

Application by Highways England for an order granting development consent for the proposed M20 Junction 10a (TR010006)

Administrative arrangements, agendas and process information for the Examination hearings taking place in w/c 15 May 2017

On 19 April 2017 notification was sent to Interested Parties about the hearings that will take place on **17 May 2017** at the **Kent Invicta Chamber of Commerce, Ashford Business Point, Waterbrook Avenue, Sevington, Ashford, TN24 0LH**, and **18 May 2017** at the **Holiday Inn Ashford Central, Canterbury Road, Ashford, TN24 8QQ**.

This document sets out the administrative arrangements, agendas and process information for each of these hearings. Please navigate using the table below:

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If you did not do so by the pre-notified deadline, it is now vital for Interested Parties intending to attend any of these hearings to give prior notice to the case team of who will attend, who will speak and which points they wish to address. In accordance with Rule 14(3) of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended), any oral representations should be based on representations previously made in writing by the particular participant.

Please provide your Interested Party reference number in any communication and mark it for the attention of the M20 Junction 10a case team.

Email: M20Junction10A@pins.gsi.gov.uk

**Issue Specific Hearing dealing with matters relating to the environment,
10:00am Wednesday 17 May 2017**

Administrative arrangements

The hearing room will be available from 9:30am, and the hearing will commence at 10:00am. It is expected to close by about 5:00pm. There will be a break for lunch from approximately 1:00pm until 2:00pm. There will be mid-session comfort breaks at appropriate points throughout the day.

Hearing process and agenda

The hearing will follow a similar process to the process used for the first round of hearings in February 2017. A lot of documentation has been produced in the Examination so far, so under each agenda item the Examining Authority (ExA) will invite a brief statement of the current position from the identified party or parties: the Applicant (Highways England); the host local authorities (Ashford Borough Council (ABC) and Kent County Council (KCC)); any relevant Statutory Parties; and any other Interested Parties.

The purpose of the hearing will be to identify matters agreed, matters not agreed and discussions ongoing. With regard to matters not agreed and discussions ongoing, and given the proximity of the hearings to the latest possible end date for the Examination (2 June 2017), the ExA expects that there will be few, if any, such matters, and strongly encourages all parties to achieve this position in time for the hearings. The ExA will ask questions as necessary.

In order to ensure that those attending the hearing can make the best use of the time, the ExA has prepared the agenda below.

Environmental Statement (ES)

A. Air Quality - ES Chapter 5 [APP-033]

A.01	<p>Draft UK Air Quality Plan</p> <p>A revised Draft UK Air Quality Plan for tackling nitrogen dioxide was issued by Defra on 5 May 2017¹.</p> <p>i. What is the response of the Applicant, ABC and KCC to the Government's revised Draft UK Air Quality Plan, with regard to any impact on the M20 J10a application?</p>
A.02	<p>Monitoring air quality during operations</p> <p>In a submission at Deadline 6 [REP6-001], ABC stated that: "<i>ABC's position remains that it would like to see further monitoring of air quality in order to confirm the AQ impacts of the scheme. Consideration should be given to</i></p>

¹ <https://consult.defra.gov.uk/airquality/air-quality-plan-for-tackling-nitrogen-dioxide/>

	<p><i>include this as a requirement”.</i></p> <p>In the cases of the A14 Cambridge to Huntingdon Improvement Scheme² and the M4 J3-12 Smart Motorway³, the ExAs recommended, and the Secretary of State for Transport (SST), a precautionary approach to air quality monitoring, with the inclusion of a Requirement for post construction air quality monitoring.</p> <p>i. What is the Applicant’s latest position on this matter?</p>
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B. Cultural Heritage - ES Chapter 6 [APP-034]

B.01	<p>Re. KCC’s submission at Deadline 7 [REP7-003], KCC states that: <i>“There are still some matters outstanding as set out in the Statement of Common Ground [REP7-017]. However, Highways England has agreed to additional trenching and a revised WSI (Written Scheme of Investigation) is being worked up now with Mott MacDonald. Highways England has not yet sent Geophysical Report to KCC Heritage”.</i></p> <p>i. Would the Applicant and KCC provide an update on this matter to the Examination?</p>
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C. Landscape - ES Chapter 7 [APP-035]

C.01	<p>ABC summarised its position on landscape matters at Deadline 6 [REP6-001] and the Applicant responded at Deadline 7 [REP7-012]. On behalf of ABC, Temple Group’s report <i>“Environmental Masterplan Update Report Review”</i> dated 2 May 2017 [REP7-001] states that: <i>“Following this review ABC is content that landscape matters have largely been resolved”.</i></p> <p>According to the Temple Group report, ABC also asks for some detail to be added to the design intent statement in the Environmental Masterplan to secure mitigation planting and other landscape matters.</p> <p>The ExA also notes that KCC defers to ABC on landscape matters (eg [REP7-012], response to question 7.02).</p> <p>i. Would the Applicant state whether it is content to add the proposed wording to the Environmental Masterplan?</p> <p>ii. Would ABC confirm that these amendments to the Environmental Masterplan would address all of its landscape concerns?</p>
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² <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010018/TR010018-001731-A14%20ExA%20Recommendation%20Report.pdf>

³ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010019/TR010019-003497-Examining%20Authority%20Report%20and%20Recommendation%20to%20the%20Secretary%20of%20State%20for%20Transport>

D. Nature Conservation – ES Chapter 8 [APP-036]

D.01	<p>In a submission at Deadline 6 [REP6-056], KCC states that: "<i>KCC does not consider that the appropriate mitigation measures are proposed and secured in the DCO to mitigate for the loss of these habitats (Ashford Green Corridor Local Nature Reserve (LNR) and Highfield Lane Roadside Nature Reserve (RNR))</i>".</p> <p>In a submission at Deadline 7 [REP7-013], the Applicant states that: "<i>Requirement 10 of Schedule 2 to the DCO has been amended to address concerns raised by KCC. The amendments have been agreed with KCC</i>".</p> <p>However, Requirement 10 in the draft Development Consent Order (dDCO) at Deadline 7 [REP7-004/ 006] does not contain any reference to the Local Nature Reserve or Roadside Nature Reserve.</p> <ol style="list-style-type: none"> i. Would KCC and the Applicant update the Examination on this matter? ii. Given the changes to Requirement 10, does Natural England (NE) agree with this Requirement as now drafted?
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E. Noise and Vibration - ES Chapter 11 [APP-039]

E.01	<p>Establishing benefits due to noise mitigation</p> <p>In its submission at Deadline 6 [REP6-001], ABC summarised its proposals for measuring noise levels at a number of locations. The Applicant responded at Deadline 7 [REP7-012] by stating that: "<i>there is broad agreement on the proposed noise monitoring methodology</i>".</p> <ol style="list-style-type: none"> i. Would the Applicant and ABC identify the current position on noise mitigation? ii. Is ABC content that these provisions can be agreed via secured mechanisms in the dDCO, and would the Applicant and ABC identify appropriate wording for the dDCO?
E.02	<p>Noise and vibration limits and their significance</p> <p>In its submission at Deadline 6 [REP6-001], ABC states that: "<i>qualitatively the Applicant's explanation [for its change in its method of calculation] is plausible</i>".</p> <p>Whilst noting the limits of its statutory responsibility, Public Health England (PHE)'s submission at Deadline 6 [REP6-057] states: "<i>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 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</i>".</p> <p>The Applicant's response at Deadline 7 [REP7-012] to ABC and PHE included an Appendix A that presented calculated values using both methods. The Applicant also states that: "<i>A pre and post-opening noise survey will be undertaken</i>".</p>

	<ul style="list-style-type: none"> i. Would ABC state whether it is content with this response? ii. Would the Applicant state how the noise survey will be secured in the dDCO/ Construction Environmental Management Plan (CEMP)/Handover Environmental Management Plan (HEMP), with appropriate wording? iii. Would the Applicant explain how the influence of relieving congestion on noise production has been reflected in the assessment?
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F. Effects on all Travellers - ES Chapter 12 [APP-040]

F.01	<p>Highfield Lane Turning Loop</p> <p>Re. KCC's position statement on the turning loop at Deadline 6 [REP6-054], in which KCC stated that an agreement between KCC and the Applicant was being drawn up:</p> <ul style="list-style-type: none"> i. Would the Applicant and KCC update the Examination in respect of their agreement?
F.02	<p>Barrey Road exit onto the A2070</p> <p>In KCC's response at Deadline 6 [REP6-054] to the question of how the Barrey Road exit would be addressed outside of the scheme, KCC stated that it was awaiting information from the Applicant. The Applicant stated at Deadline 7 [REP7-012] that it had submitted the information to KCC "<i>on 12 April 2017 and again on 18 April 2017</i>", and responded in a similar manner to ABC's submission of Deadline 6 [REP6-001].</p> <ul style="list-style-type: none"> i. Would KCC state its current position on this matter?
F.03	<p>Traffic Modelling and uncertainties</p> <p>Re. KCC's concerns regarding the A20 at Deadline 6 [REP6-054] and the Applicant's response at Deadline 7 [REP7-012]:</p> <ul style="list-style-type: none"> i. Would KCC state whether it is now content?
F.04	<p>Access to the A20 from the end of Highfield Lane Bridge</p> <p>Re. KCC's statement at Deadline 6 [REP6-054] and the Applicant's response at Deadline 7 [REP7-012]:</p> <ul style="list-style-type: none"> i. Would KCC state whether it is now content?

G. Road Drainage and Water Environment - ES Chapter 14 [APP-042]

G.01	Flood Risk Assessment (FRA)
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	<p>Re. the Environment Agency's (EA) submission at Deadline 7[REP7-002], the EA states that: <i>"The model submitted to support the modelling addendum report [OD-022] cannot be signed off by the Environment Agency ..."</i> and lists several reasons. The EA recommends that the 105% Climate Change scenario should be re-run, and also states that it has not yet received an updated FRA addressing a number of identified gaps.</p> <p>The EA further states that: <i>"We continue to have discussions and to support Highways England on the modelling aspects however if this cannot be resolved, we would be minded to object to this development"</i>.</p> <p>In a submission at Deadline 7 [REP7-012], the Applicant states with regard to item 14.01 that: <i>"an updated FRA will be submitted to the Examination prior to the hearings on 17 – 18 May 2017"</i>. As at the date of issue of this agenda, no updated FRA had been received.</p> <ol style="list-style-type: none"> i. Would the Applicant and the EA clearly state the current position with the modelling and FRA? ii. Would the Applicant provide a precise date by which the FRA will be submitted to the EA for review? Note: parties will no doubt be aware that time is now short for the Applicant to complete the FRA, and for the EA to review and accept the FRA, before the final date for the Examination to close on 2 June 2017. iii. Would the EA state whether it is content that there is no specific flood risk Requirement in the dDCO, similar to Requirement 23 in the made order for the M4 J3-12 Smart Motorway⁴ and Requirement 15 in the made order for the A14 Cambridge to Huntingdon Improvement Scheme⁵?
G.02	<p>Access to the Aylesford Stream</p> <p>Re. the EA's submission at Deadline 7 [REP7-002], the EA states that: <i>"... it is recommended that the model is re-run for the 105% event with the addition of panel markers for cross sections along the Aylesford stream. If this is not undertaken there is less confidence that the true impact of the proposal on the 1% AEP+105% scenario is represented"</i>.</p> <ol style="list-style-type: none"> i. Would the Applicant and EA update the Examination on this matter?
G.03	<p>Protective provisions</p> <p>In its submission at Deadline 6 [REP6-003], the EA states that it is <i>"awaiting comments from the Applicant's legal representatives on Protective Provisions"</i>. The Applicant at Deadline 7 [REP7-012] states that: <i>"Comments were provided to the Environment Agency on 6 April 2017. A response was received on 27</i></p>

⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010019/TR010019-003497-Examining%20Authority%20Report%20and%20Recommendation%20to%20the%20Secretary%20of%20State%20for%20Transport>

⁵ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010018/TR010018-001731-A14%20ExA%20Recommendation%20Report.pdf>

	<p><i>April 2017 and is currently being reviewed by the Applicant”.</i></p> <p>i. Would the Applicant and the EA update the Examination on progress with the protective provisions?</p>
G.04	<p>Contaminated land and groundwater</p> <p>In the Applicant’s response at Deadline 7 [REP7-012] to the EA’s submission at Deadline 6 [REP6-003], the Applicant states that: <i>“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”.</i></p> <p>i. Would the EA confirm that there is nothing further outstanding with regard to contaminated land and groundwater?</p>

H. Combined and Cumulative Effects - ES Chapter 15 [APP-043]

H.01	<p>Operation Stack Lorry Park – cumulative effects during construction</p> <p>In a submission at Deadline 6 [REP6-022], the Applicant states in response to question 15.01 that: <i>“the relatively low frequency of Operation Stack deployment, and therefore the infrequent expected use of the Lorry Park, would mean that accommodating the Lorry Park in the modelling required for economic and environmental analyses would be such that its effects would be highly diluted, having negligible effect on the overall average conditions”.</i> This statement relates to the operational circumstance.</p> <p>i. Would the Applicant state whether the same would be true, should Operation Stack be required during construction of M20 Junction 10a?</p> <p>ii. Would the Applicant state whether this would result in significant cumulative effects, not currently assessed within the ES?</p> <p>iii. Would the Applicant provide evidence for its assertion regarding the “relatively low frequency of Operation Stack deployment”? For example, was it invoked following the bridge collapse on the M20 last summer, or during the customs dispute at Dover earlier in the summer?</p>
H.02	<p>Operation Stack Lorry Park – operational tests</p> <p>In a submission at Deadline 6 [REP6-022], the Applicant states in response to question 15.01 that: <i>“preliminary operational tests run to date using 2033, with broad assumptions, indicate that the potential effects of the Lorry Park would be much better accommodated by the Junction 10A Scheme”.</i></p> <p>i. What specifically did the operational tests show?</p> <p>ii. Would the Applicant provide the report on these operational tests to the Examination?</p>

I. Statements of Common Ground (SoCG)

<p>I.01</p>	<p>Applicant and ABC as local authority</p> <p>Re. the Applicant and ABC’s joint SoCG at Deadline 7 [REP7-016], the ExA notes that the SoCG has not been signed by the two parties. The Applicant states at Deadline 7 [REP7-012] that: <i>“it is intended that a further signed SoCG will be submitted prior to the hearings on 17 – 18 May 2017”</i>.</p> <p>Matters stated to be not agreed are:</p> <ol style="list-style-type: none"> 1) Policy - re. whether the scheme is in accordance with the National Policy Statement for National Networks; and 2) Landscape - re. inadequacies in the Landscape Visual Impact Assessment; mitigation measures; ABC to review Environmental Masterplan. <p>Matters stated to be under discussion are:</p> <ol style="list-style-type: none"> 1) Public open space - re. agreement on acceptable mitigation measures; 2) Barrey Road Junction - stated to be agreed subject to commitment being formally signed up to by HE; 3) dDCO - re. ABC’s comments on the dDCO, and limits of deviation; 4) Air quality - re. ongoing discussions between the Applicant and Temple Group for ABC and KCC: effects during construction; modelled versus observed speeds; confirmation that all receptors were fully considered; 5) Cultural heritage – Written Scheme of Investigation still awaited by ABC; and 6) Noise and vibration – re. discussions on possible locations and timing for noise monitoring; the impact of relieving congestion on noise levels; visual impact of 3m noise barrier along Kingsford Street and A2070 (7 aspects raised). <p style="text-align: center;">-----</p> <ol style="list-style-type: none"> i. Would the Applicant and ABC state whether all matters stated as agreed are in fact agreed, since the accompanying text does not always seem to support the agreed status (eg items 3.2.21 to 3.2.25)? ii. Would the Applicant and ABC state precisely the current position on each of the matters stated to be not agreed or under discussion? iii. Would the Applicant and ABC state whether matters shown as not agreed are now closed with regard to the Examination?
<p>I.02</p>	<p>Applicant and ABC as Affected Person</p> <p>The Applicant at Deadline 7 [REP7-012] states that: <i>“discussions are ongoing between ABC and the Applicant in relation to the open space and replacement land and most points are now agreed. 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”</i>. ABC at Deadline 6 [REP6-001] makes a similar statement.</p>

	<p>i. Would the Applicant and ABC update the Examination on this matter?</p>
<p>I.03</p>	<p>Applicant and the EA</p> <p>Re. the Applicant and the EA’s joint SoCG at Deadline 7 [REP7-010], the ExA notes that the SoCG has not been signed by the two parties, but an email dated 28 April 2017 from the EA to the Applicant, attached as Appendix A to the SoCG, states: <i>"...our practice is not to "sign them (SoCGs) at this stage of the inquiry. We are happy that the attached v4 reflects the current discussion between Highways England and the Environment Agency"</i>.</p> <p>Matters stated to be not agreed are:</p> <ol style="list-style-type: none"> 1) Combined and cumulative effects - re. the Operation Stack lorry park; 2) Protective provisions - wording of Schedule 8; and 3) Schedule 2 Requirements - dependent on protective provisions. <p>Matters stated to be under discussion are:</p> <ol style="list-style-type: none"> 1) The FRA; 2) Clear span bridges replacing previous design of culvert extension and channel diversion; and 3) Piling – according to the EA: <i>"potentially over a historic garden centre and the unnamed quarry and in close proximity to the backfilled quarry"</i>. <p style="text-align: center;">-----</p> <ol style="list-style-type: none"> i. Would the Applicant and the EA state precisely the current position on each of the matters stated to be not agreed or under discussion? ii. Would the Applicant and the EA state whether these matters are expected to be resolved within the period of the Examination, and if so by which dates?
<p>I.04</p>	<p>Applicant and KCC</p> <p>Re. the Applicant and KCC’s joint SoCG at Deadline 7 [REP7-017], the ExA notes that the SoCG has been signed by the two parties as at 2 May 2017.</p> <p>Matters stated to be not agreed are:</p> <ol style="list-style-type: none"> 1) Policy – according to KCC, not all relevant policies detailed in the joint Local Impact Report submitted by KCC and ABC [REP3-005] have been include in the Case for the Scheme [APP-209]; 2) Maintenance, A20 Trunking – if trunking of the A20 between M20 J10 and J10a cannot be agreed, <i>"then KCC requests commuted sums to be paid in order to address the increased maintenance requirement, that will arise or to provide traffic calming measures or other measures to reduce the rat-running"</i>; 3) Local goals and objectives – KCC states: <i>"It remains difficult to agree that the local goals and objectives are adequately addressed, considering the status of Barrey Road (where KCC is awaiting commitment being formally signed up to by HE), the A20 and Kingsford Street Bridge access to the A20"</i>;

- 4) Requirements (Schedule 2) – KCC states: "*KCC cannot agree the Requirements contained in Schedule 2 of the draft DCO at this stage. Having reviewed ABC's comments and having considered the content of the Schedule, KCC considers that further provisions will be necessary*";
- 5) Limits of deviation (LoD) – KCC seeks clarification on why the 1m LoD is required, given that the outline design is already done and the alignment largely fixed;
- 6) Cultural Heritage – re. communication links for construction period; and
- 7) Environmental Masterplan – KCC states that: "*Kingsford Street mitigation needs to be agreed*".

Matters stated to be under discussion are:

- 1) Kingsford Road Footbridge – re. signage and equestrian access/ safety;
- 2) Land matters – re. plots 2/1/f; 3/1/a; 3/1/b; 3/1/c; 3/1/d; 3/1/e; 3/1/f; 3/1/g; 3/1/h; 3/1/i; 3/1/j; 4/1/a; 4/1/c; 4/1/f; 4/1/e, KCC states: "*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*"; and
- 3) Traffic and Transport – re. congestion and safety around Barrey Road, KCC states: "*Agreed, subject to commitment being formally signed up to by HE*".

There are also 18 matters stated to be "*agreed subject to...*", including: clarity on points raised by KCC and updating of surveys where necessary; provision of development timetable content; measures to be incorporated for habitat enhancements; points on long-term management being addressed; and confirmation on suitability of mitigation.

- i. Would the Applicant and KCC state whether it is their intention to submit to the Examination a further SoCG addressing matters not agreed, under discussion and agreed subject to various issues, and if so by which date?
- ii. Would the Applicant and KCC state whether all matters stated as agreed are in fact agreed, since the accompanying text does not always seem to support the agreed status?
- iii. Would the Applicant and KCC state precisely the current position on each of the matters stated to be not agreed, under discussion, or agreed subject to various issues?
- iv. Re. each matter stated to be "*agreed subject to...*", would the Applicant and KCC state whether these matters will be addressed within the Examination period or later, and in both cases, how they will be secured?
- v. Would the Applicant and KCC state whether matters shown as not agreed are now closed with regard to the Examination?

I.05

Applicant and Southern Gas Networks (SGN)

Re. the SoCG between the Applicant and SGN at Deadline 6 [REP6-020], a number of areas are stated to be agreed: the need for the diversion of the high pressure gas main; its alignment; the geotechnical information; the protective provisions; the Contractor which will undertake the work; and restrictions on working (notably shutting down the high pressure gas main for the works to take place).

- i. Would the Applicant and SGN confirm that the protective provisions, stated to be "*in the form attached to an Agreement between Highways England and SGN*", have been transferred to the dDCO in a satisfactory manner?

Stated to be still under discussion is: a 9m offset area that is outside the scheme boundary and subject to separate discussions with the Stour Park developer. "*SGN wishes to make it clear to Highways England that it must obtain all the necessary land rights (such as licences, easements, freehold estates and/or leasehold estates) for any gas infrastructure that has to be, as a result of the Scheme, diverted and/or relocated into third party land. It shall be for SGN to determine what particular land rights are suitable for its requirements.*" See Appendix F: Indicative HP Gas Pipe Location [REP6-020].

- ii. Would the Applicant and SGN state the current position on this matter, clearly highlighting any impediments?

Stated as still to be agreed is: protective agreement for other SGN apparatus.

- iii. Would the Applicant and SGN state to what apparatus this refers, the current position with the protective agreement, and at what date an agreed protective provision will be included in the dDCO?
- iv. Would the Applicant and SGN state whether it is their intention to provide to the Examination an updated SoCG reflecting all of the above matters, and if so, by which date?



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Compulsory Acquisition Hearing, 10:00am Thursday 18 May 2017

Administrative arrangements

The hearing room will be available from 9:30am and the hearing will commence at 10:00am. It is expected to close by about 1:00pm.

Hearing process

The hearing will refer to the Compulsory Acquisition Negotiations Status Report [REP7-011] and the Statement of Reasons [REP7-008], supplied by the Applicant at Deadline 7.

As well as the questions below, the Examination will consider each plot reference, for which the Examining Authority (ExA) will invite a brief statement of the current position from the Applicant (Highways England), followed by statements from the other Affected Persons with an interest in that plot.

The purpose of the hearing is to establish clearly the position of each party by identifying matters agreed, matters not agreed, and discussions ongoing with dates for their resolution. The ExA will ask questions as necessary.

All parties will be aware that the Examination has to close by 2 June 2017 at the latest, so the position of each party needs to be final or close to final at this stage.

J. Compulsory Acquisition and other land matters

J.01	<p>Consolidated list of objections to Compulsory Acquisition</p> <p>i. Both at the hearings and at Deadline 8, would the Applicant provide an updated list of objections to Compulsory Acquisition that it understands to remain outstanding at those dates?</p>
J.02	<p>The Executors of Marianne Clunies-Ross</p> <p>The submission at Deadline 6 by the Executors of Marianne Clunies-Ross [REP6-002] raised the issue of a culvert that is being provided under the proposed Link Road approximately where the existing Footpath AE337A crosses the route of the proposed road.</p> <p>The Executors suggested "<i>that the transfer of land should be subject to a restriction whereby the land acquired should only be used for the core scheme promoted by Highways England and not for any works or services required in connection with the Stour Park Development or any other commercial development project</i>". Mr Lowe for the Executors further stated</p>

	<p>that, if this suggestion was not adopted <i>"then I wish to reserve my client's right to object to the Compulsory Purchase Order"</i>.</p> <p>The Applicant responded at Deadline 7 [REP7-014] by stating that: <i>"The pipe (culvert), ditches and outfall to the Aylesford Stream will therefore be used by Highways England either in the absence or presence of the Stour Park development. As such, there will be no justification for the transfer of land to be subject to a restriction as suggested by Mr Lowe"</i>.</p> <p>i. What is the response of the Executors to this response from the Applicant?</p> <p>In their request to speak at the hearing [OD-023], the Executors expressed that they seek the exclusion of Plot 2/2/a from the Compulsory Acquisition powers to enable a more equitable basis to be used for assessing the rent to be paid during the period of occupation. The Executors state that this has become an issue as the Valuation Officer is maintaining that as matters stand the rent has to be assessed in a <i>"no scheme world"</i>; namely agricultural values.</p> <p>ii. What is the response of the Applicant to this request from the Executors?</p>
J.03	<p>Friends Life</p> <p>The Agreed Joint Statement dated 10 April 2017 between the Applicant and Friends Life [REP6-030] states: <i>"Without prejudice discussions between the parties are progressing in a positive manner and a draft agreement between the parties is being negotiated. The intention is that the agreement, once completed, will enable the Interested Party (Friends Life) to remove its objection to the compulsory acquisition of its land pursuant to the DCO. While without prejudice discussions are on-going between the parties, it is not considered appropriate to refer to the detailed content of those discussions until a comprehensive agreed position has been reached and documented"</i>.</p> <p>A plot-by-plot summary is included within the document.</p> <p>i. Would the Applicant and Friends Life provide an updated position statement, with precise detail of matters agreed, not agreed and under discussion?</p>
J.04	<p>Discussions Between the Applicant and Kent County Council (KCC)</p> <p>Rev D of the Compulsory Acquisition Negotiations Status Report [REP7-011] states that <i>"update on land to be transferred by agreement due by 12th May"</i>.</p> <p>i. Would the Applicant and KCC update the Examination on the land to be transferred by agreement?</p>
J.05	<p>Discussions between the Applicant and Ashford Borough Council (ABC) as Affected Person</p> <p>In ABC's submission at Deadline 6 [REP6-001], ABC states: <i>"Discussions are ongoing between ABC and HE in relation to the open space and replacement"</i></p>

	<p><i>land and agreement in principle has been reached on the terms for an agreement to be entered into between the parties in this regard”.</i></p> <p>i. Would the Applicant and ABC update the Examination on progress with the agreement between them?</p>
J.06	<p>Trustees of the Henderson UK Retail Warehouse Fund</p> <p>On 8 May 2017, Matthew Bodley Consulting submitted a representation [OD-024] on behalf of the Trustees of the Henderson UK Retail Warehouse Fund in relation to plot 3/15/A.</p> <p>i. Would the Applicant state what its position is with regard to this representation?</p>
J.07	<p>Compulsory Acquisition Negotiations Status Report - update</p> <p>i. Would the Applicant provide for Deadline 8 an update to the Compulsory Acquisition Negotiations Status Report [REP7-011] reflecting the current position on all entries?</p>

**Issue Specific Hearing dealing with matters relating to the draft
Development Consent Order, 14:00 Thursday 18 May 2017**

Administrative arrangements

The hearing room will be available from 1:30pm and the hearing will commence at 2:00pm. It is expected to close by about 5:00pm.

Hearing process

Apart from the questions below, the hearing will go through the draft Development Consent Order (dDCO), working sequentially through the current Revision E [REP7-004/ REP7-006].

The Examining Authority (ExA) will take submissions from the Applicant and any other Interested Party.

The purpose of the hearing is to determine the current status of the dDCO in all areas, notably with regard to the Articles, Requirements, protective provisions and any other matters, together with actions required to take matters forward.

All parties will be aware that the Examination has to close by 2 June 2017 at the latest, so the position of each party needs to be final or close to final at this stage.

K. Draft Development Consent Order

K.01	<p>Applicant’s Responses to Kent County Council (KCC) and Ashford Borough Council (ABC)</p> <p>Re. the Applicant’s document <i>Applicant Responses to Kent County Council and Ashford Borough Council DCO Comments</i> [REP7-013]:</p> <ul style="list-style-type: none"> i. Are ABC and KCC satisfied with the Applicant’s amendments to the dDCO Revision E at Deadline 7 [REP7-004/ 006] and summarised in the schedule of amendments to the dDCO [REP7-007]?
K.02	<p>Article 39: Trees subject to Tree Preservation Orders</p> <ul style="list-style-type: none"> i. Is ABC content with this Article and the accompanying Schedule 8 as now drafted at Deadline 7 [REP7-004/ 006]?
K.03	<p>Requirement 5: Landscaping</p> <p>In a submission at Deadline 6 [REP6-001], ABC refers to Requirement 5, and states: <i>“Add a requirement for the environmental masterplan (see requirement 7 of the M4 DCO)”</i>.</p> <ul style="list-style-type: none"> i. What is the Applicant’s position on this request?
K.04	<p>Reptile mitigation (outside Order Limits)</p>

	<p>In the Applicant's response at Deadline 6 [REP6-022] to the ExA's Second Written Questions [PD-012], the Applicant states that it has: "<i>concluded that a Grampian requirement would not adequately secure the on-going management of land outside of the Order limits. A unilateral undertaking under section 106 of the Town and Country Planning Act 1990 has therefore been prepared and was sent to Ashford Borough Council (who would be the relevant enforcing authority for the purpose of the unilateral undertaking) for review on 29 March 2017 ... Comments from ABC on the draft undertaking are awaited. The Applicant will submit the unilateral undertaking to the Examination once its terms have been finalised</i>".</p> <p>i. Would the Applicant and ABC update the Examination on the status of the unilateral undertaking?</p>
K.05	<p>Finalising the dDCO</p> <p>i. Do ABC or KCC or any Statutory Parties have any further proposed changes to Revision E of the dDCO at Deadline 7 [REP7-004/ 006]?</p>
K.06	<p>Final updates to the dDCO</p> <p>Would the Applicant please provide, at Deadline 8, updated versions of the dDCO in three forms – clean; with incremental tracked changes from Revision E [REP7-004/ 006]; and with full tracked changes from Revision A [APP-018]?</p>

L. Funding

L.01	<p>Funding Position</p> <p>i. Would the Applicant provide an update on the funding position, highlighting any uncertainties and issues?</p>
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