

Development Directorate

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The Planning Inspectorate
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Our Ref: 15/00001/NSIP/AS
Your Ref: TR010006
Date: 01 August 2016

Dear Madam

Location: Proposed M20 New junction 10A and M20 to A2070 Link Road, Bad Munstereifel Road, Sevington, Kent
Proposal: Application by Highways England for an Order Granting Development Consent. Adequacy of consultation request

Thank you for your letter dated 19 July 2016 inviting Ashford Borough Council to make representations on the adequacy of consultation carried out by Highways England.

Ashford Borough Council having reviewed the information provided in the consultation report considers that based on the information provided Highways England have undertaken consultation in accordance with sections 42, 47 and 48 of the Planning Act. The Council's comments are outlined below.

Section 47 Duty to consult local community

(1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land

Highways England prepared two draft Statements of Community Consultation.

(2) Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement

Highways England consulted Ashford Borough Council on the two draft statements of community consultation.

First draft statement on 9 February 2015 and second draft statement on 26 October 2015.

(3) The deadline for the receipt by the applicant of a local authority's response to

consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.

Highways England gave a 28 day consultation period. Ashford Borough Council responded to both within that time period.

First draft statement submitted 9 February 2015. Ashford Borough Council replied 6 March 2015.

Second draft statement submitted 26 October 2015. Ashford Borough Council replied on 23 November 2015.

(5) In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant before the deadline imposed by subsection (3).

Ashford Borough Council made a number of comments on both draft Statements of Community Consultation.

With reference to the second draft Statements of Community Consultation submitted on 26 October 2015 Highways England amended the statement taking into account most of these comments, notably the requirement of a 9 week consultation period. This allowed the proposals to be reported to Ashford Borough Council's Planning Committee to agree the formal Council's response to the proposals. The comments not taken into account were the suggested public viewing areas at Costcutter (405 Hythe Road) and the Tesco store at Crooksfoot.

(6) Once the applicant has prepared the statement, the applicant must publish it—

(a) in a newspaper circulating in the vicinity of the land, and (b) in such other manner as may be prescribed.

It noted in chapter 5 of the consultation report that newspapers it was published included the Ashford Herald, Folkestone Herald, Dover Express, Kentish Express, Folkestone and Hythe Express.

(7) The applicant must carry out consultation in accordance with the proposals set out in the statement

The consultation report outlines that this was undertaken. The consultation included a 17,462 letter drop consulting businesses and residents in the TN post code area. The Council has not seen the data base of addresses as to who it was sent to. The Council did not attend the public exhibitions/events but notes the report confirms they were held.

42 Duty to consult

The applicant must consult the following about the proposed application—

(a) such persons as may be prescribed,

(b) each local authority that is within section 43,

(c) the Greater London Authority if the land is in Greater London, and

(d) each person who is within one or more of the categories set out in section 44.

The land falls within the administration boundary of Ashford Borough Council. The Council was consulted on the first and second consultations as below including as landowner :

- First consultation from 14 January 2016 to 17 March 2016.
- Second consultation from 31 March to 5 May 2016.
- Ashford Borough Council was not one of the additional parties identified in the third consultation running from 20 May to 3 July 2016.

First consultation from 14 January 2016 to 17 March 2016.

The information submitted by Highways England was published on their website. It included the M20 junction 10a consultation and community questionnaire – 2016. This described the proposals and provided diagrams of the scheme. These were not detailed scale plans and the Council's comments were based on the level of detail provided and reserved its position on certain matters.

A M20 Junction 10a Preliminary Environmental Information Report/ Executive Summary 2016 was provided as part of the preparation of the Environmental Statement. The information was preliminary as the scheme's design was being developed and the process of gathering information was still being undertaken so a number of environmental impacts could not be fully assessed. This was outlined in the Council's response below.

The Council made its formal comments in a letter dated 16 March 2016 following the report to its Planning Committee on 9 March 2016.

Overall Ashford Borough Council considered there is a compelling need in principle for a new Junction 10a and A2070 link road to provide further capacity to facilitate residential and employment development within the Ashford growth area identified in its existing development plan documents.

There were a number of matters and issues raised:

- There is a lack of detailed plans and information to enable a detailed assessment of the scheme's environmental and social impacts and to consider the acceptability of mitigation measures.
- There is no traffic data and modelling work provided so traffic and environmental impacts could not be assessed.
- Further detailed scaled drawings are requested including levels and cross sections of the proposals including arboriculture report.
- It is requested that there is a right hand signalised turn-out from Barrey Road onto the A2070. It is requested that the proposals include details of the closure of the vehicular link between Kingsford Street and Highfield Lane to be provided and implemented.
- It is required that the traffic modelling work include the option of the existing Junction 10 east facing slip roads being retained.
- The signing for M20 Junction 10 should be downgraded to provide for local route

choices, including reference to the Accident & Emergency facility at the William Harvey Hospital and Junction 10a would cater for strategic movements.

- There is concern about the overall visual impact on the rural character of Kingsford Street with the loss of existing trees and landscaping and the effect on the amenity of nearby residents.
- Drainage details being provided.
- Information to demonstrate that mitigation can be implemented to maintain the protected species population within the surrounding area.
- All potential sources of contamination are properly identified and mitigated. A pollution assessment should be carried out to confirm that no air quality management area needs to be created in the vicinity of the site.

Highways England have outlined their response to the consultation in appendix D2,

Second consultation from 31 March to 5 May 2016.

This consisted of further documents including a questionnaire showing proposals with a changed redline and included an alternative access arrangement for the Stour Park development with some traffic data

- Ashford Borough Council reiterated comments made on the first consultation and made some additional comments on detail matters: Concern about Impacts on/Pilgrims Hospice/ residents on A20 Hythe Road from proposed works and construction compounds.
- The loss of trees and the lack of an arboricultural assessment to assess impacts and mitigation in particular impacts on Kingsford Street.
- The principle of an access link to the Stour Park Development was supported. The proposals need to ensure this is provided and the A2070 link road should provide substantial landscaping.

Third consultation running from 20 May to 3 July 2016.

Ashford Borough Council was not one of the additional parties identified in this consultation.

Non-statutory consultation

Ashford Borough Council can confirm Highways England have since provided a further set of plans on 28 April 2016 to the Council with some cross sectional drawings.

Further information was provided by Highways England's Environmental consultants on 18 July 2016 including Environmental Masterplan and Cross Sections, Flood Risk Assessment (mentioned in their letter dated 16/03/16 attached), Water Framework Assessment, Arboriculture Survey Report. These have only recently been submitted and no comments have been made at present and will be provided at the NSIP application stage.

Ashford Borough Council officers have had a meeting and attended a workshop with other partners on 10 May 2016 with Highways England's environmental consultants looking at the content of the emerging environmental statement.

There has been regularly meetings between Highways England and Ashford Borough Council to discuss issues. Highways England have attended meetings with the Junction 10a Community Group which comprises of local stakeholders such as Council officers, Parish Councils, local councillors and residents. This is a forum to allow issues to be raised with Highways England.

Local Authority as landowner

A requisition for information was submitted to Ashford Borough Council which it responded to in May 2016.

A letter was sent to Ashford Borough Council on 17 June 2016 concerning the acquisition of land that formed part of a recreation ground owned by the council which the Council responded to on 30 June 2016.

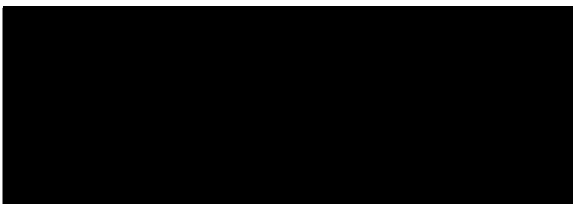
48 Duty to publicise

(1) The applicant must publicise the proposed application in the prescribed manner.

(2) Regulations made for the purposes of subsection (1) must, in particular, make provision for publicity under subsection (1) to include a deadline for receipt by the applicant of responses to the publicity

Ashford Borough Council notes the publicity undertaken in the consultation report.

Yours faithfully



Head of Development, Strategic Sites and Design

