

2 Environmental Statement (ES) [APP-029 to APP-208]

The Proposed Scheme - ES Chapter 2 [APP-030]

Question number	Question to	Question(s)
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2.03	Ashford Borough Council (ABC); Kent County Council (KCC)	<p>Construction compounds</p> <p>Re. the Applicant’s plan [REP5-012] and submission at Deadline 5 [REP5-017; response A2] regarding the presence and use of construction compounds:</p> <ul style="list-style-type: none"> i. Would the Applicant state how it responds to ABC’s request [REP5-032; Annex 1, Item 2] to know the precise area of the compounds? ii. Would the Applicant state whether there are any alternative locations for the smaller compound currently proposed to be located to the south-east of the Pilgrims Hospice, towards being as sensitive as possible to this location?
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This question is directed to HE. KCC will work with ABC and HE to ensure that the construction compounds are suitably sited.

2.04	Applicant; KCC	<p>Public Rights of Way (PRoW)</p> <p>Re. KCC’s submission at Deadline 5 [REP5-026]:</p> <ul style="list-style-type: none"> i. Would the Applicant and KCC state whether they have reached agreement on the level difference between the PRoW and the alignment of the A2070?
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The detailed design leads have confirmed that they are aware of the issue around the level difference and that it will be factored into their process. KCC is therefore confident that the level difference is being addressed as part of the detailed design process and the HE’s design team will discuss with KCC Asset Managers.

Cultural Heritage - ES Chapter 6 [APP-034]

Question number	Question to	Question(s)
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6.01	Applicant; KCC	<p>Cultural Heritage</p> <p>Re. KCC's submission at Deadline 5 [REP5-026; Item D] in which KCC cited a meeting to take place after the hearings to discuss KCC's comments on cultural heritage:</p> <ul style="list-style-type: none"> i. Would the Applicant and KCC state the current position and any matters outstanding (ie under discussion or not agreed)?
<p>Following comments that KCC previously made on the draft Written Scheme of Investigation (WSI), it is understood that Highways England has not agreed to additional trenching around Swatfield Bridge and Highfield Lane and in the core of Sevington. In addition, Highways England has been unable to send Evaluation Reports directly to the County Archaeologist as had been requested by KCC, as they need to be reviewed by HE first. KCC will continue to engage with HE with an intention to reach resolution before Deadline 7.</p>		
6.02	Applicant; KCC	<p>Archaeological surveys - Written Scheme of Investigation (WSI)</p> <p>Re. the Applicant's submission at Deadline 5 [REP5-016; response D2], the Applicant states that further amendments will be made to this document to address comments from KCC on 20 February 2017, and a revised version will be submitted to KCC in due course:</p> <ul style="list-style-type: none"> i. Would the Applicant state when the amended WSI will be submitted to KCC and the Examination, and when agreement is expected to be reached? ii. Other than the WSI, would KCC state which archaeological matters (if any) are still outstanding?
<p>ii) In relation to the archaeological matters, KCC will look to update the position, comment on the draft WSI once received and address any remaining matters outstanding by deadline 7.</p>		
<p>Landscape - ES Chapter 7 [APP-035]</p>		
Question number	Question to	Question(s)

7.02	Applicant; KCC; ABC	<p>Outstanding landscape matters</p> <p>Re. ABC's submission as a local authority at Deadline 5 [REP5-32; page 5], ABC states that a number of landscape issues have been resolved and a number still remain. ABC proposes <i>"to meet and work together to develop the mitigation proposals as set out in the Environmental Masterplan drawings"</i>:</p> <ul style="list-style-type: none"> i. Has the proposed engagement between the Applicant and ABC on landscaping matters taken place? ii. In either case, would the Applicant and ABC briefly state any outstanding landscape matters? iii. Would KCC briefly state any outstanding landscape matters?
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iii) KCC defers to ABC on landscaping matters.

Geology and Soils - ES Chapter 9 [APP-037]

Question number	Question to	Question(s)
9.01	KCC	<p>Re. the Minerals Safeguarding Letter dated 15 February 2017 and submitted by the Applicant at Deadline 5 [REP5-022], and KCC's response of 17 February 2017 to the Applicant, an extract of which was stated in a Deadline 5 submission by the Applicant [REP5-016; response H1]:</p> <ul style="list-style-type: none"> i. Would KCC state whether there are any issues outstanding (ie not agreed or under discussion) with regard to minerals or geology?

The Minerals Assessment and the examination of the likely waste flows and how they will be managed (in the Waste Management Plan) have addressed the County Council's concerns with regard to minerals and geology.

Noise and Vibration - ES Chapter 11 [APP-039]

Question number	Question to	Question(s)
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11.02	Applicant; ABC; KCC; Public Health England (PHE)	<p>Noise and vibration limits and their significance</p> <p>Re. the Applicant's statement at Deadline 5 [REP5-016; response 14 i] that <i>"conclusions reached in the ES have been re-examined and in retrospect it is considered that the contribution of night- time traffic noise level from minor roads adjacent to these properties has been over-estimated, and should in fact have been ignored as they were below the region of validity within the procedure in Calculation of Road Traffic Noise – the calculation methodology referenced within DMRB ... Re-calculating using the method based upon the relationship between daytime and night- time noise levels results in these properties being less than 55dB in all scenarios and they should not have been included in Tables 11.11 and 11.16. A re-evaluation of the result for Tables 11.11 and 11.16 is given in Appendix A"</i>:</p> <ul style="list-style-type: none"> i. Are ABC, KCC and PHE content with the alternative method of calculation proposed by the Applicant, and the consequent reduction in noise levels to below 55 dB in all scenarios at all receptors? ii. How does the Applicant propose to secure, in certified documentation, the alternative method of calculation and its consequences for noise levels?
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KCC and ABC have jointly commissioned Temple Group Ltd to address part i) of this question and the response is as follows:

The Applicant has provided a description of the reasons for the change, but not the details of any calculations. Consequently, it has not been possible to quantitatively audit the Applicant's approach.

However, qualitatively the Applicant's explanation is plausible i.e. that 1) The noise levels on the minor roads cannot be reliably predicted using the Calculation of Road Traffic Noise Methodology; and 2) Night time noise on the minor roads is likely to be dominated by the noise from the motorway etc. as the traffic flows on these "side" roads are very low in comparison. As a result the motorway noise most likely contributes more than 10 decibels to the combined noise levels on the minor roads, and the much lower noise level from traffic on these roads does not significantly influence the overall noise level at these locations.

Effects on all Travellers - ES Chapter 12 [APP-040]		
Question number	Question to	Question(s)
12.01	Applicant; KCC	<p>Rat running and turning circle</p> <p>Re. KCC's submission at Deadline 5 [REP5-026], which cites agreements to be reached between the Applicant and KCC, and amendments to be made to the relevant requirements in Schedule 2 of the dDCO [REP5-007/008]:</p> <ul style="list-style-type: none"> i. Would the Applicant and KCC state the current position and any matters not yet agreed?

The amended wording in Schedule 2 of the dDCO appears to be appropriate and a specific legal agreement between KCC and HE is being drawn up regarding the turning circle.

12.02	Applicant	<p>Barrey Road exit onto the A2070</p> <p>Re. the Applicant’s and KCC’s submissions at Deadline 5 [REP5-017; response B3 and REP5-026], the Applicant states that KCC has “<i>now agreed to deal with this issue outside the main Scheme, along with the proposed 40mph speed limit on the A2070, in collaboration with Highways England MAC Area 4</i>”, while KCC states “<i>KCC and ABC have reluctantly agreed that the location is treated outside of the scheme but it is imperative that this does not provide HE with an option to detach from discussions and being party to identifying workable, funded solutions</i>”.</p> <p>i. Would the Applicant, ABC and KCC detail how they will treat this matter outside of the scheme, to give the necessary comfort to the two local authorities?</p>
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Confirmation and commitment form HE Area 4 has not yet been received and HE Major Projects team is not willing to introduce the permanent speed restriction in a shorter timescale. KCC is progressing with feasibility and cost assessments for both a roundabout and signal junction. The requested information from HE has not yet been forthcoming –KCC is awaiting a Benefit Cost Ratio for the roundabout and signal options, vissim model, current and future year’s traffic counts and prior outline designs for signals. Results are to be presented by KCC to the Ashford Borough Council Joint Transportation Board and further discussion with HE will follow in respect of funding/timing/construction lead.

12.03	Applicant; KCC	<p>Traffic modelling and uncertainties</p> <p>Re. KCC’s submission at Deadline 5 [REP5-026], KCC raised concerns relating to traffic north of M20 not following the new route, and stated that it “<i>would want prior and post scheme traffic counts to be undertaken at a time when the scheme has bedded in. The results should then be analysed and if KCC are proved correct, HE should address the matter</i>”:</p> <p>i. Would the Applicant and KCC state the current position on this matter?</p>
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No confirmation has been received from HE to date. Additionally, in the absence of HE taking ownership of the A20, KCC would ask that the Scheme includes for lowering the speed limit on the A20 down to 40mph. Currently, the 60mph limit would not be in line with the surrounding area and would attract motorists wishing to avoid J10, the link road and J10a.

12.05	Applicant; KCC	<p>Access to the A20 from the end of Highfield Lane Bridge</p> <p>Re. KCC's submission at Deadline 5 [REP5-026], KCC cites the submission of Barbara Winham, representing the British Horse Society [REP5-003], who raised the matter relating to the end of Highfield Lane Bridge and access on to the A20. KCC states that there is currently no provision for horses, pedestrians or cyclists to enable them to cross the A20 safely, and that KCC would seek further discussion with HE on potential solutions:</p> <ul style="list-style-type: none"> i. Would the Applicant and KCC state the current position on these discussions?
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During the open floor Hearing, a request was made from the British Horse Society that provision be made for safe access on to and across the A20 Hythe Lane from the new Kingsford Street Bridge, linking to both the A20 and Bockham Lane. KCC supports this request. Equestrians and non-motorized users (NMUs) are to be accommodated as part of the bridge construction; provision is therefore required to ensure continuity of the route. This road is subject to a 60mph speed limit and when heading north west, this combines with a left hand bend, so consideration should be given to extending the requested 40mph limit to a suitable point.

20 Draft Development Consent Order (dDCO)

Question number	Question to	Question(s)
20.01	ABC; KCC; EA	<p>Draft DCO Rev D</p> <p>In consideration of Revision D of the Applicant's updated dDCO [REP5-007/008]:</p> <ul style="list-style-type: none"> i. Are ABC, KCC and the EA satisfied with the Applicant's amendments to the provisions as made in the dDCO and summarised in the schedule of amendments to the dDCO provided to Deadline 5 [REP5-009]? ii. Re. KCC's submission at Deadline 5 [REP5-026], KCC states that it will consider further Articles 10 (Consent to transfer benefit of Order), 11 (Application of the 1991 Act) and 18 (Discharge of water). Does KCC have any proposed amendments to these Articles?

(i) The amendments discussed at the hearings in February 2017 have been incorporated into the DCO. However, KCC still has further comments on the DCO - there are still some unresolved issues that need to be addressed, which may require further amendments to be made to the draft order. These issues relate to matters covered in the responses to this second set of questions. Full comments on the dDCO are provided by KCC in a separate submission.

(ii) KCC requests some further alterations be made to the Articles, which are set out in the KCC response to the draft DCO.

Article 11 – The issue regarding disapplication of section 56(a) of the Streetworks Act 1991 does not appear to have been resolved. No amendments in this respect have been made to the draft DCO – Rev D.

20.06	KCC	<p>Article 25 – Public Rights of Way</p> <p>Re. KCC’s submission at Deadline 5 [REP5-026], KCC stated that it <i>“has undertaken to check the position on this matter”</i>:</p> <p>i. Would KCC state whether it wishes to propose any amendments to Article 25?</p>
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This matter is being checked by PROW Officers and confirmation can be provided for the next deadline.

20.09	KCC; Applicant	<p>Schedule 2 - Requirements</p> <p>i. Re. KCC’s submission at Deadline 5 [REP5-026], KCC states that <i>“It may be the case in some provisions that KCC needs to be referred to separately as the Highway Authority”</i>. Would KCC state whether it wishes to propose amendments with regard to itself as the Highway Authority?</p> <p>ii. Re. ABC’s submission at Deadline 5 [REP5-032], would the Applicant state where noise mitigation measures - acoustic barriers, bunds and walls - are secured?</p> <p>iii. Re. ABC’s submission at Deadline 5 [REP5-032], would the Applicant state where the construction compounds are secured?</p>
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The relevant sections have now been amended to include KCC as a consultee, which is welcomed.

20.12	Applicant; KCC; ABC	<p>Schedule 2, Requirement 9 - Archaeology</p> <p>Re. Schedule 2 Requirement 9 in the dDCO Rev D [REP5-007/008]:</p> <ul style="list-style-type: none"> i. Would the Applicant define the term 'county archaeologist' in the dDCO? ii. Are KCC and ABC content with this Requirement as drafted?
KCC would request further opportunity to consider this Requirement and will provide full comments for Deadline 7.		

21 Compulsory Acquisition and other Land Matters

Question number	Question to	Question(s)
21.03	Applicant; KCC	<p>Highfield Lane turning loop</p> <p>Re. the Position Statement of Highways England on Highfield Lane Turning Loop [REP5-010]:</p> <ul style="list-style-type: none"> i. Would the Applicant and KCC update the Examination in respect of Plot 4/16/c and the delivery of the turning circle [REP5-006]? ii. Is KCC satisfied with the amendments proposed by the Applicant in Requirement 3 at Schedule 2 of the dDCO Rev D [REP5-006 and REP5-007/008]? iii. Do those amendments appropriately reassure KCC that the Applicant will not act to interfere with the delivery of the proposed turning loop in this location [REP5-006]?

i) The Council is currently in the process of finalising the agreement with Highways England to secure the land for the turning loop in the event that this has not already been constructed before the DCO is made and the applicant enters the land. It hopes to finalise and complete this agreement shortly. The agreement will also secure the operation of the turning loop as public highway with confirmation being provided that HE will not apply to stop up the highway up when it enters the land. The agreement also allows for the Council to complete the turning circle works should the work be ongoing when HE enter the land

(ii) KCC can confirm that it is satisfied with the amendments proposed by the applicant at Requirement 3 at Schedule 2 of the dDCO Rev D.

(iii) The agreement to be entered into between the applicant and KCC and the amendments made to the dDCO as set out in the applicant's position statement for the turning loop reassure the Council that the Applicant will not interfere with the delivery and operation of the turning loop in this location.

21.04	Applicant; KCC	<p>Discussions between the Applicant and KCC</p> <p>Rev B of the Compulsory Acquisition Negotiations Status Report [REP5-015] states that discussions are ongoing between the Applicant and KCC in respect of all of the proposed CA powers over lands in the Council's interest.</p> <p>i. Would the Applicant and KCC update the Examination on the progress of these discussions?</p>
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KCC representatives have had a meeting on site with Highways England to discuss the plots. A mapping exercise is to be undertaken to determine where the identified land matches records of trunked highway and where this matches, land will be transferred to rectify ownership. Other identified land is to be valued and a transfer agreed. No plots are currently considered contentious and there is nothing to indicate that an agreement to transfer all required plots will not be reached. Highways England will be undertaking some survey works under licence agreement during April.

22 Statements of Common Ground (SoCG)

Question number	Question to	Question(s)
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22.05	Applicant; KCC	<p>Applicant and KCC</p> <p>Re. the Applicant's statement at Deadline 5 [REP5-017; response N5] that "<i>a SoCG will be submitted at Deadline 6</i>":</p> <p>i. Would the Applicant and KCC provide detail within the SoCG at Deadline 6 for any areas stated as "<i>not agreed</i>" or "<i>under discussion</i>"?</p>
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The revised SoCG is being prepared for submission and will provide detail for areas stated as 'not agreed' and 'under discussion'.

There are ongoing discussions between the Applicant and KCC and good progress is being made towards finalising the SoCG. However, because there are still a number of points under discussion (where it is thought that a final position will be reached shortly), the Applicant proposes to submit the SoCG at Deadline 7, rather than Deadline 6 as it is thought that presenting the final positions of the parties is likely to be more helpful to the Examining Authority. This approach has been agreed with KCC. The parties are committed to progressing the SoCG for submission at Deadline 7 and a timetable is being put in place to ensure that meetings take place between the parties for matters to be discussed and resolved.

Key items still under discussion are:

- . Policy;
- . Land requirements – plots required by HE to construct scheme;
- . Local goals and objectives;
- . dDCO – Protective Provisions and Requirements;
- . Limits of Deviation;
- . Cultural Heritage;
- . Materials;
- . Community and Private Assets; and
- . Flood Risk Assessment.

It has been established that the following items will not be agreed:

- . Trunking of the M20 between J10 and J10a.