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BY EMAIL ONLY

16 January 2017

Dear Mr. Price,

Re: Application by Highways England for an Order granting development consent for the proposed M20 Junction 10a – Written Representation

Kent County Council (KCC) has set out its position in relation to the proposed development in the Relevant Representation (RR-026) and looks forward to the Highways England (HE) response to the matters raised.

A general update on the principal submissions outlined in KCC's Relevant Representation is provided below. This letter should be read in conjunction with the detailed comments for clarification and/ or additional information set out in the County Council's response to the Examining Authority's first written questions.

KCC fully supports the proposal and has set out its commitment to work closely with Ashford Borough Council (ABC) in delivering its 'Big 8' strategic projects and in supporting the delivery of the Borough Council's growth agenda, which is set out in the emerging Local Plan 2030. In principle, there is a compelling need for a new Junction 10a and link road to provide further capacity to facilitate residential and employment development in the Ashford Borough, as identified in Ashford's existing and emerging development plan documents.

Highways and Transportation

It is the view of the County Council – as Local Highway Authority – that HE should take on maintenance responsibility for the section of A20 Hythe Road between the extent of HE's asset at M20 J10 and the proposed connection of M20 J10A with the A20 Hythe Road.

There is a congestion issue with traffic attempting to access the A2070 trunk road network at its junction with Barrey Road and severe delays are routinely experienced. KCC is satisfied that this issue will be addressed outside the remit of this scheme, provided that HE provides resources and gives the necessary land and permissions to facilitate and implement any improvements required around the junction.

KCC intends to stop up and provide a turning head to alleviate the potential for rat running along Kingsford Street to Mersham and to mitigate the potential for HGV traffic using an unsuitable route to bypass J10a when there are issues on the

strategic network. This will be undertaken outside the remit of this scheme, and HE will need to allow the necessary access for these works.

Public Rights of Way

In respect of Kingsford Bridge, KCC understands that the bridge will be designed to accommodate equestrians and that sign 956.1 will be erected, which allows for this. Provided that this provision is incorporated into the proposal, KCC's comments in its Relevant Representation (RR-026) requiring equestrian provision are now addressed.

In relation to PRow – south side, KCC would expect drawings to show gaps in any drainage ditches/lagoons, to show that connections from the retained PRow are physically possible. This is a simple but necessary change, which KCC is not content has yet been adequately addressed.

Cultural Heritage

KCC considers the assessment of cultural heritage issues to be reasonable.

Assessment of Sevington Church should reflect the complexity of its significance and mitigation will need to be agreed with Historic England. KCC advises that impacts on heritage and the setting of Sevington Church and landscape features need also to be discussed with KCC. KCC would welcome an opportunity to be part of any discussions between Highways England and Historic England.

Evaluation work is limited in suggesting that there are no significant archaeological remains and archaeological mitigation needs to be integrated into all aspects of the scheme.

Biodiversity

The County Council is satisfied that there is a sound understanding of what species and habitats are present and the mitigation required. There is a need to ensure that the time to create/ enhance the habitat for the required mitigation is considered in the development timetable. In addition, where relocation is proposed, HE will need to ensure that this takes into account any planned/consented developments, to ensure that the mitigation proposed can take place.

Surface Water Management

The flood risk assessments and drainage strategy information have been reviewed and KCC – as Lead Local Flood Authority – is generally satisfied with the proposal for the management of surface water.

Minerals and Waste

The Minerals Assessment that HE has carried out is not comprehensive enough to comply with the Kent Waste and Minerals Plan 2013-30. A Minerals Assessment, examining the actual occurrence, characteristics and viability of the three identified economically important minerals (Sub-Alluvial River Terrace Deposits, Weald Clay Formation and the Hythe Formation (Kentish Ragstone)), will need to be undertaken. The scheme should be assessed against the exemption from the safeguarding presumption criteria as set out by Policy DM7 of the Kent Waste and Minerals Plan

2013-30, to ascertain whether the scheme is incompatible or not with minerals safeguarding.

HE's Draft Development Consent Order (DCO)

KCC has provided initial comments on HE's draft DCO (OD-008), which are set out in appendices to this letter.

Temple Group response to the Examiner's First Set of Questions

Temple Group undertook a detailed technical review of the vibration, air quality and landscape and visual chapters of HE's Environmental Statement, commissioned by ABC and KCC. Following this review, ABC and KCC commissioned Temple Group to provide a technical specialist's response to a number of the questions raised in the Examiner's First Set of Questions.

KCC's response to the First Set of Questions incorporates Temple Group's response (on behalf of ABC and KCC) to each of the relevant questions in full. For reference, the Temple Group document is provided in full as an appendix to this letter.

Appendices

Appendix 1 – KCC comments on HE's draft DCO

Appendix 2 – KCC comments on HE's draft DCO schedule

Appendix 3 – Temple Group report on Examiner's First Set of Questions

Should you require any additional information or clarification, please do not hesitate to contact me.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

Katie Stewart

Director - Environment, Planning and Enforcement

Appendix 1 - Kent County Council's written representations on Revision B of Volume 3.1 (October 2016) of the draft Development Consent Order for M20 Junction 10A

These Written Representations are submitted by Kent County Council in pursuance of rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 (ExPR') in relation to an application under the Planning Act 2008 for a Development Consent Order for M20 Junction 10A (TR10006) submitted by Highways England to the Secretary of State.

Kent County Council's written representations are on Revision B, Volume 3.1 (Oct 2016) of the draft Development Consent Order for M20 Junction 10A are as follows: (The numbering is as per the articles and requirements in Revision B, Volume 3.1 of the draft development consent order.)

Please see table below in relation to the Council's written representations on parts 1 to 8 of the draft DCO. The Council's written representations on the schedules to the draft order are contained in a separate table

Article No	Comments
1	None
2	None
3	None
4	None
5	There is no definition of when decision will be made. This should be in conjunction with ABC/KCC.
6	None
7	None
8	No impact in terms of land issues for KCC unless more land is required to provide a scheme without so much deviation. Levels of deviation excessive and I would suggest not even possible given the site constraints. Not covered in ES. Consultation with KCC of any proposed deviation is required.
9	None
10	None
11	3) If section 56(a) of the Streetworks Act 1991 does not apply then KCC have no powers to give directions to the timing of the work. This scheme will have a big impact on the local network particularly the A20. KCC has stated in the response to the First Questions that HE need to comply with the Kent Permit and Kent Lane Rental scheme. This is at

	<p>odds with this.</p> <p>The rest of this section gives even more reason to insist on HE taking on maintenance of A20.</p>
12	KCC require that the A20 is maintained by HE following construction of the scheme.
13	None
14	The Traffic and Transport Management Plan needs to be agreed with KCC. All temporary stopping up and restriction of use of streets will need to be agreed with KCC. Compliance with Kent Lane Rental Scheme and Kent Permit Scheme required will also be required but that I precluded in Article 11 above so need to challenge.
15	The Traffic and Transport Management Plan needs to be agreed with KCC. All permanent stopping up and restriction of use of streets will need to be agreed with KCC. Compliance with Kent Lane Rental Scheme and Kent Permit Scheme required will also be required but that I precluded in Article 11 above so need to challenge.
16	All access to/from the works on the local network to be agreed with KCC.
17	No comment
18	No comment
19	None
20	KCC owns some land within the scheme area. Most of this is highway land and intended to be transferred to Highways England as part of the scheme.
21	The scheme mostly effects highway land. Highways have an argument to retain certain aspects of the highway, where appropriate. A meeting is needed with Highways England to go through the land they wish to acquire.
22	Not applicable.
23	Not applicable.
24	<p>No Rights of Way affected</p> <p>In land terms, KCC is being asked to pass this land to Highways England</p>
25	<p>Yes KCC has approved the extinguishments.</p> <p>28 days is considered sufficient notice in line with statutory requirements.</p>

	<p>The map and description for PRow AE339, Sevington is incorrect. The Public Footpath extends across the A2070 to Church Road Eats of the A2070. The description and corresponding plan should therefore reflect the following;</p> <p>Parish – Sevington Highway to be stopped up – Public Right of Way AE339 Extent of stopping up – From the Barrey Road/Church Road junction West of the A2070 to where it meets Church Road again, East of the A2070 a distance of 184 metres, shown on sheet 3 of the rights of way and access plans.</p> <p>A copy of the made DCO at the date of making the Order and posting of the Order, must be sent to KCC’s PRow & Access Service to allow changes to be made to the Definitive Map and Statement of Public Rights of Way</p> <p>For the avoidance of doubt path AE338 should also be annotated into the rights of way and access plan 3.</p>
26	One section of the identified land appears to be a track serving adjacent properties. More information is needed about whether there are any rights granted that affect this land.
27	Art 27(4) – the reference to s.3 (preliminary notices) does not appear to tie up with the relevant section of the 1981 act currently in force.
28	No comment
29	Part of several titles only has been requested by Highways England. This should not be an issue.
30	No Comment
31	No comments
32	No comments
33	No comments
34	No comments
35	No comments
36	No comments
37	No comments
38	<p>Any works need to have consideration to wildlife legislation (Wildlife and Countryside Act 1981/Habitat Regulations)</p> <p>On-going maintenance does not mean that the HE can cause a breach</p>

	<p>of these legislations – HE needs to demonstrate that they are taking it in to consideration.</p> <p>They could say: In carrying out any activity authorised by paragraph (1), the undertaker must take steps to avoid a breach of the provisions of the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 or any successor acts</p>
39	None
40	None
41	None
42	None
43	As submitted
44	No comment
45	No comment
46	No comment

Appendix 2: Kent County Council's written representations on Revision B of Volume 3.1 (October 2016) of the draft Development Consent Order for M20 Junction 10A

These Written Representations are submitted by Kent County Council in pursuance of rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 (ExPR¹) in relation to an application under the Planning Act 2008 for a Development Consent Order for M20 Junction 10A (TR10006) submitted by Highways England to the Secretary of State.

Kent County Council's written representations are on Revision B, Volume 3.1 (Oct 2016) of the draft Development Consent Order for M20 Junction 10A are as follows: (The numbering is as per the articles and requirements in Revision B, Volume 3.1 of the draft development consent order.)

Please see table below in relation to the Council's written representations on the schedules to the draft order.

Schedule	KCC comments
Schedule 1 Authorised Development	Work No 4 - No reference to the two bypass lanes on the new roundabout on Bad Munstereifel Road one from the south to J10(north) to accommodate local traffic and the second from J10a (East) to the south. Work No. 10 and Work No. 11 (a) - Should there be emergency access from J10 onto M20 eastbound from William Harvey Hospital? Work No. 13 Should there be emergency access from M20 J10 Westbound for access to William Harvey Hospital?
Schedule 2 - Requirements Part 1	
3. CEMP	CEMP to be prepared in consultation with KCC.
4. Landscaping	KCC should be consulted
5. Implementation and maintenance of Landscaping	No comment.
6. Fencing	No comment.
7. Contaminated land	No comment.
8. Archaeology	Further investigation is required. The requirement needs to reflect this.
9. Protected Species	Biodiversity: The text says this: The requirement only covers protected species during construction. KCC is not sure with this wording, as if there are any works that need to be carried out

	<p>post construction (e.g. habitats have not established properly) they will need to take protected species in to account.</p> <p>KCC is not sure why NE/LPAs need to be contacted immediately if a protected species (previously unrecorded) is identified on site. HE should agree a plan before contacting NE/LPAs to alert them to the changes in the mitigation strategies/monitoring plans. Works should stop but KCC is not in agreement on the arbitrary 10metre buffer - if a protected species is recorded within a particular habitat it is likely that it may be present within all of that habitat not just 10metres. HE should identify the area that they should cease work. KCC would expect an ecologist to be present on site for the majority of the works (where it will result in a loss of natural habitat) so this should not cause any delay.</p> <p>There does not appear to be any reference to the Ashford Green Corridor Local Nature Reserve (LNR) and Highfield Lane Roadside Nature Reserve (RNR). KCC does not consider that the appropriate mitigation measures are proposed and secured in the DCO to mitigate for the loss of these habitats.</p>
10. Traffic Management	<p>Highway Operations have not seen draft plan. Does it include allowance should Operation Stack be initiated when Traffic Management is in place?</p> <p>KCC to agree the Traffic and Transport Management Plan.</p>
11. Detailed design	KCC to be consulted on the detailed design.
12. Surface and foul water drainage	KCC has previously reviewed the Flood Risk Assessments and Drainage Strategies and are generally satisfied with the principles discussed. KCC as the Lead Local Flood Authority should be added as the statutory consultee for surface water drainage in planning in order to review the detailed drainage scheme information in conjunction with the local planning authority, the Environment Agency and the IDB.
13. Approvals and amendments to approved details	No comments.
14. Alternative A2070 options	Highways: KCC will be consulted on planning for Stour Park site.

Report

11 January 2017



TEMPLE

LEADERS IN ENVIRONMENT,
PLANNING & SUSTAINABILITY.

Report for – Ashford Borough Council M20 Junction 10A and A2070 Link Road Examiners Questions Draft



Document Version Control

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1.0 Introduction

- 1.1.1 Temple Group has previously been commissioned by Ashford Borough Council to undertake an independent detailed technical review of the vibration, air quality, and landscape and visual chapters, appendices and associated information in the Environmental Statement that has been produced by Highway England to support a Development Consent Order for the proposed scheme at M20 Junction 10A and A2070 Link.
- 1.1.2 Following an initial review the Examiner has raised a number of questions which Ashford Borough Council has requested our technical specialists address. These are provided in the following sections.

2.0 Examiners Questions

2.1 Air Quality

2.1.1 This section addresses questions raised by the Examiner in relation to air quality.

Question 4.1 (iii)

To Applicant; ABC; KCC: Would ABC and KCC state whether the proposed mitigation approach includes sufficient ongoing monitoring of the mitigation strategies to provide for early identification of any circumstances whereby the mitigation measures are not proving to be successful and the actions that would be taken to address this?

2.1.2 Construction dust mitigation strategies would be delivered through the Construction Environmental Management Plan (CEMP). This allows for monitoring environmental management on site and raises no specific concerns.

2.1.3 Regarding mitigation of operational effects, no mitigation is proposed, given that no significant effects were predicted. However, the Examining Authority's report of findings on the M4 Junctions 3 to 12 Smart Motorway¹ concluded, in regard to significance of air quality effects, that the use of IAN 174/13 for determining significance was questionable:

"Since there are indications that expert views on the definition of significance are changing, we consider that there is some question as to the weight which should be attributed to the advice in IAN 174/13 regarding levels of significance. That in turn calls into question the interpretation of the Applicant's air quality assessment in relation to the effect within the AQMAs where NO₂ levels would be above the objective value."

2.1.4 The Secretary of State's decision on the M4 Smart Motorway application² supported this view and additionally required ambient monitoring:

"26. The Secretary of State has noted the Panel's concerns that the definition of significance used in the applicant's air quality assessment may be out of date and may not represent a sufficiently precautionary approach in the light of the uncertainties referred to above, and that as a result the proposed development may impact on the ability of local authorities to comply with the air quality objectives within the AQMAs affected by the proposed development (PR 5.7.67-78). He also shares the Panel's concern about the potential risk to the health of the high residential populations in areas through which the M4 passes and which have been declared AQMAs, should the effects of the proposed development exceed the applicant's forecast levels of NO₂ (PR 5.7.79-82).

¹ The Planning Inspectorate (June 2016), *M4 Junctions 3 to 12 Smart Motorway – Examining Authority's Report of Findings and Conclusions*

² Woods M (September 2016), *Planning Act 2008; Application for the Proposed M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order*, Department for Transport

“27. The Secretary of State agrees with the Panel that, in the light of the uncertainties referred to above and the highly sensitive areas through which the M4 passes, it is appropriate to take a prudent and cautionary approach on this issue (PR 5.7.83-88). He agrees further for the reasons given by the Panel that a requirement should be included in the Order requiring the applicant to monitor the actual concentrations of NO₂ within the AQMAs and, if it is found that that the proposed development has materially worsened air quality, then a scheme of mitigation must be prepared in consultation with the relevant local authorities. He is satisfied that requirement 26 as recommended by the Panel is justified in the particular circumstances of this case (PR 5.7.89-99). The Secretary of State has concluded, like the Panel, that with the inclusion of requirement 26 in the Order the proposed development would satisfy the tests in paragraph 5.13 of the NPSNN, contribute to securing compliance with EU limit values in accordance with Defra’s Air Quality Plan and help safeguard against any harmful impacts on human health (PR 5.7.105).”

- 2.1.5 Given the Secretary of State’s decision regarding the M4 Smart Motorway scheme, we recommend air quality monitoring be put in place for this scheme. In the event that the M20 scheme did materially worsen air quality, appropriate mitigation could then be put in place.

Question 5.1 (iv)

To Applicant; ABC; KCC; Environment Agency; Public Health England: What is the response of the local authorities and Statutory Parties (the Environment Agency, Public Health England) to this judgment in terms of the air quality assessment for the proposed development?

- 2.1.6 The judgment referred to has, in particular, clarified the meaning of Article 23 of the Air Quality Directive. Mr Justice Garnham states in paragraph 51 of the judgment³: *“It is plain from the words of the Article that the Member State is obliged to ensure that the plans are devised in such a way as to meet the limit value in the shortest possible time.”*
- 2.1.7 For the proposed scheme, there are a limited number of assessed locations where annual mean NO₂ is predicted both to exceed the air quality objective (and EU limit value) and to increase with the proposed scheme (see Table 5.13 in the ES). These increases are small.
- 2.1.8 The effects predicted as arising from the proposed scheme were modelled on the basis of a number of assumptions that could be affected by the implementation of the national plans to achieve limit values. Should the plans be implemented successfully, and given that the number of locations predicted to be exceeding the limit value and the predicted changes in NO₂ are both small, it is likely that these exceedances may not occur. Therefore, the proposed scheme should not be viewed as necessarily being an impediment to meeting the limit value *“in the shortest possible time”*. On this basis, it is suggested that air quality monitoring might be a suitable means of determining the need for mitigation measures.

³ Royal Courts of Justice, [2016] EWHC 2740 (Admin)

Question 5.6 (ii)

To Applicant; ABC; KCC: Would the local authorities identify any areas in which they are not content with the conclusions stated in Table 5.28: Overall Evaluation of Local Air Quality Significance, which essentially states that there are no overall significant effects in relation to any of the key criteria questions?

- 2.1.9 The conclusion that the overall effect for either scheme is not significant appears reasonable. However, we do have further comment on the first bullet point that provides supporting evidence to this overall conclusion. This bullet point states:

“There are 5 receptors above the annual mean NO₂ objective in the opening year Do-Minimum scenario in both the Main and Alternative Schemes. The changes caused by the Main and Alternative Scheme are predicted to be imperceptible at these locations.”

- 2.1.10 The use of different criteria for assessing significance could lead to the prediction of significant effects at a limited number of locations (see response to 4.1(iii) above). The Secretary of State’s decision on the M4 Smart Motorway application⁴ supports the view that the approach taken regarding significance may not be precautionary enough. A more precautionary approach would necessitate a change in the bullet point above, although we reiterate that the overall effect would likely remain not significant.

Question 5.6 (vi)

To Applicant; ABC; KCC: Re para 5.8.55, would local authorities identify any areas in which they are not content with the conclusions stated in Table 5.29: Regional Impacts, which shows modest reductions in NOx and PM10 between the 2018 DM and DS scenarios, and likewise for 2033, but a 30% reduction in NOx between 2014 and 2018 and a 62% reduction between 2014 and 2033?

- 2.1.11 No concerns. Although there is still substantial uncertainty regarding the efficacy for NOx of Euro 6 vehicles, we do not think that any uncertainty is likely to undermine the conclusions in this section.

2.2 Noise and vibration

Question 4.1 (iii)

To Applicant; ABC; KCC: Would ABC and KCC state whether the proposed mitigation approach includes sufficient ongoing monitoring of the mitigation strategies to provide for early identification of any circumstances whereby the mitigation measures are not proving to be successful and the actions that would be taken to address this?

- 2.2.1 In regard to the construction phase the ES specifically refers to using a code of construction practice to ensure application of the Section 61 prior approval process from the Control of Pollution act 1974 to set noise limits based on the information provided in the ES, for the construction works to be monitored and for corrective action to take place should the limits be exceeded (Best Practicable Means permitting).

⁴ Woods M (September 2016), *Planning Act 2008; Application for the Proposed M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order*, Department for Transport

2.2.2 In regard to the operational phase the ES makes no reference to monitoring or corrective action if mitigation measures are not proving to be successful. In the past this has been fairly common, but recently the approval of some schemes e.g. the A14 Huntingdon to Cambridge widening DCO has specifically required post commissioning noise monitoring and required proposals to remedy any defective mitigation measures this may reveal.

Question 11.3 (ii)

To Applicant; ABC; KCC: Section 11.6, Baseline Information, records the sources of information that have been used for the baseline in terms of the local environment and the baseline survey.

- i. Would the Applicant clarify any DMRB references or other guidance/ criteria against which the baseline survey data has been undertaken?***
- ii. Would the Applicant and the local authorities state whether the baseline for the assessment of noise and vibration has been agreed between them, including the scope of the noise survey and the monitoring locations, for both the construction and operational phases of the scheme?***
- iii. Para 11.6.3 states that, in relation to baseline conditions “there are absorptive acoustic barriers alongside the A2070 on its approach to junction 10 and continuing for some distance around the interchange towards Hythe Road”. Would the Applicant confirm the extent to which these existing barriers will be affected by the proposed development and the extent to which their assumed level of performance has been considered as part of the construction and operational assessments presented in the ES?***

2.2.3 The Noise Survey in Section 11.6, Baseline Information of the ES is helpful in regard to the assessment of construction noise impacts; and is considered suitable for this purpose. The noise monitoring locations are considered appropriate and suitable for characterising existing noise conditions in the area for the purpose of the assessment of construction noise impacts at this stage of the development of the scheme. The survey data reported in the ES is in the range to be expected in such locations and is similar to data reported in surveys for other schemes in this locality.

2.2.4 However, the Noise Survey in Section 11.6, Baseline Information of the ES has no role in the assessment of operation noise effects or appraisal of mitigation options. This is because the DMRB process requires use of the CRTN methodology to calculate traffic noise based on Annual Average Weekday Traffic information i.e. the sound levels are very long term averages and it would be impractical to measure for such long periods at every receptor likely to be affected; whereas calculation of traffic noise using the long established and validated CRTN method allows such data to be developed for all receptors. In addition, for the same reason, the Regulations which govern the entitlement to Noise Insulation specifically require that noise levels are predicted using the CRTN methodology rather than measured.

2.3 Landscape and Visual Impacts

2.3.1 This section addresses questions raised by the Examiner in relation to landscape and visual impacts.

Question 4.1 (iii)

Does the proposed mitigation approach include sufficient ongoing monitoring of the mitigation strategies to provide for early identification of any circumstances whereby the mitigation measures are not proving to be successful and if so what actions would be taken to address this?

2.3.2 Reference has been made to the following documents in answer to this question:

- Chapter 7 (Volume 6.1) Landscape (especially Section 7.6)
- Chapter 2 (Volume 6.2) The Proposed Scheme (especially para 2.74)
- Appendix 7.1, Volume 6.3 Arboricultural Implications Assessment
- Environmental Masterplan drawings
- Appendix 2.2 Volume 6.3 - Indicative Planting Schedule
- Chapter 17 (Volume 6.1) Environmental Management
- Appendix 17.1 - Outline Construction Environmental Management Plan (CEMP)
- Appendix 17.2 - Indicative Contents of a Handover Environmental Management Plan (HEMP)

2.3.3 Issues with the current set of documents:

- The masterplan drawings identify the elements of landscape mitigation in accordance with DMRB Vol 10 Section 0 Part 2. Landscape mitigation may be for the purposes of screening, landscape integration, nature conservation and visual amenity. Reference to the function of proposed mitigation is shown generally in the cross sections and referenced in the key, but there is insufficient detail to demonstrate how each mitigation element is supposed to function.
- Chapter 2 of the ES sets out landscape mitigation in general terms and in para 2.74 refers to the need for a full handover on completion of the scheme (HEMP) with details of landscape objectives, management prescriptions and monitoring which would form part of the ongoing management contract. The HEMP is currently only prepared as an indicative contents (appendix 17.2)
- Chapter 17, Appendix 17.1 (Outline CEMP), appendix D, provides broad objectives regarding the monitoring of landscape during construction and operation. It also makes reference to the need for an LEMP which is yet to be written.

2.3.4 To answer this question, further details are needed in relation to the proposed mitigation strategy and environmental masterplan. Detailed information on the often multiple 'function' of the proposed mitigation, as shown on the Masterplan drawings, would assist with this. The preparation of a draft LEMP would provide greater detail on site specific control measures building on the general environmental requirements identified in Chapter 17 of the ES and would set out how the scheme would adapt and deliver the required landscape mitigation measures. The draft LEMP could be prepared during this Examination period.

2.3.5 Currently there is not sufficient information on the mitigation strategies or ongoing monitoring. Monitoring actions which enable the early identification of circumstances whereby mitigation measures may fail are not detailed although it is noted that reference is made to Series 3000 which provides standards in relation to ground preparation, weed and pest control, treatment of delivered stock and ongoing replacement of dead stock etc. During construction, information on the phasing of works including opportunities for advanced mitigation planting and protection of early planting would also be informative and could be contained within the LEAP. It is noted that para 7.2.9 of Appendix 17.1 specifically mentions the preparation of a LEAP to '*ensure the establishment and continued growth of new plant stock to ensure proposed mitigation planting meets its objectives as set out in the ES*'.

Question 7.1

i) Are there any areas where there is disagreement over the baseline information?

2.3.6 This question has been answered in relation to Chapter 7 of the ES only. Comments on the baseline information have been provided in an earlier Technical ES Review Report (section 5.0). Whilst baseline information on landscape character and visual receptors is broadly accepted a number of points have previously been raised in relation to the presentation of baseline data, no reference to the Ashford Green and Blue Grid Strategy and that some visual receptors have not been picked up. Refer to question 7.2 i) below.

ii) Were the selected viewpoints agreed in consultation with the local planning authorities and other relevant stakeholders?

2.3.7 To be confirmed by ABC.

Question 7.2

i) What is the applicant's response to the points raised by ABC?

2.3.8 To be answered by the Applicant. We are happy to review any responses provided by the Applicant and to provide further comment as necessary.

ii) What are the pathways to resolving any differences between the Applicant and ABC through the course of the Examination?

2.3.9 Firstly review the response by the Applicant to points raised by ABC. Secondly prepare a statement of common ground to establish all aspects where agreement can be reached. Thirdly to clarify any points made by the Applicant which are unclear and fourthly to provide a summary of the areas where there remains disagreement and reasons why, if required.

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