

ID : 1029. Highways England

Response to ExA4 submitted on 5 August 2020 and 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

Tel: 0300 470 1046 (all calls to this number will also patch through to my mobile)

Email: Kevin.Bown@HighwaysEngland.co.uk

For ease of locating, our responses are typed in **RED**. It may be assumed that if there is no text, we have no comments at this time.



Application by WTI/EFW Holdings Ltd for Wheelabrator Kemsley K3 and WKN

The Examining Authority's further written questions and requests for information (ExQ4) Issued on 15 July 2020

In accordance with the Government's measures to reduce the infection, which includes stopping all gatherings of more than two people in public and requiring people to stay at home, I confirmed in my letter of 22 May 2020 that further written questions would be issued on 15 July 2020.

Table **ExQ4** sets out the Examining Authority's (ExA's) further written questions and requests for information by named parties. Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to.

The ExA would be grateful if persons named could answer all questions directed to them, providing a substantive response, or explaining why the question is not relevant to them. Other IPs and other persons may comment on questions which are not directed to them.

As a result of ongoing Government guidance relating to the Coronavirus (COVID-19), our office at Temple Quay House is now closed and any submissions sent by post will be subject to delay.

You are welcome to respond by email with attached documents, as needed. If you would like this table in MS Word format please contact the Case Team: WheelabratorKemsley@planninginspectorate.gov.uk.

Please put 'ExQ4 - Wheelabrator Kemsley K3 and WKN' in the subject line of the email. Responses are due

by **Deadline 7: 5 August 2020**.

Abbreviations used

PA2008	The Planning Act 2008	km	kilometre
µg.m-3	Microgram per cubic meter	KMWLP	Kent Joint Municipal Waste Management Strategy
AC	Ambient Concentration	LAQM.TG16	Local Air Quality Management Technical Guidance
APIS	Air Pollution	LSE	Likely Significant Effects
CEMP	Construction Environment Management Plan	LVIA	Landscape and Visual Impact Assessment
DCO	Development Consent Order	m	metres
dDCO	draft DCO	MCZ	Marine Conservation Zone
EA	Environment Agency	ME&M SPA	Medway Estuary and Marshes Special Protection Area
EAL	Environmental Assessment Level	MMO	Marine Management Organisation
EIA	Environmental Impact Assessment	NE	Natural England
ELV	Emission Limit Value	NH3	Ammonia
EMMP	Environmental Mitigation and Management Plan	NOx	Nitrogen Oxide
EPR	Early Partial Review	NPPF	National Planning Policy Framework
EM	Explanatory Memorandum	NSIP	National Significant Infrastructure Project
EfW	Energy from waste	SoS	Secretary of State
ES	Environmental Statement	PC	Parish Council
EU	European Union	PD	Proposed Development
ExA	Examining Authority	PEC	Predicted Environmental Concentrations
ExQ1	ExA's First Written Questions	PEIR	Preliminary Environmental Impact Report
HE	Highways England	PINS	Planning Inspectorate
HGV	Heavy Goods Vehicle	PRoW	Public Right of Way
HRA	Habitats Regulation Assessment	RIS	Ramsar Information Sheet
HRAR	Habitats Regulation Assessment Report	RR	Relevant Representation
IAQM	Institute of Air Quality Management	s	Section
IBA	Incinerator Bottom Ash	SAC	Special Area of Conservation
IED	Industrial Emissions Directive	SEWPAG	South East Waste Planning Advisory Group
IP	Interested Party	SO2	Sulphur Dioxide
IPPC	Integrated Pollution Prevention and Control		

ISH Issue Specific Hearing
K3 Kemsley 3
KCC Kent County Council
KJMWMS Kent Joint Municipal Waste Management Strategy
TE&M Thames Estuary and Marshes Special Protection Area
WFD Water Framework Directive
WKN Wheelabrator Kemsley North
WR Written Representation
WSI Written Scheme for the Investigation
ZOI Zone of Influence

SPA Special Protection Area
SRN Strategic Road Network
SSSI Site of Special Scientific Interest
TA Transport Assessment

The Examination Library

References to questions in Table ExQ4 set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The [Examination Library](#) is available on the NI website, and updated as the examination progresses.

Citation of Questions

Each question has a unique reference number which starts with ExQ4 and then has a question number. For example:

- The first question under Air Quality would be ExQ4.3.1

Please start your answer by quoting the unique reference number. Please provide your answers in tabular form following the template below.

Responses to these questions will be published following the deadline.

ExQ4	Question to:	Question:
Q4.1.	Principle and nature of the development, including waste recovery capacity and management of waste hierarchy	
Q4.1.1	KCC Applicant	Please could you explain more about the nature of the waste category listed at the top of the table in Appendix 1 to KCC's response to ExAQ1a submitted at D6 [REP5-042], as HCI waste going to landfill comprising 884,229 tonnes? How is this predominantly low calorific value, and what standard of calorific value would make fuel sustainable to be used for energy from waste plants of the type proposed by the Applicant?
Q4.1.2	KCC	In your D5 submission BEIS Renewable Energy Statistics, Data Sources and Methodologies (July 2018) [REP5-044] please could you explain how

ExQ4	Question to:	Question:
		the latent heat of the water vapour contained in exhaust gases, understood to be not normally recoverable (p33) would be calculated and verified in the eventual CHP process appertaining to the K3 Proposed Development, and how this affects if at all the NCV or, if this is explained in other document(s) submitted please provide a reference.
Q4.1.3	Applicant	At Paragraph 1.12.6 of the Waste Hierarchy and Fuel Availability Assessment (WHFAR) [APP-086] the Applicant asserts that "Modern energy from waste plants such as K3/WKN are required to meet targets for recovery established through the Waste Framework Directive (2008/98/EC) (and as amended); they are designed to recover electricity effectively and efficiently, continuously minimising emissions." Please clarify what recovery targets are being referred to and how it is demonstrated that such targets have been or would be met.
Q4.1.4	Applicant KCC	Please provide updated information, if any, that is additional to what has already been provided to date, concerning your understanding of the position regarding the developments in Table 3.9 WHFAR [APP-086] which assesses comparable future capacity likely to be delivered.
Q4.2.	Environmental Impact Assessment	
Q4.2.1		None at this time
Q4.3.	Air Quality	

ExQ4	Question to:	Question:
Q4.3.1		<p>None at this time</p> <p>As per our response at ExA3</p> <p>Highways England: While not directly within our remit as this is a matter normally covered by the Environment Agency and/or Natural England, we would wish to ensure that the ExA is satisfied that the air quality impacts of the traffic generated by the proposed development (both construction and operation) and using the Strategic Road Network has been appropriately assessed and, as necessary, will be appropriately mitigated. Any SRN mitigation would need to be wholly funded by the applicant including, potentially, any on-going costs.</p>
Q4.4.	Archaeology and Cultural Heritage	
Q4.4.1		None at this time
Q4.5.	Ecology	
Q4.5.1	NE IPs	A Draft Ecological Management & Enhancement Plan (EMMP) was provided at D5 [REP5-005], as requested in ExQ3. Are you content that it provides sufficient information and if not please comment accordingly?
Q4.6.	Greenhouse Gases and Climate Change	
Q4.6.1		None at this time
Q4.7.	Ground Conditions	

Q4.7.1		None at this time
Q4.8.	Habitats Regulations Assessment (HRA)	
Q4.8.1	Applicant	The second sentence in Evidence Note c to the Integrity Matrices in Appendix 2 [REP4-012] is unfinished. It currently reads 'To ensure no

ExQ4	Question to:	Question:
		visual disturbance...'. The Note cross-references to the relevant information in the body of the HRAR. Please provide the missing text.
Q4.8.2	MMO	At D5 the MMO [REP5-030] raised points about potential effects of the discharge of water on mussel beds as a result of changes in salinity and turbidity, and requested further elaboration on why there would be no likely significant effects. Does the revised HRAR [REP6-008] now address your comments and if not why not?
Q4.9.	Landscape and Visual Impact	
Q4.9.1		None at this time
Q4.10.	Noise and Vibration	
Q4.10.1		None at this time
Q4.11.	Traffic and Transport	
Q4.11.1	HE KCC	If you seek to secure the completion of highway improvement works within your responsibility before commencement, commissioning or as the case may be, operation of any part of the authorised development, please

ExQ4	Question to:	Question:
		<p>provide justification and a precise form of wording, preferably agreed, to be inserted into the DCO.</p> <ul style="list-style-type: none"> • <i>The 2014/15 Kent Corridor Route Strategy identified M2J5 as in the top 50 locations on the Strategic Road Network (SRN) in terms of safety and congestion issues. As a result, it was included in the 2015 Roads Investment Strategy (RIS) for an improvement to occur during the RIS1 period.</i> • <i>Due to changes in both local circumstances (support not given by local stakeholders for original proposals) and national circumstances (COVID 19), the progress of the project has been delayed. However, it remains a commitment in RIS2 (see https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/872252/road-investment-strategy-2-2020-2025.pdf p103 Project S12 M2 Junction 5 delivery during RP [Roads Period] 2).</i> • <i>The Highways Act Public Inquiry, has had various start dates, the latest of which was 28 April 2020, but is now delayed while DfT and PINS consider the implications of holding a virtual inquiry on stakeholder participation or awaiting a lifting of inquiry lockdown. As at 5 August 2020, no announcement had been made, but if there are any updates, we will provide them to the ExA.</i> • <i>Once the Inquiry has been held, and assuming the scheme is granted consent, construction would commence as soon as possible thereafter; and the improvement is forecast to be open to traffic within 24 months. Unless the scheme is greatly delayed or is not consented, the opening date would be before the forecast opening of the WKN/K3 schemes in early 2025.</i>

		<ul style="list-style-type: none">• <i>As part of the process of preparing, adopting and implementing the Swale Local Plan (Bearing Fruits 2031: adopted 26/7/2017), it was agreed that</i><ul style="list-style-type: none">➤ <i>The transport evidence demonstrated that the adopted Plan would require mitigation of, inter alia, the A249 Key Street and Grovehurst junctions. (see Inspector's Report paras 97-98 https://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/ID12-Inspectors-Final-Report-20062017.pdf)</i>➤ <i>The viability of development generally within the Borough cast doubt on any mitigation being fully funded through development contributions/ CIL.</i>➤ <i>A bid should be made to the Housing Infrastructure Fund (HIF). The bid was led by Swale/Kent and supported by highways England. It was successful. Works at Key Street Phase 1 have commenced while Phase 2 is in design and expected to be agreed shortly. Grovehurst is in design, with it likely to be agreed in the next few months.</i>➤ <i>All HIF funded improvements are required to be in place by 2024 ie prior to the forecast completion/ start of full operation of the WKN/K3 sites.</i>
--	--	--

		<ul style="list-style-type: none">• <i>Accordingly HE's position is that:</i><ul style="list-style-type: none">➤ <i>the safety and congestion issues justifying the RIS1 improvement remain</i>➤ <i>the construction and operational phases of the WKN/K3 proposed development would, if not mitigated, impact on the safety, reliability and/or operation of the M2J5</i>➤ <i>Highways England, in conjunction with Swale Borough Council and Kent County Council have applied a "Grampian approach" to all relevant applications, such that occupations are prohibited in full or part (re selected schemes providing early completions to help the 5 year supply and generating peak movements making up the remaining capacity that existed circa 2018 when the assessment was first carried out) prior to the opening of the M2J5 improvement to traffic.</i>➤ <i>It is noted that the imposition of the Grampian was accepted by the Inspector dealing with the recent Barton Hill Farm appeal (see Condition 17 – an "in part" Grampian as per Highways England recommendation - LPA ref 18/503135/OUT PINS ref APP/V2255/W/19/3238171).</i>
--	--	--

		<ul style="list-style-type: none"> ➤ <i>it would be consistent and appropriate to apply the equivalent approach to the WKN/K3 development (over and above the construction element already catered for via the original permission) in order to protect the safety, reliability and efficient operation of the SRN</i> ➤ <i>because the applicant can monitor and manage the access and egress of HGV traffic to the WKN/K3 sites, and Highways England accepts that this can be done, it is possible to mitigate the development and protect the SRN by prohibiting the use of the SRN during the AM and PM peaks, plus a “shoulder” period either side. The agreed prohibition hours are 7.30 to 9.30 daily and 16.30 to 18.30 daily.</i> ➤ <i>because it is accepted that the waste movement industry seeks to avoid transporting material during peak hours as it is not an efficient use of time/ fuel and impacts on HGV maintenance etc, then the prohibition will not adversely affect the natural operating model used.</i> ➤ <i>because the RIS M2J5 improvement and HIF A249 Grovehurst improvement are aimed solely at providing capacity to aid housing delivery, they cannot be relied upon by the WKN/K3 developments. In order to mitigate them in perpetuity, it therefore means that the prohibitions should apply in perpetuity, unless or until the applicant is able to demonstrate an absence of unacceptable impact on the SRN. This can only be tested and demonstrated once the SRN improvements have been open to traffic and the WKN/K3 developments have been operational for a sufficient period for any evidence to be robust. It is considered that a “sufficient period” should be a minimum 12 months to allow for seasonal or other variations and traffic flows to settle into a discernable pattern</i> ➤ <i>while residential development can rely on the likes of TRICs to provide robust supporting evidence regarding trip rates and impacts, the waste industry has no equivalent. This reinforces why we consider it is sensible and appropriate to have 12 months of actual evidence before making any decision regarding whether the prohibition should apply in perpetuity</i> ➤ <i>to support the prohibition approach, a monitor and manage regime needs to be set out in the respective Construction Management Plans and the Travel Plans. To this end Highways England are content for the principle of the approach / regime to be set out in the DCO Regulations and the details to be set out in the documents submitted to the local planning authority (who shall consult Highways England)</i>
--	--	--

		<ul style="list-style-type: none"> • <i>On the basis of the above, DCO Requirements as follows would be acceptable to Highways England. They have been discussed with the applicant. While the principle is accepted, the applicant wishes to submit variations. We will review and comment upon them once received.</i> • <i>We believe that sufficient detail needs to be included in the Requirements to provide the “skeleton” for any later submissions. Without the suggested detail there is a risk that any applicant at a later stage could suggest that in the absence of a requirement, there is no justification for the requested detail.</i> • <i>The suggested Requirement wording is as follows</i> <ul style="list-style-type: none"> ➤ <i>“No part of the authorised development shall commence (including site clearance or preparation) until the submission to and agreement in writing by the local planning authority (who shall consult Highways England) of respective Construction Management Plans for the WKN and K3 (additional development) sites. The Plans are to provide such details as are necessary to demonstrate how the prohibition of all HGV authorised development related traffic from that part of the Strategic Road Network comprising M2 Junction 5 and A249 Grovehurst Junction will be achieved, monitored and managed. The hours of prohibition shall be 7.30 to 9.30 daily and 16.30 to 18.30 daily. The prohibition will apply throughout the construction period, and any subsequent period until the authorised development is occupied.</i> • <i>No part of the authorised development shall be occupied until the submission to and agreement in writing by the local planning authority (who shall consult Highways England) of respective Travel Plans for the WKN and K3 sites. The Plans are to provide such details as are necessary to demonstrate how the prohibition of all HGV authorised development related traffic from that part of the Strategic Road Network comprising M2 Junction 5 and A249 Grovehurst Junction will be achieved, monitored and managed. The hours of prohibition shall be 7.30 to 9.30 daily and 16.30 to 18.30 daily. The Travel Plans shall also include such details as are necessary to set out the agreed means by which, should they choose to do so, the applicant/operator of an authorised development may seek to end the prohibition. Any application to end the prohibition may only be submitted once the SRN improvements have been open to traffic and the WKN/K3 authorised developments have been operational for a sufficient period for any evidence to be robust. The “sufficient period” shall be a minimum 12 months.</i>
--	--	--

		<ul style="list-style-type: none"> Without a prohibition that is agreeable to Highways England ie one that protects the peak periods/shoulders on a daily basis, it will be necessary for the applicant to demonstrate an absence of harm to the SRN in accordance with DfT C2/13 and MHCLG NPPF2019 policy. Currently, although the submitted and addended TA is fulsome in length and highly detailed, much of the detail is not relevant, key aspects of evidence such as assessing the impacts of the development on M2J5 are missing, and many elements that are relevant are not agreed. Hence the TA is not, as at 5/8/2020, agreed by Highways England. In contrast, our own assessment and experience tells us that if the prohibitions as proposed by Highways England are put in place, the SRN safety, reliability and operational efficiency will be secured, and the absence of an agreed TA will not be an issue for us.
Q4.11.2	KCC	Has the Council as local highway authority secured the required development contributions and grant funding to improve the Grovehurst junctions and please explain the current position? What is the latest estimation of when, in line with grant requirements, construction of the road improvements is expected to commence?
Q4.11.3	Applicant HE KCC	What degree of confidence is there in light of any relevant factors that may affect timescales in programmed highways improvement schemes of this nature, that i) completion of the A249 Grovehurst improvement works or ii) the M2/J5 improvement works would be completed in advance of a) commencement of construction and b) operation of the WKN Proposed Development, and please explain your reasoning?

		<ul style="list-style-type: none"> • Subject to DfT/PINS agreeing the start date of the M2J5 Inquiry, we are confident that if consented, the improvement should be open to traffic prior to the assumed operation of the WKN/K3 Proposed Development in early 2025. This is based on a 2021 M2J5 start of works and a less than 24 month construction period. Even if, for unknown reasons, work could not commence until 2022, the 24 month construction period would still be completed prior to the WKN forecast 2025 opening. • Subject to agreement regarding the A249 Grovehurst design we are confident that if consented, the improvement should be open to traffic prior to the assumed operation of the WKN Proposed Development in early 2025. • If the M2J5 and A249 Grovehurst works periods overlap, there is a process known as NOMS, that allows for projects to work through their respective impacts and adapt accordingly. While that work has yet to commence since the degree of overlap is unknown, NOMS is a “business as usual” process and there are no known reason why the two project could not co-exist if they had to. • Notwithstanding the above, given that the applicant has agreed, in principle, to a prohibition approach and regime to protect the SRN peak hours/shoulders, the issue of the start/finish of the improvement schemes is somewhat moot.
Q4.11.4	HE KCC	<p>What precise restrictions if any are proposed to be placed on the WKN Proposed Development relating to traffic flows generated during the weekday peak hours or specified hours around peak hours, in advance of completion of (i) the M2/J5 and (ii) A249 Grovehurst improvement works? If there are any such, please provide a precise form of wording to be inserted into the DCO.</p> <ul style="list-style-type: none"> • <i>See our response to Q4.11.1</i>

Q4.11.5	KCC	The Applicant states in its Transport Assessment Part 1 - ES Appendix 4.1 [APP-020] that KCC asked for evidence from other waste to energy sites (i.e. Aylesford) regarding vehicle arrival times to substantiate the estimations of vehicle profiles throughout the day, and replied with reasons that this is an inappropriate methodology and a flat profile has been
---------	-----	--

ExQ4	Question to:	Question:
		<p>assumed throughout the day to maximise the number of HGV movements during the highway network peak hours.</p> <p>Are you satisfied with this response and if not why not?</p>
Q4.11.6	KCC	<p>The Applicant's response to S42 Consultation [APP-017] concerning requests for information from the neighbouring Countrystyle Recycling plant at Ridham Docks stated all waste movements are assumed to be new to the network, rather than coming from Countrystyle.</p> <p>Is this information still required and if so, please state why?</p>
Q4.11.7	Applicant	<p>In paragraph 6.55 et seq of the Transport Assessment Part 1 [APP-020] it is estimated that the construction of WKN Proposed Development would generate a maximum of 45 HGV deliveries per day (maximum of 90 HGV movements per day) during the peak construction period, based on "estimations of the project team".</p> <p>Please:</p> <ul style="list-style-type: none"> i) explain why it is not possible to retrieve data from HGV movements associated with the construction of the consented K3 facility; and ii) provide a reasoned justification for the maximum figure of 45 HGV deliveries per day and where this is based on previous examples please provide the source material and/or where it is based on any standard methodology please provide details that justify the extrapolation of this figure.

ExQ4	Question to:	Question:
Q4.11.8	Applicant	<p>Please clarify in paragraph 7.8 WKN Rail and Water Transportation Strategy [APP-089] “details of the 5 yearly reviews” to be submitted to KCC:</p> <ul style="list-style-type: none"> (i) Would the intention be to carry out a full review one year from the fully operational date of the upgraded K3 or if not, when would it be so intended? (ii) In any event how would the details to be submitted differ from and/or be elaborated upon the stages described in paragraph 7.7?
Q4.11.9	Applicant KCC	<p>A review period of the Rail and Water Transportation Strategy of five years was imposed in the 2011 consent. Should:</p> <ul style="list-style-type: none"> i) the five-year period be reassessed in light of current national and other planning policies and if so what period would be appropriate and why?; and ii) the review period be stipulated in the DCO and if not why not?
Q4.11.10	DfT	<p>In ES Appendix 3.4 - S42 Consultation Letter and S42 Responses [APP-016] the DfT stated it would be keen to see evidence that the scheme developers and the local authorities have considered with Network Rail what potential exists for a rail solution for the waste flows to the site.</p> <p>Please describe:</p> <ul style="list-style-type: none"> (i) what action(s) the DfT has taken itself or in conjunction with other government agencies or other authorities, if any, to pursue or facilitate the assembly of land, provision of funding or provision of necessary infrastructure with a view to realising (a)

ExQ4	Question to:	Question:
		<p>an improved rail terminal at Ridham Dock or (b) the use of land at Ridham dock for transportation by barge, for industries including the applicant's, in proximity to the dock, to utilise a rail or a marine solution that would take heavy goods traffic off the highways network, specifying the particular action that the DfT itself has taken; and</p> <p>(ii) what specific plans or programmes the DfT is pursuing if any to realise an improved rail terminal or transportation by barge at Ridham Dock as described in (i) above.</p>
Q4.11.11	KCC	<p>Please describe:</p> <p>i) what action(s) KCC has taken itself or in conjunction with other government agencies or other authorities, if any, to pursue or facilitate the assembly of land, provision of funding or provision of necessary infrastructure with a view to realising (a) an improved rail terminal at Ridham Dock or (b) the use of land at Ridham Dock for transportation by barge, for industries including the applicant's, in proximity to the dock, to utilise a rail or a marine solution that would take heavy goods traffic off the highways network, specifying the particular action that KCC itself has taken; and</p> <p>ii) what specific plans or programmes KCC is pursuing if any to realise an improved rail terminal or transportation by barge at Ridham Dock as described in (i) above.</p>
Q4.11.12	SBC	<p>SBC's strategic model report is referenced in a link that was given in its response to ExQ3.11.3 [REP5-027]. Please state where this document is submitted or supply it to the ExA.</p>

ExQ4	Question to:	Question:
Q4.11.13	Applicant	<p>The ExA notes the Applicant was continuing to engage with HE to discuss matters in order to provide a SoCG “as soon as possible”. The Applicant would provide an update to the ExA ahead of ExQ4 being issued “if considered necessary”.</p> <p>The intention in requesting such documents is not that parties should hold back from submitting them until they have agreed matters, but to assist the ExA by providing a continuous and candid explanation of exactly which matters are not agreed as well as well as those that are agreed. Please provide for D7 a SoCG with HE that fulfils this role.</p>
Q4.11.14	HE	Please comment on the email sent to you by the Applicant on 2 July 2020 [AS-018].

Copy of email first sent 4/8/20 as a compendium comprising answers to a) 2/7 emails b) TA Addendum c) ExA4 Qs & d) SoCG. It followed a series of emails and telecons progressing matters generally

Dear Mr Archibald

Thank you for your two emails of 2 July following our then and since most recent series of telecons.

Based on the latest known position, please find our responses in red.

Email 1

From: David Archibald [<mailto:david.archibald@rpsgroup.com>]

Sent: 02 July 2020 08:50

To: Bown, Kevin <Kevin.Bown@highwaysengland.co.uk>; Bowie, David <David.Bowie@highwaysengland.co.uk>

Cc: Chris Ratcliffe <cratclif@wtienergy.com>; David Harvey <david.harvey@dhaplanning.co.uk>

Subject: K3 / WKN

Hi Kevin, David (B), thank you for your time at our recent meeting regarding the above, it was very useful. We have been looking at the matters we discussed and drafting a SoGC. In the meantime, and to assist, we have set out our understanding of Highways England's position on the principle of vehicle movements from each element of the proposals as follows:

- K3 550k tpa which already has consent and will generate 348 HGV movements per day when operational. The consented K3 traffic flows have already been factored into HEs modelling and HE are not seeking any restrictions to be applied to these (noting that the existing consent already restricts these movements to 348 HGV movements per day). **Agreed. Details to be included/confirmed via the SoCG for inclusion in any DCO List of requirements.**
- K3 increased tonnage of +107k tpa which would generate 68 HGV movements per day. HE are seeking peak hour and 'shoulder' restrictions to these HGVs until such time as the M2J5 and Grovehurst improvements are complete. **Agreed. Details to be included/confirmed via the SoCG for inclusion in any DCO List of requirements.**
- WKN construction which would generate up to 90 HGV movements per day with construction staff working hours outside of peak hours. HE are seeking peak hour and 'shoulder' restrictions to these HGVs until such time as the M2J5 and Grovehurst improvements are complete. **Agreed. Details to be included/confirmed via the SoCG for inclusion in any DCO List of requirements.**
- WKN 390k tpa which would generate 250 HGV movements per day plus up to 11 staff car movements during the peak hours. HE are seeking peak hour and 'shoulder' restrictions to these vehicle movements until such time as the M2J5 and Grovehurst improvements are complete. **Agreed. Details to be included/confirmed via the SoCG for inclusion in any DCO List of requirements.**

As we discussed on the call, there are no construction vehicles associated with the K3 increased tonnage of +107k tpa as it would be achieved within the existing (consented) infrastructure of K3. **Agreed. Details to be included/confirmed via the SoCG for inclusion in any DCO List of requirements (ie restatement of the previous restrictions set out in the consent applying to the original K3 development).**

In terms of the mechanism to secure such restrictions, we would see these being an inherent part of the WKN Construction Traffic Management Plan and the Travel Plans for K3 and WKN, all of which are secured by a Requirement in the draft DCO, which in turn requires detailed versions of these to be submitted and agreed with the Highway Authorities. Such restrictions would be inserted to the outline CTMP and outline TPs for submission during the Examination. **Agreed. Details to be included/confirmed via the SoCG for inclusion in any DCO List of requirements.**

In terms of the 'shoulders', this is to ensure HE can be satisfied there would be no associated vehicle movements leaving / arriving on site outside of the peak hours, but travelling through the M2J5 or Grovehurst during the peak hour; the example given that a HGV could leave the site at 07:59 (outside of the peak hour) but would clearly travel through the M2J5 and Grovehurst during the peak hour. We would like to explore this to investigate an agreeable 'shoulder' period, for example we can use journey time and/or traffic flow data as an evidence base to show that a half hour 'shoulder' on each side of the peak hours is sufficient to avoid the peak hour, as WTI would be able to accept such a restriction as opposed to an hourly 'shoulder'. **HE's position is that currently the M2J5 and A249 Grovehurst junctions are operating beyond their respective congestion and/or safety led capacity and has continued to discuss with the Applicant the need to protect these junctions from all relevant construction and/or operational HGV movements. Evidence provided in the period since 2 July, by the applicant, the A249DBFO company and Atkins as the Highways England spatial advisors, all points to the travel time during and around the AM and PM peaks to be about 30 minutes. Therefore Highways England requires and the applicant accepts the need for DCO requirements to impose a prohibition on all relevant construction and/or operational HGV movements covering time periods of 7.30 to 9.30 and 16.30 to 18.30 daily. The prohibition shall in the first instance apply to the period until both the Roads Investment Strategy M2J5 improvement and Housing Infrastructure Fund A249 Grovehurst improvement are open to traffic.**

In the period since 2 July, it has become apparent that because both the M2J5 and A249 Grovehurst improvements are specifically aimed at facilitating local housing delivery, rather than providing additional capacity per se, it remains to be seen whether the peak hour/shoulder prohibition can be lifted after the improvements are delivered. The evidence provided by the applicant on likely traffic movements during peak hour/shoulder periods is not currently conclusive on the matter (see our response to email 2 below), and Highways England are aware that the Swale Local Plan is in the process of being reviewed and due to be adopted in 2022 and is likely to include a further uplift in housing delivery. Therefore Highways England recommend that the prohibition should continue in perpetuity unless or until the applicant is able to demonstrate otherwise once both the improvements are open to traffic and the development sites are operational for a period in excess of 12 months (to assess any seasonal variations in development/ other traffic flows). It is suggested that a single DCO Requirement can cover each eventuality.

HE and the Applicant have agreed that they will seek to set out their respective views on this issue within the SoCG being prepared.

In order to ensure that the recommended DCO Requirements are implemented and adhered to, it is considered by Highways England that the details of the “monitor and manage” approach should be included in the respective Construction Management Plan(s)/ Travel Plan(s). Highways England are content for the principles to be set out/agreed in the SoCG/ Requirements and the details to be set out in the final versions of the documents to be submitted and agreed by the local planning authority (who shall consult Highways England) prior to first commencement of the consent (including site clearance or preparation).

In summary restrictions are required to mitigate the peak hour impact of the proposals on the SRN (the A249 particularly at the Grovehurst Roundabout and the M2 Junction 5) per se and at least until the opening of the RIS Scheme at the M2 Junction 5 and HIF Scheme at the A249 (or schemes to the same effect).

We are in agreement that between 07:30 and 09:30 and between 16:30 and 18:30 no HGV vehicles shall arrive or depart from the site, in order to ensure that the proposals will not have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN.

We understand from the e mail of 30 July from David Harvey that Section 8 of the Construction Traffic Management Plan (CTMP) will outline the means of ensuring that HGVs are not permitted in during the peak hour restriction period.

HE's view is that this will include the following, which is being discussed further with a view to agreeing a SoCG with the Applicant:

- A new Section 8 will be added titled '*Construction HGV Management and Timings*' which will set out that the construction manager will be responsible for the development and operation of a construction HGV booking system and that it will be used to co-ordinate HGVs such that they do not enter and / or depart the construction site ~~on weekdays between 07:30 and 09:30 and between 16:30 to 18:30 until such time as the M2 Junction 5 and the A249 Grovehurst improvement works are complete.~~ Given the above, Highways England recommends a) that the prohibitions apply daily rather than only on weekdays and b) that they apply in perpetuity unless or until the applicant is able to demonstrate an absence of harm following a 12 month period once both SRN improvements and the consented developments are operational
- Section 8 will set out that the construction manager will be responsible for maintaining a record of all construction HGVs entering and departing the construction site.
- Section 8 will set out that these records ~~will be made available for any monthly period upon request from Highways England and / or Kent County Council.~~ It has subsequently been agreed that an annual report should be submitted, but that Highways England or Kent County Council can request records at other times.
- Section 8 will explain that there will necessarily be infrequent periods of construction that requires ~~24hr construction HGV activity such as continuous concrete pours whereby, advance notification will be provided to Highways England and Kent County Council and these HGVs will be exempt from such restrictions.~~ This is a new request. In previous discussions, it was indicated that as there are concrete batching plants in the immediate vicinity of the site, there would be no impact on the SRN. Therefore rather than exempting these HGVs, Highways England/ Kent County Council will require the CMP to ensure that record keeping is able to demonstrate that any peak hour/shoulder movements do not include movements through M2J5 and/or A249 Grovehurst junctions.

We would welcome your thoughts on this and the above.

Regards

From: David Archibald [<mailto:david.archibald@rpsgroup.com>]

Sent: 02 July 2020 08:53

To: Bown, Kevin <Kevin.Bown@highwaysengland.co.uk>; Bowie, David <David.Bowie@highwaysengland.co.uk>; colin.finch@kent.gov.uk

Cc: David Harvey <david.harvey@dhaplanning.co.uk>; Chris Ratcliffe <cratclif@wtienergy.com>

Subject: K3 / WKN - Ferrybridge HGV Movements

Dear Colin, Kevin, David (B),

Further to our communications regarding the above, Wheelabrator Technology Inc. has been able to extract movement data from its Ferrybridge Multifuel 1 (FM1) site in Knottingley, West Yorkshire. For context, its site location is here: <https://goo.gl/maps/LYFGtoTK1HM5xhKC8> where you will see access is taken from the M62 Junction 33.

The data extracted is attached which also includes a useful graph showing the profile of HGV movements throughout the day. A commentary is set out as follows:

- FM1 HGV movements are restricted to the hours of 07:00 to 19:00.
- There is demand for HGV access to FM1 prior to 07:00 as shown by the spike in HGV movement during its first hour of the day.
- There is a reduction in demand for HGV access to FM1 towards the end of the day as deliveries are managed accordingly to avoid the period just prior to when the facility is closing for HGV access.
- Other than these two components there is a general uniform trend of HGV movement throughout the day at FM1.
- The HGV movements at FM1 will be different to K3 and WKN due to the individuality of waste contracts for each facility.
- The FM1 data shows there are differences in its HGV profile to that estimated for K3 and WKN.

Email 2 (with “FM1 delivery profile.xlsx” attached)

We note the evidence submitted and note the following from this email and subsequent telecons with the applicant:

- The Ferrybridge site is subject to an hours of operation restriction. This, in part, causes an AM peak “to get the site started” each day.
- From subsequent telecons we understand that there is no industry norm and each site will find its own rhythm based on site and contract circumstances
- The Wheelabrator/K3 site has applied for 24/7 use. Few existing sites have this ability and hence the applicant is not able to submit any evidence as to even likely rhythms.
- Given the on-site capacity for HGVs and the likely turnaround periods (eg 35-45 minutes for arrival/discharge of waste material during operational phase), the site would be able to ensure a robust level of materials supply during both construction and/or operational periods.
- The industry/ drivers seek to avoid travelling in peak hour traffic as this is not an efficient use of time/fuel/money.
- Hence, there is no reason to believe that the site would be placed at any commercial or other disadvantage by applying the peak hour/shoulder prohibition in perpetuity, since the site would have the remainder of each 24 hour period to adjust.

Q4.11.15	Applicant	In its Additional Submission [AS-019] the site location of the Ferrybridge Multifuel 1 (FM1) site is referred to by a hyperlink. Please provide the evidence as a separate document.
Q4.11.16	KCC	Please comment on the Applicant’s post D6 Additional Submission [AS-019] relating to the Ferrybridge HGV movements.
Q4.11.17	Applicant KCC	If, as is asserted at para 2.4.7 of the Applicant’s post D6 Additional Submissions [AS-017] all HGV movements at Allington are during daytime periods, is the distance travelled by the vehicles relevant and if so how?
Q4.12.	Water Environment	

ExQ4	Question to:	Question:
Q4.12.1	MMO	<p>The MMO appears to advise the Applicant in its submission [REP6-012] that there is a need to consider the whole project against the SEIMP but does not identify any policy or legislative requirement in relation to it. However, in para 1.4 of the MMO's D5 submission [REP5-030] they comment that only that the marine aspects of the project should be considered against the Plan.</p> <p>Please clarify the position.</p>
Q4.12.2	MMO Applicant	<p>Please supply any further submissions you wish to make, if possible, on an agreed basis, about the Applicant's assessment [REP4-006] of the South East Inshore Marine Plan (SEIMP) - [REP6-010 & REP6-012], by D7.</p>
Q4.13.	Draft Development Consent Order	
Q4.13.1	Applicant IPs	<p>On 15 July the ExA has published suggested changes to the Applicant's preferred dDCO (most recent version submitted at D6 [REP6-003]) predicated on consent for the K3 and WKN Proposed Developments.</p> <p>The ExA considers there are benefits to the K3 and WKN Proposed Developments being assessed comprehensively, however given the two proposals are in effect separate projects, the possible outcomes of the Application must be clear to all, which are: consent or refusal in respect of both projects, consent for the K3 Proposed Development only, or consent for the WKN Proposed Development only.</p> <p>It is thus important that the dDCO separates out the two projects so that any eventual recommendation or decision to consent one only of the</p>

ExQ4	Question to:	Question:
		<p>Proposed Developments is clearly set out in terms of a recommended DCO or DCOs. It follows that alternative sets of plans and drawings that show items and boundaries applicable only to K3 and its associated development, and an amended BoR should also be available to the Secretary of State. This request, to be made to the applicant for the amended documents for K3 only, is for them to be submitted in the alternative, rather than removing from the examination existing versions covering both generating station projects.</p> <p>The ExA has therefore decided to issue an alternative proposed version of the dDCO ("K3 DCO") [PD-017] based on an eventual consent for the K3 Proposed Development only. The ExA emphasises that no conclusions have been reached on the desirability of one alternative outcome over another at this stage of the Examination.</p> <p>Therefore, please consider and comment as appropriate on both alternatives.</p> <p>The ExA considers it unlikely, on the evidence currently available, that any recommendation to grant consent for the WKN Proposed Development would not also justify consent for the K3 Proposed Development, although the position will be continuously reviewed throughout the examination. Nevertheless if you consider justification exists for an outcome that results in consent for the WKN Proposed Development only please clarify your position and explain your reasoning.</p>

ExQ4	Question to:	Question:
Q4.13.2	Applicant	Please state as exactly as possible when it is expected that the consented K3 scheme (KCC/SW/10/444) will be operational, providing details of what further steps need to be undertaken by the Applicant or others to make it so.
Q4.13.3	Applicant	In relation to the ExA's K3 DCO [PD-017] please submit new alternative sets of plans and drawings that show items and boundaries applicable only to K3 and its associated development, and an amended BoR. (This request is made to the applicant for amended plans, drawings, BoR, etc. for K3 only for them to be submitted in the alternative, rather than removing from the examination existing versions covering both generating station projects).
Q4.13.4	Applicant	In relation to the K3 dDCO [PD-017] in particular, please: i) indicate which if any of the requirements 14 to 30 (proposed to be deleted in the K3 DCO [PD-017] should nevertheless apply to the K3 Proposed Development, and if so why; ii) state which if any of the detailed items of associated development for Works Nos. 1, 2, 3, 4, 5, 6, and 7 described in Schedule 1 should be included in the K3 authorised development and if so why; and iii) In Article 16 K3 dDCO [PD-017], please consider how some of the documents listed will need to change to new ones not yet submitted into the examination, these would appear to be the alternative versions of the BoR, the Land Plan and the Works Plan.

ExQ4	Question to:	Question:
Q4.13.5	Applicant	Should "commissioned" in Requirements 15(1) and 25(1) in dDCO [REP6-003] read "commenced"?
Q4.13.6	Applicant	Requirement 21 in dDCO [REP6-003] has not been updated to make reference to the draft ecological management and enhancement plan. Should Requirement 21(2)(a) be amended to read "be in accordance with the draft ecological management and enhancement plan certified by the Secretary of State under article 16"?
Q4.13.7	Applicant	With reference to the preceding question, should Article 16 dDCO [REP6-003] be amended accordingly to include the draft ecological management and enhancement plan?
Q4.13.8	KCC	In KCC D5 Submission - Highways Response to dDCO Requirement 10 – Heavy Goods Vehicles, [REP5-037] you dispute the figure of 416 movements per day. What exact amendments if any do you propose to Requirement 10 [REP6-003] as currently drafted and why?
Q4.13.9	KCC	Also in [REP5-037] you consider Requirement 10 does not adequately encourage use of Ridham Docks and therefore the number of movements should be reduced accordingly. What exact amendments if any do you propose to Requirement 10 [REP6-003] as currently drafted and why?
Q4.14.	Other Matters	
Q4.14.1	Applicant	The Applicant stated in their D6 covering letter that it expected to submit a draft SoCG with KCC and an updated Statement of Commonality of SoCGs

ExQ4	Question to:	Question:
		<p>prior to ExQ4 being issued. As these have not been received by the due date they should be received at the earliest opportunity. The intention in requesting these documents is not that parties hold back from submitting them until they have agreed matters, but to assist the ExA by providing a continuous and candid explanation of the matters not agreed as well as well as those that are agreed.</p> <p>Therefore please provide an updated SoCG on that and any other outstanding SoCGs by D7.</p>
Q4.14.2	Applicant	<p>The finalised SoCGs with EA and NE both appear incorrectly to reference the Marine Licence (ML) application reference (MLA/2017/00316) as the ML number. MMO state the correct ref is L/2017/00482/2 [REP6-012]. Also, both SoCGs incorrectly state that the ML was for the discharge of water from the outfalls instead of for their construction.</p> <p>Please would the Applicant clarify the position?</p>
Q4.14.3	Applicant KCC	<p>Please provide an updated "K3 Planning Permission – Planning Conditions Tracker" appended to the Planning Statement [APP-082] as an appendix to the latest SoCG with KCC which is due at D7.</p>
Q4.14.4	Applicant KCC SBC HE	<p>The submission at D6 of Allyson Spicer [AS-015] refers to a contract between Norfolk County Council and Veolia which appears to be a six-year contract for waste to be delivered initially to incineration facilities operated by the Applicant at Kemsley until 2021.</p> <p>Please add or comment on any information contained therein as you consider appropriate in response to the submission.</p>

		<ul style="list-style-type: none">• We note the submission of this evidence. Given that virtually any contract (other than any relying on ship/train as the primary means of waste/ end product transport) would result in traffic through M2J5 and A249 Grovehurst junctions, the actual origin or destinations are not particularly relevant. This is also confirmed by the fact that we have required the applicant to assess the “worst case scenario” ie full transport by road and via these junctions.• We also note that the prohibition approach advocated by Highways England will protect the safety, reliability and operational efficiency of the M2J5 and A249 Grovehurst junctions in perpetuity regardless of the contracts entered into or the origin or destination of any imports or exports from the WKN/K3 sites.
--	--	---

ExQ4: 15 July 2020

Responses due by Deadline 7: 5 August 2020

For completeness, please also find below our comments on the TA Addendum. The original was emailed as part of the above-mentioned compendium of responses on 4 August, following various rounds of emails and telecons. As the TA Addendum is not yet agreed, as at 5 August 2020 it still represents “work in progress” and it is recognized it might never be finalised/ agreed.

From: David Archibald [<mailto:david.archibald@rpsgroup.com>]

Sent: 15 July 2020 21:42

To: Bown, Kevin <Kevin.Bown@highwaysengland.co.uk>; Bowie, David <David.Bowie@highwaysengland.co.uk>

Cc: Chris Ratcliffe <cratclif@wtienergy.com>; David Harvey <david.harvey@dhaplanning.co.uk>

Subject: RE: K3 / WKN

Hi Kevin, David (B),

Further to our last call on the above, we have prepared the attached Transport Assessment Addendum. We appreciate that you were seeking an updated Transport Assessment, however, we feel that the introduction of a 3,500 page document for the ExA to review at this stage of the process would not be viewed favourably, hence, the attached.

Whilst writing, for information, we note that the ExA has today issued their Q4 which contains transport and highways related questions and refers to our email (below) dated 2nd July and the SoCG amongst other things. We held back with the draft SoGC to include your response to our email within it prior to issuing it to you – would you prefer us to forward the draft SoCG to you as it is or would you prefer us to include your response to our email within it when we forward it to you?

Regards

David Archibald

Director (Transport & Engineering)
RPS | Consulting UK & Ireland
20 Western Avenue
Milton Park
Abingdon, Oxfordshire OX14 4SH, United Kingdom
T +44 1235 432 190 **M** +44 7525 908 827
E david.archibald@rpsgroup.com
<[image009.png](#)>

rpsgroup.com

[LinkedIn](#) | [Facebook](#) | [Instagram](#) | [YouTube](#)

Review of TN Transport Assessment Addendum JNY9290-10A– 15 July 2020

Below is a summary of our comments on the TA Addendum (with some reference to the e mail of 30 July and subsequent telecon). It is noted that not much of the document is new, rather is a re-representation of the original TA.

1. **Future Year traffic flows**

Para 4 to 6 refer to agreement that committed and cumulative developments need to be agreed with Swale Borough Council, as the Local Planning Authority, from which HE would take advice. **No further action.**

2. **Trip Generation, Mode Share and Assignment**

The Practical Effects of the K3 Proposed Development – Construction Traffic

Paras 7 to 9 confirm no construction vehicles generated by the Practical Effects of the K3 Proposed Development. This is because this would be achieved within the existing infrastructure of K3 and does not require any construction works. **No further action subject to the reimposition of all relevant “conditions” from the original permission to any DCO.**

Temporal Distribution

Para 10 to 13 suggest that assumptions used in TA i.e. of a flat arr/dep profile are robust based on Chart 1 Note that the TA included a sensitivity test for 12 hour operation 7 to 7 - **Chart 1 does show slightly higher AM peak hr trips. Considering that the TA includes a sensitivity scenario based on a similar 12 hr operating profile to demonstrate worst case, a worst case peak hour trip generation assessment would be to undertake a test whereby the peak hour trip generation % was in line with the data in Chart 1. This would identify how much additional traffic would be generated in a peak hour and therefore how much additional would impact upon the SRN in such a scenario.**

We previously highlighted that the rounding was an issue (see comment in para 41 of Appendix A of the TA Addendum (JNY9290-09A)). This has not been addressed in the TA Addendum and should be reviewed to confirm if there is additional peak hour traffic and therefore how much additional would impact upon the SRN in such a scenario.

There is seemingly no further consideration in the TA Addendum of the potential daily and peak hour trip generation of the proposals. See comment in para 31 of Appendix A of the TA Addendum (JNY9290-09A). Highways England requested further evidence to justify the submitted numbers of movements in order to ensure that the worst case being assessed. It was understood from the response in

31.1 that Ferrybridge and Allington data would be assessed to justify the trip generation outline in the original TA. The TA Addendum should also provide:

- details of maximum on-site capacity to hold / process HGVs and likely processing capacity in practice i.e. will the site always operate at max capacity or does the industry work to a slightly lower figure keeping the headroom for particular circumstances.
- Average dwell/ turnaround time for HGVs i.e how long are they on site before they start their return journey and once more affect the SRN.

Subject to the submission of sufficient evidence regarding overall traffic levels and the imposition of the peak hour/shoulder probation in perpetuity, then much of the above becomes moot. The 30 July email and its attachments provide a better indication of overall impact, but there appear to be discrepancies. These need to be addressed

Note that from a quick look at the Daily HGV tables presented in the pdfs attached to the e mail of 30 July it appears that, for the 12 hr sensitivity test the combined operational flows would have a worst case of 21+6 = 27 2-way peak hour trips in both peaks. However from flow diagrams previously presented (in JNY9290-05A – attached) it appears that there would be a combined 28 AM and 38PM peak hour trips at the M2J5.

Distribution and Assignment of Waste HGVs

Para. 14 – 21 reconfirm that 98.5% trips through Grovehurst and 88% through M2 J5 as per previous TN correspondence – this is unchanged from the previous assessment. If all traffic was to hit M2 J5, this then applied to the current estimate of 28 AM and 38PM peak hr trips then this could be a maximum of 5 additional peak hour trips through M2 J5.

While in isolation the additional K3 construction traffic is low, the cumulative impact with the Wheelabrator construction traffic would have an unacceptable impact on the peak hour/shoulder AM/PM peaks; and given the virtual impossibility to distinguish, monitor and manage construction traffic, then for simplicity it is recommended that the same prohibitions apply to both.

3. **K3 Proposed Development Transport Assessment**

Para 22 states confirms that traffic flows generated by K3 as consented had already been accounted for within their future year projections of traffic and modelling of the M2 Junction 5. **No further action.**

4. **The Practical Effects of the K3 Proposed Development Transport Assessment**

5. **WKN Proposed Development Transport Assessment**

6. **K3 Proposed Development and WKN Proposed Development Transport Assessment**

7. **The Practical Effects of the K3 Proposed Development and WKN Proposed Development Transport Assessment**

8. **Cumulative Transport Assessment**

The above sections para 23 to 59 repeat chapters of the TA demonstrating the daily weekday, Saturday and Sunday impacts at different parts of the network inc A249 and M2 J5.

9. **Sensitivity Assessments**

Paras 60 to 72 refers to a sensitivity assessment assuming that all HGV movements would occur over a 12 hour working day, as opposed to the 24 hour movements that are being sought. Details of 1,000+ queues at Grovehurst junction are repeated from TA. **These sections of the addendum largely replicate the TA, outlining that the existing Grovehurst Roundabout is forecast to experience significant queueing and delay without the proposal. With the proposal the levels of queueing will be worsened. However, as discussed above there is no consideration of the peak hour traffic generation to / from the site and the subsequent turning movements at the Grovehurst Roundabout and the M2 Junction 5. We understand that these diagrams have been provided previously, however the final worst case peak hour movements should be summarised in the TA Addendum (and consider the above comments).**

10. **Mitigation**

Para 75 states that HE set out that they are seeking peak hour (weekdays 08:00 to 09:00 and 17:00 to 18:00) restrictions for vehicle movements generated by the K3 increased tonnage and by WKN (construction and operation). The Addendum explains HE's concern about the proximity of the M2 Junction 5 and that vehicles travelling outside of the peak hours could travel through the M2 Junction 5 during the peak hours and that HE are therefore seeking weekday restrictions to also cover the 'shoulder' periods to protect the weekday peak hours, such that the weekday restrictions would be from 07:00 to 10:00 and from 16:00 to 19:00.

Para 77 explains that HE WebTRIS data has been assessed for September 2019 for the southbound A249 movement onto the M2 Junction 5 during the AM peak hour that experiences the largest delay on the network. The data shows that the maximum southbound journey time on the A249 from the Grovehurst overbridge to the M2 Junction 5 occurs between 08:15 and 08:30, during which the maximum average journey time is 20 minutes and 6 seconds. The TA Addendum states that as this is the busiest time and given a 5 min JT between site and A249, that a 30 minute buffer is sufficient. It is proposed that weekday restrictions between 07:30 and 09:30 and between 16:30 and 18:30 should be considered for vehicles generated by the Practical Effects of the K3 Proposed Development and the WKN Proposed Development until such time as the M2 Junction 5 improvements are substantially completed and a contract has been issued to a contractor for the A249 Grovehurst works (which is the condition Kent County Council are imposing on other surrounding developments). **The WebTRIS output or associated analysis has not been provided. However we have undertaken our own assessments and agree that a 30 minute buffer is sufficient. We therefore agree with the proposals that restrictions between 07:30 and 09:30 and between 16:30 and 18:30 will be sufficient to minimise the impact of the proposals on the SRN.**

11. **Summary**

As previously requested we require a worst case understanding of the likely impacts of the proposal on the SRN (at the A249 Grovehurst and the M2 J5). Currently the TA Addendum does not outline the peak hour impact of the proposals on the SRN . To fully understand the impacts of the scheme on the peak hours once any restrictions re lifted, and considering the points raised above, the Addendum should be updated to include the peak hour traffic impacts of the proposals on the SRN.

In the period since 2 July, it has become apparent that because both the M2J5 and A249 Grovehurst improvements are specifically aimed at facilitating local housing delivery, rather than providing additional capacity per se, it remains to be seen whether the peak hour/shoulder prohibition can be lifted after the improvements are delivered. The evidence provided by the applicant on likely traffic movements during peak hour/shoulder periods is not currently conclusive on the matter (see our response to email 2 below) , and Highways England are aware that the Swale Local Plan is in the process of being reviewed and due to be adopted in 2022 and is likely to include a further uplift in housing delivery. Therefore Highways England recommend that the prohibition should continue in perpetuity unless or until the applicant is able to demonstrate otherwise once both the improvements are open to traffic and the development sites are operational for a period in excess of 12 months (to assess any seasonal variations in development/ other traffic flows). It is suggested that a single DCO Requirement can cover each eventuality.

In order to ensure that the recommended DCO Requirements are implemented and adhered to, it is agreed that the details of the “monitor and manage” approach should be included in the respective Construction Management Plan(s)/ Travel Plan(s). Highways England are content for the principles to be set out/agreed in the SoCG/ Requirements and the details to be set out in the final versions of the documents to be submitted and agreed by the local planning authority (who shall consult Highways England) prior to first commencement of the consent (including site clearance or preparation).

In summary restrictions are required to mitigate the peak hour impact of the proposals on the SRN (the A249 particularly at the Grovehurst Roundabout and the M2 Junction 5) per se and at least until the opening of the RIS Scheme at the M2 Junction 5 and HIF Scheme at the A249 (or schemes to the same effect).

We are in agreement that between 07:30 and 09:30 and between 16:30 and 18:30 no HGV vehicles shall arrive or depart from the site, in order to ensure that the proposals will not have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN.

However if no further information is available to justify the trip generation and temporal distribution of the proposals on the SRN then we are minded to propose a condition whereby the peak hour shoulder restriction should continue until it can be demonstrated that the proposals will not present harm to the SRN.

The Transport Assessment Addendum was prepared on a basis that balanced being a lightweight document for submission at a late stage in the Examination with the inclusion of mitigation that would result in no HGV movements during the peak hours and shoulders until the highway schemes were completed. Indeed, this mitigation so that there are no HGV movements during the peak hours and shoulders are within the SoCG. The Applicant is checking the peak hour HGV movement query as highlighted in yellow above.