, which will difficult to do if the applicant cannot provide any certainty regarding the ability of WKN to operate. Without certainty of the works for the M2 Junction 5, this fetters both the applicant and all other industry that wants to develop in the area.

77 Notwithstanding the above, could Highways England please advise on their current planned programme of works for the M2 Junction 5 improvements. HE response : At this time due to Covid19 I am unable to provide you with any certainty over the programme as the scheduled Public Inquiry has now been postponed for the foreseeable future.

78 Highways England's position above is based on the fact that the proposals as given in the consultation will materially affect the safety, reliability and/or operation of the SRN (the tests set in Department for Transport Circular C2/13, particularly para's 9 & 10, and DCLG NPPF, particularly para 109). Without an understanding and agreement of what mitigations are proposed in the absence of the two major junction schemes (M2 J5 & A249 Grovehurst) or a Grampian condition tying the DCO proposals to the two major schemes Highways England would be recommending that the application be refused as currently presented.

79 Please see comments above, which we look forward to discussing in our meeting on 28th January 2020. Please see comments above; we would reiterate that without the above Highways England would be recommending that the application be refused as currently presented but we will continue to work with you in order to resolve matters where we are able.

I trust that the above is of assistance along with the comments discussed at our meeting and look forward to further discussions on this DCO in due course.

Kind regards

David

David Bowie

Area 4 Spatial Planning Manager (Acting)

=====
From: David Harvey
Sent: 17 January 2020 16:27
To: Bown, Kevin
Cc: Planning SE; Bowie, David Chris Ratcliffe David Archibald; Tim Spicer

Subject: RE: FAO David Harvey: Highways England updated response (our ref #9113) Consultation correspondence re: PINS re EN010083 The Wheelabrator Kemsley K3 Generating Station & WKN Sittingbourne DEADLINE DATE 3 DECEMBER 2019(OFFICIAL DEADLINE DATE 4 DECEMBER 2

Hello Kevin

Further to our emails earlier this week we look forward to meeting on the 28th to discuss the K3/WKN application. Ahead of that meeting please find attached a note prepared by RPS which documents your initial comments from 10th January 2019, your updated comments from 4th December 2019 and then an RPS response to those where appropriate. Hopefully this will therefore deal with some of the remaining matters and will provide a structure to discuss any outstanding points.

Let me know if you have any queries between now and the meeting.

Regards

David

David Harvey

Director

=====
From: David Harvey
Sent: 12 December 2019 17:50
To: Bown, Kevin
Cc: David Archibald; Chris Ratcliffe
Subject: RE: FAO David Harvey: Highways England updated response (our ref #9113) Consultation correspondence re: PINS re EN010083 The Wheelabrator Kemsley K3 Generating Station & WKN Sittingbourne DEADLINE DATE 3 DECEMBER 2019(OFFICIAL DEADLINE DATE 4 DECEMBER 2

Dear Kevin

Thank you for providing your detailed comments on the K3/WKN application.

We would like to take up your offer of a meeting, as we agree that would be a useful discussion which would hopefully allow us to address some of the areas of clarification you have identified, explain our position on others and to discuss how we can best address the wider matter of the capacity of the SRN. Our intention is for David Archibald, who is leading on highways on behalf of Wheelabrator, to prepare a note which addresses the comments you have made below prior to that meeting, as that should resolve some of the points raised and can then act as an agenda for the discussion. We anticipate that note being ready early in January 2020.

With that in mind could you please suggest some dates towards the end of January when that meeting could take place, if that timing is convenient for you? If it would help to discuss please give me a call.

Regards

David

David Harvey

Director

From: Bown, Kevin
Sent: 04 December 2019 18:23
To: info@wtikemsley.co.uk; Info <info@dhaplanning.co.uk>
Cc: Planning SE; planningsupport@midkent.gov.uk
Subject: FAO David Harvey: Highways England updated response (our ref #9113) Consultation correspondence re: PINS re EN010083 The Wheelabrator Kemsley K3 Generating Station & WKN Sittingbourne DEADLINE DATE 3 DECEMBER 2019(OFFICIAL DEADLINE DATE 4 DECEMBER 2019)

Dear Mr Harvey

Thank you for your letter dated 30 October requesting a response no later than 04 December 2019.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and, as such, Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs, as well as in providing effective stewardship of its long-term operation and integrity. We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN, in this case particularly the A249 and the M2 in the vicinity of Sittingbourne.

Having previously reviewed the Transport Assessment (TA) (ES Appendix 4.1 dated 20 November 2018) we submitted comments on 10 January 2019. It is noted that a response to these comments has been provided in Document 3.1 – ES Volume 2 Appendix 3.5 Response to S42 consultation 2018 (dated September 2019). We have utilised the structure of our previous comments, the DHA response and the latest TA (dated September 2019 and associated draft Travel Plan and draft Construction Management Plan) to update our response:

General

- The TA provided includes no appendixes or figures verification of some of the key assumptions and impacts is not possible at this stage. The updated TA now includes appendixes have now been provided.
- Para 1.9 states that “TA has been prepared in accordance with discussions and agreements with Highway Officers at KCC and Highways England.....” records of any agreements should be included within the TA appendixes. It is not clear if these agreements are provided in the Appendixes, which should be cross-referenced in the text.
- Para 2.26 refers to June 2017 data for the M2 links east and west of the A249 and the links north and south of the Grovehurst junction being obtained from Highways England. This data should be fully referenced and appended. This has been provided in Appendix A.
- Para 2.27 to 2.30 – the analysis contains no listing / analysis or plot of the latest STATS 19 collision data, neither is this data referred to as being in an appendix. Without this the existing conditions and the potential impact on the SRN cannot be considered a this stage. This has been provided in Appendix C.

Future Year Traffic Flows

- Para 5.1 states that discussion with HE have informed the future year assessment of 2031 – any scoping discussions should be detailed in Appendixes. Scoping should be included in Appendixes and cross referenced in text.
- Section 5.3 to 5.5 states that, for 2021, 2024 and 2031 “No TEMPRO growth rates have been applied to the base traffic flows as the quantity of development associated with the committed development exceeds the assumptions for projected development within TEMPRO”. A comparison should be made to demonstrate that the assumptions made are robust and that they are comparable to TEMPRO. This comparison has now been made. Note that Para 5.6 and Table 5.1 utilise the Sittingbourne MSOAs (Swale 007, 009, 010, 011 and S012) for the TEMPRO assessment. More regional trips from Sheppey could also be subject to growth; this has not been considered in the analysis provided.
- Para 5.24 – identifies developments that have been considered for the cumulative assessment: it is not 100% clear what constitutes the “cumulative assessment” and what it represents. For example how does it align with the Local plan to 2031 and does the assessment align with Webtag’s definition of uncertainty ?
- It is not clear how trip rates have been calculated and included for the future year developments – for example para. 5.33 states that “MU3 allocation for residential – no application to date. Traffic flows associated with full occupation are included in the 2031 cumulative assessment. Traffic flows associated with construction are included in the 2024 assessment” A table of what developments are included within each junction model scenario would help to clarify assumptions made. DHA commented that the TA sets out the trip generation assumptions – noted.

Trip Generation, Mode Share and Assignment

Construction

- Para 6.53 in this TA (and 6.19 in previously reviewed) states that based on original K3 assumptions, 75% of the movements assumed for the previous K3 application have been used as the WKN is a single line facility and K3 double - it is stated that *“the project team have estimated that a reasonable estimate of construction activity at the WKN Proposed Development will be 75% of that of the K3 construction”* further evidence should be provided to explain the project team estimate and how vehicular trips relate to the construction of both facilities.
- Para 6.54 and 6.55 state that during peak construction there will be a maximum of 45 HGVs per day and 482 workforce – there is no evidence of how this has been calculated and this should be provided.

Operation

- The HGV numbers quoted in section 3 for WKN (125 HGVs per day / 250 movements from 390k tonnes waste) and K3 (34 HGVs per day / 68 movements from 107k tonnes waste) are not evidenced. Details of how these numbers have been calculated should be provided. It is noted that the 2010 application specifically refers to aggregates. Are these aggregates included in the daily movements quoted ? This does not appear to have been clarified in the DHA response or the updated TA. We require details of annual and daily inputs / outputs (tonnage), and how this will be accommodated by the RCVs and HGVs vehicles adopted and therefore clarity over how many vehicle trips will be anticipated.
- Para 6.50 - Staff arrivals and departures have been based on the K3 shift pattern. However section 4.1.7 of the 2010 application contradicts this stating that shifts are expected to be 07:00 to 14:00, 14:00 to 22:00 and 22:00 to 07:00. Is a different shift pattern now proposed ? It is not clear how the numbers presented in para 6.50 translate to table 6.4. For example the table indicates that 5 cars are expected to arrive at 21:00 whilst the text suggests that the shift starts at 19:00. This has been clarified in the new TA and respective sections and Table 6.1.
- Whilst the policy section refers to the need for a travel plan the TA does not mention that one will be produced. A Travel Plan should be prepared and agreed with the Highways Authorities in order to manage operational HGV and staff movements and minimise impact in peak hours. Para 6.99 of the updated TA states that a draft Travel Plan has been prepared in relation to the movement of staff, visitors and waste vehicle movements during the WKN proposed Development operational phase. Having reviewed the Travel Plan we have the following comments:
 - The draft Travel Plan refers to avoidance of the highway network peak. Target 4 *“To encourage Waste Vehicles to Travel Outside of the Highway Network Peak hours”* and the monitoring of HGV movements is welcomed. It would be helpful to emphasise that at this location Highways England consider the worst hours on this part of the network as typically 08:00 to 09:00 and 17:00-18:00. This should be clear in the Travel Plan.
 - The draft Travel Plan does not appear to include a commitment to further measures should the targets not be met. The requirement for further action to meet targets should be made. The “Plan B” should either be detailed in itself, or the action to be taken while it is prepared and implemented specified, in order to ensure that the network does not suffer because the targets are not being met.
 - It is noted that the draft Travel Plan is for WKN only – are there opportunities to provide further benefits and efficiencies by aligning elements with the K3 facility (particularly as it will have been in operation prior to WKN).
 - In summary, before occupation of the development the Full Travel Plan shall be submitted in writing and agreed by the local planning authority in conjunction with

Highways England. The Travel Plan shall include targets to reduce the number of car journeys and promote the use of public transport and other sustainable transport measures as well as minimising traffic during the network peak hours (08:00 to 09:00 and 17:00-18:00). It will also include a review date and a commitment to further measures should the targets not be met.

- Para 6.6 and 6.48 states that “*HGV movements would be generated throughout the day and would typically be spread fairly equally in terms of hourly movements according to the percentages set out above,*” It is not clear where these percentages are set out. Therefore the figures in table 6.1 (and 6.4) cannot be verified. *The percentages have now been set out in the updated TA para 6.14. Whilst the higher percentages of the banding provided has been taken forward to reflect higher HGV activity during the day, the evidence behind the assumed percentages (“75% of HGV movements will occur between 07:00 and 18:00, with 25% of HGV movements occurring between 18:00 and 07:00 to ensure a robust assessment”)* is not provided. Similarly para 6.15 suggests that HGV movements would be typically spread equally in terms of hourly movements at various times of the day. The text refers to occasional peaks in HGVs at various times of which would be balanced by troughs the day. Para 6.17 suggests that KCC’s proposal to benchmark the proposed arrival and departure profiles to other similar sites is inappropriate as each site is different. Para 6.19 and 6.20 suggests that from experience, such deliveries can result in two peaks during the day which results in troughs during network peaks, therefore implying that a flat profile is a robust assessment. We suggest that benchmarking with other sites would be useful. As a minimum further evidence is required to demonstrate that the flat profile adopted is robust and that delivery peaks are not aligned with network peaks (08:00 to 09:00 and 17:00 to 18:00).

Furthermore, if a flat arrival / departure profile is being used it is not clear why in table 6.5 there are differences in the two way HGV totals – e.g. why is there 19 between 15:00 and 16:00 and only 14 between 17:00 and 19:00 ? This should be explained.

- Para 6.12 and para 6.57 outlines assumptions regarding distribution of deliveries however it is not clear how these proportions have been determined and how they compare with assumptions in the 2010 TA for K3. *The DHA response says this has been done but a reference number to the new TA would help to verify this.*

Transport Assessment

- A Construction Traffic Management Plan should be prepared and agreed with the Highways Authorities that includes details of AILs required, travel plan for construction workers, optimising deliveries outside of the peak hours (08:00 to 09:00 and 17:00 to 18:00). It should also minimise conflict with other construction activities in the local and wider area such as for K4 to minimise disruption caused. *Para 6.74 of the updated TA outlines that a draft Construction Traffic Management Plan (CTMP) has been provided and that a full CTMP will evolve prior to construction commencing once a contractor has been appointed. Having reviewed the draft CTMP we have the following comments:*

- The draft CMTMP objectives are listed in Section 3. To minimise impacts on the SRN during the AM and PM peak hours (Highways England consider the worst hours on this part of the network as typically 08:00 to 09:00 and 17:00-18:00) it would be beneficial to include an objective to address this directly.

- Paragraphs 5.5 and 5.6 allude to the potential construction period clash with the M2 Junction 5 and Grovehurst Roundabouts improvement schemes and the need for the construction manager to keep abreast of any impacts. We have provided comment on this in the summary and conclusions section at the end of this response.

- Para 6.10 states that there will be a requirement for large items of plant to be delivered for the construction of WKN which are likely to be defined as Abnormal Indivisible Loads (AIL). An assessment will need to be undertaken to identify suitable routes to transport AILs to Site and Highways England will need to be in agreement of this. We recommended that reference is made in the CTMP to contact the HE Abnormal Load Team abnormal.loads@highwaysengland.co.uk to discuss requirements.

- Section 8 includes examples of construction vehicle direction signs. Para. 8.7 states that final wording to be used on signs is subject to agreement between KCC and the LHA. If it is intended that these signs are to be positioned on the SRN then Highways England will need to be consulted and agree to the signing strategy.

- In summary, before construction of the development the Full CMTMP shall be submitted in writing and agreed by the local planning authority in conjunction with Highways England. The Travel Plan shall include an objective to minimise traffic during the network peak hours (08:00 to 09:00 and 17:00-18:00).

- In Tables 7.1 to 7.12 it would be useful to include numbers as well as percentages to help understand impact. Whilst the DHA response states that numbers have been provided in the appendices to the TA some narrative within the text around the additional vehicles at the SRN would inform the percentages.
- Notwithstanding the comments above regarding definition of scenarios, Table 7.16 does not present a scenario of the “2031 base + cumulative development” traffic flows – therefore it is not easy to readily identify the impact of the proposed developments on junction performance. The TA does now include assessment for all scenarios.
- Section 13 refers to sensitivity tests that investigate the impact of all HGVs arriving / departing between 07:00 and 19:00 – this sections does not appear to clearly outline a new arrival / departure profile and Appendix AL could not be located. The impact of this redistribution on the AM and PM peak hours is therefore not yet understood. This section should include a table to demonstrate changes to the arrival / departure profile due to all HGVs arriving / departing between 07:00 and 19:00. Sensitivity testing does not currently consider the impacts of an arrival / departure profile that is not flat (see above comments).

Summary and conclusions

- Para 8.3 states that “*the principle of up to eight movements in a peak hour is unlikely to have a significant impact.*” The overall trip generation on the A249 Grovehurst junction and the wider SRN in peak hours is not specified in the current TA however the numbers presented in the analysis suggest the overall impact is greater than 8 trips ? The DHA response states that “This was a previous statement being replicated” However the overall trip generation at the A249 Grovehurst junction (according to Appendix J) is 24 AM peak hour trips and 29 PM peak hour trips, therefore the statement does not appear relevant.
- Para 8.6 states that the K3 and WKN proposals “*would not result in a severe impact upon the operation of the highway network.*” However, considering the comments above we do not currently have sufficient information to assess the potential transport impact of the development on the SRN and therefore cannot determine if the proposal will materially affect the safety, reliability and/or operation of the existing SRN in accordance with the tests set out

in Department for Transport Circular C2/13, particularly para's 9 & 10, and DCLG NPPF, particularly para 109.

The A249 and M2 Junction 5 experience congestion and are sensitive to increases in traffic at peak times; indeed Para 4.44 of the TA acknowledges that "congestion at M2 junction 5 is a barrier to development on Swale and capacity improvements required at A249 Key Street and Grovehurst". Accordingly, in addition to the above, Highways England require a breakdown of the numbers of HGVs and cars in the AM and PM peak during construction and operation scenarios, as a minimum at these locations on the SRN. This is to ensure that the additional traffic from the development can be accommodated on the SRN without additional queues and delays. **This breakdown has been provided for the A249 Grovehurst but not the M2 Junction 5. This should be provided for clarity.**

It is also requested that the number of vehicle movements during peak hours (08:00 – 09:00 and 17:00 – 18:00) be avoided where possible / practicable and that this should be encouraged through a Construction Traffic Management Plan during construction and a Travel Plan during operation, particularly in the period prior to an improvement at the M2 Junction 5 being completed and opened to traffic. **A draft Travel Plan and CTMP have been provided – see comments above.**

Considering growth in the wider area, it is understood that Swale Borough Council adopted the Local Plan 'Bearing Fruits 2031' with a number of Major Modifications as recommended by the Inspector following June 2017's examination in public. One such modification related to the Plan being reviewed in detail at 5 years and that there was a requirement to determine the implications of the Local Plan on the operation of both the Strategic and Local Road networks and address any necessary requirements i.e. highway mitigations required to the end of the Local Plan period (2031) and at 2022 which covers the accepted 5 years.

This DCO application would fall outside of the Local Plan proposals which must now be considered as committed development. The highway mitigations sought on both the Local and Strategic Road networks will be designed to ensure that the traffic situation is no worse than currently experienced with the addition of the strategic developments i.e 'a nil detriment'. Accordingly, the implications of the traffic impacts of the DCO proposals will need to be considered in the same way assuming full buildout of the Local Plan proposals. Accordingly any worsening of traffic conditions resulting from the DCO proposals will require highway mitigation to ensure at least 'nil detriment' is achieved at full operation.

The DHA response states that "*The policy test is not to mitigate any impact to achieve 'nil detriment'. The policy test is that developments should only be refused if the residual cumulative impact on the highway network is 'severe'.*"

Irrespective of any additional changes to the trip generation and distribution methodology discussed above, the updated TA currently indicates an impact of 24 AM peak and 29 PM peak trips at the A249 Grovehurst junction. A number of junction assessments for several scenarios and future years are presented in sections 7 to 12, both using the existing geometry of Grovehurst and an interim scheme associated with the NW Sittingbourne Development. In each case it is demonstrated that the junction is exceeding capacity with significant or 'severe' delays and levels of queuing at the junction and specifically on the A249 off-slips. Whilst it is acknowledged that these forecast conditions are

also attributable to other committed developments, this proposal is contributing to worsening traffic conditions. Although not specified it is clear that most of the trips at Grovehurst junction also will impact upon the M2 Junction 5 during the AM and PM peak periods, exacerbating existing issues and the cumulative impact of the level of trips associated with this proposal. M2 Junction 5 is significantly over capacity and there is no opportunity to allow any further traffic impacts at this junction other than those that have been agreed with Swale Borough Council without causing significant road safety issues on top of the severe delays and queuing already experienced. Accordingly, Highways England can not allow any further development that is likely to impact on M2 Junction 5 in its current format without appropriate mitigations.

It is noted that the supporting transport assessment suggests that a small percentage or small number of additional trips on the respective highway junctions should not be considered severe as per the NPPF test. Highways England do not accept such an argument where the additional trips impact on parts of the highway network that are over capacity. Additional trips on over capacity junctions where severe delays and queuing are experienced/predicted are not suddenly making those junctions operate within capacity they are simply adding to the delays and queues already encountered and are thereby considered severe in themselves. Accordingly, those junctions that are over capacity will require mitigation as a result of the DCO proposals to the point at which the network can be demonstrated to be no worse off (capacity, delays and safety) than it would have otherwise been without the proposals.

Both the A249 Grovehurst junction and the M2 Junction 5 are programmed for significant improvements although they are subject to respective statutory processes. The improvements are likely to provide spare capacity at both junctions which, subject to the final agreed assessment of the impacts, could be used by the DCO proposals. However, if that is the route to which the applicant considers appropriate the DCO proposals will be tied to both highway improvement schemes. Highways England will seek Grampian condition(s) which would prohibit the DCO proposals being brought into use until such time as both schemes were completed and open to public traffic in full.

Highways England's position above is based on the fact that the proposals as given in the consultation will materially affect the safety, reliability and/or operation of the SRN (the tests set in Department for Transport Circular C2/13, particularly para's 9 & 10, and DCLG NPPF, particularly para 109). Without an understanding and agreement of what mitigations are proposed in the absence of the two major junction schemes (M2 J5 & A249 Grovehurst) or a Grampian condition tying the DCO proposals to the two major schemes Highways England would be recommending that the application be refused as currently presented.

This is Highways England's initial response to the consultation and we will provide an undertaking to continue to work with the applicant and consultant and any other parties in order to reach an amicable resolution to matters raised in this e mail. We are more than happy to meet to discuss.

In order to provide clarity and safeguard our position, notwithstanding our statutory consultee status, we have registered as a potential interested party on the PINS website.

For completeness, this has been copied to Swale Borough Council for their records.

Thank you again for consulting Highways England.

Please continue to consult us via our planning inbox: PlanningSE@highwaysengland.co.uk .

Any paper copies should be addressed to us at

South East Spatial Planning Team

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Kind regards

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