

# M20 Junction 10a

TR010006

## Comments on Responses to ExA's Second Written Questions



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M20 Junction 10a

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# **Comments on Responses to ExA's Second Written Questions**

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

**Volume 14.1**



# Issue and revision record

Revision	Date	Originator	Checker	Approver	Description
A	May 2017	Mott MacDonald Sweco Burgess Salmon	Burgess Salmon Mott MacDonald Sweco	Highways England	DCO submission (deadline 7)

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# 1. Kent County Council (REP6-054)

## Question 2.03

### Construction compounds

Re. the Applicant's plan [REP5-012] and submission at Deadline 5 [REP5-017; response A2] regarding the presence and use of construction compounds:

- 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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
2.03	This question is directed to HE. KCC will work with ABC and HE to ensure that the construction compounds are suitably sited.	No response required.

## Question 2.04

### Public Rights of Way (PRoW)

Re. KCC's submission at Deadline 5 [REP5-026]:

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

Question 6.01

**Cultural Heritage**

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:

- i. Would the Applicant and KCC state the current position and any matters outstanding (i.e. under discussion or not agreed)?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
6.01	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.	Extensive additional comments on the draft WSI were received from KCC's County Archaeologist on the 25 <sup>th</sup> April 2015, which will be addressed with the aim of submitting an updated WSI to the Examination as soon as possible. It was noted by KCC that agreement has been reached on the dDCO and the relationship of the WSI to guide the production of the Archaeological Framework Strategy, which will be produced in due course in consultation with KCC, as required under Requirement 9 of Schedule 2 to the DCO.

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Question 6.02

**Archaeological surveys - Written Scheme of Investigation (WSI)**

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:

- 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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
6.02	ii) In relation to the archaeological matters, KCC will look to update the remaining matters outstanding by deadline 7.	The position on the archaeological matters of the WSI draft was clarified in a letter from KCC's County Archaeologist on the 25 <sup>th</sup> April 2015, which will be addressed with the aim of submitting an updated WSI to the Examination as soon as possible. It was noted by KCC that agreement has been reached on the dDCO and the relationship of the WSI to guide the production of the Archaeological Framework Strategy, which will be produced in due course in consultation with KCC, as required under Requirement 9 of Schedule 2 to the DCO.

Question 7.02

**Outstanding landscape matters**

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 "to meet and work together to develop the mitigation proposals as set out in the Environmental Masterplan drawings":

- i. Has the proposed engagement between the Applicant and ABC on landscaping matters taken place?

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- ii. In either case, would the Applicant and ABC briefly state any outstanding landscape matters?
- iii. Would KCC briefly state any outstanding landscape matters?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
7.02	iii) KCC defers to ABC on landscaping matters.	No response required.

Question 9.01

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]:

- i. Would KCC state whether there are any issues outstanding (ie not agreed or under discussion) with regard to minerals or geology?

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

Question 11.02

**Noise and vibration limits and their significance**

Re. the Applicant's statement at Deadline 5 [REP5-016; response I4 i] that *"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"*:

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- 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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
11.02	<p>KCC and ABC have jointly commissioned Temple Group Ltd to address part i) of this question and the response is as follows:</p> <p>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.</p> <p>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.</p>	<p>We refer to the response given to ExA's FWQ Q11.5 in DCO Document 12.1 (PINS reference REP5-016), which acknowledges that forecast night-time traffic flows on some minor roads should not have been used as they were outside the region of validity of Calculation of Road Traffic Noise i.e. they were applied erroneously.</p> <p>For the sake of clarity, calculated values using both methods have been presented in Appendix A.</p>

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Question 12.01

**Rat running and turning circle**

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]:

- i. Would the Applicant and KCC state the current position and any matters not yet agreed?

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

Question 12.02

**Barrey Road exit onto the A2070**

Re. the Applicant's and KCC's submissions at Deadline 5 [REP5-017; response B3 and REP5-

026], the Applicant states that KCC has *"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"*, while KCC states *"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. 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?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
12.02	Confirmation and commitment form HE Area 4 has not yet been received and HE Major Projects team is not willing to introduce the	Information requested by KCC has been submitted by the

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	<p>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.</p>	<p>Applicant to KCC on 12 April 2017 and again on 18 April 2017.</p>

Question 12.03

**Traffic modelling and uncertainties**

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 *“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. Would the Applicant and KCC state the current position on this matter?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
12.03	<p>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.</p>	<p>We refer to the responses given to ExA’s SWQs Q12.03 and Q12.05 in DCO document 13.4 submitted at deadline 6 (PINS reference REP6-022).</p>

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Question 12.05

**Access to the A20 from the end of Highfield Lane Bridge**

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:

- i. Would the Applicant and KCC state the current position on these discussions?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
12.05	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.	We refer to the response given to ExA's SWQs Q12.05 in DCO document 13.4 submitted at deadline 6 (PINS reference REP6-022).

Question 20.01

**Draft DCO Rev D**

In consideration of Revision D of the Applicant's updated dDCO [REP5-007/008]:

- 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

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Order), 11 (Application of the 1991 Act) and 18 (Discharge of water). Does KCC have any proposed amendments to these Articles?

INS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
20.01	<p>(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.</p> <p>(ii) KCC requests some further alterations be made to the Articles, which are set out in the KCC response to the draft DCO.</p> <p>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.</p>	Please refer to DCO document 14.2 “Applicant Responses to Kent County Council and Ashford Borough Council DCO Comments” being submitted at Deadline 7.

Question 20.06

**Article 25 – Public Rights of Way**

Re. KCC’s submission at Deadline 5 [REP5-026], KCC stated that it *“has undertaken to check the position on this matter”*:

- i. Would KCC state whether it wishes to propose any amendments to Article 25?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
20.06	This matter is being checked by PROW Officers and confirmation can be provided for the next deadline.	No response required.



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Question 20.09

**Schedule 2 - Requirements**

- i. Re. KCC's submission at Deadline 5 [REP5-026], KCC states that *"It may be the case in some provisions that KCC needs to be referred to separately as the Highway Authority"*. Would KCC state whether it wishes to propose amendments with regard to itself as the Highway Authority?
- 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?
- iii. Re. ABC's submission at Deadline 5 [REP5-032], would the Applicant state where the construction compounds are secured?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
20.09	The relevant sections have now been amended to include KCC as a consultee, which is welcomed.	No response required.

Question 20.12

**Schedule 2, Requirement 9 - Archaeology**

Re. Schedule 2 Requirement 9 in the dDCO Rev D [REP5-007/008]:

- i. Would the Applicant define the term 'county archaeologist' in the dDCO?
- ii. Are KCC and ABC content with this Requirement as drafted?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
20.12	KCC would request further opportunity to consider this Requirement and will provide full comments for Deadline 7.	No response required.

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Question 21.03

**Highfield Lane turning loop**

Re. the Position Statement of Highways England on Highfield Lane Turning Loop [REP5-010]:

- 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]?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
21.03	<p>(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</p> <p>(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.</p> <p>(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</p>	No response required.

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	operation of the turning loop in this location.	

Question 21.04

**Discussions between the Applicant and KCC**

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.

- i. i. Would the Applicant and KCC update the Examination on the progress of these discussions?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
21.04	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.	An updated Compulsory Acquisition Negotiations Status Report is being submitted at Deadline 7 which states that a further update on this issue is due by 12 May 2017.

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Question 22.05

**Applicant and KCC**

Re. the Applicant's statement at Deadline 5 [REP5-017; response N5] that "a SoCG will be submitted at Deadline 6":

- i. Would the Applicant and KCC provide detail within the SoCG at Deadline 6 for any areas stated as "not agreed" or "under discussion"?

PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
22.05	<p>The revised SoCG is being prepared for submission and will provide detail for areas stated as 'not agreed' and 'under discussion'.</p> <p>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.</p> <p>Key items still under discussion are:</p> <ul style="list-style-type: none"> <li>· Policy;</li> <li>· Land requirements – plots required by HE to construct scheme;</li> <li>· Local goals and objectives;</li> <li>· dDCO – Protective Provisions and Requirements;</li> <li>· Limits of Deviation;</li> <li>· Cultural Heritage;</li> </ul>	<p>Please refer to DCO document 8.2 "Statement of Common Ground Between Highways England and Kent County Council" which has been submitted at deadline 7.</p>

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PINS Question Number	Response from Kent County Council	Comment on response from Highways England (the Applicant)
	<ul style="list-style-type: none"> <li>· Materials;</li> <li>· Community and Private Assets; and</li> <li>· Flood Risk Assessment.</li> </ul> <p>It has been established that the following items will not be agreed:</p> <ul style="list-style-type: none"> <li>· Trunking of the M20 between J10 and J10a.</li> </ul>	

## 2. Ashford Borough Council (REP6-001)

### Question 2.03

#### Construction compounds

Re. the Applicant's plan [REP5-012] and submission at Deadline 5 [REP5-017; response A2] regarding the presence and use of construction compounds:

- 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?

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
2.03	The question is directed to the applicant and not Ashford Borough Council. ABC will work with KCC and HE to ensure that the construction compounds are suitably sited.	No response required.

### Question 5.01

#### Air Quality

Construction traffic movements Re. ABC's submission as a local authority at Deadline 5 [REP5- 032; page 4], ABC states that it "would ... like further information on likely air quality effects during construction", and "It is recommended that we liaise directly with Mott McDonald to reach an agreement":

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- i. Would the Applicant and ABC state the current position on this matter?

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
5.01	Alaric Lester of Temple Group has discussed with Christopher Mills, HE's air quality specialist regarding further consideration of air quality effects during construction and is satisfied, given the additional information, that significant temporary air quality effects are unlikely. Christopher Mills has also indicated that the latest construction plans being developed by the contractor would maintain two-way flow for the majority of the construction phase. This revision is welcomed on air quality grounds.	No response required.

## Question 7.01

### Landscape

Trees subject to Tree Preservation Orders (TPOs) The Applicant has added Article 39 and Schedule 8 to the dDCO at Deadline 5 [REP5-007/008]. The Applicant's Arboricultural Implications Assessment [REP5- 014; page 13] states that "The removal of these trees would also be mitigated by a specific landscape planting plan". ABC states in its submission at Deadline 5 [REP5-032; page 4] that "The removal of the group (TPO group 37) although regrettable could be mitigated, subject to high-quality replacement tree planting (advanced nursery stock) to offset potential loss of visual public amenity":

- i. Would the Applicant state how the landscape planting plan will be secured and delivered in the specific case of TPO trees, identifying ABC's role in the approval?

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
7.01	The question is directed to the applicant and not Ashford Borough Council	No response required.

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## Question 7.02

### Landscape

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 "to meet and work together to develop the mitigation proposals as set out in the Environmental Masterplan drawings":

- 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?

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
7.02	<p>(i) A meeting was held between ABC, Temple and Mott MacDonald on 31 March 2017</p> <p>(ii) Alison Farmer of Temple, has reviewed and agreed the meeting minutes with the Applicant which have been presented to answer the Examiner's questions 7.2 (i) a-l. Whilst the meeting was a positive discussion, we reserve our position on the extent to which concerns have been addressed until we have had a chance to review the revised Masterplan drawings and accompanying 'Statement of Design' which we understand are to be submitted by the Applicant as part of the Deadline 6 submissions. We are particularly keen to see the Statement of Design set out what sort of landscape character is being created and the rational for it. We believe the statement needs to demonstrate integration of the proposed road with the wider landscape; creation and reinforcement of sense of place; consideration of views and how people experience the landscape; and joined up design in association with other likely changes to land immediately adjacent.</p> <p>We believe this approach will be particularly valuable because</p>	<p>(i) As stated by ABC.</p> <p>(ii) The minutes of the meeting held on the 31st March have been agreed between Highways England and ABC and the Environmental Masterplan Update Report (PINS reference REP6-023), which included a section describing the Scheme's design intent, was issued to the Examination at Deadline 6. In addition, the Environmental Masterplan was amended in line with comments from ABC and the Kent Downs AONB Unit and was issued to the Examination at Deadline 6 (PINS references REP6-005, 006, 007, 009, 010, 011, 012, 013, 014 and 015).</p> <p>(iii) No response required.</p>



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PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
	<p>Jacobs will be taking over the development of the detailed design, there is likely to be considerable change in the vicinity of the scheme due to other development, and ultimately it will be necessary to monitor the success of mitigation planting against original design intent</p> <p>(iii) KCC defers to ABC on landscaping matters.</p>	

### Question 11.01

#### Establishing benefits due to noise mitigation

Re. the Applicant's and ABC's submissions at Deadline 5 [REP5-016; response I3 and REP5-032], the Applicant states that *"discussion with ABC will commence pre-DCO in order to allow time for a method to be agreed upon"*, while ABC states *"given the relatively short time in which we would expect ... that a DCO would come out of this, post DCO but pre-construction might be the broad envelope in which to do this kind of study"*.

- i. Would the Applicant and ABC state the position with regard to these discussions?

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
11.01	<p>Unfortunately, due to diary conflicts, the Applicant and ABC have not yet been able to meet to discuss this.</p> <p>However the issue remains a priority. There is broad agreement with the view that "Actual measurements are best undertaken when it is certain the Schemes will proceed i.e. post-DCO</p> <p>Following receipt of additional information. Dani Fiumicelli of Temple Group, supports the proposal to "consider Kingsford Street, Sevington Church and a location to the north between existing coast bound on slip and proposed offslip. As mitigation</p>	<p>As noted in ABC's response, there is broad agreement on the proposed noise monitoring methodology and the suggestions made by Temple Group on duration of measurements and measurement of acoustic barrier performance characteristics will be considered when drafting the noise survey methodology, during the Detailed Design stage.</p>

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PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
	<p>measures comprise low noise surfacing and acoustic barriers/bunds we would hope that measurements at these locations would capture the benefits. We also propose ABC use control positions in order that any changes in traffic flow do not affect conclusions. For the control locations we would suggest to the north and south of the new junction. The duration of measurements is to be agreed, but would depend on the suitability of control locations.”</p> <p>In regard to the duration of measurements we would suggest at least a week, and ideally long enough to capture a range of weather conditions, in particular wind direction as being upwind or down wind of the source and barrier can substantially influence the effectiveness of a barrier i.e. being down wind can reduce the attenuation achieved.</p> <p>In addition to measurements at the above receptors because the do-minimum and do-something road layouts are different and complicate a direct “before” and “after” comparison; health and safety permitting, we would suggest some simultaneous measurements either side of and close to the barrier/s to determine the local insertion loss</p>	

Question 11.02

**Noise and vibration limits and their significance**

Re. the Applicant’s statement at Deadline 5 [REP5-016; response 14 i] that *“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*

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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. 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?

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
11.02	<p>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.</p> <p>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.</p>	<p>We refer to the response given to ExA’s FWQ Q11.5 in DCO Document 12.1 (PINS reference REP5-016), which acknowledges that forecast night-time traffic flows on some minor roads should not have been used as they were outside the region of validity of Calculation of Road Traffic Noise i.e. they were applied erroneously.</p> <p>For the sake of clarity, calculated values using both methods have been presented in Appendix A.</p>

### Question 11.03

Construction working hours, Pilgrims’ Hospice Re. the Applicant’s and ABC’s submissions at Deadline 5 [REP5-016; response I4 iv and REP5-032], the Applicant states that “The Applicant has agreed to discuss this matter further with ABC”, while ABC states that “The council would like to use section 61 (Control of Pollution Act) on prior approval application via the CEMP that could require this to be done” which the Council believes would be an appropriate means of securing controls on noisy construction activities:

- i. Would the Applicant and ABC state the position with regard to their discussions?
- ii. Would the Applicant and ABC state how this would apply specifically to construction work near the Pilgrims’ Hospice?

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
11.03	<p>(i) The council would like to see a fairly standard approach in the first case i.e. common core hours for noisy works across the project, with suitable variation where appropriate to the circumstances.</p> <p>The council would like to use section 61 on prior approval application via the Construction.</p> <p>Environmental Management Plan that could require this to be done. Whereby the contractor provides details to the council of what work they are going to undertake and describes what measures they will put in place to minimise the noise impacts. That usually includes controls on the hours that noisy operations take place. Typically Monday to Friday that is 0800hrs to 1800hrs. Then either 0800hrs or 0900hrs until 1300hrs on a Saturday. That would provide the core for the approach we would like to see. There may, however, be circumstances where variation from these core hours will be required, and it is well established that the contractor can apply for variation or a dispensation including the justification for the variation and details of any additional measures to minimise noise in order to achieve this. This approach is often done, quite close to the start of the work, post the phase we are in now, when there is much more detailed information for the programme of work and the methodology. That enables specific measures to be incorporated into the works programme and the methods, where we have particular sensitivity like the hospice or other residents. In short further down the line, there is much more information and a lot more can be done to minimise noise and provide specific protection where it is needed particularly for sensitive receivers and so it is almost like reserving it through the DCO, through the section 61 process. We are happy to have the standard hours described above within the DCO, but we also recognise that there needs to be a pragmatic approach which allows for variation from</p>	<p>We refer to the responses given to ExA's SWQs Q11.03 i and Q11.03 ii in DCO document 13.4 submitted at deadline 6 (PINS reference REP6-022).</p>

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PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
	<p>those core hours where justified. The council's preference would be to have a general start time of 0800hrs, but consider variations at request on an evidential basis of need and of impact and how any additional mitigation would be provided.</p> <p>(i) In regard to the noise sensitivity of Pilgrim's Hospice the council would expect to see more than the standard measures in place to minimise noise where this is reasonably practicable; and would only consider variations to the standard core hours where a robust engineering justification is provided and after consultation with the Hospice.</p>	

Question 12.02

**Barrey Road exit onto the A2070**

Re. the Applicant's and KCC's submissions at Deadline 5 [REP5-017; response B3 and REP5- 026], the Applicant states that KCC has "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", while KCC states "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. 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?

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
12.02	<p>Confirmation and commitment from HE Area 4 has not yet been received &amp; HE Major Projects are not willing to introduce the permanent speed restriction in a shorter timescale. KCC are progressing with feasibility and cost assessments for both a roundabout and signal junction.</p>	<p>Information requested by KCC has been submitted to KCC by the Applicant on 12 April 2017 and again on 18 April 2017.</p>

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PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
	<p>Requested information from HE has not yet been forthcoming i.e.: Benefit Cost Ratio for both roundabout and signal options, vissim model, current and future years traffic counts, prior outline designs for signals.</p> <p>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.</p>	

Question 13.01

**Community and Private Assets**

Church Road Public Open Space Re. the Applicant's and ABC's submissions at Deadline 5 [REP5-016; response K1 and REP5-032], the Applicant states that "The Applicant and ABC disagree on a range of matters. Useful discussions are, however, taking place subsequent to the hearing", while ABC states "ABC view is replacement land is highway land/verge and it is not responsible for maintaining Highway and is *not POS (public open space)*":

- i. Would the Applicant and ABC state the position with regard to these discussions, and by when these discussions will be concluded?

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
13.01	<p>Discussions are ongoing between ABC and HE in relation to the open space and replacement land and agreement in principle has been reached on the terms for an agreement to be entered into between the parties in this regard.</p>	<p>No response required.</p>

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Question 20.01

**Draft DCO Rev D**

In consideration of Revision D of the Applicant's updated dDCO [REP5-007/008]:

- 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?

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)								
20.01	<p>ABC has made comments on the following HE amendments to draft DCO for Deadline 5:</p> <table border="1" data-bbox="300 810 1169 954"> <thead> <tr> <th>HE's amendment</th> <th>No. Location</th> </tr> </thead> <tbody> <tr> <td>12</td> <td>article 39 (TPO trees)</td> </tr> <tr> <td>23</td> <td>requirement 5 (landscaping)</td> </tr> <tr> <td>27</td> <td>requirement 10 (protected species)</td> </tr> </tbody> </table> <p>These are set out in ABC's comments on the draft DCO rev D (see annex 2.)</p>	HE's amendment	No. Location	12	article 39 (TPO trees)	23	requirement 5 (landscaping)	27	requirement 10 (protected species)	<p>Please refer to DCO document 14.2 "Applicant Responses to Kent County Council and Ashford Borough Council DCO Comments" submitted at Deadline 7.</p>
HE's amendment	No. Location									
12	article 39 (TPO trees)									
23	requirement 5 (landscaping)									
27	requirement 10 (protected species)									

Question 20.08

**Article 39 - Trees Subject to Tree Preservation Orders**

Re. ABC's submission at Deadline 5 [REP5-032] on the felling or lopping of trees, and the Applicant's new Article 39 and new Schedule 8 in the dDCO Rev D [REP5-007/008]:

- i. i. Is ABC content with this article and schedule as drafted?
- ii. Is ABC content with clause 39 (2) (b) regarding replacement of trees?

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PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
20.08	<p>(i) Ashford Borough Council is not content. See comments on the draft DCO rev D in annex 2.</p> <p>(i) ABC would like the TPO trees replaced, where possible (see annex 2).</p>	<p>Please refer to DCO document 14.2 “Applicant Responses to Kent County Council and Ashford Borough Council DCO Comments” submitted at Deadline 7.</p>

Question 20.12

**Schedule 2, Requirement 9 - Archaeology**

Re. Schedule 2 Requirement 9 in the dDCO Rev D [REP5-007/008]:

- i. Would the Applicant define the term ‘county archaeologist’ in the dDCO?
- ii. Are KCC and ABC content with this Requirement as drafted?

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
20.12	<p>Ashford Borough Council will defer to KCC comments and it provides the specialist advice on Archaeology.</p>	<p>No response required.</p>

Question 20.13

**Schedule 2, Requirement 10 - Protected species**

Re. Schedule 2 Requirement 10 in the dDCO Rev D [REP5-007/008]:

- i. Would the Applicant define the term ‘ecological clerk of works’ in the dDCO and state by whom this role would be appointed?
- ii. Are Natural England and ABC content with the re-drafting of this Requirement?



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PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
20.13	See ABC comments submitted at Deadline 3 (Annex 2) on DCO on protected species	Please refer to DCO document 14.2 “Applicant Responses to Kent County Council and Ashford Borough Council DCO Comments” submitted at Deadline 7.

### Question 21.05

Discussions between the Applicant and ABC as landowner ABC’s submission as landowner at Deadline 5 [REP5-002] states its position on plots 3/14/a and 3/14/b – the open space land - and the Applicant’s proposed replacement open space land, plots 3/1/b to d. The Compulsory Acquisition Negotiations Status Report [REP5-015] states that discussions are ongoing between the Applicant and ABC in respect of these plots and other plots for which ABC is landowner.

- i. Would the Applicant and ABC update the Examination on the progress of the discussions?

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
21.05	Discussions are ongoing between Highways England and Ashford Borough Council and it hoped this will be resolved before the close of the examination on 2 June	No response required.

### Question 22.01

#### **Applicant and ABC**

Re. the Applicant’s and ABC’s submissions at Deadline 5 [REP5-017; response N1 and REP5-032], the Applicant states that “a revised SoCG will be submitted at Deadline 6”, while ABC states that “most sections [...] will be subject to further discussions.

There may be points e.g. FRA that ABC may need to look at”. ABC stated that points of discussion were public open space, Kingsford Street/ Highfield Lane turning circle, air quality, landscaping/ trees, noise/ vibration, and flood risk:

- i. Would the Applicant and ABC provide detail within the SoCG at Deadline 6 for any areas stated as “not agreed” or “under discussion”?

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
22.01	<p>There are ongoing discussions between the Applicant and ABC and good progress is being made towards finalising the “local authority” 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 ABC. 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.</p> <p>By way of update, the key items still under discussion or not agreed are:</p> <ol style="list-style-type: none"> <li>1. Policy: <ol style="list-style-type: none"> <li>a. The Scheme is in accordance with the National Networks NPS</li> <li>b. The Scheme is in accordance with the ABC transport policy</li> </ol> </li> <li>2. Impact on public open space area in connection with works to Church Lane Footbridge</li> <li>3. Stopping up of Kingsford Street / Highfield Lane Junction and providing the turning circle</li> <li>4. Pilgrims Hospice</li> <li>5. Requirements (Schedule 2 DCO)</li> <li>6. Limits of deviation</li> <li>7. Air quality – under discussion (Highways England’s air quality specialist has been in discussion with Alaric Lester of Temple Group, acting on behalf of ABC.)</li> </ol>	<p>Please refer to DCO document 8.1 “Statement of Common Ground Between Highways England and Ashford Borough Council” which has been submitted at deadline 7 in draft. The document has been submitted in draft to demonstrate that progress has been made and discussions have taken place between the Applicant and ABC. However, there are points which are still under discussion and it is intended that a further signed SoCG will be submitted prior to the hearings on 17 – 18 May 2017.</p> <p>In respect of the SoCG with ABC as landowner, discussions are ongoing between ABC and the Applicant in relation to the open space and replacement land and most points are now agreed.</p> <p>As stated previously, it is intended that if full agreement is reached, the need for a SoCG dealing with these issues will fall away. If agreement cannot be reached, then this position will be re-visited.</p>

PINS Question Number	Response from Ashford Borough Council	Comment on response from Highways England (the Applicant)
	<p>8. Written Scheme of Investigation</p> <p>9. Landscape</p> <p>10. Arboricultural Survey Report</p> <p>11. Noise and Vibration – under discussion (Highways England’s noise specialist has been in contact with ABC to discuss possible locations and timing of noise monitoring and a response from ABC is awaited)</p> <p>12. Visual impact of 3m Noise barrier along Kingsford Street and A2070</p> <p>13. All Travellers</p> <p>14. Community and Private Assets</p> <p>15. Combined and Cumulative Effects</p> <p>16. The Main Scheme</p> <p>17. The Alternative Scheme</p> <p>In respect of the SoCG with ABC as landowner, discussions are ongoing between ABC and the Applicant in relation to the open space and replacement land and agreement in principle has been reached on the terms for an agreement to be entered into between the parties in this regard.</p> <p>It is intended that if full agreement is reached, the need for a SoCG dealing with these issues will fall away. If agreement cannot be reached, then this position will be re-visited</p>	

### 3. Public Health England (REP6-057)

Question 11.02

**Noise and vibration limits and their significance**

Re. the Applicant's statement at Deadline 5 [REP5-016; response I4 i] that *"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. 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?

PINS Question Number	Response from Public Health England	Comment on response from Highways England (the Applicant)
11.02	PHE's statutory remit in these consultations covers activities which could potentially cause harm to people and are likely to significantly affect public health. Question 11.02 relates specifically to the appropriateness of alternative methods of noise exposure calculation, which originate from the Design Manual for Roads and Bridges (DMRB). Highways England has responsibility for this guidance, and are therefore better placed to identify the most	We refer to the response given to ExA's FWQ Q11.5 in DCO Document 12.1 (PINS reference REP5-016), which acknowledges that forecast night-time traffic flows on some minor roads should not have been used as they were outside the region of validity of Calculation of Road Traffic Noise i.e. they were applied erroneously.  For the sake of clarity, calculated values using both methods

PINS Question Number	Response from Public Health England	Comment on response from Highways England (the Applicant)
	<p>appropriate calculation method.</p> <p>Nevertheless, it may be prudent to request that Highways England evaluates the potential noise impacts from the scheme once the development is complete. If it is found that that the development has led to the relevant properties being exposed to levels in excess of 55dB at night-time, a scheme of mitigation should be developed and implemented in consultation with the relevant local authorities.</p>	<p>have been presented in Appendix A.</p> <p>A pre- and post-opening noise survey will be undertaken.</p>

## 4. Natural England

### Question 20.13

#### Schedule 2, Requirement 10 - Protected species

Re. Schedule 2 Requirement 10 in the dDCO Rev D [REP5-007/008]:

- i. Would the Applicant define the term 'ecological clerk of works' in the dDCO and state by whom this role would be appointed?
- ii. Are Natural England and ABC content with the re-drafting of this Requirement?

PINS Question Number	Response from Natural England	Comment on response from Highways England (the Applicant)
20.13	(ii) Natural England is satisfied with the re-drafting of this requirement and have no further comments to add.	No response required.

## 5. Environment Agency (REP6-003)

### Question 14.01

#### Flood Risk Assessment (FRA)

- i. Further to the Applicant's and EA's submissions at Deadline 5 [REP5-016; response L1 and REP5-004], would the Applicant provide a precise date by which the FRA will be submitted to the EA for review? **Note: this needs to be as soon as possible, to give the EA time to review the FRA, and the Applicant time to make further revisions after the EA has reviewed it, before the final date for the Examination to close on 2 June 2017.**
- ii. If the EA has any further comments in relation to the FRA at this stage, would it please submit these?

PINS Question Number	Response from Environment Agency	Comment on response from Highways England (the Applicant)
14.01	ii. The Environment Agency met with the Applicant's modellers to discuss a way forward. We suggested a plan for running the modelled 1in100+105% climate change scenario to help with stability issues of the model. We are currently in the process of reviewing the submitted Flood Risk Assessment modelling addendum and model outputs submitted to the inspectorate on 30 March 2017.	<ul style="list-style-type: none"> <li>· The Applicant has had the benefit of seeing the submission of the Environment Agency for Deadline 7 in advance. The Applicant had intended to submit an updated Flood Risk Assessment ("FRA") at Deadline 7 but in light of the comments of the Environment Agency, it is thought to be more helpful to the Examination for the FRA to be updated to take into account the comments from the Environment Agency. The additional work suggested by the Environment Agency will be carried out and an updated FRA will be submitted to the Examination prior to the hearings on 17 – 18 May 2017.</li> </ul>

Question 14.02

**Access to Aylesford Stream**

- i. Further to the Applicant's and EA's submissions at Deadline 5 [REP5-016, response L2 and REP5-004], would the Applicant and the EA set out progress towards agreeing suitable working for protective provisions relating to access to the Aylesford Stream?

PINS Question Number	Response from Environment Agency	Comment on response from Highways England (the Applicant)
14.02	(i) The Environment Agency is awaiting comments from the Applicant's legal representatives on Protective Provisions.	Comments were provided to the Environment Agency on 6 April 2017. A response was received on 27 April 2017 and is currently being reviewed by the Applicant.

Question 14.03

**Contaminated land and groundwater**

Further to the Applicant's and EA's submissions at Deadline 5 [REP5-016; response L3 and REP5-004], the EA stated that Requirement 7 in dDCO Rev C [REP3-011/012] "is not sufficient to address the concerns over land contamination and groundwater protection". The Applicant since amended requirement 7, now requirement 8 in the dDCO at Deadline 5 [REP5-007-008]:

- i. Is the EA content with this drafting? If not, could the EA provide suggested re-wording for this Requirement as currently drafted?
- ii. Would the Applicant comment on whether the current drafting covers the EA's call for a requirement "requiring the provisions of various investigations and documents as follows: an Updated Site investigation Report, a Remediation Strategy, A verification Plan and Verification Report" [REP5-004]?

PINS Question Number	Response from Environment Agency	Comment on response from Highways England (the Applicant)
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PINS Question Number	Response from Environment Agency	Comment on response from Highways England (the Applicant)
14.03	<p>i. The Environment Agency is in ongoing discussion with the Applicant’s legal team re the wording to Requirement 8. We have provided further explanation and are recommending relevant wording as submitted in our draft SoCG with HE as follows:</p> <p>The CLRA (DCO Document 7.4) assessed groundwater to be at risk from historic sources. This is due to the vertical migration of leachates, and the vertical and horizontal migration of contaminants in the saturated zone. The introduction of mitigation measures during construction will not reduce this risk as it is already present prior to construction. The current requirement 8 refers to foundations risk assessment and a watching brief should unsuspected contamination be found. This is not enough to reduce identified moderate/low risk to groundwater. We are recommending that requirement 8 details that further contamination risk assessments are carried out identify what remedial strategies and mitigation measures the applicant needs to consider to reduce the level of risk to groundwater quality found from the historic contamination. The findings from this additional Contamination Risk Assessment will help the Applicant comply with relevant legislation (such as the Water Resources Act and Water Framework Directive). This ensures that the works do not inadvertently mobilise historic contaminants.</p> <p>We recommend that requirement 8 reads as follows:  <b>Contaminated land and groundwater</b>  <i>—a) No part of the authorised development is to commence until a <b>contamination</b> risk assessment has been produced which is to include details of-  any existing sources of contamination within the Order limits that</i></p>	<p>Highways England has been in discussion with the Environment Agency’s contaminated land technical specialists and agreement has been reached regarding the appropriate levels of further contamination risk assessment to be carried out. This is reflected in Requirement 8 of the updated dDCO (Revision E) and Statement of Common Ground between the Environment Agency and Highways England, submitted to the Examination at Deadline 7.</p>

PINS Question Number	Response from Environment Agency	Comment on response from Highways England (the Applicant)
	<p><i>may be affected by the carrying out of the authorised development; and</i></p> <p><i>any reasonably required protective measures to ensure that the carrying out of the authorised development does not make worse any adverse conditions or risks associated with such existing sources of contamination,</i></p> <p><b><i>appropriate remediation strategies and mitigation measures to address the historic contamination which is shown to be having significant, unacceptable effects on the environment</i></b></p> <p><i>and the assessment has been submitted to and approved by the Secretary of State following consultation with the Environment Agency.</i></p> <p><i>The steps and measures that are identified as necessary for the purposes of carrying out the authorised development in the assessment referred to in sub-paragraph (1) must be implemented as part of the authorised development.</i></p> <p><i>In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, the undertaker must cease construction of the authorised development in the vicinity of that contaminated land and must report it immediately in writing to the Secretary of State, the Environment Agency and relevant planning authority, and in agreement with the Environment Agency and the relevant planning authority undertake a risk assessment of the contamination.</i></p> <p><i>Where the undertaker determines that remediation is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be prepared submitted to and approved in writing by the Secretary of State following consultation with the Environment Agency and</i></p>	

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PINS Question Number	Response from Environment Agency	Comment on response from Highways England (the Applicant)
	<p><i>the relevant planning authority. Remedial measures must be carried out in accordance with the approved scheme.</i></p> <p>The Environment Agency is still in discussion with Highways England regarding this requirement to capture remediation of identified historic contamination.</p>	

Question 14.04

**Disapplication of legislation**

Further to the Applicant's and EA's submissions at Deadline 5 [REP5-016; L5 and REP5-004], the Applicant stated that "discussions (between the Applicant and EA) are ongoing and it is expected that agreement will be reached on relevant amendments to Article 3 of the dDCO":

- i. Would the Applicant and EA state the position with regard to the cited discussions?
- ii. Would the EA state whether it is content with the proposed amendments to the dDCO at Deadline 5 [REP5-007/008]?

PINS Question Number	Response from Environment Agency	Comment on response from Highways England (the Applicant)
14.04	<p>(i) The Environment Agency and the Applicant have concluded discussion regarding Article 3 of the dDCO</p> <p>(ii) The Environment Agency is content with the proposed amendments to Article 3 of the dDCO submitted at Deadline 5.</p>	No response required.

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Question 14.05

**Protected Provisions**

Further to the Applicant's and EA's submission at Deadline 5 [REP5-016; response L5-7 and REP5-004]:

- i. Would the Applicant and EA state when they expect to agree any necessary protective provisions and table them to the Examination?

PINS Question Number	Response from Environment Agency	Comment on response from Highways England (the Applicant)
14.05	The Environment Agency presented its preferred Protective Provisions to the Applicant's legal representatives on 23 January 2017 and received initial comments on 6 April 2017. Discussions are ongoing.	Comments were provided to the Environment Agency on 6 April 2017. A response was received on 27 April 2017 and is currently being reviewed by the Applicant.

Question 20.01

**Draft DCO Rev D**

In consideration of Revision D of the Applicant's updated dDCO [REP5-007/008]:

- 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?

PINS Question Number	Response from Environment Agency	Comment on response from Highways England (the Applicant)
20.01	(i) The Environment Agency is satisfied with the amendments save for amendments to Requirement 8 which is still under discussion.	Agreement has been reached between the Applicant and the Environment Agency on the wording of Requirement 8 and the amended wording is included in the updated version of the DCO submitted at Deadline 7.

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Question 22.02

**Statement of common ground (SoCG)**

**Applicant and EA**

Further to the Applicant’s and EA’s submissions at Deadline 5 [REP5-016; response N2 and REP5-004], the Applicant states that “a SoCG will be submitted at Deadline 6” while the EA states that “due to missing information, it was unable to ‘agree’ many aspects”:

- i. Would the Applicant and EA provide detail within the SoCG at Deadline 6 for any areas stated as “not agreed” or “under discussion”.

PINS Question Number	Response from Environment Agency	Comment on response from Highways England (the Applicant)
22.02	<p>The Environment Agency has updated the Draft SoCG with the Applicant. The sections on Flood Risk and the mammal bridges is not agreed as the flood model and Flood Risk Assessment addendum is still being reviewed. The section on contamination is also not agreed as discussions are ongoing regarding historic contamination.</p> <p>Further information is provided in the draft SoCG.</p>	<p>An updated Statement of Common Ground between the Environment Agency and Highways England has been submitted to the Examination at Deadline 7.</p>

## Appendix A

Differences in night-time noise levels using TRL1 and TRL 3 calculation methods.

Location	Using TRL method 1			Using TRL method 3		
	'Do minimum' opening year	'Do Scheme' Design Year	Difference	'Do minimum' opening year	'Do Scheme' Design Year	Difference
Kingsford Street	48.8	55.2	6.4	48.3	49.6	1.3
Kingsford Street	48.7	55.3	6.6	48.3	49.6	1.3
Kingsford Street	48.8	55.7	6.9	48.2	49.9	1.7
Kingsford Street	48.8	55.5	6.7	48.2	49.8	1.6
Kingsford Street	49.1	55.9	6.8	46	48.8	2.8
Bockham Lane	52.3	56	3.7	44.6	48.3	3.7
Bockham Lane	53.2	56.8	3.6	44.8	48.4	3.6
Kingsford Street	46.4	56.8	10.4	45.8	48.4	2.6
Kingsford Street	49.6	50.8	1.2	50.4	51.4	1