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BY EMAIL ONLY

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2 August 2016

Dear Susannah,

Re: Application by Highways England for an Order Granting Development Consent for the M20 Junction 10A - Adequacy of Consultation Request

Thank you for your letter dated 19 July 2016 inviting Kent County Council (KCC) to comment on whether Highways England (HE) has complied with sections 42, 47 and 48 of the Planning Act 2008 (as amended) in relation to the application for the M20 Junction 10A.

The County Council has considered the requirements of the Planning Act 2008 (as amended) and comments as follows:

42 Duty to consult

Chapter 7 (pages 65-73) and table 11-1 (page 84) of the Consultation Report set out how HE has complied with Section 42 of the Act.

HE undertook a 9 week period of formal consultation from 14 January to 17 March 2016. The County Council was consulted in accordance with Section 42(b) and by virtue of Section 43(3)(a). KCC submitted its response on 17 March 2016. During this consultation period, the County Council also commented on the HE Signing Strategy Report in a response dated 28 January 2016.

HE undertook an additional period of formal consultation from 31 March to 5 May 2016. The County Council was consulted and submitted its response on 5 May 2016.

The applicant is considered to have complied with its duty under Section 42 of the Planning Act 2008.

47 Duty to consult local community

Chapter 6 (pages 33-64) and table 11-1 (page 85) of the Consultation Report set out how HE has complied with Section 47 of the Act.

In accordance with Section 47(1), HE prepared a Statement of Community Consultation (SOCC) setting out the proposed consultation methodology. Ashford Borough Council and KCC were consulted on the content of the SOCC in accordance with Section 47(2) and by virtue of Section 43(1). The County Council, as Local Highway Authority, submitted a response dated 12 February 2016 following publication of the SOCC under Section 47(6).

KCC considers that the consultation has been carried out in general accordance with the proposals set out in the SOCC.

The applicant is considered to have complied with its duty under Section 47 of the Planning Act 2008.

48 Duty to publicise

Chapter 8 (pages 74-75) and table 11-1 (page 86) of the Consultation Report set out how HE has complied with Section 48 of the Act.

The applicant is considered to have complied with its duty under Section 47 of the Planning Act 2008.

49 Duty to take account of responses to consultation and publicity

It is noted that your letter does not refer to Section 49 of the Act. Section 49 is also considered relevant at this stage in order to consider whether HE had due regard to the responses received. Therefore the County Council raises the following issues regarding the adequacy of the HE response to comments raised throughout the pre-application stage.

Lead Local Flood Authority

Since April 2015 KCC, as Lead Local Flood Authority (LLFA), was also designated a statutory consultee for surface water management. The Consultation Report does not include any reference to the role of the LLFA and the capacity in which the County Council commented on matters relating to flood risk. KCC is satisfied that HE has adequately considered its queries relating to flood risk matters but for the benefit of the Planning Inspectorate, it would have been appropriate for HE to highlight that it has engaged with KCC in its function as LLFA.

Local Highway Authority

Within its response to the SOCC, the County Council, as Local Highway Authority, identified a recognisable issue relating to the status of the A20 Hythe Road in the context of the M20 J10A. The A20 Hythe Road currently

forms part of the local road network. However, the closure of the east-facing slips as part of the proposals for the M20 J10A would result in a greater volume of coast-bound traffic using the A20 Hythe Road. Accordingly, it is necessary for KCC to raise this as a matter requiring further discussion with its various Asset Managers and HE.

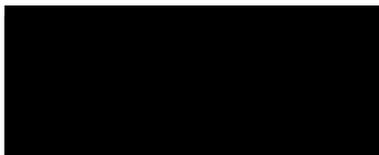
KCC considers that a suitable way forward would be for HE to take on maintenance responsibility for the section of A20 Hythe Road between the extent of the HE asset at the M20 J10 and the proposed connection of the M20 J10A with the A20 Hythe Road. This request will not have implications on the cost of constructing the M20 J10A scheme as maintenance is an ongoing requirement post scheme implementation. It is commonplace for such discussions to take place in respect of long-term asset status, and the County Council is mindful that the matter should be resolved as soon as practicably possible.

Public Rights of Way

The Consultation Report states that KCC has not requested a bridleway alongside the A2070 (para. 6.5.23 page 49 and table 6-21 page 63). This is correct although the County Council has previously requested¹ that the Kingsford Street Bridge has equestrian provision.

If you require any further information or clarification on any matter in this letter then please do not hesitate to contact me.

Yours sincerely,



Katie Stewart
Director - Environment, Planning and Enforcement

¹ See for example record of meeting/ discussion dated 27 March 2015 following a teleconference between Colin Finch (KCC) and Jamie Roan (Mott MacDonald). Item 4.