



Meeting note

File reference	TR010006
Status	Final
Author	Rachel Gaffney
Date	12/02/16
Meeting with	Highways England
Venue	Temple Quay House
Attendees	<u>Highways England</u> Salvatore Zappala Fay Tresidder (Mott MacDonald Grontmij) Giles Hewson (Mott MacDonald Grontmij) Zoe Walne (Mott MacDonald Grontmij) Sarah Sutherland (Burgess Salmon) John Arthur (Burgess Salmon) <u>The Planning Inspectorate</u> Susannah Guest – Infrastructure Planning Lead Hannah Nelson – EIA and Land Rights Advisor Emma Cottam – EIA and Land Rights Advisor Rachel Gaffney – Assistant Case Officer
Meeting objectives	Project update meeting
Circulation	All attendees

Summary of key points discussed and advice given:

Highways England (HE) were reminded of the Planning Inspectorate's (the Inspectorate's) openness policy that any advice given would be recorded and published on its website under s51 of the Planning Act 2008 (as amended by the Localism Act 2011) (PA 2008) and that any advice given does not constitute legal advice upon which the applicants (or others) can rely.

Introductions were made by everyone present and individual roles were explained.

HE explained that the current round of statutory consultation was underway (running between 14 January and 17 March 2016) and provided an overview of the consultation activity completed to date and the remaining activities planned.

HE indicated that approximately 600 people had attended consultation events to date and that over 100 questionnaire responses had been received and approximately 50 conversation records had been made. HE believed that a diverse range of interests

had been represented at the consultation events and confirmed that they had been recording the issues raised. The role of Local Community Forums and the M20 Junction 10a steering group were noted as well as stakeholder engagement with Kent County Council and Ashford Borough Council.

The Inspectorate noted concern that on consultation material the red line boundary appeared incomplete, specifically in not providing a clear indication of the eastern and western extent of the proposals. HE noted the concern and indicated that further discussions would take place within the project team.

The Inspectorate enquired about certain areas of land that were identified in white on the consultation material, for example land to the eastern extreme of the proposals and land identified as/around redundant existing on/off slip roads for the existing M20 Junction 10. HE explained their approach to protecting certain existing groups of trees; that the need for further signalling and signage could affect the extent of the red line boundary; and that certain mitigation elements were still evolving particularly in respect of the potential requirement for habitat compensation land. It was noted that red line boundaries can be subject to variations as a project progresses towards formal submission. The Inspectorate noted the importance of considering whether further and proportionate consultation may be required and noted that the Consultation Report should usefully record such eventualities. HE stated that once the full extent of the scheme and redline boundary is understood they would make further contact with the relevant affected landowners and those living within the vicinity. The Inspectorate enquired how this would be defined and noted that it was critical for the Consultation Report to provide the narrative for consultation undertaken.

Other developments in close proximity to the scheme were discussed, in particular the Stour Park Development proposed adjacent to the proposed A2070 Link Road. HE confirmed that an outline planning application had been applied for and that the respective consultation activity had just closed. HE explained their emerging strategy for including a junction (roundabout) on the A2070 Link Road as an alternative within the proposed application. The Inspectorate discussed ways in which an alternative might be addressed within a Development Consent Order (DCO), noting that separate DCOs could be prepared for the proposed scheme with the A2070 Link Road and *no junction* and for the proposed scheme *with a junction* on the A2070 Link Road. A third option could be to draft a DCO that provided for both alternatives; the Inspectorate advised that the detailed drafting for such a DCO would be critical.

The Inspectorate noted that as the approach to considering an alternative to the proposed application was still evolving the published consultation material had not fully addressed the matter, albeit that this element was being discussed with attendees at various consultation events. The Inspectorate enquired as to whether further consultation might be required as a result of this emerging approach. HE confirmed further communication will be planned and this will be outlined in the scheme's Consultation Report.

There was a brief discussion in respect of the most appropriate way in which such an approach to identifying an alternative within a proposal could be assessed and presented in the Environmental Statement. The Inspectorate provided the advice below after the meeting - see end of this note.

HE discussed the scheme's funding statement and confirmed that the funding statement would describe the three sources of funding and would explain how the funding would be secured.

A number of key environmental issues were discussed, including the proposed mitigation strategy for the development. HE explained that they have already had engagement with Natural England (NE) and a further meeting has been arranged in March to discuss the proposed mitigation strategy for the scheme. HE noted that contact had been made with Environment Agency and that they hoped for more detailed conversations in March.

HE confirmed that all the survey work has now been completed, but more work was needed in respect of certain mitigation measures in respect of, for example dormice and badgers. HE clarified that they did not envisage a bat license being required.

Construction compounds for the scheme were discussed; HE noted areas within the scheme where it was intended to provide for this use. HE explained that buffer zones would be adopted between the construction compounds and the stream which passes through the site. HE explained that the construction compounds themselves are not located in a flood zone.

In terms of the Habitats Regulations Assessment, HE confirmed that a No Significant Effects Report (NSER) had been prepared and agreement had previously been reached with NE that there would be no likely significant effects on European sites as a result of the development. HE intends to reconfirm this agreement in the upcoming meeting and a record of these discussions would be included within the consultation report. HE confirmed that they would provide the NSER to the Inspectorate at the draft document stage.

The Inspectorate noted some of the terminology used in the Preliminary Environmental Information Report and HE explained that wording in respect of the PA 2008 definition of the scheme would be up-dated, for example 'improvement' to 'construction'.

In terms of an updated programme timetable, HE advised of a likely submission date of summer 2016. HE anticipated the submission of draft documents to the Inspectorate for review would be at the end of April 2016 or the beginning of May 2016.

Specific decisions / follow up required?

- To arrange the next meeting for early April 2016
- The Inspectorate to suggest examples of Consultation Reports that have dealt with complex consultation issues
- The Inspectorate to update their website to reflect an updated submission date of summer 2016
- The Inspectorate to provide HE with further advice regarding the approach to including an alternative within an Environmental Statement – see below.

Post-Meeting Advice

During the Project Update Meeting of Friday 12 February 2016 you asked for some advice about the proposed approach to your Environmental Impact Assessment (EIA) and the presentation of your Environmental Statement (ES).

Scheme background and proposed 'alternative'

You explained that Highways England (HE) will seek consent for a Nationally Significant Infrastructure Project (NSIP) comprising alteration works to J10a of the M20 and the construction of a new link road onto the A2070.

You also explained that a separate developer is currently applying for planning consent from Ashford Borough Council under the Town and Country Planning Act (TCPA) 1990 (as amended) for a business park development (Stour Park). This is located immediately to the south of the proposed A2070 link road.

You explained HE's intention to include an 'alternative' in the proposed DCO application, which would provide a new access from the proposed A2070 link road to Stour Park. You advised The Inspectorate that whilst Stour Park will not form part of the DCO application, should it gain approval from Ashford Borough Council there would be a need for HE to provide an access to Stour Park from the A2070, subject to developer funding. Due to uncertainty over the timescales for the determination of the Stour Park TCPA application, HE want to include an alternative in their DCO application which would allow them to construct the A2070 link road with or without this access point.

Environmental Impact Assessment (EIA)

You explained that HE propose to assess the alternative in the EIA as part of the 'Combined and Cumulative Effects' Chapter of the Environmental Statement (ES).

At our meeting, The Inspectorate advised that it was not considered appropriate to assess the alternative access within a cumulative assessment as the proposal would fall within the development for which consent is sought in the DCO and clearly was not another plan or project. The ES with the DCO application must reflect the scheme for which consent is being sought.

HE queried in the meeting whether it would be appropriate to provide the assessment in a separate supplementary/addendum ES document. The Inspectorate would like to confirm that there is no justification for the assessment of this alternative access to form a supplementary document or addendum to the ES. The proposal is known already and so can, and should, be incorporated into the main body of the ES. We would reiterate:

- the proposed alternative access forms part of the proposed DCO development and the EIA should assess the DCO development in its entirety; and
- the alternative is a genuine part of the proposed development and so has been awarded the same level of comprehensive assessment as the A2070 link road, excluding the access point to Stour Park.

In addition, the following advice is provided in respect to the presentation of the assessment in the ES:

- the description of the development should clearly identify the development components associated with each alternative, this must match the description of the development in the DCO;

- separate sections could be provided in each topic chapter in the ES to assess the potential environmental effects associated with each alternative, the ES should clearly define the significance of the potential effects for each alternative; and
- the assessment should be clear where the environmental impacts of the alternatives are the same.

It is understood that the development of Stour Park itself will form part of the cumulative impact assessment in the ES. For example, potential effects associated with the construction of the proposed alternative access would not form part of the cumulative assessment, whereas increases in operational traffic associated with the Stour Park development using the new access would constitute a potential cumulative effect.

The applicant is reminded that The Inspectorate's recommended approach to cumulative impact assessment is set out in Advice Note 17. This advice is available on our website or via the following link:

<http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/12/Advice-note-17V4.pdf>

Other matters

The applicant is reminded that the Habitat Regulations Assessment (HRA) should also assess any proposed alternatives. The description of the development provided in the DCO, the ES and the HRA Report should be consistent throughout.

As discussed in the project update meeting, The Inspectorate would welcome the opportunity to review the draft HRA Report and provide feedback where necessary.