

# M20 Junction 10a

## TR010006

### Environmental Statement

### Chapter 4 EIA Methodology

APFP Regulation 5(2)(q)

Revision A

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and  
Procedure) Regulations 2009



**Volume 6.1**  
July 2016



M20 Junction 10a

TR010006

# **Environmental Statement**

## **Chapter 4 EIA Methodology**

Volume 6.1



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# Content

<b>Chapter</b>	<b>Title</b>	<b>Page</b>
<b>4</b>	<b>EIA Methodology</b>	<b>1</b>
4.1	Introduction _____	1
4.2	Environmental Legislative and Regulatory requirements for Highways Schemes _____	1
4.3	Requirements of DMRB _____	3
4.4	The EIA Process _____	4
4.5	Baseline conditions, 'Do-minimum' and 'Do-something' Scenarios _____	5
4.6	Significance of Effects _____	6
4.7	Mitigation Measures and Enhancements _____	8
4.8	Assumptions and Limitations _____	10
4.9	Scope of the EIA _____	10
4.10	Combined and Cumulative Effects _____	10
4.11	Dealing with Uncertainty _____	11
4.12	Transboundary Effects _____	11
4.13	Summary of Consultation _____	11
4.14	Statutory Consultation _____	12
4.15	Non-Statutory consultation with SEBs and Others _____	17

## 4 EIA Methodology

### 4.1 Introduction

4.1.1 This chapter introduces the legislative and regulatory requirements of Environmental Impact Assessment (EIA) for Highways Schemes, the requirements of Design Manual for Roads and Bridges (DMRB), assumptions and limitations, the scope of the EIA, the approach to combined and cumulative effects and transboundary effects and provides an overview of the Consultation undertaken to date.

### 4.2 Environmental Legislative and Regulatory requirements for Highways Schemes

4.2.1 An EIA is an assessment of those consequences of a major project which affect the natural, built and social environment. Council Directive (2011/92/EU)<sup>1</sup> on the assessment of the effects of certain public and private projects on the environment forms the basis of the legal requirements for EIA and of EIA practice in the UK. The EIA Directive is implemented in the UK through separate statutory instruments specific to different consenting regimes.

4.2.2 The Scheme is an NSIP within Sections 14(1)(h) and 22(1)(b) of the Planning Act 2008. Under Section 22 an NSIP must fall within one of the 3 categories specified, which are expressly stated to be alternatives. This Scheme is an “alteration” within the meaning of Section 22(1)(b). The alteration is to the M20 motorway by the creation of a new junction 10a, which will form part of the motorway, the closure of the eastern slip roads on the nearby existing junction 10 and the related highway works necessary to allow the new motorway junction to be integrated into the surrounding trunk and classified road network. The Scheme satisfies Section 22(3)(a) and (b) in that all the highway involved is wholly in England and Highways England Company Ltd, being a strategic highways authority, is the highway authority for the M20. The relevant area for development under Section 22(3)(c) and (4) is 15ha because the highway being altered is a motorway. The area for development is 49.7ha, which thereby exceeds the 15ha threshold.

4.2.3 The Environmental Statement (ES) is a key part of the application documents submitted by Highways England in support of the DCO application. Its principal purpose is to assess the likely significant effects of the Scheme on

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<sup>1</sup> European Union (2011). Council Directive (2011/92/EU) on the assessment of the effects of certain public and private projects on the environment (codification) (EIA Directive).

the environment, to enable an informed Decision to be made on whether or not to grant the DCO.

4.2.4 Section 104 of the Planning Act 2008 states that when deciding the approval of a NSIP, the Secretary of State (SoS) must consider any National Policy Statements (NPSs) which relate to the development being considered. NPSs are produced by central government and provide policy on specific aspects of national infrastructure. The National Planning Policy Statement of relevance to the Scheme is the National Planning Policy Statement for National Networks<sup>2</sup> (NPPSNN). The NPPSNN deals predominately with linear infrastructure, section 4.11 notes that these differ from other types of infrastructure covered by the Planning Act as:

- *These networks are designed to link together separate points. Consequently, benefits are heavily dependent on both the location of the network and the improvement to it.*
- *Linear infrastructure is connected to a wider network, and any impacts from the development will have an effect on pre-existing sections of the network.*
- *Improvements to infrastructure are often connected to pre-existing sections of the network. Where relevant, this may minimise the total impact of development, but may place some limits on the opportunity for alternatives.*

4.2.5 Section 4.12 of the NPPSNN notes that 'In considering applications for linear infrastructure, decision-makers will need to bear in mind the specific conditions under which such developments must be designed'. Sections 4.15 to 4.21 outline specific requirements in relation to the production of an EIA and Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009<sup>3</sup> sets out the information that should be included in the ES.

4.2.6 The NPPSNN sets out the proposed policy against which the SoS for Transport will make decisions on applications for nationally significant infrastructure projects on the road and rail networks. The ES has been drafted with reference to the requirements of the NPSNN to ensure compliance with all the guidance contained within that document. The Scheme's compliance with the NPS is set out in the Case for the Scheme, DCO submission document number 7.1.

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<sup>2</sup> Department for Transport (2014) National Policy Statement for National Networks available [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/387223/npsnn-web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/387223/npsnn-web.pdf) , accessed 03/06/2016

<sup>3</sup> The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 available [http://www.legislation.gov.uk/ukxi/2009/2263/pdfs/ukxi\\_20092263\\_en.pdf](http://www.legislation.gov.uk/ukxi/2009/2263/pdfs/ukxi_20092263_en.pdf) , accessed 03/06/2016

### **4.3 Requirements of DMRB**

- 4.3.1 All aspects of the development and design of major highway projects are governed by guidance set out in the 15 volumes of the DMRB. Guidance on EIA for highway projects is given in Volume 11, with guidance on environmental design in Volume 10. Additional supplementary guidance is provided by Interim Advice Notes.
- 4.3.2 The guidance in DMRB Volume 11 defines 3 'levels' of EIA assessment and reporting ('Scoping', 'Simple' and 'Detailed'). However, these levels are not intended to be sequential (i.e. applied 1 after another in order), but 'consequential', in that the level to be applied at any stage of environmental reporting is determined according to the following factors:
- The results of any previous assessment work.
  - The likely scale or significance of impact (not the scale of development).
  - The nature of the decision-making process to which the report relates.
  - The degree of uncertainty about the potential impact of the Scheme.
- 4.3.3 DMRB Volume 11, Section 1, Part 1, supplemented by IAN 125/15 Supplementary guidance for users of DMRB Volume 11 'Environmental Assessment Update'<sup>4</sup> advises that the environmental assessment should consider the following environmental topics:
- Air Quality.
  - Noise and Vibration.
  - Nature Conservation.
  - Landscape.
  - Cultural Heritage.
  - Geology and Soils.
  - Materials.
  - People and Communities.
  - Road Drainage and the Water Environment.
  - Combined and Cumulative Effects.
- 4.3.4 The level of EIA assessment and reporting can vary between topics. For topics that benefit from new guidance issued since 2006, there is a clear definition of the requirements for each level of assessment. However, for some topics, the available guidance pre-dates the introduction of these levels, while for other topics there is no published guidance. For these topics, the

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<sup>4</sup> Highways England, 2015, available <http://www.standardsforhighways.co.uk/ha/standards/ians/pdfs/ian125r2.pdf>, accessed 23/03/2016

level of detail required is determined on a project-specific basis, bearing in mind the principles set out in DMRB.

- 4.3.5 Guidance has yet to be published on the new topic of 'People and Communities' but IAN 125/15 notes that it will draw on the former Land Use, Pedestrians, Cyclists, Equestrians and Community Effect and Vehicles topics. In the absence of further guidance this ES instead addresses Community and Private Assets and Effects on All Travellers both of which were identified as new DMRB topics in the now superseded IAN 125/09 'Environmental Assessment'.
- 4.3.6 The topic of Community and Private Assets combines elements of the former Land Use topic with the Community Effects element of Pedestrians, Cyclists, Equestrians and Community Effects. Effects on All Travellers incorporates the former Vehicle Travellers and relevant parts of Pedestrians, Cyclists, Equestrians and Community Effects, to ensure that the interests of all road users are given equal weight. Guidance was never published on either of these topics, and the approach set out in this report therefore is based on professional judgement, drawing on guidance from the superseded topics.

#### **4.4 The EIA Process**

- 4.4.1 The objectives of the EIA are to provide information, advice and reports to:
- Facilitate the consideration of environmental impacts and opportunities in the development of the design.
  - Enable the minimisation of environmental impacts through design, and the identification of environmental mitigation measures where required.
  - Seek the opportunity to provide environmental improvements where possible.
  - Contribute to the information about the project to be presented at any public consultation.
  - Ensure that decision making about the project is based on sound environmental information and takes environmental effects into account.
- 4.4.2 The EIA considers both direct and indirect effects of the Main Scheme and Alternative Scheme. Direct effects are those caused by the Schemes themselves. Indirect effects in this context can be those that alter the character, behaviour or functioning of the affected environment because of encroachment of the Schemes' effects over a wider area. The Main and Alternative Schemes are described in detail in Chapter 2 The proposed Scheme, Volume 6.1.

## **4.5 Baseline conditions, ‘Do-minimum’ and ‘Do-something’ Scenarios**

### **Baseline conditions and the ‘Do-minimum’**

- 4.5.1 To identify the effects of the Scheme on the environment, the nature of the environment that would be affected by the proposed works must first be established (the ‘baseline conditions’). This allows the changes resulting from the Scheme to be measured.
- 4.5.2 For most topics, the baseline for the measurement of environmental effects during scheme operation is the situation as it would exist immediately before the implementation of the scheme. This considers potential changes likely to occur in the absence of the scheme. This future baseline scenario is known as the ‘do-minimum’, i.e. it includes the minimum works that are likely to go ahead in the absence of the Scheme.
- 4.5.3 The ‘Do-minimum’ scenario reflects the situation at junction 10 therefore including both the on-going maintenance work to the M20 and the likely construction of developments proposed within Ashford Borough Council (ABC)’s Local Plan (see Chapter 15 Combined and Cumulative Effects, Volume 6.1) in the absence of either the Main Scheme or the Alternative Scheme.
- 4.5.4 For many environmental topics, there is little material difference between the present day baseline and the future ‘Do-minimum’. This is not the case however, for those environmental topics based on traffic data, because traffic flows may change significantly over time and with additional developments.

### **‘Do-something’ Scenarios**

- 4.5.5 The ‘Do-something’ scenario takes into account all of the predicted changes considered in the do-minimum scenario (the baseline), as well as the changes that would occur if the scheme had been built. For most topics this is in relation to the Opening Year. Other topics however, such as Landscape, Air Quality and Noise and Vibration look beyond the Opening Year.

### **Traffic Data Scenarios used within the ES**

- 4.5.6 In order to assess the potential benefits of the Scheme, a suite of traffic models has been used to forecast the expected travel demand for scenarios with and without the Scheme in place. This included a ‘Core Scenario’, a ‘Core Scenario with a Mid-link road junction roundabout’ and a ‘Realistic plus Sevington’.
- 4.5.7 As above, the ‘Do-minimum’ scenario represents the baseline against which the proposed Scheme is assessed and its impacts determined and the ‘Do-something’ scenario is identical to the ‘Do-minimum’ scenario, but with the

inclusion of the Scheme and for the Core Scenarios, the proportion of local development that has been determined not to be dependent on construction of the Scheme.

- 4.5.8 The modelled forecast years were 2018, 2023 and 2033 with 2023 the Opening Year of the Scheme and 2033 the Design Year. For each of the years a Do-minimum and a Do-something scenario was produced. Refer to the Transport Assessment for details on methodology DCO submission document number 7.2.

### The Main Scheme

- 4.5.9 A 'Core Scenario' was developed as part of the traffic modelling work and used in the assessment of the Main Scheme. The Core Scenario does not include an access from the proposed A2070 link road to the proposed Stour Park development (i.e. the Alternative Scheme). The 'Do-something' scenario included a limited proportion of the Stour Park development site, which was not dependent on the M20 junction 10a Scheme proceeding.

### The Alternative Scheme

- 4.5.10 A second 'Core Scenario with a Mid-Link Road Junction roundabout' was also developed. This scenario was used to assess the Alternative Scheme. It is the Core Scenario with the addition of the Stour Park Access. In this scenario the 'Mid-Link Road Junction roundabout' joins the new link road to the Stour Park development

### Cumulative Effects

- 4.5.11 If the Alternative Scheme is granted development consent, it is likely that the Stour Park development would progress fully in accordance with its Masterplan. Full development of the site would be dependent on access from the proposed A2070 link road. Therefore, a 'Realistic plus Sevington' scenario was produced for the Do-something. This was produced to determine adequate capacity and flows of the Main Scheme proposals. This scenario also includes additional dependant development opportunities that would be enabled through the construction of the Alternative Scheme. This scenario has been used to produce sensitivity tests for both Air Quality and Noise and Vibration within Chapter 15 Combined and Cumulative Effects, Volume 6.1.
- 4.5.12 More detail on the Traffic Data is provided in the Transport Assessment, DCO submission document number 7.2.

## 4.6 Significance of Effects

- 4.6.1 The significance of an environmental effect is a function of the 'value' or 'sensitivity' of the receptor and the 'magnitude' or 'scale' of the impact. Typical generic terminology and criteria for the description of both the

sensitivity and magnitude are described in DMRB Volume 11, Section 2, Part 5, 'Assessment and Management of Environmental Effects'<sup>5</sup>, while terminology and associated criteria for some topics is given in the relevant parts of DMRB Volume 11 Section 3. However, the guidance given in DMRB does not necessarily use the same scales, terminology or criteria for all disciplines, while for some disciplines DMRB gives little or no guidance on the assessment of significance of effects.

- 4.6.2 All specialist environmental disciplines have assessed the sensitivity of receptors, and the magnitude of impact and significance of effects on the basis of professional judgement and experience. This is carried out using the terminology specified in DMRB Volume 11 Section 3, adjusted where necessary and appropriate to achieve consistency between disciplines and to conform to the guidance set out in HA 205/08. Professional judgement has been informed by criteria and methods specified in DMRB where these are available, or where no guidance is available, the approach to assessment has been based on professional judgement.
- 4.6.3 HA 205/08 recommends the definition of the sensitivity of receptors on a 5 point scale of 'very high', 'high', 'medium', 'low' or 'negligible' sensitivity. Typical definitions of these terms are set out in Table 2.1 of HA 205/08, but will vary from topic to topic. Valuations will be made on the basis of professional judgement.
- 4.6.4 Magnitude of impact is defined in terms of the amount of change from the baseline, on a 5 point scale of 'major', 'moderate', 'minor', 'negligible' or 'no change', defined according to a typical generic set of criteria set out in Table 2.2 of HA 205/08. Again, assessment has been made based on professional judgement.
- 4.6.5 Significance of effects is defined in 5 categories ('very large', 'large', 'moderate', 'slight' or 'neutral'), typical definitions of which are set out in Table 2.3 of HA 205/08. With the addition of the terms 'adverse' or 'beneficial', these categories can be applied as a balanced 9-point scale (neutral; slight adverse; moderate adverse; large adverse; very large adverse; slight beneficial; moderate beneficial, large beneficial and very large beneficial).
- 4.6.6 The significance of any particular effect can typically be calculated through the use of a matrix, with the sensitivity of the affected receptor on one axis and the magnitude of the impact on the other axis. A typical matrix for this purpose is presented below in Table 4.1, conforming to the matrix presented as Table 2.4 in HA 205/08.

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<sup>5</sup> Highways England 2008, available <http://www.standardsforhighways.co.uk/ha/standards/dmrb/vol11/index.htm>, accessed 23/03/16

Table 4.1 Typical Matrix for the Assessment of Significance of Effects

Value/ Sensitivity	Magnitude of Impact				
	No Change	Negligible	Minor	Moderate	Major
<b>Very High</b>	Neutral	Slight	Moderate or Large	Large or Very Large	Large or Very Large
<b>High</b>	Neutral	Slight	Slight or Moderate	Moderate or Large	Large or Very Large
<b>Medium</b>	Neutral	Neutral or Slight	Slight	Slight or Moderate	Moderate or Large
<b>Low</b>	Neutral	Neutral or Slight	Neutral or Slight	Slight	Slight or Moderate
<b>Negligible</b>	Neutral	Neutral	Neutral or Slight	Neutral or Slight	Slight

4.6.7 Matrices for individual topics may be different, where the scales or terminology specified in the guidance for the definition of sensitivity, magnitude or significance are different. In some cases, the significance of effect calculated using a matrix may be adjusted to take account of other qualitative criteria. Wherever this is done, a reasoned justification for the alteration has been made.

4.6.8 Notwithstanding the above, certain topics do not use a matrix-based approach, including noise, air quality and aspects of water quality and flood risk, because they are more amenable to the calculation of impacts in terms of numerical values, (i.e. absolute noise levels, and the amount of change in noise levels caused by the Scheme). Some other topics have no agreed methods of assessment or scales of measurement for either the value / sensitivity of the receptor or the magnitude of impact. For these topics, assessment has been based on the professional judgement of the assessor, taking into account any relevant considerations that are identified. Topics falling into this category include Materials, Geology and Soils, Community and Private Assets and Effects on All Travellers.

4.6.9 For the purpose of this ES, all effects that are Moderate or above are deemed 'significant'.

## 4.7 Mitigation Measures and Enhancements

4.7.1 Priority has been given to the avoidance of effects at source, whether through the redesign of the Scheme or by regulating the timing or location of activities. Where it has not been possible to avoid significant negative effects, opportunities have been sought to reduce the effects, ideally to the point where they are no longer significant. If this has not been possible, but the Scheme is permitted, compensation may be appropriate. This will be designed to meet specific environmental objectives that would deliver meaningful compensation for the negative effects that are predicted.

4.7.2 Mitigation measures fall into 3 broad categories:

- Mitigation in the strict sense – i.e. measures taken to avoid or reduce negative effects. Measures may include locating the development and its working areas and access routes away from areas of high environmental sensitivity, fencing off sensitive areas during the construction period, or timing works to avoid sensitive periods. Mitigation measures associated with construction are outlined in, for example, the Construction Environmental Management Plan (CEMP), the Site Waste Management Plan (SWMP) and the Traffic and Transport Management Plan as reference in Chapter 2 The Proposed Scheme, Volume 6.1.
- Compensation – the use of replacement areas to make up for the loss of, or permanent damage to resources. Any replacement area should be similar to or, with appropriate management, have the ability to reproduce the functions and conditions of those resources that have been lost or damaged.
- Offsetting – the provision of a benefit that is related to the effect, but is not a like-for-like replacement of the feature to be lost.

4.7.3 Where practicable the Scheme would seek to provide environmental enhancements as part of the detailed design. These could include features such as enhanced flood protection or using surplus topsoil. While environmental enhancements are not assessed within this ES, they would be considered at the detailed design stage.

### Implementation and Enforcement of Mitigation

4.7.4 Mitigation will be secured by way of requirements in the DCO including that the scheme is undertaken in accordance with the CoCP (which includes detailed provision on mitigation of construction impacts); specific mitigation obligations in key topic areas such as landscaping, drainage and contaminated land.

4.7.5 Highways England will place a contractual responsibility on detailed design and construction contractors to comply with the DCO requirements. Discharge of these requirements would be by consent from the SoS, generally following consultation with the relevant planning or environmental authority.

4.7.6 Highways England will also place a more detailed contractual responsibility on detailed design and construction contractors to design and construct the project providing the same level of mitigation as the environmental design in Figure 2.6 and 2.7, Volume 6.2, and the Register of Environmental Actions and Commitments contained in the Outline CEMP contained in Appendix 17.1, Volume 6.3.

## **4.8 Assumptions and Limitations**

4.8.1 Assumptions and limitations have been described on a topic by topic basis, within Chapters 5 to 16, Volume 6.1. The following assumptions relate to the overall EIA:

- The baseline year for the assessment is topic specific.
- The Environmental mitigation works and advanced statutory undertakers works are assumed to start in January 2018 with the main construction works to commence in August 2018 and to be complete by the beginning of May 2020.
- Chapter 5 Air Quality and Chapter 11 Noise and Vibration are both based on traffic data and therefore the Opening Year is assumed to be 2018.

## **4.9 Scope of the EIA**

### **Chapter Structure**

4.9.1 The generic structure for most environmental topics is as follows:

- Introduction.
- Legislative and Policy Framework.
- Method of Assessment.
- Consultation.
- Assumptions and Limitations.
- Baseline Information.
- Mitigation and Compensation Measures.
- Predicted Effects.
- Conclusions.

## **4.10 Combined and Cumulative Effects**

4.10.1 Combined and cumulative effects have been identified. Combined effects are those caused only by the Scheme (the Main Scheme and / or the Alternative Scheme), which arise when an individual receptor or group of receptors would experience multiple effects as a result of the Scheme, for example an individual property experiencing noise, air quality and visual amenity effects. Cumulative effects arise due to receptors being affected by the Scheme (the Main Scheme and / or the Alternative Scheme) and by other planned developments. In both cases, combined and cumulative effects may be of greater significance than the individual significance of any of the identified non-cumulative effects.

- 4.10.2 Relevant developments to be considered in the assessment of the cumulative effects have been identified through consultation with Highways England, ABC and Kent County Council (KCC).

#### **4.11 Dealing with Uncertainty**

- 4.11.1 There is potential for variation in the range of impacts and associated significance of effects of both the Main Scheme and the Alternative Scheme as the project progresses from outline towards a detailed level of design. The ES will therefore assess a realistic worst case scenario for adverse and beneficial effects where any uncertainty exists. This means that within a range of possible assumptions regarding an activity, the ES will report upon the higher level of likely impacts and effects in accordance with the precautionary principle.
- 4.11.2 This approach reflects the need for project design to evolve over time and is referred to as the Rochdale Envelope, after the established principle set out in the cases of R v Rochdale Metropolitan Borough Council ex p Milne (2000) and R v Rochdale Metropolitan Borough Council ex p Tew (1999). The Planning Inspectorate's Advice note nine: Rochdale Envelope (Planning Inspectorate, 2012a) describes the level of detail that must be provided to enable a proper assessment of potential impacts and the subsequent development of mitigation, where necessary.
- 4.11.3 The design of both the Main Scheme and the Alternative Scheme has been progressed to the preliminary design stage, or Stage 3 of Highways England's Product Control Framework (PCF), where the footprint of the Scheme has been fixed. However, where other design elements remain uncertain, this has been stated within the Limitations and Assumptions sections of Chapters 5 to 14, Volume 6.1.

#### **4.12 Transboundary Effects**

- 4.12.1 Transboundary effects have not been considered within this EIA, as they were scoped out of the assessment in the 2015 Scoping Report as none of the proposed topic study areas reach other European Economic Area (EEA) members states.

#### **4.13 Summary of Consultation**

- 4.13.1 This section provides a brief summary of the consultation undertaken to date on both the Main Scheme and the Alternative Scheme. It includes an outline of the statutory and non-statutory consultation and outlines proposed ongoing consultation activities. The Consultation Report is available as part of the DCO submission, DCO document number 5.1.

## Historic Consultation

- 4.13.2 Prior to the 2016 consultation, the Scheme has, over a period of 9 years, progressed through the pre-application stages.
- 4.13.3 In 2008 a Preferred Scheme Consultation took place between 13 June to 5 September 2008 on 3 options, a 'Proposed Option' and 2 alternative options (further improvements to the existing junction 10 and junction 10a single bridge interchange). More details on the Options are provided in Chapter 3 Consideration of Alternatives, Volume 6.1.
- 4.13.4 Information issued to Statutory Consultees included the Stage 2 Environmental Assessments Reports. Statutory Consultees included KCC, ABC, the Environment Agency, the former English Heritage (now Historic England) and the former English Nature (now Natural England).
- 4.13.5 The public were issued a leaflet informing of the Scheme proposals, details of upcoming exhibitions and contact details. In addition, the leaflet contained a questionnaire for ascertaining information on the type of user of the Scheme as well as inviting respondents to feedback on the proposals. Public exhibitions were held in June 2008 over 2 days and attended by approximately 300 visitors.
- 4.13.6 A total of 384 completed questionnaires were received during the consultation period, the majority from residents in the local area, and 78 responses were issued as a result of comments received. A consultation report was issued to the former Highways Agency on the consultation. Responses received contributed to a modified preferred scheme.
- 4.13.7 The consultation found an overall preference (64%) for the option which is currently being assessed as the preferred route, as announced in 2010, which is the basis of the current design.

## 4.14 Statutory Consultation

### Scoping Report

- 4.14.1 A Scoping Report was prepared for the Main Scheme to inform the request for a Scoping Opinion from Planning Inspectorate (PINS). The Scoping Report set out the proposed scope of work and methods to be applied in carrying out the EIA, and the proposed structure of the ES.
- 4.14.2 The Scoping Report was submitted to PINS on 21 January 2015 by the Highways Agency under Regulation 8 of the Infrastructure Planning (EIA) Regulations 2009, in order to request a Scoping Opinion. The Scoping Report was issued to 66 bodies including Local Authorities, relevant statutory undertakers, Statutory Environmental Bodies (SEB), Parish Councils and health bodies. Twenty-one consultees replied by the statutory deadline. A full

list of the consultees and respondents are outlined within the Scoping Opinion, contained in Appendix 4.1, Volume 6.3.

- 4.14.3 A Scoping Opinion on the Main Scheme was received from PINS on 3 March 2015. The main potential issues identified within the Scoping Opinion were:
- Transportation: the ES should identify proposed routes to and from the construction site for both construction vehicles and workers.
  - Community effects: the proposed scope should include an assessment of the employment opportunities associated with the Main Scheme, in particular with respect to local effects.
  - Drainage: ABC highlighted the Council's Sustainable Drainage Supplementary Planning Document. The SoS advised the applicant to liaise with the Council regarding the requirements of this policy and with respect to achieving a scheme drainage design that provides strategic and long term benefits.
  - Noise and Vibration: the noise and vibration assessments should take account of the traffic movements along access routes, especially during the construction phase.
  - Landscape and visual: the SoS noted comments from ABC regarding expansion of the study area to include consideration of Kent Downs AONB and views from the Wye and Crundale Downs.
  - Emissions to air and water: as well as emissions related to vehicular movements associated with the proposal, the assessment should take account of effects due to an increase in airborne pollution including fugitive dust during site preparation, demolition and construction.
- 4.14.4 Topic specialists have addressed issues identified in the Scoping Opinion relating to their disciplines. A document showing how each issue has been addressed is provided in Appendix 4.2, Volume 6.3.
- 4.14.5 A Health Impact Assessment (HIA) Navigation document has been produced to address the comments from Public Health England and is provided in Appendix 4.3, Volume 6.3.
- 4.14.6 The SoS also recommended that a section be included in the ES outlining the main alternatives studied by the applicant and the main reasons for the applicants choice, taking into account the environmental effects. Chapter 3 Consideration of Alternatives, Volume 6.1 provides a discussion of alternatives previously considered and the reasons for the selection of both the Main Scheme and the Alternative Scheme.

### **Section 42 and 47 Consultation**

- 4.14.7 Highways England held a statutory period of consultation in accordance with the Planning Act 2008 (Act) for a period of nine weeks from 14 January to 17 March 2016. Statutory consultation was held under sections 42, 47 and 48 of

the Act. A further Section 48 statutory consultation was for an additional 5 weeks from 31 March to 5 May 2016 providing further Scheme details. During the consultation the following groups were consulted.

- All prescribed consultees under section 42 (1) (a).
- All relevant local authorities under section 42 (1) b).
- All relevant land interest parties under section 42 (1) (d).
- Consultation with the community living in the vicinity and surrounding area under Section 47.

4.14.8 The purpose of the consultation was to invite consultees to participate and respond to the Scheme proposals. Highways England has a duty under Section 49 to take account of the responses. The results of the statutory consultation are reported in the Consultation Report, DCO Submission document number 5.1.

4.14.9 Consultation included a variety of events and opportunities for consultees to provide comment. Table 4.2 provides a summary of the formal consultation carried out, including who was consulted and the methods used.

Table 4.2 Formal Consultation Activities

Consultation Activity	Consultees
<p>Under section 47(6) of the Planning Act 2008, a Statement of Community Consultation (SoCC) was published online on Monday 21 December 2015 on the Scheme page and a notification published on Thursday 31 December 2015 and Thursday 7 January 2016 in:</p> <ul style="list-style-type: none"> <li>• The Ashford Herald.</li> <li>• Kentish Express.</li> <li>• Folkestone and Hythe Express.</li> <li>• Folkestone Herald.</li> <li>• Dover Express.</li> </ul>	<p>Local readers of the selected newspapers and online users.</p>
<p>Under Section 48 of the Planning Act 2008 and in accordance with Regulation 4 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, a notice was published in national and regional newspapers to publicise Highways England's proposed DCO application. The section 48 notice was published in the following newspapers:</p> <ul style="list-style-type: none"> <li>• The Times and London Gazette on 31 January 2016.</li> <li>• Kent Express on 4 and 14 January 2016.</li> <li>• Ashford Herald on 14 and 21 January 2016.</li> </ul>	<p>Local readers of the selected newspapers</p>
<p>A consultation flyer was distributed door-to-door containing information on the consultation background and exhibition events and where to access the Statement of Community Consultation (SOCC).</p>	<p>Approximately 17,462 non addressed residents and businesses within the Scheme</p>

Consultation Activity	Consultees
	location, including the parishes of Mersham, Sevington, Wye and Hinxhill.
A letter was issued on 8 January to notify statutory consultees of Section 42.	Prescribed stakeholder organisations and landowners.
A notification of the Scheme webpage was sent to 5995 registered users informing individuals of a change to the Scheme page which contained information on the launch of the Section 47 consultation.	Individuals whom had previously registered on the Scheme webpages to receive further communications.
<p>Details of the times and dates of the public exhibitions were advertised on 31 December 2015 and 7 January 2016 in the following newspapers:</p> <ul style="list-style-type: none"> <li>• Ashford Herald.</li> <li>• Kentish Express.</li> <li>• Folkestone and Hythe Express.</li> <li>• Folkestone Herald.</li> <li>• Dover Express.</li> </ul>	Local readers of the selected newspapers
A main public exhibition across 3 days and 2, 1-day events were held. These events allowed visitors to view the Scheme proposals and images, converse with the project team, collect the Scheme consultation brochure and questionnaire and comment on the proposals verbally or by completing the consultation questionnaire.	General public. Venue and number of attendees detailed in Table 4.3.
Consultation materials were available to view at 9 community locations. The Exact locations are listed below in Section 4.14.10.	General public
The consultation events were promoted online on Root & Branch, Ashford Voice, Business News and on ABC's website.	Online users

### Consultation Materials

4.14.10 During the consultation period between 14 January to 17 March, materials were available to view at the exhibition events, at nine community locations and online at:

<http://www.highways.gov.uk/roads/road-projects/m20-junction-10a/>

4.14.11 These materials were focused on the Main Scheme and included:

- Consultation brochure and questionnaire.
- Exhibition boards, summarising the consultation brochure.
- M20 junction 10a Statement of Community Consultation (Highways England, 2015).
- M20 junction 10a Consultation Information Sheet.
- M20 junction 10a Preliminary Environmental Information Report – Executive Summary (Highways England, January 2016).

- M20 junction 10a Preliminary Environmental Information Report (Highways England, October 2015).
- 4.14.12 Reference was also made to the Alternative Scheme in the Consultation Brochure and Exhibition Board graphics, with the location of the access junction to the Stour Park development circled.
- 4.14.13 The locations of the 9 community locations for viewing of the consultation materials were:
- William Harvey Hospital, Kennington Road, Ashford, TN24 0LZ.
  - Willesborough Post Office, 65 Church Road, Ashford, TN24 0JZ.
  - Mersham Stores and Post Office, 8 The Street, Ashford TN25 6NA.
  - Ashford Gateway Plus, Church Road, Ashford, TN23 1AS.
  - Ashford Cattle Market, Orbital Park, Ashford, TN24 0HB.
  - Ashford Borough Council Offices, Civic Centre, Tannery Lane, Ashford, TN23 1PL.
  - Willesborough Garden Centre, Hythe Road, Willesborough, Ashford, TN24 0NE.
  - Brabourne Lees Village Shop and Post Office, Lees Road, Brabourne Lees, Ashford, TN25 6QE.
  - Kent County Council County Hall, Maidstone, ME14 1XQ.
- 4.14.14 The Preliminary Environmental Information Report (PEIR), published in 2015, provided information available at the time on likely significant environmental effects as a result of the Main Scheme, to enable the public to gain a good understanding of the Main Scheme and to make informed responses regarding likely environmental effects.

### Consultation Events and Public Viewing Places

- 4.14.15 A series of exhibition events were held to provide an opportunity for the public and statutory consultees to view the Main Scheme proposals, to discuss queries or concerns with members of the project team and to comment on the proposals by completing a questionnaire. All consultation venue locations and dates were based on accessibility for individuals, including a selection of weekend and evening venues, accessible entrances and clear signage. Table 4.3 lists the location and attendance at the exhibition events.

Table 4.3 Venues and attendance of the exhibition events

Date	Venue	Number of attendees
21 January 2016; 12:00-20:00.	The New Ashford Market (Amos Hall), Ashford TN24 0SE.	414
22 January 2016; 10:00-20:00.		
23 January 2016; 09.30-15.30.		

Date	Venue	Number of attendees
3 February 2016; 11:00-15:00.	ASDA, Kimberly Way, Ashford TN24 0SE.	Approximately 50.
10 February 2016; 11:00-15:00.	Ashford Designer Outlet, Kimberly Way, Ashford TN24 0SD.	Approximately 50.

4.14.16 Consultation responses were collated and reviewed by the project team on 2 occasions, during and after the consultation period. Consultation responses were organised by each statutory consultation, the Scheme’s main design features and key topics raised in association with each. The Consultation Report, DCO document number 5.1, details what has been done to comply with Sections 42, 47 and 48 of the Planning Act, any relevant responses, and the account taken of any relevant responses, in accordance with Section 49 of the Act.

4.14.17 The responses received from Section 42, 47 and 48 have assisted in shaping the Scheme.

#### Additional Consultation ‘Update’ Period

4.14.18 As a result of Scheme developments and on advice from PINS, the Section 42 consultation was re-opened from 31 March until 5 May 2016. Consultation material included the full extent of the revised Red Line Boundary and details on the Stour Park Access, part of the Alternative Scheme. This consultation period consisted of a new consultation brochure and advertising, with no additional events taking place.

#### 4.15 Non-Statutory consultation with Statutory Environmental body (SEB)s and Others

4.15.1 Consultation was carried out prior to and during the consultation period in the form of meetings, formal responses to documents, and emails with the following SEBs, third parties, local interest groups and the community :

- Environment Agency.
- Natural England.
- Historic England.
- Kent Wildlife Trust.
- Kentish Stour Countryside Project.
- Kent Badger Group.
- Kent Bat Group.
- Ashford Borough Council.
- Kent County Council.
- Landowners within 250m of the Main and Alternative Schemes.

4.15.2 Table 4.4 outlines the issues raised and outcomes of consultation activities carried out.

Table 4.4 Consultation Activities with Statutory Bodies and Others

Consultation activity	Consultees participated	Key issues raised/outcomes
Meeting 17 February 2015 and 2 September 2015.	Environment Agency.	<p>Environment Agency was made aware of the details of the Scheme with regards to the water environment and flood risk.</p> <p>FRA methodology agreed, including method for assessing channel capacity.</p> <p>ES and WFD methodology agreed, including new WFD screening guidance document recently produced by the EA.</p> <p>Drainage strategy agreed, including requirements for climate change allowance and run-off rates.</p>
Meeting 24 March 2015.	Historic England.	<p>Discussion of comments on the Scoping Report and to agree the scope of the assessment for the ES. Led to the amendment of the study area - the study area within the ES is 1km - this is appropriate for the ES however, heritage assets outside of 1km should be included.</p>
Letter, questionnaire and map sent to landowners on 28 October 2015.	Landowners within 250m of the Scheme.	<p>Landowners within 250m of the Main Schemes were contacted regarding an agricultural activities questionnaire enquiring into the nature of activities and private water supply associated with the landowners' land. This was required for the agricultural land assessment contained within Chapter 13 Community and Private Assets, Volume 6.1.</p>
Formal written response to the PEIR 21 December 2015.	Natural England.	<p>Formal response to PEIR received following MMSJV request to provide advice upon impacts (direct and indirect) along with possible mitigation measures in relation to a SSSI, AONB and protected species.</p> <p>Comments received regarding:</p> <ul style="list-style-type: none"> <li>• SSSI: a detailed assessment of the impacts to the SSSI should be undertaken following traffic modelling.</li> <li>• Protected and notable species: ensure that protected and notable species within the development boundary are recorded.</li> </ul>
Formal written response to the Planning Application.	Archaeological advisor (Kent County Council Historic Environment Service) for Ashford Borough Council.	<p>Comments regarding land and archaeology on the north side of Highfield Lane, Sevington.</p> <p>Archaeological evaluation of the site has not revealed any significant archaeology.</p>
Meeting 13 January	Kent Wildlife Trust.	<p>Overview of ecological mitigation provided e.g.</p>

Consultation activity	Consultees participated	Key issues raised/outcomes
2016.		<p>enhancements to wildlife connectivity, hedgerow and tree planting, enhancements of receptor sites, pollution prevention objectives, avoidance measures such as habitat retention.</p> <p>Discussion of the roadside nature reserve.</p> <p>The proposal to retain the land between Aylesford Stream and the proposed link road in order to enhance the site for net biodiversity gain has been put forward and is supported by the project team.</p>
Meeting 13 January 2016.	Kentish Stour Countryside Project (KSCP).	<p>KSCP is able to support in the delivery of mitigation and can help in monitoring populations of water vole for example.</p> <p>KSCP is interested in any mitigation proposed that would increase the water and habitat quality.</p>
Meeting 13 January 2016.	Kent Badger Group.	Kent Badger Group was satisfied that the mitigation recommendations discussed were suitable and appropriate.
Meeting 8 March 2016.	Historic England.	<p>Discussion regarding the potential effects on St Marys Church.</p> <p>Historic England requested sight of the detailed assessment within the Cultural Heritage E chapter for which the end of April has been noted as a possible timeframe to send this.</p> <p>Historic England are to provide comments on this within two weeks of receipt of the chapter.</p>
Meeting 16 March 2016.	Kent Bat Group.	Kent Bat Group was satisfied that the mitigation recommendations discussed were suitable and appropriate.
Meeting 21 March 2016.	Ashford Borough Council	A meeting with the Head of Planning and the Environmental Health Officer to provide an update on the Main and Alternative Schemes and an overview of the emerging Air Quality and Noise and Vibration Assessments (methodology and potential effects).
Meeting 21 March 2016.	Environment Agency.	<p>Discussion surrounding the proposed weir removal, Flood Defence Consent, Statement of Common ground, new government guidance on climate change, Water Framework Directive assessment and pollution prevention strategy.</p> <p>It was agreed that MMSJV would provide Environment Agency with a draft of the protective provisions and drawings showing the current conditions and the proposed design - including cross-sections / plan view / elevations with</p>

Consultation activity	Consultees participated	Key issues raised/outcomes
		dimensions. MMSJV to also provide the draft FRA, WFD and DCO wording in order to facilitate the Environmental Agency commenting on DCO submission documents and in order to inform the production of the Statement of Common Grounds.
Meeting 21 April 2016.	Natural England.	A meeting to discuss the mitigation proposals for protected species, specifically; badgers, bats, water voles, great crested newts, dormice and reptiles.
Meeting 9 May 2016.	Ashford Borough Council and Kent County Council.	A meeting to discuss the emerging ES including any key mitigation and or issues. A number of actions were taken forward including the incorporation of a Minerals Assessment into Chapter 9 Geology and Soils, Volume 6.1 and an additional drainage sensitivity test to consider attenuation with an increased (+40%) event to assess exceedance flow paths for the new attenuation ponds.

4.15.3 Details regarding topic specific consultation are contained within Chapters 5 to 16, Volume 6.1.

#### **4.16 PINS Engagement**

4.16.1 Meetings were held with the Planning Inspectorate (PINS) to discuss legal aspects, to confirm and clarify requirements and timings of the DCO submission and Scheme programme and to discuss the requirements of the assessment of both the Main Scheme and the Alternative Scheme.

4.16.2 Highways England also submitted selected draft DCO documents to PINS to seek feedback on the DCO application. Documents issued to PINS included: the draft DCO, Book of Reference, Statement of Reasons, Funding Statement, Consultation Report and Assessment of Implications of European Sites (AIES). The ES did not form part of the draft DCO documents submitted as it was still being drafted.

#### **4.17 Ongoing Consultation**

##### **Statements of Common Ground**

4.17.1 A Statement of Common Ground (SoCG) is a written statement setting out issues of agreement, and is prepared jointly by an applicant and other parties, including statutory and non-statutory stakeholders. As such, the SoCG also establishes issues about the design and / or impacts of the project which are not agreed between the applicant and parties. Stakeholders that have been invited to be involved in the preparation of a SoCG for both the Main and the Alternative Schemes include:

- ABC.

- KCC.
- SEBs such as Natural England, the Environment Agency and Historic England.