

Kent County Council (KCC) response to the Examining Authority's first written questions and requests for information - 16/1/2017

	Question to:	Questions	KCC's response
1.1	Ashford Borough Council (ABC); Kent County Council (KCC)	Having regard to the criteria listed in para 1.2 of the NPSNN, is there any reason why the proposed development should not be determined in accordance with the NPSNN?	KCC can see no reason why the development should not be determined in accordance with the criteria set out in paragraph 1.2 of the NPSNN, subject to Highways England (HE) addressing the issues raised by KCC in this document and within the Relevant Representations submitted by ABC (RR-002) and KCC (RR-026).
1.2	Applicant; ABC; KCC	To what extent would the proposed development deliver the objectives of NPSNN to increase the capacity and improve the performance of the Strategic Road Network?	<p>The proposed development by HE is supported, particularly as there is a compelling in principle 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 the Ashford Borough Council (ABC) Core Strategy (2008) and Urban Sites and Infrastructure DPD (2012). The scheme has been listed in the ABC - KCC Delivery Deal (2015) as one of the 'Big 8' strategic projects that have been identified as having the greatest collective ability to unlock thousands of jobs and homes in the Ashford Borough. ABC's emerging Local Plan 2030 also places emphasis on the importance of the proposed development in enabling growth.</p> <p>KCC considers that the scheme would deliver the objectives of the NPSNN to increase capacity and is satisfied that appropriate capacity assessments have been carried out and shared with the County Council as Local Highway Authority (LHA).</p>
1.3	Applicant; ABC; KCC	Has an adequate assessment of options been undertaken to comply with the requirement in NPSNN para 4.27?	The NPSNN requirement set out in paragraph 4.27 states that all options should be subject to appraisal which considers viable modal alternatives. The assessment of options is documented in HE's application for a Development Consent Order (ES chapter 3 – APP-031) and culminated in the Secretary of State's preferred route announcement in March 2010, and is considered adequate by KCC. The County Council is satisfied that all appropriate options were explored, taking into account value and risk, to promote the best value, risk managed solution.

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1.4	Applicant; ABC; KCC	To what extent would the proposed development be sustainable in accordance with NPSNN paras 3.1 to 3.5?	The NSPNN sets out the need for development to be sustainable and to minimise social and environmental impacts and improve quality of life, incorporating mitigation and benefits in accordance with the National Planning Policy Framework (NPPF) and Planning Practice Guidance. There are elements of HE's assessment of social and environmental impacts that require clarification and/ or improvement to ensure that the scheme is sustainable. These are set out in detail in KCC's (RR-026) and ABC's Relevant Representation (RR-002), as well as within this document and KCC will consider the HE response on in due course.
1.5	Applicant; ABC; KCC	To what extent would the proposed development deliver appropriate environmental and social benefits as required by NPSNN para 3.3?	NPSNN paragraph 3.3 sets out an expectation that applicants avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government's Planning Practice Guidance and that applicants should provide evidence that reasonable opportunities to deliver environmental and social benefits have been considered. KCC refers to question 1.4 in respect of the need for clarity and/ or improvements for some social and environmental impacts associated with the scheme.
1.6	Applicant; ABC; KCC	Are the local authorities satisfied that the traffic forecasts and economic case for the proposed development have been adequately tested through the local transport model, and that the requirements of paras 4.5 and 4.6 of NPSNN have been met? See also Section 19 of this document.	Paragraphs 4.5 and 4.6 of the NPSNN set out the need for applications to be supported by a business case in accordance with the Treasure Green Book principles and for applications to be supported by a local transport model to provide sufficiently accurate detail of the impacts of a project. KCC is satisfied that the proposed scheme introduces measures to improve safety for all modes of transport and the transport modelling carried out to support the scheme is robust.
1.7	Applicant; ABC; KCC	Are the local authorities satisfied that the Applicant has demonstrated good design as required by NPSNN paras 4.28 to 4.35?	The NPSNN, in paragraphs 4.28-4.35, sets out criteria for good design for national network infrastructure, relating not just to visual appearance, but with an emphasis on ensuring sustainable infrastructure which is sensitive to place. KCC is satisfied that the scheme design sustains improvements to operational efficiency for future years and has, in general, been sensitively designed. However, KCC would draw attention to, and support ABC's Relevant Representation (RR-002), which sets out areas where the design of the

			scheme could potentially be improved and where clarification and/ or improvement is needed in respect of social and environmental impacts.
<b>1B Local Development Plans</b>			
<b>Q</b>	<b>Q to</b>	<b>Question(s)</b>	
1.8	ABC; KCC	Does the Applicant accurately identify the Development Plans and Transport Plans currently in place for each of the local authorities against which the proposed development falls to be assessed?	No. Under 'Case for the Scheme' (APP 209), the national and local policy context has been set out. KCC would refer the Inspector to a comprehensive list of relevant policy documents, as set out in the ABC-KCC Local Impact Report (LIR). This includes policy documents that have not been included in the 'Case for the Scheme' policy assessment.
1.9	ABC; KCC	Do the local authorities agree with the Applicant's assessment of the proposed development against the relevant policies of each Council? If not, please identify any areas of conflict and explain the reasons why the proposed development would be in conflict.	The scheme has been assessed by HE to comply with local transport policy. The LTP3 identifies the scheme as a Major Transport Scheme to provide highway capacity and KCC considers that the proposal therefore complies with the overarching objectives of LTP3 and is also supported in the emerging LTP4.  There are areas of detail, particularly in respect of social and environmental matters, that KCC has requested that HE addresses and in addition, matters raised by ABC that KCC agrees need to be addressed in order to make the scheme policy compliant. Provided that these matters are addressed, KCC is content that the proposal assessment addresses the principle issues set out in KCC policy.
1.10	ABC; KCC	Is the proposed development compatible with regional and local strategies to increase uptake and mode share for public transport, walking and cycling?	KCC is satisfied that every effort has been made to accommodate connections to support non-motorised users and to facilitate access to public transport.
1.11	ABC; KCC	Are there any developments which are either proposed in, or in accordance with, Local Plans which might be affected by the proposed development? If so, please identify and explain what the effects would be.	The ABC-KCC LIR sets out the developments that might be affected by the proposed development. KCC can confirm that there are no mineral or waste developments proposed in the area that may be affected.

2 Environmental Statement (ES) [APP-029 to APP-208]			
The Proposed Scheme - ES Chapter 2 [APP-030]			
Q	Q to	Question(s)	
2.1	ABC; KCC	<p>General points:</p> <ul style="list-style-type: none"> <li>i. To what extent have the local authorities been involved in the engineering and design of the proposed development?</li> <li>ii. Are the local authorities content with the design as articulated in the application?</li> <li>iii. Are the local authorities satisfied that the solution chosen for each of the new bridges is appropriate?</li> </ul>	<p>In general terms;</p> <ul style="list-style-type: none"> <li>i) KCC has been involved in all aspects of the project in respect of engineering and design.</li> <li>ii) In general terms, KCC is content with the design of the proposed scheme. However, there are a number of detailed design matters, addressed more fully in ABC's Relevant Representation (RR-002) which KCC agrees require action in order to make the scheme acceptable.</li> <li>iii) KCC is satisfied that the new bridge solutions are appropriate.</li> </ul>
2.2	KCC;	<p>Section 2.3 provides a Description of the Main Scheme:</p> <ul style="list-style-type: none"> <li>i. Re para 2.3.30, Footpaths and Cycleways, would KCC confirm that the proposed development, based on a strategy for the closure of a number of Public Rights of Way (PRoWs) and the construction of alternatives, has been agreed with KCC?</li> </ul> <p>(REMAINDER OF QUESTION NOT FOR KCC AND DELETED)</p>	<p>i.) KCC can confirm that this is correct and the proposed development, based on a strategy for the closure of a number of Public Rights of Way (PRoW) and construction of alternatives, has been agreed by KCC. The proposed new non-motorised users (NMU) facilities will compensate for the loss of PRoW. The constraints on access to the PRoW diminish their already low community or recreational value.</p>
2.3	All Interested Parties (IPs); Natural England Applicant	<p>Section 2.5 addresses Environmental Mitigation Design Measures:</p> <ul style="list-style-type: none"> <li>i. Further to the matters raised as part of their relevant representations, are IPs content with the proposed mitigation measures for Nature Conservation (Natural England, other IPs),</li> </ul>	<p>i. KCC has reviewed the scheme documentation and is satisfied that there is a good understanding of the ecological interest and what mitigation is required in respect of nature conservation. A timetable has been produced and it demonstrates that the necessary mitigation will be implemented at the correct time of year and prior to any works commencing.</p>

		<p>Landscape Design (IPs), Noise (IPs), Replacement Open Space (IPs)?</p> <p>(REMAINDER OF QUESTION NOT FOR KCC AND DELETED)</p>	<p>KCC supports the matters raised in ABC's Relevant Representation (RR-002). in respect of landscape design, noise and replacement open space, all of which HE needs to address.</p>
2.4	<p>ABC; KCC; Applicant; all IPs</p>	<p>Section 2.6 considers the Construction of the Scheme:</p> <ul style="list-style-type: none"> <li>i. Would IPs identify any areas in which they are not content with the Applicant's proposals for the construction strategy, access, construction compounds, and outline Construction Environmental Management Plan (oCEMP) [APP-204]?</li> <li>ii. PART ii. NOT ADDRESSED TO KCC</li> <li>iii. Re para 2.6.6, night time working hours, the anticipated hours of the night time works are set out here, but these working hours are not reflected in the dDCO [OD-008]. Would the Applicant state how these night time working hours will be secured in the dDCO? Would the Applicant, ABC and KCC state whether these timings have been agreed between them?</li> <li>iv. (REMAINDER OF QUESTION DELETED AS NOT FOR KCC)</li> </ul>	<p>i. KCC will seek to work closely with HE and ABC on the draft Development Consent Order (DCO), in progressing the details of the construction of the scheme. At this stage, KCC makes the following comments in respect of highways, Sustainable Urban Drainage (SuDS), waste, minerals and waste, PROW and ecology implications:</p> <p>HIGHWAYS: The ES (The Proposed Scheme: APP-030) suggests that the construction programme could be optimised from that presented (Jan 2018 to May 2020) to achieve a revised 'opening to traffic' date of March 2019. It is suggested that this could be achieved by carrying out the environmental mitigation and construction concurrently. Contradiction with final sentence. However, the Buildability Report (APP-158) suggests that the diversion of the high pressure gas main has a lead in period of 18 months and a construction of 6 months and is therefore critical (together with a number of other Statutory Undertaker diversions). As such, KCC does not agree that an open to traffic date of March 2019 is achievable.</p> <p>The Buildability Report (APP-158) shows that there are 4 options for strengthening Swatfield Culvert; Option 1 has been included in the Programme but this involves one-way working on this section of the A20 for 6 months. Given that Highfield Bridge will also be closed to traffic at the start of the Programme and KCC intends to close the link between Highfield Lane and Kingsford Street, keeping 2-way working on the A20 is necessary and therefore Option 2 should be used.</p> <p>The Traffic and Transport Management Plan, which is referred to at para. 2.6.21 (APP-030) is to be agreed with KCC. Compliance with the Kent Lane Rental Scheme and Kent Permit Scheme is also required.</p> <p>SUDS: In terms of construction strategy and management, as the Lead Local Flood Authority, KCC has no comments to make. Due to the</p>

			<p>location of the scheme adjacent a main river, the Environment Agency (EA) would be the main interested statutory party in terms of the effect of the construction stages upon flood risks from the main river flows and pollution risks during construction.</p> <p>WASTE: As the Waste Disposal Authority, KCC has no comments to make on the application in respect of the construction of the scheme. KCC has considered the scheme in light of the 'Mersham Quarry Landfill' which features on Figure 2.3 Volume 6.2 (APP-051), 'The Environmental Constraints Plan', but can confirm that KCC does not have any active interest in the site (including monitoring).</p> <p>MINERALS AND WASTE: A Site Waste Management Plan is welcomed and KCC would like the opportunity to comment on this plan once it is available. There is a construction and demolition recycling facility located in close proximity at the Sevington Rail depot, which may provide a sustainable solution in dealing with waste arising from construction. Details on waste management in the Construction and Environmental Management Plan (CEMP) (APP-204) are comprehensive and appropriate with a strong sustainable stance in line with best practice.</p> <p>PRoW: PRoWs affected by the development and due to be closed would require temporary closures, should any other Order to "Stop up" the PRoW not be made prior to the commencement of the scheme. Clarity is required to determine at which stage Orders for paths closures will be made.</p> <p>BIODIVERSITY: KCC has reviewed the scheme documentation and is satisfied that there is a good understanding of the ecological interest and what mitigation is required in respect of nature conservation. A timetable has been produced and it demonstrates that the necessary mitigation will be implemented at the correct time of year and prior to any works commencing. There is a need to ensure that the time to create/ enhance the habitat for the required mitigation is considered in</p>
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			<p>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.</p> <p>iii. The proposed hours of night-time working have not been agreed by KCC. At this stage, KCC would advise that in relation to the heritage asset at Sevington Church, hours of construction should respect any activities being held at the Church. It is important that this church functions appropriately and the construction work should not detrimentally impact on functions of the church. Liaison with the church wardens will be essential.</p> <p>From an ecology perspective, it is considered that sufficient measures have been proposed to minimise impacts.</p> <p>There has been no discussion/ agreement with KCC - as the Minerals and Waste Planning Authority - on proposed hours.</p>
2.5	KCC; Applicant	<p>Section 2.7 considers the Maintenance and Management Measures:</p> <p>i. Would KCC, as the relevant local Highway Authority, confirm its agreement with the maintenance and management responsibilities as outlined in this section?</p> <p>ii. (REMAINDER OF QUESTION NOT FOR KCC AND DELETED)</p>	<p>At present, KCC does not agree with the maintenance and management responsibilities set out in section 2.7. Particularly, the maintenance responsibility for the existing A20 Hythe Road should be with the incumbent Area 4 Managing Agent for HE.</p>
<p><b>Consideration of Alternatives - ES Chapter 3 [APP-031]</b></p>			
	<b>Question to</b>	<b>Question(s)</b>	
3.1	ABC; KCC	<p>Would the local authorities confirm that they are content with the scheme need and objectives as articulated in sections 3.2 and 3.3, respectively? Please identify any disagreement, with counter proposals supported by evidence.</p>	<p>KCC is content with the scheme need and objectives articulated in sections 3.2 and 3.3.</p>

3.2	ABC; KCC	<p>Would the local authorities confirm that they are content with the process used to identify the proposed development (the Main Scheme and the Alternative Scheme) as articulated in section 3.4? Please identify any disagreement, with counter proposals supported by evidence.</p>	<p>KCC is content with the process to identify the proposed development that is articulated in section 3.4.</p>
<b>Environmental Impact Assessment Methodology - ES Chapter 4 [APP-032]</b>			
	<b>Q to</b>	<b>Question(s)</b>	
4.1	Applicant; ABC; KCC	<p>Section 4.7 considers Mitigation Measures and Enhancements in general, which are then addressed by individual topic:</p> <ul style="list-style-type: none"> <li>i. Since it would appear that the level of significance of effects has not been assessed both before and after the implementation of mitigation (with reference to established EIA methodology guidance), would the Applicant explain how the nature and extent of the worst case potential effects of the proposed development will be known, if the proposed mitigation measures fail satisfactorily to mitigate the potential impacts? Local authorities are also invited to comment on the Applicant's approach in this respect.</li> <li>ii. QUESTION DELETED AS NOT FOR KCC</li> <li>iii. 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?</li> </ul>	<p>i) In respect of biodiversity impacts, KCC considers that it would be expected for monitoring to be carried out. Ongoing monitoring would be able to identify any issues and measures taken to rectify them.</p> <p>iii) <i>Biodiversity</i>: In respect of biodiversity impact, KCC considers that the proposed mitigation approach does not include sufficient ongoing monitoring – the oCEMP (APP-204) only specifically states that dormouse and reptile monitoring will be carried out. KCC would expect that an assessment of the vegetation is carried out, to consider how it is establishing and identifying additional works required. The habitat assessment will also identify if there are additional surveys of reptile and dormice required. KCC would also expect badger surveys to be carried out, as there are known setts within the area. The monitoring should be spread over 5-10 years.</p> <p>KCC and ABC have jointly commissioned an independent detailed technical review of this question; which as follows:</p> <p><i>Air quality monitoring</i>: 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.</p> <p>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 Motorway<sup>1</sup> concluded, in regard to</p>

			<p>significance of air quality effects, that the use of IAN 174/13 for determining significance was questionable:</p> <p><i>“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 NO<sub>2</sub> levels would be above the objective value.”</i></p> <p>The Secretary of State's decision on the M4 Smart Motorway application<sup>2</sup> supported this view and additionally required ambient monitoring:</p> <p><i>“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</i></p> <p><i>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 NO<sub>2</sub> (PR 5.7.79-82).</i></p> <p><i>“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).</i></p>
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			<p><i>Landscape and visual impacts:</i> Reference has been made to the following documents in answer to this question:</p> <ul style="list-style-type: none"> <li>• Chapter 7 (Volume 6.1) Landscape (especially Section 7.6)</li> <li>• Chapter 2 (Volume 6.2) The Proposed Scheme (especially para 2.74)</li> <li>• Appendix 7.1, Volume 6.3 Arboricultural Implications Assessment</li> <li>• Environmental Masterplan drawings</li> <li>• Appendix 2.2 Volume 6.3 - Indicative Planting Schedule</li> <li>• Chapter 17 (Volume 6.1) Environmental Management</li> <li>• Appendix 17.1 - Outline Construction Environmental Management Plan (CEMP)</li> <li>• Appendix 17.2 - Indicative Contents of a Handover Environmental Management Plan (HEMP)</li> </ul> <p>Issues with the current set of documents:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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)</li> <li>• Chapter 17, Appendix 17.1 (Outline CEMP), appendix D,</li> </ul>
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			<p>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.</p> <p>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.</p> <p>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 '<i>ensure the establishment and continued growth of new plant stock to ensure proposed mitigation planting meets its objectives as set out in the ES</i>'.</p>
Air Quality - ES Chapter 5 [APP-033]			
	<b>Question to</b>	<b>Question(s)</b>	
5.1	Applicant; ABC; KCC; Environment	Having regard to the judgment of the High Court on 2 November 2016 <sup>1</sup> in which the Court found in favour of the Claimant (ClientEarth) and against	iv) KCC and ABC have jointly commissioned an independent detailed technical review of this question.

<sup>1</sup> <https://www.judiciary.gov.uk/judgments/clientearth-v-secretary-of-state-for-the-environment-food-and-rural-affairs/>

	<p>Agency; Public Health England</p>	<p>the Defendant (the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA)), and quashed Defra's Air Quality Plan (AQP) of December 2015<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>i. QUESTION DELETED AS NOT FOR KCC</li> <li>ii. QUESTION DELETED AS NOT FOR KCC</li> <li>iii. QUESTION DELETED AS NOT FOR KCC</li> <li>iv. 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?</li> </ul> <p>The ExA is aware that a High Court Order has been made requiring the SoSEFRA to publish a draft modified Air Quality Plan by 4:00pm on 24 April 2017 and a final modified Air Quality Plan to be published and notified to the European Commission by 4:00pm on Monday 31 July 2017.</p> <p>Following such publication of a draft plan, the ExA may need to ask further questions as to the extent to which it may affect the Applicant's previous assessment(s), the application documents or any other representations made as part of the Examination. The ExA is also aware that the deadline for publication and notification to the European Commission of the final modified Air Quality Plan in July 2017 post-dates the</p>	<p>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 judgment<sup>3</sup>: "<i>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.</i>"</p> <p>For the proposed scheme, there are a limited number of assessed locations where annual mean NO<sub>2</sub> 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.</p> <p>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 NO<sub>2</sub> 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 "<i>in the shortest possible time</i>". On this basis, it is suggested that air quality monitoring might be a suitable means of determining the need for mitigation measures.</p>
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<sup>2</sup> <https://www.gov.uk/government/collections/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2015>

		<p>anticipated closure of the examination in June 2017. The ExA will not have been able to take this into account if its publication is after the close of the Examination, but it will be a matter for the Secretary of State for Transport to take it into account as he sees fit before making his decision.</p>	
5.2	Applicant; ABC; KCC	<p>Section 5.3 sets out the method of assessment for air quality, based on the Design Manual for Roads and Bridges (DMRB) and several of Highways England's Interim Advice Notes (IANs).</p> <ul style="list-style-type: none"> <li>i. Would the Applicant and the local authorities state whether the study area and the scope of the assessment of construction and operational effects have been discussed and agreed between them, with reference to any relevant evidence to support this agreement?</li> <li>ii. (REMAINDER OF QUESTION DELETED AS FOR THE APPLICANT TO RESPOND TO)</li> </ul>	<p>KCC has not been involved in discussions concerning the study area and scope of the assessment of construction and operational effects.</p>
5.6	Applicant; ABC; KCC	<p>Section 5.8, Predicted Air Quality Effects:</p> <ul style="list-style-type: none"> <li>i. QUESTION DELETED AS NOT FOR KCC</li> <li>ii. 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?</li> <li>iii. QUESTION DELETED AS NOT FOR KCC</li> </ul>	<p>KCC and ABC have jointly commissioned an independent detailed technical review of this question.</p> <p>ii) The conclusion that the <u>overall</u> 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:</p> <p><i>“There are 5 receptors above the annual mean NO<sub>2</sub> 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.”</i></p> <p>The use of different criteria for assessing significance could lead to the prediction of significant effects at a limited number of locations (see</p>

		<p>iv. QUESTION DELETED AS NOT FOR KCC</p> <p>v. QUESTION DELETED AS NOT FOR KCC</p> <p>vi. 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 NO<sub>x</sub> and PM10 between the 2018 DM and DS scenarios, and likewise for 2033, but a 30% reduction in NO<sub>x</sub> between 2014 and 2018 and a 62% reduction between 2014 and 2033?</p>	<p>response to 4.1(iii) above). The Secretary of State's decision on the M4 Smart Motorway application<sup>4</sup> 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.</p> <p>vi) No concerns. Although there is still substantial uncertainty regarding the efficacy for NO<sub>x</sub> of Euro 6 vehicles, we do not think that any uncertainty is likely to undermine the conclusions in this section.</p>
<b>Cultural Heritage - ES Chapter 6 [APP-034]</b>			
	<b>Question to</b>	<b>Question(s)</b>	
6.2	Applicant; KCC	<p>Section 6.9, Mitigation and Compensation Measures, and Section 6.10, Predicted Cultural Heritage Effects refer to Table 6.8 Predicted Temporary Construction Effects of the Main Scheme, Table 6.9 Predicted Permanent Construction Effects of the Main Scheme, and Table 6.10 Predicted Operational Effects of the Main Scheme.</p> <p>i. In its Relevant Representation [RR-026], KCC made specific comments on the cultural heritage assessment; for example, KCC considers that the areas north of St Mary's church should be subject to further archaeological evaluation, and also that more effort should be made to determine whether the Grade II listed milestone is indeed no longer present as stated by the Applicant. Would the Applicant and KCC</p>	<p>KCC advises that the following considerations need to be taken into account by HE:</p> <ul style="list-style-type: none"> <li>• Mitigation to limit detrimental impact on the Sevington Church needs to be timely, robust and appropriate. Changes and construction to accommodate the new bridge and new access arrangements need to be in place as soon as possible and integrated into the earliest phases of construction works, not an end phase and HE will need to discuss with Heritage England;</li> <li>• Archaeological evaluation works need to be undertaken well in advance of construction works. The programme of archaeological works needs to be in accordance with specifications agreed with the County Archaeologist. They need to be monitored by the County Archaeologists and areas for construction need to be signed off by the County Archaeologist. As such, the County Archaeologist needs to be fully involved with the implementation of the programme of archaeological</li> </ul>

		<p>discuss and confirm what progress has been made towards reaching agreement on these matters?</p>	<p>works; and</p> <ul style="list-style-type: none"> <li>The programme of archaeological works needs to include appropriate reporting to the County Archaeologist. Reports on fieldwork need to be sent promptly and in draft form to the County Archaeologist to ensure all areas impacted by the scheme and appropriately archaeologically mitigated.</li> </ul> <p>KCC is happy to discuss and progress these points with HE and would request being involved in any discussions with HE and Historic England.</p>
6.3	ABC; KCC; Applicant	<p>Section 6.11, Conclusions, records the Applicant's position with regard to the Grade I Listed St Mary's Church at Sevington, the core of Sevington comprising the Grade II Listed Court Lodge and Barn, the Grade II Listed Ransley Cottage, Redbur and Redbur Barn on Kingsford Street, and some archaeological remains.</p> <p>i. Would local authorities identify any areas in which they are not content with the conclusions stated in this section?</p> <p>ii. QUESTION DELETED AS NOT FOR KCC</p>	<p>KCC advises that HE needs to provide Historic England and the County Archaeologist with a robust mitigation method statement and programme for Sevington Church. Historic England and the County Archaeologist will need time and resource to comment on draft mitigation strategies for Sevington Church and the wider programme of archaeological mitigation.</p>
<b>Landscape - ES Chapter 7 [APP-035]</b>			
	<b>Question to</b>	<b>Question(s)</b>	
7.1	ABC; KCC; Applicant	<p>Section 7.5, Baseline Information, records the sources of information that have been used for the baseline, including relevant designations, national and local landscape character, and the visual baseline.</p> <p>i. Would the local authorities identify any areas in which they disagree with the baseline information?</p>	<p>In respect of heritage assets, KCC advises that details of the impact and mitigation for the setting of Sevington Church, other designated heritage assets affected by the scheme and historic landscape features (such as hedgerows and lanes) need to be formulated in consultation with Historic England, district and county conservation officers and the County Archaeologist.</p> <p>KCC and ABC have jointly commissioned an independent detailed technical review of this question.</p>

		ii. QUESTION DELETED AS NOT FOR KCC	<p>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)</p> <p>In that respect, KCC defers to the comments raised by ABC in its Relevant Representation (RR-002) and would respectfully request the opportunity to comment on any outcomes stemming from these recommendations.</p>
Nature Conservation - ES Chapter 8 [APP-036]			
	<b>Question to</b>	<b>Question(s)</b>	
8.2	Natural England; ABC; KCC	<p>Section 8.5, Assumptions and Limitations, refers to five site surveys, and points to Appendices 8.1, 8.2 and 8.3, Volume 6.3 [APP-175 to APP-178] for pertinent constraints or limitations to the surveys.</p> <p>i. Would Natural England and the local authorities identify any specific areas of concern as to the content of this section, in particular the level of the survey effort?</p>	<p>KCC has reviewed the scheme documentation and is satisfied that there is a good understanding of the ecological interest and what mitigation is required in respect of nature conservation. A timetable has been produced and it demonstrates that the necessary mitigation will be implemented at the correct time of year and prior to any works commencing.</p>
8.3	Natural England; Applicant; ABC; KCC	<p>Section 8.6, Baseline Information, lists the surveys that have been undertaken, including designated sites, habitats, and protected species, together with an assessment of value and decisions on whether to include or exclude.</p> <p>i. QUESTION DELETED AS NOT FOR KCC</p> <p>ii. QUESTION DELETED AS NOT FOR KCC</p>	<p>iv) KCC has reviewed the scheme documentation and is satisfied that there is a good understanding of the ecological interest and what mitigation is required in respect of nature conservation. A timetable has been produced and it demonstrates that the necessary mitigation will be implemented at the correct time of year and prior to any works commencing.</p> <p>However, whilst the DCO refers specifically to species, there does not appear to be any reference to the Ashford Green Corridor Local Nature</p>

		<p>iii. QUESTION DELETED AS NOT FOR KCC</p> <p>iv. Re Table 8.9, Ashford Green Corridor Local Nature Reserve (LNR) and Highfield Lane Roadside Nature Reserve (RNR) both lie partially within the DCO boundary. The proposed development would result in the permanent loss of 0.12ha of broadleaved woodland and amenity grassland habitats within the Ashford Green Corridor LNR and the permanent loss of 0.02ha of semi-improved grassland habitat within the Highfield Lane RNR. Would the local authorities state whether they are in agreement that appropriate mitigation measures are proposed and secured in the DCO [OD-008] to mitigate for the loss of these habitats?</p>	<p>Reserve (LNR) and Highfield Lane Roadside Nature Reserve (RNR). As such, 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>
<p><b>Noise and Vibration - ES Chapter 11 [APP-039]</b></p>			
	<p><b>Question to</b></p>	<p><b>Question(s)</b></p>	
<p>11.1</p>	<p>Applicant; ABC; KCC</p>	<p>Section 11.3 sets out the method of assessment for noise and vibration, based on the DMRB, World Health Organisation sources and other sources.</p> <p>i. Would the Applicant and local authorities confirm whether the study area for the assessment of both construction and operational effects has been agreed between them?</p>	<p>The study area for assessment has not been agreed with KCC.</p>
<p>11.3</p>	<p>Applicant; ABC; KCC</p>	<p>Section 11.6, Baseline Information, records the sources of information that have been used for the baseline in terms of the local environment and</p>	<p>iii) The consultancy jointly commissioned by ABC and KCC advises that: The Noise Survey in Section 11.6, Baseline Information of the ES is</p>

		<p>the baseline survey.</p> <ul style="list-style-type: none"> <li>i. QUESTION DELETED AS NOT FOR KCC</li> <li>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?</li> <li>iii. QUESTION DELETED AS NOT FOR KCC</li> </ul>	<p>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.</p> <p>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.</p>
11.6	Applicant; ABC; KCC	<p>Section 11.9, Conclusions, summarises the Applicant's conclusions with regard to the noise and vibration effects of the proposed development.</p> <ul style="list-style-type: none"> <li>i. Would the Applicant and local authorities state to what extent the local authority Environmental Health Officers been consulted on the assessment set out in ES Chapter 11?</li> <li>ii. QUESTION DELETED AS NOT FOR KCC</li> <li>iii. QUESTION DELETED AS NOT FOR KCC</li> </ul>	<p>i) KCC has not been consulted on the assessment.</p>

Effects on all Travellers - ES Chapter 12 [APP-040]			
	Question to	Question(s)	
12.3	Applicant; ABC; KCC	<p>Section 12.6, Baseline Information, identifies NMU amenities (including existing PRowS, footpaths, and cycle routes), baseline NMU surveys, and vehicle travellers.</p> <ul style="list-style-type: none"> <li>i. QUESTION DELETED AS NOT FOR KCC</li> <li>ii. What is the position of the local authorities on the Applicant's traffic safety assessment?</li> </ul>	<p>From a highways perspective, KCC is satisfied with the applicant's traffic safety assessment.</p> <p>In respect of PRow, there is no change expected in respect of safety with all road crossings provided for in the final scheme. An at-grade crossing appears to be a temporarily solution whilst the Church Road footbridge is unavailable. Details of this temporary scheme will be needed to assess its safety.</p>
Community and Private Assets - ES Chapter 13 [APP-041]			
	Question to	Question(s)	
13.1	ABC; KCC	<p>Section 13.5, Assumptions and Limitations, states that information has largely been based on desk-based research; that there is no published guidance relating to the assessment of community and private assets so that the assessment draws on other DMRB topics supported by best practice and professional judgement; and that assumptions were made re farm businesses due to a low response rate to the agricultural questionnaires sent out.</p> <ul style="list-style-type: none"> <li>i. Would the local authorities identify any areas in which they disagree with the content of this section, and in particular, the fact that only those known access points which would be removed by the proposed development (as shown on the individual farm maps in Appendix A</li> </ul>	<p>KCC defers to ABC's response to the First Set of Written Questions.</p>

		(Sheets 1 to 8) of Appendix 13.3, Volume 6.3) have been considered as part of the assessment?	
<b>Combined and Cumulative Effects - ES Chapter 15 [APP-043]</b>			
	<b>Question to</b>	<b>Question(s)</b>	
15.1	ABC; KCC; Natural England; Environment Agency	<p>Section 15.3 sets out the method of assessment for the combined and cumulative effects assessment, including the study areas Zols for each ES topic chapter, an assessment methodology, and significance criteria, based on the DMRB and other sources.</p> <p>i. Would the local authorities, Natural England and the Environment Agency state whether they agree with the scope of the combined and cumulative effects assessment, including the 2 km study area and the planning applications included in the assessment?</p>	KCC does not have any comments on the study area, but refers to the ABC-KCC LIR, which sets out a list of developments.
15.2	Applicant; KCC; ABC; IPs	<p>Section 15.6, Predicted Effects, summarises the cumulative residual effects, for each of the other developments for each environmental topic and overall for all other developments and all environmental topics, with the Main and Alternative Schemes in tables 15.9 and 15.10, respectively.</p> <p>i. The proposed lorry park adjacent to Junction 11 of the M20<sup>3</sup> (some 8km southeast of the proposed development)</p>	ii) Part of the Lorry Holding Area construction will involve new motorway signing for traffic control. It is essential that timing of this is considered when any traffic management is in place on M20 for construction of J10A. In addition, should Operation Stack come into operation during the construction of J10A, the possible effect of traffic management must be considered. It is envisaged that measures will be in place to ensure access and egress to the Lorry Holding Area will be via M20 J11. KCC would respectfully request an opportunity to respond to the applicant's comments under i).

<sup>3</sup> <https://highwaysengland.citizenspace.com/he/managing-freight-vehicles-through-kent/> and <https://www.gov.uk/government/news/transport-secretary-announces-proposed-site-for-operation-stack-lorry-area>

		<p>does not appear on the 'long list' of 'other developments' at Table 15.8. Given its proximity to, and likely impact on, the proposed development, would the Applicant state why it has not been considered, and if necessary update Chapter 15 of the ES (and other topic chapters of the ES where cumulative effects are assessed) to consider the potential cumulative effect of this scheme, particularly in respect of the traffic modelling study area?</p> <p>ii. Would other IPs (in particular the local authorities) comment as to the potential for cumulative effects between the proposed development and the lorry park?</p>	
<b>Environmental Management - ES Chapter 17 [APP-045]</b>			
	<b>Question to</b>	<b>Question(s)</b>	
17.1	ABC; KCC; Environment Agency; Natural England	Do the local authorities, the Environment Agency and Natural England have further comments, beyond those already expressed, as to the content of the Register of Environmental Actions and Commitments (REAC) contained as Appendix D within the oCEMP, Appendix 17.1, Volume 6.3 [APP-204]?	KCC has no additional comments to make at this time, but would request the opportunity to comment in detail on the content, as and when changes are made by the EA in response to various detailed matters raised.
<b>18 Case for the Scheme [APP-209]</b>			
<b>Socio-economic Impacts</b>			
	<b>Question to</b>	<b>Question(s)</b>	
18.1	ABC; KCC;	Would the local authorities, the Environment	KCC considers that there are elements of the assessment of some of

	Environment Agency; Natural England	Agency and Natural England state whether the proposed development complies with the need to be designed to minimise social and environmental impacts and improve quality of life in accordance with para 3.2 of the NPSNN?	the social and environmental impacts of the proposed scheme that need to be addressed to ensure that the scheme is sustainable. These are set out in detail in ABC's Relevant Representation (RR-002), KCC's Relevant Representation (RR-026) and within this response.
18.2	ABC; KCC; Environment Agency; Natural England	Would the local authorities, the Environment Agency and Natural England state the extent to which the summaries of key economic, social and environmental impacts are agreed, with evidence to support any disagreement?	There are a number of points set out within ABC's Relevant Representation (RR-002), KCC's Relevant Representation (RR-026) and within this response that should be addressed, which raise points of clarification and further work. As such, KCC would like to review and consider HE's response to these matters before making comment on this question and would respectfully request the opportunity to do so at a later time within the Examination.
<b>19 Transport Assessment [APP-210]</b>			
	<b>Question to</b>	<b>Question(s)</b>	
19.6	ABC; KCC	Re sections 3, 6 and 7 of the Transport Assessment document, would ABC and KCC state their positions on the Applicant's traffic modelling, including the statement at para 7.7.1 that " <i>the scheme will have minimal impact on mainline journey times</i> " on the M20, and the predicted impact on local road networks (para 7.8 to 7.10)?	KCC is satisfied that the modelling outputs are robust and that the scheme will have minimal impact on the local road network.
<b>20 Draft Development Consent Order (dDCO) [OD-008]</b>			
<b>Requirements (Schedule 2, Part 1)</b>			
20.22	ABC; KCC; Natural England; Environment Agency	<b>Requirement 3 Construction Environmental Management Plan</b> The oCEMP [APP-204] sets out a series of proposed measures and standards to be applied by Highways England and its contractors	HIGHWAYS: All documents relating to the Control of the Effects on Travellers and the Community (APP-204) need to be agreed with KCC. HERITAGE ASSETS: KCC advises that all documents relating to the impact on and mitigation for heritage assets, including archaeological remains, need to be finalised following consultation with the County

		<p>throughout the construction period.</p> <p>i. Do the local authorities or Statutory Parties, responsible for approving the oCEMP under Requirement 3 of the dDCO, have any comments on the sufficiency of the oCEMP for securing the necessary mitigation during the construction of the proposed development?</p>	<p>Archaeologist. All archaeological fieldwork and reporting needs to be in accordance with specifications agreed with the County Archaeologist, especially the KCC Specification Manuals for trial trenching and for Strip, Map and Sample excavation.</p> <p>Further comments in relation to the DCO are set out in the appendix to KCC's Written Representations.</p>
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