

# M20 Junction 10a

TR010006

## Response to Kent County Council Submissions at Deadline 3



Volume 11.2  
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M20 Junction 10a

TR010006

# **Response to Kent County Council Submissions at Deadline 3**

**Planning Act 2008  
Infrastructure Planning (Applications: Prescribed Forms  
and Procedure)  
Regulations 2009**

**Volume 11.2**



# Issue and revision record

Revision	Date	Originator	Checker	Approver	Description
A	February 2017	Mott MacDonald Sweco	Mott MacDonald Sweco	Highways England	DCO submission (deadline 4)
		Burges Salmon	Burges Salmon		

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# 1. Written Representations

PINS Ref.	Written Representation from Kent County Council	Response from Highways England (the Applicant)
REP3-023	<p data-bbox="309 550 728 582"><b>Highways and Transportation</b></p> <p data-bbox="309 598 1108 774">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.</p>	<p data-bbox="1167 550 1982 957">Highways England acknowledges that local traffic will use the A20 in preference if this is perceived as being a quicker route. The traffic numbers are expected to be relatively small; the traffic model forecasts this to be in the order of 5 to 10 vehicles an hour. Please refer to Chapter 6, para 6.5.36 of the Consultation Report for further details. The main traffic travelling east towards Dover or west towards London will be directed through new A2070 Link Road and new M20 J10a. A20 will be signed as a local road. Please see our Signing Strategy document (Volume 7, 7.5 Signing Strategy) for the detailed information about our signing strategy for the existing M20 J10 and new M20 J10a.</p> <p data-bbox="1167 973 1982 1045">Highways England will not trunk the A20 Hythe Road between M20 J10 and M20 J10a for the following reasons:</p> <ol data-bbox="1167 1061 1982 1412" style="list-style-type: none"> <li>1. Traffic modelling (PP.56-57 on the published TAR) clearly shows a significant reduction of traffic flows on this section with the new J10a (remarkable for northbound/westbound vehicles). This confirms that the traffic using this section would be mainly local traffic with local destinations (i.e. Tesco, William Harvey Hospital, Ashford centre to/from south-eastern area of A20). Therefore this would not fully align to the objectives of Highways England Strategic Road Network;</li> <li>2. There will be a cost to Highways England to upgrade the assets to the appropriate standards;</li> </ol>

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REP3-023		3. This will mean changes to Service Provider contracts as it is an increase in responsibility."
023.02	<p>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.</p>	<p>Highways England understand concern regarding the Barrey Road exit onto the A2070, we notice that a number of residents have raised similar concerns in the relevant representations.</p> <p>The last traffic assessment of the Barrey Road Junction was done prior to 2013 when permission to occupy the empty units in the Ashford Retail Park was given, and at that time it was indicated that there would be a negligible impact on traffic overall. Therefore before the Scheme starts Highways England Area 4 have already put in place enhancements to the A2070 and Barrey Road by improving signage and visibility at the junction, and we will be reducing the speed limit to 40mph on Bad Munstereifel Road and re-routing traffic for right hand turns around the link road roundabout as part of the Scheme.</p> <p>Any subsequent amendment to this junction would require a Traffic Assessment of the Ashford Retail park and residential traffic impact to be initiated by the local network authority at the request of local stakeholders, which is not part of the Scheme as Highways England Major Projects deals with Nationally Significant Infrastructure (NSIP) Construction.</p> <p>Furthermore after a meeting on 30 November 2016 with Local Authorities and local businesses further discussions between Highways England Area4 Spatial Planning and Kent County Council were planned, and they are currently on-going, to resolve any existing traffic issue ahead of the Scheme, which is supporting the discussion by providing the relevant data and additional traffic surveys.</p>
023.03	<p>KCC intends to stop up and provide a turning head to alleviate the potential for rat running along Kingsford Street to Mersham</p>	Noted.

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PINS Ref.	Written Representation from Kent County Council	Response from Highways England (the Applicant)
REP3-023	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.	
023.04	<p><b>Public Rights of Way</b></p> <p>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.</p>	Highways England can confirm that the bridge has been designed to accommodate equestrians and that the additional signs will be erected.
023.05	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.	PRow number AE338 and AE337A (located on the south side of the new A2070 Link Road) are located on the land owned and managed by the Friends Life, looking into their planning application 14/00906/AS new building (Plot 6) is proposed in this location. The stopping up or re-directing of those two footways should be managed by Friends Life.
023.06	<p><b>Cultural Heritage</b></p> <p>KCC considers the assessment of cultural heritage issues to be reasonable.</p> <p>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.</p>	<p>Discussions with Historic England continue in relation to the Sevington Church and will be reported in the Statement of Common Ground (DCO Document 8.4). Kent County Council will be party to discussions between Highways England and Historic England.</p> <p>A written scheme of investigation for the intrusive archaeological evaluation of the Scheme area is being produced and will be issued to the KCC Historic Environment Service for discussion/approval. The archaeological evaluation works will be completed in advance of construction works. The</p>

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PINS Ref.	Written Representation from Kent County Council	Response from Highways England (the Applicant)
REP3-023	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.	strategy for archaeological mitigation will be followed as detailed in Schedule 2 of the dDCO (DCO Document 3.1).
023.07	<p><b>Biodiversity</b></p> <p>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.</p>	Noted.
023.08	<p><b>Surface Water Management</b></p> <p>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.</p>	Noted.
023.09	<p><b>Minerals and Waste</b></p> <p>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</p>	An update to the Minerals Assessment will be produced in discussion with Kent County Council on the scope of the updates required. The updated Minerals Assessment will be submitted in due course.

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PINS Ref.	Written Representation from Kent County Council	Response from Highways England (the Applicant)
REP3-023	the Kent Waste and Minerals Plan 2013-30, to ascertain whether the scheme is incompatible or not with minerals safeguarding.	
023.10	<b>HE's Draft Development Consent Order (DCO)</b> KCC has provided initial comments on HE's draft DCO (OD-008), which are set out in appendices to this letter.	Noted, see below
023.11	<b>Article No 1</b> None	No response required
023.12	<b>Article No 2</b> None	No response required
023.13	<b>Article No 3</b> None	No response required
023.14	<b>Article No 4</b> None	No response required
023.15	<b>Article No 5</b> There is no definition of when decision will be made. This should be in conjunction with ABC/KCC.	We presume the question relates to Article 5(3). Article 21(3) effectively means that the Applicant will be required to notify the relevant planning authority of which option it intends to construct before commencement of the development. It is not necessary or appropriate for ABC or KCC to be involved in the decision of which option is constructed.
023.16	<b>Article No 6</b> None	No response required

PINS Ref. REP3-023	Written Representation from Kent County Council	Response from Highways England (the Applicant)
023.17	<p><b>Article No 7</b> None</p>	No response required
023.18	<p><b>Article No 8</b> 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.</p>	Deviation outside the extents shown on the plan will require the deviation to be assessed to ensure that the impacts are not materially new or materially worse (Article 8), consultation with the relevant planning authority and approval from the Secretary of State. Deviation outside the extents would also only be possible if the Applicant has secured the necessary proprietary rights.
023.19	<p><b>Article No 9</b> None</p>	No response required
023.20	<p><b>Article No 10</b> None</p>	No response required
023.21	<p><b>Article No 11</b> 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 odds with this. The rest of this section gives even more reason to insist on HE taking on maintenance of A20.</p>	In order for the project to be delivered the Applicant must proceed with it within a certain timeframe. The Applicant will continue to liaise with KCC regarding the timing of the works but the delivery of the project cannot be delayed while KCC give priority to other minor street works within its area. The Applicant is the Highway Authority for major roads and networks in England and it is in their interest to construct the scheme according to the standards expected by the 1991 Act. Article 12 requires any road which is to be maintained by KCC is constructed to their reasonable satisfaction therefore KCC should not be concerned about the disapplication of various sections of the 1991 Act.

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PINS Ref.	Written Representation from Kent County Council	Response from Highways England (the Applicant)
REP3-023		
023.22	<p><b>Article No 12</b> KCC require that the A20 is maintained by HE following construction of the scheme.</p>	<p>The Applicant requires further information concerning this request.</p>
023.23	<p><b>Article No 13</b> None</p>	<p>No response required</p>
023.24	<p><b>Article No 14</b> 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.</p>	<p>DCO Requirement 3 provides the consultation which KCC seek here. Article 14 only permits the Applicant to temporarily stop up and restrict the use of streets if it is the street authority. If it is not the street authority the street authority's consent (Art 14(4))</p>
023.25	<p><b>Article No 15</b> 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.</p>	<p>See response above</p>
023.26	<p><b>Article No 16</b> All access to/from the works on the local network to be agreed with KCC.</p>	<p>KCC's concerns are addressed in DCO Requirement 3. The Applicant will consult with KCC as required in order to comply with DCO Requirement 3</p>
023.27	<p><b>Article No 17</b> No comment</p>	<p>No response required</p>

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PINS Ref.	Written Representation from Kent County Council	Response from Highways England (the Applicant)
023.28	<p><b>Article No 18</b> No comment</p>	No response required
023.29	<p><b>Article No 19</b> None</p>	No response required
023.30	<p><b>Article No 20</b> 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.</p>	Noted
023.31	<p><b>Article No 21</b> 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.</p>	The Applicant is willing to meet KCC to discuss this.
023.32	<p><b>Article No 22</b> Not applicable.</p>	No response required
023.33	<p><b>Article No 23</b> Not applicable.</p>	No response required
023.34	<p><b>Article No 24</b> No Rights of Way affected. In land terms, KCC is being asked to pass this land to Highways England.</p>	Noted

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PINS Ref. REP3-023	Written Representation from Kent County Council	Response from Highways England (the Applicant)
023.35	<p><b>Article No 25</b></p> <p>Yes KCC has approved the extinguishments. 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 East of the A2070. The description and corresponding plan should therefore reflect the following;</p> <p>Parish – Sevington</p> <p>Highway to be stopped up – Public Right of Way AE339</p> <p>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 &amp; 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>	<p>The description of the PRow as proposed will be amended in the final dDCO. The 'Right of Ways and Access Plans' drawing Sheet 3 will be amended to show the full extent of the AE339 path. Path AE338 is currently shown on 'Right of Ways and Access Plans' on Sheet 3.</p>
023.36	<p><b>Article No 26</b></p> <p>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.</p>	<p>Please specify.</p> <p>The access 'track' shown in black on the 'Right of Ways and Access Plans' drawings will be permanently acquired and stopped up. The new private means of access, see reference label 3 on the 'Right of Ways and Access Plans' drawings will be provided instead.</p>

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PINS Ref.	Written Representation from Kent County Council	Response from Highways England (the Applicant)
023.37	<p><b>Article No 27</b></p> <p>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.</p>	<p>Article 27 seeks to modify the 1981 Act. However, it is noted that from the 2 February there have been amendments made to the 1981 Act to remove the requirement for preliminary notices. The Applicant is considering whether it wishes to amend the DCO accordingly and will provide further information to the examination in due course.</p>
023.38	<p><b>Article No 28</b></p> <p>No comment</p>	<p>No response required</p>
023.39	<p><b>Article No 29</b></p> <p>Part of several titles only has been requested by Highways England. This should not be an issue.</p>	<p>Noted</p>
023.40	<p><b>Article No 30</b></p> <p>No comment</p>	<p>No response required</p>
023.41	<p><b>Article No 31</b></p> <p>No comment</p>	<p>No response required</p>
023.42	<p><b>Article No 32</b></p> <p>No comment</p>	<p>No response required</p>
023.43	<p><b>Article No 33</b></p> <p>No comment</p>	<p>No response required</p>
023.44	<p><b>Article No 34</b></p> <p>No comment</p>	<p>No response required</p>

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PINS Ref.	Written Representation from Kent County Council	Response from Highways England (the Applicant)
REP3-023		
023.45	<b>Article No 35</b> No comment	No response required
023.46	<b>Article No 36</b> No comment	No response required
023.47	<b>Article No 37</b> No comment	No response required
023.48	<b>Article No 38</b> Any works need to have consideration to wildlife legislation (Wildlife and Countryside Act 1981/Habitat Regulations) On-going maintenance does not mean that the HE can cause a breach of these legislations – HE needs to demonstrate that they are taking it in to consideration.  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	The Applicant is content for the Article to be amended as suggested.
023.49	<b>Article No 39</b> None	No response required
023.50	<b>Article No 40</b> None	No response required
023.51	<b>Article No 41</b>	No response required

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PINS Ref.	Written Representation from Kent County Council	Response from Highways England (the Applicant)
REP3-023	None	
023.52	<b>Article No 42</b> None	No response required
023.53	<b>Article No 43</b> As submitted	No response required
023.54	<b>Article No 44</b> No comment	No response required
023.55	<b>Article No 45</b> No comment	No response required
023.56	<b>Article No 46</b> No comment	No response required
023.57	<b>Article No 47</b> No comment	No response required
	<p><b>Schedule 1</b></p> <p>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.</p> <p>Work No. 10 and Work No. 11 (a) - Should there be emergency access from J10 onto M20 eastbound from William Harvey Hospital?</p>	<p>Work No. 4 - dDCO description refers to the A2070 link road roundabout, the two bypass lanes are part of the roundabout so they are not described separately.</p> <p>Work No.10 – is the construction of a new roundabout junction to connect the A2070 to the A2070 link road. No emergency access required.</p> <p>Work No.11 – is the strengthening of the existing Swatfield Bridge on the A20 Hythe Road.</p>

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PINS Ref. REP3-023	Written Representation from Kent County Council	Response from Highways England (the Applicant)
	Work No. 13 Should there be emergency access from M20 J10 Westbound for access to William Harvey Hospital?	Work No. 12 and No. 13 – emergency access to the William Harvey Hospital is not provided as is not required.
	<p><b>Schedule 2 – Requirements Part 1</b></p> <p><b>3. CEMP</b> CEMP to be prepared in consultation with KCC.</p>	Highways England is content to amend Requirement 3 (Construction Environmental Management Plan) of the dDCO so that KCC is consulted on the CEMP.
	<p><b>4. Landscaping</b> KCC should be consulted.</p>	Highways England is content to amend Schedule 2, Requirement 4.-(1) of the dDCO to also consult with Kent County Council as the Local Highways Authority.
	<p><b>5. Implementation and maintenance of Landscaping</b> No comment.</p>	No response required
	<p><b>6. Fencing</b> No comment</p>	No response required
	<p><b>7. Contaminated land</b> No comment</p>	No response required
	<p><b>8. Archaeology</b> No comment</p>	It is accepted that further investigation will be required and it is considered that Requirement 8.-(1) as drafted adequately reflects this eventuality.
	<p><b>9. Protected Species</b> 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 post</p>	<p>Requirement 9.-(1) could be amended to include "and associated remedial works if required" after "authorised development...."</p> <p>Requirement 9.-(1) could be amended by adding a full stop after "species" and introducing a new sentence or sub-requirement as follows: "The Ecological Clerk of Works on site</p>

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PINS Ref.	Written Representation from Kent County Council	Response from Highways England (the Applicant)
REP3-023	<p>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 un recorded) 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>	<p>will be responsible for reporting any new protected species found on site to Natural England and the relevent Planning Authority in accordance with pre-agreed plans with the same bodies. for such an eventuality."</p> <p>Requirement 9.-(1) should be redrafted to apply the 10m buffer zone to nesting birds only, giving the Ecological Clerk of Works on site the responsibility to determine any appropriate exclusion zone for protected species found.</p>
	<p><b>10.Traffic Management</b></p> <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>	<p>The plan has not been drafted yet. The proposed traffic management needed for the scheme has been discussed in relation to Operation Stack with Kent Police, KCC and RCC at Godstone. We are fully aware of the impact of Operation Stack and the contractor is also aware of its impact and the need for continuous engagement with the Police, KCC and RCC.</p>
	<p><b>11. Detailed design</b></p> <p>KCC to be consulted on the detailed design.</p>	<p>KCC will be consulted on the detailed design for roads and bridges for which they are the local highway authority.</p>
	<p><b>12. Surface and foul water drainage</b></p>	<p>Agreed.</p>

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PINS Ref.	Written Representation from Kent County Council	Response from Highways England (the Applicant)
REP3-023	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.	
	<b>13. Approvals and amendments to approved details</b> No comments.	No response required
	<b>14. Alternative A2070 options</b> Highways: KCC will be consulted on planning for Stour Park site.	Noted. We assume you are referring to the U19 site being promoted by Friends Life/Aviva.

## 2. Summary of Relevant Representations

PINS Ref.	Relevant Representation from Kent County Council	Response from Highways England (the Applicant)
<b>REP3-025</b>		
025.01	KCC fully supports the proposal for the construction of the M20 J10a.	No Response required.
025.02	In the Ashford Borough Council (ABC) - KCC District Delivery Deal (2015), the new junction is listed as one of the 'Big 8' strategic projects identified as having the greatest collective ability to unlock thousands of jobs and homes in the Ashford Borough. KCC has set out its full commitment to work closely with the Borough Council to enable the delivery of the 'Big 8' strategic projects.	No Response required.
025.03	KCC and ABC have jointly commissioned an Independent Review of the Environmental Statement (ES) (APP-029 to APP-208). This may result in recommendations for further areas of work and KCC will welcome the opportunity to comment on matters of detail at future stages of the Examination process.	No Response required.
025.04	The principal submissions that KCC intends to make in relation to the application will relate to: <ul style="list-style-type: none"> <li>- All matters concerning KCC as Local Highway Authority;</li> <li>- All surface water management matters of the scheme relevant to KCC as the Lead Local Flood Authority; and</li> <li>- Minerals and waste impacts;</li> </ul>	For Highways England responses to KCC's relevant representations dated 3 October 2016 please see 'Comments on Relevant Representations' report PINS Ref REP3-017.

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PINS Ref.	Relevant Representation from Kent County Council	Response from Highways England (the Applicant)
REP3-025	<ul style="list-style-type: none"><li>- Public Rights of Way impacts;</li><li>- Asset management/ maintenance</li><li>- Cultural heritage impacts; and</li><li>- Biodiversity impacts.</li></ul>	

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### 3. Response to ExA's First Written Questions

#### Question 1.1

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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
1.1	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).	Agreed, no response required.

#### Question 1.2

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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
1.2	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	Agreed, no response required.

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	<p>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>	

### Question 1.3

Has an adequate assessment of options been undertaken to comply with the requirement in NPSNN para 4.27?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
1.3	<p>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.</p>	Agreed, no response required.

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Question 1.4

To what extent would the proposed development be sustainable in accordance with NPSNN paras 3.1 to 3.5?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
1.4	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.	For Highways England responses to KCC's relevant representations dated 3 October 2016 please see 'Comments on Relevant Representations' report PINS Ref REP3-017.

Question 1.5

To what extent would the proposed development deliver appropriate environmental and social benefits as required by NPSNN para 3.3?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
1.5	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	For Highways England responses to KCC's relevant representations dated 3 October 2016 please see 'Comments on Relevant Representations' report PINS Ref REP3-017.

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	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.	

### Question 1.6

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.

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
1.6	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.	No response required.

### Question 1.7

Are the local authorities satisfied that the Applicant has demonstrated good design as required by NPSNN paras 4.28 to 4.35?

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
1.7	<p>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.</p>	<p>For Highways England responses to the ABC relevant representation issues dated 3 October 2016 please see 'Comments on Relevant Representations' report PINS Ref. REP3-017.</p>

### Question 1.8

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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
1.8	<p>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.</p>	<p>We have compared the list of policies in the LIR and Case for the Scheme and we have identified one policy is missing - SPG6. This policy refers to an infrastructure fund for developers to contribute to. Also the last paragraph states that "Long-term M20 junction 10 improvement (Junction 10a) - The SATS technical work established beyond any reasonable doubt that a major new long-term improvement to M20 access on the eastern side of Ashford is going to be necessary in the future". This policy supports Highways England Scheme.</p>

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Question 1.9

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.

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
1.9	<p>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.</p> <p>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.</p>	<p>Highways England are reviewing the issues raised by ABC and KCC.</p>

Question 1.10

Is the proposed development compatible with regional and local strategies to increase uptake and mode share for public transport, walking and cycling?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
1.10	<p>KCC is satisfied that every effort has been made to accommodate connections to support non-motorised users and to facilitate access to public transport.</p>	<p>No response required.</p>

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Question 1.11

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.

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
1.11	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.	No response required.

Question 2.1

General points:

- i. To what extent have the local authorities been involved in the engineering and design of the proposed development?
- ii. Are the local authorities content with the design as articulated in the application?
- iii. Are the local authorities satisfied that the solution chosen for each of the new bridges is appropriate?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
2.1	<p>In general terms;</p> <p>i. KCC has been involved in all aspects of the project in respect of engineering and design.</p> <p>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.</p>	<p>i. No response required.</p> <p>ii. For Highways England responses to the ABC relevant representation issues dated 3 October 2016 please see 'Comments on Relevant Representations' report PINS Ref REP3-017.</p> <p>iii. No response required.</p>

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	iii. KCC is satisfied that the new bridge solutions are appropriate.	

Question 2.2

Section 2.3 provides a Description of the Main Scheme:

- 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?
- ii. Re paras 2.3.40 to 2.3.45, Statutory Undertakers Diversions, are the Statutory Undertakers (SW, SG, SEW) and telecoms service providers (BT and Vodafone) content with the diversions proposed to the services for which they are responsible, and the Statutory Undertaker schedule cited at para 2.6.17?
- iii. Would the Applicant detail the assessment work that has been undertaken with regard to the diversion of the various utilities, taking into account that the location and the length of the diversion works are stated to be not known at this stage, and state how the assessment work has been reflected in the ES?
- iv. Re para 2.3.40, the relocation of the Southern Water Pumping Station, this work does not appear to be depicted on ES Figure 2.1 [APP-049] or on the Works Plans [OD-011]. Would the Applicant supply a new or revised figure/ plan to illustrate the location of this feature?
- v. Re para 2.3.41, diversion of high pressure gas main, the ES states that this diversion would be the responsibility of SGN, and the power to undertake this work is sought in Work 22 of the draft Development Consent Order (dDCO) [OD-008]. It is unclear whether the ES has assessed the impacts of this work as part of the development for which consent is sought, or whether this Work would in fact be delivered outside of the DCO process. Would the Applicant clarify this point?
- vi. Re paras 2.3.42 to 2.3.46, Statutory Undertaker Diversions, the ES does not provide any clarity as to whose responsibility it would be to undertake the works. Would the Applicant identify these responsibilities, and how these responsibilities would relate to the powers which would be given to Highways England through the dDCO to deliver these works?
- vii. Re para 2.3.43, diversion of the UK Power Networks apparatus and the required new substation, this substation does not appear to be depicted on ES Figure 2.1 [APP-049] or on the Works Plans [OD-011]. Would the Applicant supply a new or revised figure/ plan to illustrate the location of this feature?

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
2.2	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.	i. Agreed, no response required.

### Question 2.3

Section 2.5 addresses Environmental Mitigation Design Measures:

- 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), Landscape Design (IPs), Noise (IPs), Replacement Open Space (IPs)?
- ii. Re para 2.5.10, acoustic bund to the rear of Summerhill Place, the height of this bund is not specified. Would the Applicant specify the dimensions of this bund as used for the purposes of the ES assessment?
- iii. Re para 2.5.11, would the Applicant state how the thin surface course will be secured in the dDCO [OD-008]?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
2.3	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.  KCC supports the matters raised in ABC's Relevant Representation (RR-002). in respect of landscape design,	For Highways England responses to the KCC and ABC relevant representation issues dated 3 October 2016 please see 'Comments on Relevant Representations' report PINS Ref REP3-017.

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	noise and replacement open space, all of which HE needs to address.	

#### Question 2.4

Section 2.6 considers the Construction of the Scheme:

- 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]?
- ii. Re paras 2.6.5 to 2.6.7, core working hours and need for night time works, a greater number and range of activities which could be undertaken at night are specified in dDCO Requirement 3(2)(e) [OD-008] in comparison to the works described within the ES. Would the Applicant clarify how all night time works specified in the dDCO have been assessed in the ES, including the assumptions made to inform the assessment?
- 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?
- iv. Re para 2.6.10, presence and use of main construction compound, would the Applicant provide evidence to demonstrate how all assumptions made in this para have been secured in the dDCO and/ or specific sections of the oCEMP [APP-204] (and the same in respect of the other temporary construction compound)?
- v. Re para 2.6.16, PRoWs, would the Applicant clarify the assumptions that have been made with respect to temporary footpath diversions for the purpose of assessing effects on PRoW users on a worst case basis?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
2.4	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	No response needed.

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	<p>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 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</p>	<p>Highways England are working closely with their contractor to discuss the construction programme to ensure that the open to traffic date is achieved.</p> <p>Point noted by Highways England. Their contractor will review this suggestion.</p> <p>Highways England will consult with KCC when preparing the Traffic and Transport Management Plan.</p> <p>Noted. Discussions with the Environment Agency are ongoing with regards to the flood risk assessment and pollution risks during construction.</p>

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	<p>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</p>	<p>No response required.</p> <p>An outline Site Waste Management Plan is being drafted in cooperation with the Contractor and will be submitted to the Examiner in due course. This will set the requirements for the full Site Waste Management Plan, which will be produced by the Contractor during the Detailed Design stage. KCC will be given the opportunity to comment on this plan, when available.</p> <p>Article 14 of the DCO provides for the temporary stopping up and restriction of use of streets. The Applicant is not intending to close any PROWs before the commencement of the authorised development.</p> <p>No response required.</p>

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	<p>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.</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. There has been no discussion/ agreement with KCC - as the Minerals and Waste Planning Authority - on proposed hours.</p>	<p>iii. Liaison with the church wardens will be carried out by the Contractor during the Detailed Design stage, prior to construction commencing.</p> <p>Please refer to Highways England's Response to Examining Authority's First Written Questions Report 2 Ref 10.9.</p>

## Question 2.5

Section 2.7 considers the Maintenance and Management Measures:

- i. Would KCC, as the relevant local Highway Authority, confirm its agreement with the maintenance and management responsibilities as outlined in this section?
- ii. Would the Applicant provide a detailed description of the maintenance and management requirements, including the assumptions that have informed the assessment and how these would be secured in the dDCO [OD-008]?

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
2.5	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>Highways England will not trunk the A20 Hythe Road between M20 J10 and M20 J10a for the following reasons:</p> <ul style="list-style-type: none"> <li>- Traffic modelling (PP.56-57 on the published TAR) clearly shows a significant reduction of traffic flows on this section with the new J10a (remarkable for northbound/westbound vehicles). This confirms that the traffic using this section would be mainly local traffic with local destinations (i.e. Tesco, William Harvey Hospital, Ashford centre to/from south-eastern area of A20). Therefore this would not fully align to the objectives of Highways England Strategic Road Network;</li> <li>- There will be a cost to Highways England to upgrade the assets to the appropriate standards;</li> <li>- This will mean changes to Service Provider contracts as it is an increase in responsibility.</li> </ul> <p>We do not anticipate additional traffic on A20. The new vertical road alignment dictates that we have to add more dead load onto Swatfield Bridge, and it is for this reason that we are strengthening the existing structure.</p>

### Question 3.1

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.

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
3.1	KCC is content with the scheme need and objectives articulated in sections 3.2 and 3.3.	No response required.

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### Question 3.2

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.

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
3.2	KCC is content with the process to identify the proposed development that is articulated in section 3.4.	No response required.

### Question 4.1

Section 4.7 considers Mitigation Measures and Enhancements in general, which are then addressed by individual topic:

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.

ii. Would the Applicant confirm and justify the confidence levels that the proposed mitigation measures would be successful (with particular reference to the Register of Environmental Actions and Commitments set out in Appendix D of the oCEMP [APP-204])?

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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
4.1	i. In respect of biodiversity impacts, KCC considers that it would be expected for monitoring to be carried out. Ongoing	i. Monitoring of protected species will be undertaken prior to construction, during the 2017 survey season. This will include surveys for GCN, Bats, badgers and water voles and any

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	<p>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 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</i></p>	<p>additional information will be added into the EPS licences. This approach has been agreed with Natural England.</p> <p>iii. Monitoring of planting will be undertaken during the aftercare period to ensure its successful establishment and that it meets its objective as replacement habitat for protected species. During these audits, any remedial work or habitat management required will be recorded and actioned. The frequency of these audits will be addressed during the Detailed Design stage as part of the Series 3000 Appendices (i.e. the relevant specification of works).</p> <p>Species monitoring requirements are included within the Ghost Licences/ Letter of No Impediment and these have been agreed with Natural England</p> <p>Badger monitoring post-completion is not proposed under the mitigation licence method statement, which has been agreed with Natural England. The badger setts affected by the Main and Alternative Schemes consist of two subsidiary setts and one outlier, which are to be permanently closed. As these setts are not considered to be main setts they will be closed without the need for creation of an artificial badger sett, as badgers are likely to have alternative setts within the vicinity. Therefore, as setts are to be permanently closed and no artificial sett is to be constructed there is no justification for ongoing monitoring.</p> <p><i>Air quality monitoring</i>: Highways England supports ABC and KCC’s view that any construction dust mitigation would be delivered through the CEMP.</p> <p>ABC and KCC refer to the Panel’s consideration in their advice to the SoS Transport for the M4 Jn3-12 Smart motorway scheme. In particular ABC and KCC seek a recommendation that air quality monitoring be put in place in the event that the</p>

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	<p><i>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 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> <p><i>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 NO<sub>2</sub> 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</i></p>	<p>M20 [Jn10a] scheme did materially worsen air quality, and appropriate mitigation could be put in place.</p> <p>Highways England has undertaken its assessment based on the published guidance as set out in the DMRB and associated IANs. The outcome of the assessment has been considered against the requirements set out in the NPS NN and concluded that the scheme does not result in a significant air quality effect nor does it affect the UK's reported ability to comply with the Air Quality Directive.</p> <p>Paragraph 5.7.102 of the Panel's comments provides context to their consideration of the M4,</p> <p><i>"5.7.102 We accept that the Applicant has undertaken its assessment of air quality impacts in accordance with published guidance and best practice. However, we have set out reasons why we find that there is the potential for the forecasts of operational effects to be less than certain. We also identify our reasons why we consider that a precautionary approach should be adopted in this case having regard in particular to developing methodology. There are large numbers of households and community uses which lie close to the M4 and within the AQMAs. Any significant increase in the levels of NO<sub>2</sub> over and above the standards set out in the EU AQD would be a risk to the health of those who live and work within these areas."</i></p> <p>Of note in the panel's consideration, they considered the large number of properties (close to the M4) and within AQMAs. For this scheme there are no AQMAs for which any receptor considered within the assessment reside within and consequently the context is not the same.</p>

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	<p><i>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).”</i></p> <p>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.</p> <p><i>Noise:</i> 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).</p> <p>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.</p>	<p>The specific air quality requirements in the M4 Jn3-12 DCO (Section 26) for air quality monitoring (which is used to inform a material worsening and need for mitigation) and of particular reference is Section 26 (1) (a):</p> <p>“Air quality monitoring and management</p> <p>26. —(1) No part of the authorised development is to commence until the undertaker has prepared a monitoring scheme for Nitrogen Dioxide (“NO2”). The monitoring scheme must—</p> <p>(a) be prepared in consultation with the relevant local authorities (“the air quality authorities”) for those Air Quality Management Areas in which the authorised development is located where both a change in air quality in excess of 0.4µg/m³ is predicted in the environmental statement, and where annual mean concentrations are above the national air quality objective value;”</p> <p>As demonstrated in Table 5.13 and 5.20 of DCO Document ES 6.1 - Chapter 5 – Air Quality for those receptors with modelled annual mean NO2 concentration greater than 40µg/m³ all changes are less than 0.4µg/m³. Consequently, they would not meet the needs for air quality monitoring as described in the DCO requirements for the M4.</p> <p>Therefore, there is no need for air quality monitoring following the opening of the scheme.</p> <p><i>Noise:</i> There is no requirement in DMRB for post-construction noise monitoring, and there are inherent difficulties in using this means to validate changes and benefits reported in the ES (see 'Comments on Relevant Representations' report PINS Ref. [TBC]). The Examining Authority’s “Report of Findings and Conclusions and Recommendation to the Secretary of State for</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><i>Issues with the current set of documents:</i></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> </ul>	<p>Transport” for the A14 Cambridge to Huntingdon Widening Scheme did consider post-commissioning noise monitoring to be a requirement – although this does not appear to have been transcribed as a formal Requirement to the Order itself. It should also be noted that the ability to achieve a quantifiable measure of mitigation benefits may be more complex in the case of the M20 Junction 10a Scheme owing to the complexity of new road alignments. However, Highways England will explore with ABC whether a mutually satisfactory method of establishing benefits due to specific noise mitigation can be undertaken.</p> <p><i>Landscape and visual impacts: No response required.</i></p> <p><i>Issue with the current set of documents:</i></p> <p>First bullet: In line with the requirements of DMRB, the environmental functions for each area of planting have been referenced in order to provide the rationale behind design decisions, and what is intended to be achieved by the planting choice. Further information will be provided during the Detailed Design stage.</p> <p>Second bullet: Further information regarding production of handover documents will be addressed during the Detailed Design stage, as standard.</p> <p>Third bullet: The LEMP will be prepared by the Contractor during the Detailed Design stage.</p>

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	<p>• 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.</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>	<p>The LEMP will be prepared by the Contractor during the Detailed Design stage.</p> <p>Monitoring will be addressed during the Detailed Design stage, giving timescales and the type of monitoring required during the aftercare period.</p> <p>It is not understood what the term 'LEAP' refers to in this context, and it is assumed that the intention was to refer to the LEMP. Information on the phasing of works, including opportunities for advanced mitigation planting and protection of early planting, will be contained within the LEMP that will be produced by the Contractor during the Detailed Design stage.</p>

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Question 5.1

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 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>:

- i. Would the Applicant state whether the air quality modelling used in the preparation of ES Chapter 5 is in any way affected by the quashing of the AQP or the critique in the judgment of the modelling used by Defra, and explain why this is indeed the case (or not) with particular reference to assumptions made in relation to emissions from Euro 6 diesel cars and the COPERT calculation factors?
- ii. Will the judgment’s conclusion in para 95(ii), that the relevant Secretary of State fell into error in relation to Article 23 of Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008, in fixing on a projected compliance date of 2020 (2025 for London) (or any other parts of the Judgment) have any implications for the air quality assessment and conclusions presented in Chapter 5 of the ES, particularly in relation to the Compliance Risk Assessment described in paras 5.8.18 to 5.8.19 of that chapter?
- iii. If so, what is the likely timescale for the preparation and submission to the Examination of any revised assessments and documents now needed?
- 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?

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.

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 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.

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5.1	iv. KCC and ABC have jointly commissioned an independent detailed technical review of this question.	There is a distinction between air quality objectives (as regulated by the Air Quality (England) Regulations 2000, and

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	<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>: “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.”</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>	<p>2002 amendment) and EU Limit Values as defined by the Air Quality Directive and implemented by the Air Quality Standards Regulations 2010. Whilst annual mean NO<sub>2</sub> concentrations have the same thresholds i.e. 40µg/m<sup>3</sup>, they do not have the same legal requirements and consequently it is not permissible to refer to air quality objectives as being EU Limit Values.</p> <p>The NPS NN in paragraphs 5.12 and 5.13 sets out the two distinct requirements for the consideration of judgement of significance and identifying whether a scheme could affect the UK’s reported ability to comply with the AQD.</p> <p>Based on the current reported information ES 6.1 - Chapter 5 – Air Quality, beginning at paragraph 5.8.18 on page 36 for the Main Scheme and paragraph 5.8.42 on Page 42 for the Alternative Scheme, neither of the two schemes would affect the UK’s reported ability to comply with the AQD.</p> <p>The highest PCM annual mean NO<sub>2</sub> concentration within the study area corresponds with the M20 (Defra Link Census ID 37955) (see Table 5.14 and Table 5.21 presented in ES 6.1 - Chapter 5 – Air Quality) Based on the reported information this PCM link has an annual mean NO<sub>2</sub> concentration of 28.3µg/m<sup>3</sup> in the Scheme Opening Year (2018). The scheme and alternative scheme results in a maximum increase in NO<sub>2</sub> of 1.1µg/m<sup>3</sup> and 1.0µg/m<sup>3</sup> respectively. This would result in maximum equivalent PCM with Scheme concentration of 29.4µg/m<sup>3</sup> and 29.3µg/m<sup>3</sup> respectively. In all instances the modelled concentrations would be below the EU limit value of 40µg/m<sup>3</sup>.</p>

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## Question 5.2

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).

- 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?
- ii. Would the Applicant clarify the reasons for the withdrawal of the IAN175/13 guidance and, in light of its withdrawal, comment on the relevance and reliance that can be placed on the air quality assessment?
- iii. Re para 5.3.7, would the Applicant confirm whether the stated 234 movements are two-way or one-way and what proportion of light-duty/ heavy-duty vehicles has been assumed?
- iv. As the ES reports that the haul route locations are unknown at this stage, and the estimated construction traffic route distribution may therefore be subject to change, would the Applicant provide, with reference to evidence within the Transport Assessment [APP-210], its justification for how the decision to scope out construction traffic air quality effects from further assessment has been made on the basis of a worst case scenario (particularly given that 234 movements is stated as being "average" flows during the construction period)? In doing so, would the Applicant respond to the comments raised by ABC at para 5.2 of its Relevant Representation [RR-002] and the potential need for further assessment under DMRB for the construction phase?
- v. Para 5.3.27 states that, whilst traffic data for the future years of 2023 and 2033 are available, an assessment of the future years has not been undertaken because the 2018 opening year assessment is judged to result in the greatest potential effects due to the expected improvements in vehicle emission standards and background pollutant concentrations. Would the Applicant provide evidence to demonstrate that this is indeed the case, and that the predicted improvement of vehicle emission standards outweigh the growth in traffic volumes, particularly in the context of the recent high court judgment as cited in Q5.1 in this document?
- vi. Re paras 5.3.62 to 5.3.65, which present the criteria for assessing the effects on human health, would the Applicant clarify whether all the receptors identified are 'properties' (ie residential receptors), or if other receptors are identified (eg public buildings such as schools, hospitals) whether the same criteria apply?
- vii. Given that the local air quality assessment is not assessing future trends and only 2018 as a worst case (see ES paras 5.3.35 to 5.3.45), would the Applicant clarify why the regional air quality assessment is subject to a long term assessment (as set out at para 5.3.71)?

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5.2	KCC has not been involved in discussions concerning the study area and scope of the assessment of construction and operational effects.	<p>The air quality assessment has been completed following the advice set out in the Design Manual for Roads and Bridges (DMRB), Volume 11, Section3, Part 1 (air quality) and accompanying Interim Advice Notes. The air quality chapter of DMRB provides advice in paragraph 3.12 regarding the qualifying changes in traffic characteristics to define the study area. Paragraph 3.13 of the air quality chapter identifies that receptors within 200m of an affected road need to be considered.</p> <p>The use of the DMRB methodology and accompanying IANs is consistent with HE's approach to all its scheme assessments. The completion of the robust air quality assessment for this scheme has considered receptors within 200m and this addresses the scoping comments raised by ABC (Table 5.7 of the DCO Document ES 6.1 - Chapter 5 – Air Quality).</p> <p>To date Highways England has not had an opinion from ABC nor KCC that they disagree with the approach published in the ES including the study area (DCO Document ES 6.2 Figure 5.2).</p> <p>KCC was formally consulted during the scoping exercise but did not provide any comment on the Scoping Report (as reported in Appendix 1 and Appendix 2 of DCO Document 6.3 Appendix 4.2).</p> <p>At the meeting on 21st March 2016 between the Applicant and ABC it was discussed and agreed that the assessment would be undertaken in accordance with the Design Manual for Roads and Bridges (DMRB HA207/07) guidance and subsequent Interim Advice Notes.</p>

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Question 5.6

Section 5.8, Predicted Air Quality Effects:

- i. Since tables 5.13 and 5.20 identify a number of receptors that are predicted to have NO<sub>2</sub> values in excess of the limit value of 40 µg/m<sup>3</sup>, while tables 5.26 and 5.27 state that there are no receptors where the magnitude of change in air quality would result in a significant effect as a result of the main scheme or alternative scheme, would the Applicant explain its approach to these exceedances in the context of the IAN 174/13 criteria?
- 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?
- iii. Para 5.8.16 of the ES states that annual mean PM<sub>10</sub> concentrations are predicted to be well below the relevant objectives for both the ‘do minimum’ (DM) and ‘do something’ (DS) scenarios, and therefore no significant effects are predicted. Would the Applicant clarify which receptors were considered in respect to the assessment of PM<sub>10</sub> vehicle emissions for both the main and the alternative schemes given that para 5.3.15 of the ES states that the assessment will only consider the worst affected receptors only?
- iv. Would the Applicant clarify the impact of the withdrawal of the IAN175/13 guidance on the outcomes of the compliance risk assessment process as described in paras 5.8.18 to 5.8.19 and elsewhere?
- v. Only a single pollution climate mapping (PCM) link is captured as part of the modelling on the basis that, where changes in NO<sub>2</sub> concentrations are less than 0.4µg/m<sup>3</sup>, impacts are imperceptible. Regardless of these ‘imperceptible’ changes, would the Applicant confirm the number of links (and present the relevant information) for any such links where the equivalent PCM (based on the Applicant’s receptor results) is greater than 40µg/m<sup>3</sup>?
- 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 PM<sub>10</sub> 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

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5.6	<p>KCC and ABC have jointly commissioned an independent detailed technical review of this question.</p> <p>ii) The conclusion that the overall effect for either scheme is not significant appears reasonable. However, we do have</p>	<p>The assessment has been undertaken in accordance with DMRB v11, s3, p1 (air quality) and all associated Interim Advice Notes, although specifically IAN 174/13.</p>

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	<p>further comment on the first bullet point that provides supporting evidence to this overall conclusion. This bullet point states:</p> <p>“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.”</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 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 NOx of Euro 6 vehicles, we do not think that any uncertainty is likely to undermine the conclusions in this section.</p>	<p>ABC make reference to an alternative document published by Environmental Protection UK and Institute of Air Quality Management's on Land-Use Planning &amp; Development Control: Planning for Air Quality guidance published January 2017. The latest version of this document provides advice on the applicability of their document including statements, set out in the paragraphs 1.4, 6.3 and 6.4 (reproduce verbatim below) when the advice should not be applied including the assessment of road schemes promoted by Highways England.</p> <p>1.4 ""This guidance, of itself, can have no formal or legal status and is not intended to replace other guidance that does have this status. For example, industrial development regulated by the Environment Agency, and requiring an Environmental Permit, is subject to the EA’s risk assessment methodology, while for major new road schemes, Highways England has prepared a series of advice notes on assessing impacts and risk of non-compliance with limit values"".</p> <p>6.3 As set out in the introduction in Chapter 1, this guidance document is not intended to replace guidance that exists for certain types of development, notably:</p> <ul style="list-style-type: none"> <li>• industrial developments that require a Permit;</li> <li>• highways schemes promoted by Highways England; or</li> <li>• activities associated with sources of dust (e.g. mineral extraction, waste handling, construction) or odours.</li> </ul> <p>6.4 ""The guidance provided by the Environment Agency and Highways England has a formal status, reflecting the connections these organisations have with Government departments. This EPUK/IAQM guidance has no such status and is not intended as a substitute for the formal guidance.""</p>

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		<p>As noted by the ABC and their consultants TEMPLE who were employed to review the air quality assessment who stated ""it is unlikely that the overall effect would be considered significant, even with the use of EPUK guidance rather than DMRB and IAN 174/13""</p> <p>It is worth clarifying that the judgement of significant air quality effects is based on a professional consideration of the overall outcome of the assessment, and significance effects are not attributed an individual receptor.</p>

### Question 6.2

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.

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 discuss and confirm what progress has been made towards reaching agreement on these matters?

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6.2	<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</li> </ul>	<ul style="list-style-type: none"> <li>The details of the construction mitigation strategy/methodology for the designated heritage assets and historic landscape features will be incorporated into the CEMP, which will be fully developed by the Contractor during the Detailed Design stage. This will include the methodologies for the management of the landscape and noise mitigation measures for St Mary's Church and the manor complex. Timing</li> </ul>

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	<p>construction works, not an end phase and HE will need to discuss with Heritage England;</p> <ul style="list-style-type: none"> <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 works; and</li> <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>	<p>and sequencing of the provision of the new Church Road Footbridge to ensure continued viability of the Church and any proposed interim measures will be incorporated into the CEMP.</p> <ul style="list-style-type: none"> <li>• An archaeological Written Scheme of Investigation (WSI) is being produced and will be issued to the KCC Archaeologist for comment/sign off. The evaluation works will be undertaken in accordance with the WSI, in advance of the construction works. The KCC Archaeologist will be involved in the monitoring and sign off of the archaeological works.</li> <li>• All archaeological works will be undertaken in line with the requirements listed in Schedule 2 of the DCO, including sign off and programming. Archaeological reports will be produced for each phase of archaeological evaluation and mitigation. Draft reports will be sent to the KCC Archaeologist for comment sign off.</li> </ul> <p>Consultation/liaison with Historic England, KCC and ABC will be undertaken throughout pre-construction, construction and post-construction phases. The stakeholders will have the opportunity to comment on the mitigation measure details contained in the CEMP, Traffic Management Plan and the WSI in advance of the commencement of the construction works.</p>

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### Question 6.3

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.

- i. Would local authorities identify any areas in which they are not content with the conclusions stated in this section?
- ii. As set out in its Relevant Representation [RR-018], Historic England does not consider that the assessment as presented in the ES provides all of the information required to determine the precise nature or extent of the harm to the setting of the Grade I listed St Mary’s Church, Sevington. This view appears to be shared by the councils in their Relevant Representations [RR-001, RR-026], with a particular focus on ensuring the delivery of suitable mitigation. Would the Applicant provide a response in addressing the concerns of Historic England and the councils in relation to St Mary’s Church?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
6.3	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.	The details of the construction mitigation strategy/methodology for the designated heritage assets and historic landscape features will be incorporated into the CEMP, which will be produced by the Contractor during the Detailed Design stage. This will include the methodologies for the management of the landscape and noise mitigation measures for St Mary’s Church and the manor complex.

### Question 7.1

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.

- i. Would the local authorities identify any areas in which they disagree with the baseline information?
- ii. Would the Applicant confirm whether the selection of viewpoints was agreed in consultation with the local planning authorities and other relevant stakeholders

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
7.1	<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> <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>	<p>Historic England has been consulted and comments have been made regarding the setting of St. Mary's Church; an additional photomontage was requested to capture the view from the church. This has been completed and the photomontage has been provided to Historic England along with an explanation of planting proposals (See Statement of Common Ground with Historic England).</p> <p>Visual receptors have been grouped in instances where similar views are afforded. Whilst specific reference to the Ashford Blue Green Corridor has not been made within the Environmental Statement (DCO Document 6.1 and 6.2), the principles for creating continuity with established green corridors have been considered and implemented within the Environmental Masterplan (DCO Document 6.2, Figure 2.6 a to g and 2.7 a to c) for the Main and Alternative Schemes.</p> <p>A more detailed response to ABC's Relevant Representations dated 3rd October 2016 on this topic is provided in 'Comments on Relevant Representations' report PINS Ref REP3-017.</p>

## Question 8.2

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.

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?

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
8.2	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.	No response required.

### Question 8.3

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.

i. Would Natural England confirm agreement (or otherwise) as to whether the Applicant has screened all of the relevant European sites into its Assessment of Impacts on European Sites (AIES) report [APP-208]; and with reference to tables 5.3 to 5.10 of the AIES [APP-208], whether it has identified the correct qualifying features/ interests for each European site? If not, would Natural England identify which European sites and qualifying features/ interests are not accurately reflected in the AIES and confirm the correct European sites and their qualifying features/ interests?

ii. Would the Applicant confirm that it will submit at Deadline 4 an updated version of the AIES or of tables 5.3 to 5.10, as appropriate, in the event that Natural England identifies, in its response to question (i), any discrepancies with the European sites and/ or qualifying features/ interests screened into the AIES?

iii. Would Natural England confirm agreement (or otherwise) with the Applicant's conclusion as presented in its AIES [APP-208] that the proposed development would not result in any likely significant effects, either alone or in-combination with other plans or projects, on any of the following European sites: Stodmarsh Ramsar; Stodmarsh Special Protection Area (SPA); Stodmarsh Special Area of Conservation (SAC); Thanet Coast and Sandwich Bay Ramsar; Thanet Coast and Sandwich Bay SPA; Thanet Coast SAC; Sandwich Bay SAC; and Wye and Crundale Downs SAC?

iv. Would Natural England and the Applicant confirm (or otherwise) that an Appropriate Assessment is not required?

v. Re designated sites, Table 8.6, these sites are not annotated on the Environmental Constraints Plan, Figure 2.3 [APP-051], so it is unclear which site is which. Would the Applicant provide a revised version of Figure 2.3 which clearly labels each of the sites?

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vi. 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 dDCO [OD-008] to mitigate for the loss of these habitats?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
8.3	<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 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>The mitigation proposals are described in the Environmental Masterplan proposals (DCO Document 6.2, Figure 2.6f). The inclusion of the Ashford Green Corridor LNR and Highfield Lane Roadside Nature Reserve within the dDCO in order to secure mitigation measures can be considered as part of the ongoing discussions with ABC and KCC.</p>

### Question 11.1

Section 11.3 sets out the method of assessment for noise and vibration, based on the DMRB, World Health Organisation sources and other sources.

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?

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
11.1	The study area for assessment has not been agreed with KCC.	The methodology for determining the study area was set out in the Scoping Report (DCO Document 6.1, Appendix 4.1) which was submitted to the Planning Inspectorate (PINS) on the 21st January 2015. A Scoping Opinion was received from PINS in March 2015 (DCO Document 6.3 Appendix 4.2), which included a response from KCC. In addition, an Emerging Environmental Statement Workshop was held with stakeholders, including KCC, on the 9th May 2016.

### Question 11.3

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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
11.3	iii. The consultancy jointly commissioned by ABC and KCC advises that:	No response required.

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	<p>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.</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>	

Question 11.6

Section 11.9, Conclusions, summarises the Applicant’s conclusions with regard to the noise and vibration effects of the proposed development.

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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?

ii. Para 11.9.11 states that no significant adverse residual effects have been identified, but “where significant adverse impacts have been predicted in the vicinity of both Schemes, these have been avoided through design and mitigation in the form of the acoustic barriers and a thin road surface course”. Table 11.20 summarises significant adverse effects (ie those of moderate or greater significance) as - short term: 30 (main scheme) and 8 (alternative scheme); long term: 10 (main scheme) and 1 (alternative scheme). Would the Applicant clarify the units of measurement in Table 11.20, ie are they individual properties, representative receptors or otherwise?

iii. Would the Applicant clarify on what basis Section 11.9 concludes no significant residual effects are identified, whereas Table 11.20 identifies moderate adverse effects for the main and alternative schemes in both the short term and long term assessments with the scheme(s)?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
11.6	i. KCC has not been consulted on the assessment.	The methodology for the assessment was set out in the Scoping Report (DCO Document 6.1, Appendix 4.1) which was submitted to the Planning Inspectorate (PINS) on the 21st January 2015. A Scoping Opinion was received from PINS in March 2015 (DCO Document 6.3 Appendix 4.2), which included a response from KCC. In addition, an Emerging Environmental Statement Workshop was held with stakeholders, including KCC, on the 9th May 2016.

Question 12.3

Section 12.6, Baseline Information, identifies NMU amenities (including existing PRowS, footpaths, and cycle routes), baseline NMU surveys, and vehicle travellers.

i. Would the Applicant provide to the Examination the Road Safety Audit of May 2016 (cited in section 7.15 in the Transport Assessment [APP-210])?

ii. What is the position of the local authorities on the Applicant’s traffic safety assessment?

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
12.3	<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>	<p>Details of the temporary crossing point, required during the construction of the Church Road footbridge will be provided to KCC by the Contractor at a later stage.</p>

### Question 13.1

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.

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 (Sheets 1 to 8) of Appendix 13.3, Volume 6.3) have been considered as part of the assessment?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
13.1	<p>KCC defers to ABC's response to the First Set of Written Questions.</p>	<p>No response required.</p>

### Question 15.1

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.

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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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
15.1	KCC does not have any comments on the study area, but refers to the ABC-KCC LIR, which sets out a list of developments.	No response required.

### Question 15.2

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.

- i. The proposed lorry park adjacent to Junction 11 of the M203 (some 8km southeast of the proposed development) 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?
- 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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
15.2	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	The proposed traffic management needed for the scheme has been discussed in relation to Operation Stack with Kent Police, KCC and RCC at Godstone. We are fully aware of the impact of Operation Stack and the contractor is also aware of its impact and the need for continuous engagement with the Police, KCC and RCC.

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	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).	

### Question 17.1

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]?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
17.1	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.	No response required.

### Question 18.1

Would the local authorities, the Environment 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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
18.1	KCC considers that there are elements of the assessment of some of 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	For Highways England responses to ABC's and KCC's relevant representations dated 3 October 2016 please see 'Comments on Relevant Representations' report PINS Ref REP3-017.

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	Representation (RR-002), KCC's Relevant Representation (RR-026) and within this response.	

### Question 18.2

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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
18.2	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.	For Highways England responses to ABC's relevant representations dated 3 October 2016 please see 'Comments on Relevant Representations' report PINS Ref REP3-017.

### Question 19.6

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 "the scheme will have minimal impact on mainline journey times" on the M20, and the predicted impact on local road networks (para 7.8 to 7.10)?

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
19.6	KCC is satisfied that the modelling outputs are robust and that the scheme will have minimal impact on the local road network.	No response required.

### Question 20.22

#### Requirement 3 Construction Environmental Management Plan

The oCEMP [APP-204] sets out a series of proposed measures and standards to be applied by Highways England and its contractors throughout the construction period.

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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
20.22	<p>HIGHWAYS: All documents relating to the Control of the Effects on Travellers and the Community (APP-204) need to be agreed with KCC.</p> <p>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 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>	<p>HIGHWAYS: Any documents relating to the Control of the Effects on Travellers and the Community will be reported in the Community Relations Strategy as required by the CEMP. The CEMP will be reviewed by the relevant LPAs as appropriate.</p> <p>HERITAGE ASSETS: A Written Scheme of Investigation for the intrusive archaeological evaluation of the Scheme area is being produced and will be issued to the KCC Historic Environment Service for discussion/approval. The archaeological evaluation works will be completed in advance of construction works. The strategy for archaeological mitigation will be followed as detailed in Schedule 2 of the dDCO (DCO Document 3.1)."</p>

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## 4. Joint Local Impact Report

This chapter sets out Highways England’s response to the impacts identified in the Joint Local Impact Report, to ensure that local issues and impacts are identified, understood and addressed and to aid the Examining Authority in its consideration of the proposal.

### Section 1: Introduction

Highways England have no comments to make on this section.

### Section 2: Site description, location and surroundings

For information relating to the context of the scheme please refer to Chapters 1 to 4 of the Environmental Statement (document reference 6.1). Highways England have no comments to make on this section.

### Section 3: Details of the proposal

For information relating to the context of the scheme please refer to Chapters 1 to 4 of the Environmental Statement (document reference 6.1).

LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
3.2	The new Junction 10a will incorporate a new 2-lane dual carriageway link road to the existing A2070 Southern Orbital Road (Bad Munstereifel Road). In addition to the new interchange the scheme includes a pedestrian and cycle bridge over the M20 to the east of the new Junction 10a. This will provide a link between Kingsford Street on the south side of the motorway to the A20 on the north side.	This bridge over the M20 will also be designed for equestrian use.

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#### Section 4: Relevant planning history and any issues arising

Highways England have no comments to make on this section.

#### Section 5: Relevant Development Plan Policies

LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
5.16	There are elements of the scheme that require further work in order to meet some policy requirements and these matters are set up in other documentation being prepared for the Examining Authority. However, in principle, the need for this infrastructure in enabling Ashford's growth has been accepted through the Local Plan process and resulting adopted Development Plan. There is clear evidence-based support for the creation of a new junction in policy.	Highways England have responded to all ABC and KCC documentation submitted to the Examination Authority.  Highways England are pleased that ABC and KCC policy support the creation of a new junction.

#### Section 6: Relevant Planning Applications

LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
6.3	ABC's Planning Committee resolved to grant planning permission subject to the completion of a section 106 planning obligation agreement at the Planning Committee meeting 18 May 2016. The section 106 agreement includes the following provisions for the delivery of J10a:  Via an obligation to enter into a s.278 agreement with Highways England pursuant to the Highways Act 1980 to make a SPG6 contribution towards increasing strategic highway capacity to accommodate the traffic movements arising from the development of the site through the provision of J10A to the M20 motorway	Highways England are pleased for the confirmation that the s106 between ABC and the Stour Park Developer includes the closure of Kingsford Street at Highfield Lane.

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LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
	<p>The funding by the applicant of the promotion and implementation by the local highway authority of road closures via Traffic Regulation Orders (TROs) to (A) prevent through traffic moving between Highfield Lane and Kingsford Street as shown on Drawing No. 22233105-32, and (B) prevent through vehicular traffic at the southern end of Church Road (using lockable bollards or similar measures to maintain an access for emergency vehicles only)</p> <p>Reservation of land through the site - from the principal access connection with the J10A link road on the northern side to the southern boundary broadly in the position shown on the master plan to enable a potential highway connection over the railway to the south - as public highway</p>	

### Section 7: Relevant Planning Applications

LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
7.5	<p>Particular importance is to be placed on the maintenance of connection between the three churches in the vicinity – St Mary’s at Sevington; St Mary the Virgin at Willesborough; and St John the Baptist at Mersham.</p>	<p>The public footpath to the east and west of the St Marys Church Sevington has been identified as a potential medieval route, crossing over the Scheme footprint in the locality of the existing footbridge over the A2070. This possible route could have been part of a larger network of paths that linked into the ‘Pilgrim Way’ which ran from Winchester through Ashford and the Kent Downs to the tomb of Thomas Beckett at Canterbury Cathedral. As with the better known ‘Pilgrim Way’, the route may predate the medieval period. In order to maintain this potentially historic route, the replacement Church Road footbridge would be aligned to retain the existing visual connectivity between the Ashford and Sevington churches over the A2070 and onwards to the church in Mersham.</p>

Section 8: Local transport patterns and issues

LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
8.1	<p>Barrey Road: Congestion along Barrey Road has been and continues to be the subject of much debate and complaint from businesses and residents, due to difficulties in accessing the A2070. Reports vary from it taking 25 minutes to 2 hours to get out of Barrey Road with speed of traffic on the A2070 being highlighted as one of the main issues.</p>	<p>Highways England understand concerns regarding the Barrey Road exit onto the A2070, we notice that a number of residents have raise similar concerns in the relevant representations.</p>
8.2	<p>The J10a scheme had previously allowed for signalisation of the Barrey Road junction but this has since been removed – value for money being cited as the reason. Highways England continues to work with ABC and KCC in order to seek a solution, along with the associated funding, and this is to be progressed outside the current scheme.</p>	<p>The last traffic assessment of the Barrey Road Junction was carried out prior to 2013 when permission to occupy the empty units in the Ashford Retail Park was given, and at that time it was indicated that there would be a negligible impact on traffic overall. Therefore before the M20 Junction 10a scheme starts, Highways England’s Area 4 team have already put in place enhancements to the A2070 and Barrey Road by improving signage and visibility at the junction, and we will be reducing the speed limit to 40mph on Bad Munstereifel Road and re-routing traffic for right hand turns around the link road roundabout as part of the scheme.</p> <p>Any subsequent amendment to this junction would require a Traffic Assessment of the Ashford Retail Park and residential traffic impact to be initiated by the local network authority at the request of local stakeholders, which is not part of the M20 Junction 10a scheme as Highways England Major Projects deals with Nationally Significant Infrastructure Projects (NSIP) Construction.</p> <p>Furthermore, after a meeting on 30 November 2016 with Local Authorities and local businesses, further discussions between Highways England Area 4 Spatial Planning and Kent County Council were planned, and they are currently on-going, to resolve any existing traffic issue ahead of the M20 Junction 10a</p>

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LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
		scheme, which is supporting the discussion by providing the relevant data and additional traffic surveys.
8.3	<p>A20 Hythe Road: HGVs and other traffic travelling from the A28 (via the A2070 Willesbrough Road to connect with J10) will not use the new link to J10a and instead, will opt to travel along the A20 corridor between J10 and J10a. This will increase the vehicle movements and loading on A20, evidenced by the need to strengthen the Swatfield Bridge as part of the scheme. KCC considers that a suitable way forward would be for Highways England to take on maintenance responsibility for the section of A20 Hythe Road between the extent of the Highways England asset at the M20 J10 and the proposed connection of the M20 J10A with the A20 Hythe Road.</p>	<p>Highways England will not trunk the A20 Hythe Road between M20 Junction 10 and M20 Junction 10a for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Traffic modelling (PP.56-57 on the published TAR) clearly shows a significant reduction of traffic flows on this section with the new Junction 10a (remarkable for northbound/westbound vehicles). This confirms that the traffic using this section would be mainly local traffic with local destinations (i.e. Tesco, William Harvey Hospital, Ashford centre to/from south-eastern area of A20). Therefore, this would not fully align to the objectives of Highways England Strategic Road Network;</li> <li>2. There will be a cost to Highways England to upgrade the assets to the appropriate standards;</li> <li>3. This will mean changes to Service Provider contracts as it is an increase in responsibility.</li> </ol>
8.4	<p>Kingsford Street: There is potential that traffic could divert along Kingsford Street through to Mersham in order to access the A20. There is KCC and local concern regarding rat running and HGV traffic using an unsuitable route to bypass J10a when there are issues on the strategic network. A solution to this is being progressed outside the scope of this proposal</p>	<p>Please see comment 6.3 above.</p>

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Section 9: Designated sites

LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
9.8	<p>Potential expansion of the Green Corridor network should not be precluded by this project. To this end, the proposed embankment associated with the Kingsford Street footbridge should be reconsidered; the arable field north of the Aylesford Stream should be converted to pasture/meadow; and the area around the Aylesford Stream should be given a landscape function and ensure safe public access can be made available. This is in keeping with the guidance offered in the Ashford Green and Blue Grid Strategy (2008).</p>	<p>i) The proposed embankment associated with the Kingsford Street footbridge should be reconsidered: -</p> <p>The Temple Report appended to ABC's Written representation 1 notes: The proposed embankment associated with the Kingsford Street footbridge appears awkward on the northern side and sits uncomfortably with the proposed embankment and planting further to the west as well as with existing and surrounding topography. Highways England will review this as part of the detail design.</p> <p>ii) The arable field north of the Aylesford Stream should be converted to pasture/meadow:-</p> <p>Three of the plots of land to the north of the Aylesford Stream, namely plots 3/16/c, 3/16/d and 3/16/e, have been planted up with a wildflower mix as part of the ecological mitigation strategy for the Stour Park development. This area provides connective habitat and foraging areas for reptiles, badgers and bats, and is included as replacement habitat for that lost on site. The area of plots 3/16/c, 3/16/d and 3/16/e is 8,360.65m<sup>2</sup>, 1,898.6m<sup>2</sup> and 7,897.69m<sup>2</sup> respectively, which gives a total of 18,156.94m<sup>2</sup> or 1.81 hectares that is already being converted to pasture/meadow. The remainder of the land to the north of the stream would remain as arable farm land and would not be under the control and ownership of Highways England. It is therefore outside of the scope of the M20 Junction 10a Scheme to convert the remaining area to the north of the Aylesford Stream to pasture/meadow.</p> <p>iii) The area around the Aylesford Stream should be given a landscape function and ensure safe public access can be made available:-</p>

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LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
		<p>The existing mature trees along the Aylesford Stream would be retained, with enhancement measures provided to the south between the Stream and the new A2070 Link Road. This enhancement would comprise native trees and hedges, interspersed with native shrubs and wildflower and species rich grassland. Additional tree planting is also being considered along the southern bank of the Aylesford Stream, in order to provide greater shading of the watercourse, as requested by the Environment Agency. Two balancing ponds would also be created in this area, which would serve to both attenuate surface water runoff and reduce flood risk in the area and to provide ecological and landscape benefits.</p> <p>The existing Public Rights of Way (PRoW) AE227A, AE338, AU65, AU63C and AU53 would be stopped up, as discussed and agreed with the Rights of Way Officer from Kent County Council. It is intended that public access be restricted to the area around the proposed new balancing ponds, for safety reasons and to protect the ongoing function of the ponds.</p> <p>There are currently no proposals as part of either the Main of Alternative Schemes to integrate the area into the Ashford Green Corridors Local Nature Reserve, but the proposed landscape and ecological mitigation strategy would not prevent its inclusion in the future, should Ashford Borough Council and Highways England be in agreement that the area's inclusion would be beneficial.</p>
9.10	<p>The councils would request appropriate species selection, and process, provided that the reconstituted site provides appropriate connectivity and commuting routes to wider landscape features. Further conversations with the Kent Wildlife Trust may be required to ascertain suitability of the full programme of mitigation to its satisfaction.</p>	<p>The ecological mitigation strategy has been agreed with Natural England through Letters of No Impediment, which can be found in the Statement of Common Ground (DCO Document 8.5). The mitigation strategy provides ecological enhancement measures for a number of species. Bat commuting routes would be maintained through retention of existing mature trees along the Aylesford Stream, and additional habitat will be created (3 balancing ponds; 14.19ha</p>

LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
		<p>of grassland; and 4.89ha of tree, scrub and woodland habitats). Bat boxes would also be provided. The impact of the lighting on bats was assessed (DCO Document 6.1, Chapter 8; Nature Conservation) to be an overall Slight Beneficial residual effect in the long term once the habitats have become established, due to the creation of additional habitat.</p> <p>Dormouse habitat would be enhanced by hedgerow planting at the back of the houses along Kingsford Street. This habitat would replace hedgerows lost due to the Scheme(s) and would increase connectivity to the wider area by providing an important corridor for dormice that are being displaced during construction and whilst the replanted habitat along the M20 verge establishes.</p> <p>A new pond would be created to the southeast of Kingsford Street, in plot 4/11/d, which would enable newts to be relocated from ponds that would be lost due to the Scheme(s). The pond would be located within an area that would be planted up with native trees and hedges, interspersed with native shrubs and wildflower and species rich grassland, which would provide additional habitat for dormice, newts and reptiles.</p> <p>It is proposed that reptiles that would be displaced by the Scheme(s) would be relocated to an area of the highways estate adjacent to the newly planted area, which would allow the reptiles to disperse across the area. The receptor sites for captured individuals south of the M20 would be the M20 London bound highway verge, immediately to the east of the proposed Main and Alternative Schemes. The verge is currently unsuitable for reptiles as it is mown to maintain sight lines. This level of management would continue. However, additional areas of habitat would be made suitable by scalloping the edge of the tree line to provide more sunlight, and spreading hay to seed grassland and provide a thatch of material at ground level.</p>

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LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
		<p>Habitat management would be undertaken for the benefit of reptiles, to develop a mosaic of structurally diverse vegetation and open areas including basking and shelter opportunities with a desirable variety of humidity and temperature conditions. The majority of this land is outside of the DCO boundary, but within Highways England owned land. Therefore, the management regime of this area would be integrated within Highways England's Area 4 management plans to maintain habitat along the verge which is suitable for reptiles. The full reptile mitigation strategy will be provided to the Inspector following confirmation of the DCO. There would also be ongoing engagement with Kent Wildlife Trust.</p>

Section 10: Conservation and Heritage

ABC Ref	Comments from Ashford Borough Council	Response from Highways England (the Applicant)
10.2	<p>The impacts on archaeological heritage assets are noted in Chapter 6 of the ES. The councils consider that on-site archaeological surveys are insufficient at present, and no schedule of archaeological sites has been produced to date. This should be remedied.</p>	<p>A Written Scheme of Investigation (WSI) for the intrusive archaeological evaluation of the scheme area is being produced and will be issued to the Kent County Council (KCC) Historic Environment Service for discussion/approval. The archaeological evaluation works would be completed in advance of construction works. The strategy for archaeological mitigation would be agreed with the Kent County Council Historic Environment Service on completion of the archaeological evaluation (and well in advance of construction). The strategy for archaeological mitigation would follow the requirements detailed in Schedule 2 of the dDCO (DCO Document 3.1).</p>
10.16	<p>This should this include mitigation measures being put forward for Sevington Church and the manor complex of Sevington. Details of the impact and mitigation for the setting of Sevington Church, other designated heritage assets affected by the</p>	<p>The details of impacts and mitigation have been discussed with Historic England and KCC as the County Archaeologist on several occasions. In addition to the statutory process, including the Scoping and Preliminary Environmental</p>

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ABC Ref	Comments from Ashford Borough Council	Response from Highways England (the Applicant)
	<p>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. 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 – integrated into the earliest phases of construction works, not an end phase. 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>	<p>Information reports, consultation has been carried out with KCC at the Emerging Environmental Statement Workshop, held on the 9th May 2016 and at a meeting on the 24th August 2016, to discuss land purchase and registration, and Statements of Common Ground. In addition to the statutory process, including the Scoping and Preliminary Environmental Information reports, meetings have been held with Historic England on the 24th March 2015, 8th March 2016, 13th September 2016 and the 29th November 2016. In addition, consultation and liaison with Historic England, KCC and ABC will be undertaken throughout pre-construction, construction and post-construction phases. The stakeholders will have the opportunity to comment on the mitigation measure details contained in the CEMP, Traffic Management Plan and Construction Programme well in advance of the commencement of the commencement of the construction works.</p> <p>Timing and sequencing of the provision of the new Church Road Footbridge to ensure continued viability of the Church and any proposed interim measures will be incorporated into the Construction Environmental Management Plan (CEMP) (see the Outline CEMP in DCO Document 6.3, Appendix 17.21). This will include the methodologies for the management of the landscape and noise mitigation measures for St Mary’s Church and the manor complex of Sevington. The management of vehicle and non-vehicle access to St Mary’ Church and surrounding area (including the management of temporary access routes) will be detailed in the CEMP. The CEMP would also include a Community Relations Strategy, ensuring that communication with the general public would be managed and maintained prior to and during all construction works. An on demand signal controlled pedestrian facility would be made available on the A2070 to the south of the existing Church Road footbridge. During the works the Contractor</p>

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ABC Ref	Comments from Ashford Borough Council	Response from Highways England (the Applicant)
		<p>would install the temporary signals whilst considering the recommendations of Traffic Advisory Leaflet 3/11 – Signal-controlled pedestrian facilities at Portable Traffic Signals and the most suitable location for the signals with temporary footpath links onto existing routes.</p> <p>The mitigation method statement and programme for Sevington Church will be provided in the CEMP and the Construction Programme. The archaeological mitigation strategy will be agreed with KCC on completion of the archaeological evaluation works, which will be set out in the Written Scheme of Investigation (WSI) for the intrusive archaeological evaluation of the scheme area is being produced and will be issued to the KCC Historic Environment Service for discussion/approval. Time will be allowed in the programme for the strategy and the archaeological works to be completed in advance of the construction works, in line with the requirements of Schedule 2 of the dDCO (DCO Document 3.1).</p>

Section 11: Socio-economic matters

LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
11.1	<p>ABC is satisfied that a social and economic case has been produced and its overall approach is appropriate. The Land Use and Economic Development Report (Appendix 13.1) provides a good summary of the critical importance of J10a on the regional and local economy. The report highlights critical points of economic dependencies on the junction and provides what appears to be a sound model for economic impact. There could be more qualitative detail included in the report but we do not feel this undermines the overall outcome of the report.</p>	<p>Highways England are pleased that ABC are satisfied that the social and economic case for the scheme has been demonstrated and that they are happy with the approach taken.</p>

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LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
11.9	<p>Additionally, further work is needed to assess the impacts of the scheme, including its construction phase and beyond, to establish the extent of its impacts on the Pilgrims Hospice, to the north of the application site, as a particularly sensitive receptor for those receiving palliative care.</p>	<p>There is the potential for a small site compound to be located opposite Pilgrims Hospice during the construction phase, although the main site compound would be situated off the A2070 approximately 400m away from the Hospice. Any compound located opposite the Hospice would be subject to the control and monitoring measures included in the Construction Environmental Management Plan (CEMP) to be agreed with the local Environmental Health Officer. Highways England contractors would be required to apply for the 'Considerate Constructors Scheme' to ensure a respectful approach to local communities, including the Pilgrims Hospice. Highways England is committed to meeting with Hospice representatives to discuss the proposals, and a meeting occurred on 25th January 2017 between Highways England, the contractor and Pilgrim's Hospice.</p> <p>Operational noise impacts on the Pilgrim's Hospice have been assessed in the Environmental Statement (DCO Document 6.1, Chapter 11). This assessment concluded that levels of traffic noise from the adjacent A20 once the Scheme(s) is in place are expected to reduce. Highways England has also incorporated an acoustic bund 2m high to the rear of Summerhill Place, in order to provide mitigation for traffic noise associated with the proposed eastbound off-slip of the new M20 junction 10a.</p> <p>Trees covered by Tree Preservation Orders (TPO) at the Pilgrims Hospice have now been identified and the design has been amended to avoid impacts upon these features. A site visit to ascertain the full arboricultural impact of the scheme(s) on Woodland W1 was carried out on the 15th November 2016, to review the root protection areas of the trees bordering Pilgrims Hospice. The results of the site visit are presented in the updated Arboriculture Survey Report and Arboricultural</p>

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LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
		<p>Implications Report (DCO Documents 6.3, Appendices 7.1 and 7.3).</p> <p>The impacts of the Main and Alternative Schemes on Air Quality are described in the Environmental Assessment (DCO Document 6.1, Chapter 5). Roads that trigger an air quality assessment are referred to as the affected road network (ARN) and are presented in DCO Document 6.2, Figure 5.2 Operation Phase Study Area for Main and Alternative Schemes.</p> <p>Concentrations predicted close to the Pilgrims Hospice are well below the relevant air quality objectives. Additionally, there are predicted improvements in air quality along the section of the A20 adjacent to the Pilgrims Hospice during the operation of the Main and Alternative Schemes.</p>

Section 12: Consideration of the impact of the proposed provisions and requirements within the draft Order (i.e. the scheme) in respect of all of the above

LIR Ref	Comments from Ashford Borough Council / Kent County Council	Response from Highways England (the Applicant)
12.1	The draft DCO sets out provisions for protection and mitigation throughout the construction of the development, as well as for the scheme itself. At present, KCC and ABC are not content that the draft DCO sufficiently ensures adequate protection and are progressing this with HE and through the Examining Authority separately.	Highways England are reviewing the comments made by ABC and KCC as part of their written representations in submitted in deadline 3 and will work with both parties to resolve their concerns over adequate protection.

Section 13: Development consent obligations and their impact on the local authority's area

Highways England have no comments to make on this section.

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Section 14: Conclusion

Highways England have no comments to make on this section.