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BY EMAIL ONLY

14 June 2019

Dear Mr. MacDonald

**Re: Application by RiverOak Strategic Partners for an Order Granting
Development Consent for the upgrade and reopening of Manston Airport
– Deadline 8**

KCC hereby provides comments relating to information received to Deadline 7 and further information requested from the ExA, as set out in its letter of action points arising from hearings held between 3 June and 7 June 2019.

**Comments on responses to the ExA's Third Written Questions received at
Deadline 7/7a**

At this juncture of the Examination, KCC is very concerned with the lack of clarity in relation to traffic impact from the development proposals and the recent major changes to proposed highway mitigation. There is also significant disparity between highway mitigation proposals indicated within the applicant's response to the Third Written Questions and the draft section 106 agreement.

Following Issue Specific Hearing 7, there are numerous actions that are now due to be submitted by the applicant at Deadline 8. Given the apparent complexity of the required actions, this is likely to be submitted by the applicant in the form of several documents, modelling, drawings and technical notes, which KCC will wish to comment on in due course.

Given the current timetable for responses in relation to submissions due at Deadline 8, it is considered completely inappropriate to submit such a considerable amount of new technical information at this late stage of the Examination. It calls the entire DCO question into process, with the result that it imposes an unreasonable burden upon KCC to examine documentation submitted exceptionally late in the process and therefore compromises KCC's ability to consider submissions with necessary depth and rigor. KCC would also like to urge the applicant to prepare summaries of the documents submitted.

Manston to Haine Road Link

KCC accepts that the Manston to Haine Road link is likely to be promoted by KCC as the Local Highway Authority, at the most appropriate juncture in line with emerging Local Plan growth. However, the extent of KCC's involvement of the delivery of this project could be dictated by the type/nature of future funding streams in the future.

There are several potential delivery/funding routes for the Manston to Haine link. At this stage, it is essential that a flexible approach to delivery is maintained. This is the only way to ensure that KCC's ability to react to any potential changes in circumstances across the emerging Local Plan period is maintained. As a result, the most appropriate delivery routes are suggested as follows:-

1. Delivery of physical infrastructure by developers under Section 278 of the Highways Act 1980, in agreement with KCC as the Local Highway Authority.
2. Delivery of infrastructure by KCC as the Local Highway Authority, using Section 106 contributions from strategic allocation sites.
3. Delivery of infrastructure by KCC as the Local Highway Authority, as a major capital project using external funding sources (e.g. Local Growth Fund, National Productivity Investment Fund or National Roads Fund pertaining to the Major Road Network or any other funding streams made available in the future).
4. A combination of the above.

Whilst a safeguarding mechanism for land in relation to the Manston to Haine Road link is welcomed, KCC would like to express the following current concerns about its practical delivery: -

- The road link is currently at a very early stage of development and is based on a two-dimensional design. Therefore, defining a precise area of land for safeguarding (based on this early stage design) offers insufficient flexibility to KCC, should it need to react and accommodate possible minor changes in alignment and subsequent land requirements as the design progresses.
- Until potential land requirements are known in full and features such as drainage and archaeology are identified, it is essential that a level of flexibility is maintained to allow KCC to accommodate any changes that may be needed as a result, in a similar way to that sought by the applicant for the proposed development of the Northern Grass Area.
- The current safeguarding area provides no scope whatsoever for any minor realignment, provision of a turning head for the proposed Manston Road service road, or any form of junction at Spitfire Way, which is a significant risk from the Highway Authority perspective.
- Safeguarding must include all land between the existing highway (Manston Road) and the western side of the proposed link and all identified intervisibility areas on the eastern/southern side of the road to make the scheme acceptable.
- Land required to deliver a new Junction at Spitfire Way/B2050 Manston Road must also be included to enable the scheme to come forward ahead of

physical delivery of the Spitfire Junction improvements. The Examining Authority is asked to note that there is currently no agreement between KCC and the applicant in relation to this junction, as outlined in KCC's response to Third Written Questions.

Having considered how to best to achieve an acceptable resolution, KCC would be content for an agreed land corridor to be safeguarded by a requirement to enter a deed of dedication, without the need for formal transfer of land title to KCC. However, this must be subject to adequate i.e. enforceable provision to ensure that the Radar Protection Zone and landscaping buffer features, which the proposed road alignment may encroach on, will be secured in a manner that cannot prejudice the delivery of the link road scheme in the future. KCC submits to the Examining Authority that it must be entirely satisfied that this could not constitute an insurmountable constraint in the future. Whilst a certain level of informal clarification has been provided by the applicant in TR 3.2, KCC does not have the relevant expertise in relation to aviation radars to come to a firm view about deliverability, on the basis of the limited information provided. KCC therefore requests that the independent evidence that informed the applicant's proposal in this regard, including any justification for the proposed approach, should be provided to the Examining Authority and the interested parties by the applicant in relation to this matter, so at the very least a view can be formed about deliverability.

As highlighted within KCC's previous Written Question responses, it is essential that KCC fully understands the financial implications of progressing an alternative alignment for the Manston to Haine Road Link. In order to do this, the applicant's suggested design must be subject to a separate cost estimate by a construction consultant (funded by the applicant). At the request of the applicant, KCC recently produced a draft commission brief for this work, which was subsequently sent to the applicant for their comment / approval. Since then, no further contact has been received from the applicant and as such, common ground in relation to this issue is now highly unlikely to be reached before the end of the Examination.

KCC also still requires a full response from the applicant to the issues raised within TR 2.8 (Second Written Questions) in relation to the need to demonstrate a clear and compelling justification for not providing parts of the Manston to Haine link as part of the internal road access infrastructure for the Northern Grass Area. This information has been requested on numerous occasions and was further discussed at ISH7. The lack of clarity means that KCC continues to object to any proposal that does not involve provision of part of the Manston to Haine link as part of the internal road access infrastructure for the Northern Grass Area, which KCC considers to be the most appropriate. The lack of engagement by the applicant is hindering the ability of KCC to reach common ground in relation to route alignment methodology, which is extremely unhelpful at this late stage of the process.

Highway Assessment / Mitigation

Within its response to TR 3.10, the applicant has indicated an intention to revert to the mitigation proposals/strategy outlined within their initial Transport Assessment (TA1), which was submitted with the DCO application documents as part of the Environmental Statement. This position is not agreed with by KCC.

The Examination Authority's attention is drawn to the fact that significant changes to the scope of identified mitigation are now included within the section 106 agreement. It is KCC's understanding that some of these were instigated by Road Safety Audits; the changes include signalisation of roundabouts at:-

- Junction 2 Sevenscore (A256/A299)
- Junction 4 Minster (A299/B2190/Tothill Street)
- Junction 6 Monkton (A299/Willetts Hill/A253/Seamark Road)

However, in the absence of revised junction models relating to these schemes that have failed to be provided by the applicant to date, KCC simply does not have the required information to assess the impact and operation of the proposed mitigation schemes.

In the absence of junction models, there are prima facie concerns over the potential effectiveness of the proposed signalisation of these junctions; primarily due to the limited stacking space that is available within the circulatory lanes. The most obvious conclusion is that this may lead to an increase in vehicle conflict through inappropriate lane changing and potential blocking back of junctions to the detriment of the free flow of traffic and Highway Safety on the A299. The A299 is an extremely busy primary highway route and forms part of the Future Major Road Network as defined by the Department for Transport and any potential adverse impact of the proposed development would not be acceptable.

In addition to the locations identified above, KCC has significant concerns over several of the junction mitigation schemes that are outlined within KCC's Local Impact Report (LIR). Until these issues have been resolved, the mechanism proposed within the section 106 agreement is not considered to be acceptable as it does not achieve its aim, namely, to alleviate the impact of the development.

As a result of the fact that the applicant now proposes to revert back to the conclusions of TA1, when read together with the applicant's response to TR 3.15, KCC notes with great concern that the following mitigation proposals appear to have been omitted from Schedule 6 to the draft section 106 agreement (it is unclear whether this is a deliberate omission because the applicant does not in fact propose to provide this or merely an inadvertent error):-

- Junction 9 (Acol Hill/Manston Road in Acol)
- Junction 20 – (B2050 Manston Road/A256 Haine Road Ramsgate)
- Safety Scheme (Alland Grange Lane/Spitfire Way in Manston)
- Junction 25 (Manston Road/Tesco Junction in Ramsgate)
- Junction 28 (Grange Road/High Street St Lawrence in Ramsgate)

The applicant must be required to clarify exactly what mitigation package is proposed and how the contributions are justified, as currently appear within the draft section 106 agreement. The adequacy of the contributions proposed are incapable of being assessed to deliver the required mitigation, nor is it possible to assess whether they are regulation 122 CIL compliant.

Some of the actions highlighted at the recent hearing (ISH7 – 6th June) may have a further impact on identified traffic impact and subsequent mitigation proposals. Therefore, until such clarification has been provided by the applicant, KCC is not in a position to assist the Examining Authority with a clear position and strongly maintains a formal objection to the development proposal on this basis.

Traffic Modelling Approach

As outlined within the KCC LIR, there is continued concern about the approach to modelling within TA1, as it provides inaccurate forecasts of future traffic conditions within the local highway network. TA1 is not informed by the Thanet Strategic Highway Model (TSHM), which provides the most accurate forecast of future growth and traffic conditions, as it is based upon local development proposals as set out within the Draft Thanet Local Plan and Transport Strategy (including planned highway infrastructure schemes) and provides dynamic distribution of trips within the study area.

The spreadsheet model used to inform TA1 takes a blanket approach to growth using TEMPro growth factors, which KCC considers to be unsuitable. The applicant has suggested that this is a suitable approach to assessing the traffic impact, however KCC maintains the view that this is not an appropriate modelling tool for the reasons set out within the KCC LIR (which were reiterated at recent ISH 7).

The recently submitted TA Addendum (TA2) was informed by outputs from the TSHM (undertaken by KCC's consultants) and suggests that a reduced number of junctions require positive mitigation by the applicant (when compared to the conclusions drawn from TA1). The applicant has suggested that the appraisal within TA2 supports a conclusion that TA1 provides a robust set of mitigation proposals. KCC disagrees with the applicant's conclusion, as this methodology fails to recognise the benefits that are derived from the considerable number of highway infrastructure proposals included within the TSTM modelling scenario (which includes the Manston to Haine Road Link).

In view of the above, KCC considers that a proportionate contribution towards strategic infrastructure is justified and the applicant should fund a further apportionment study work to ascertain the appropriate financial contribution in line with the emerging Thanet Local Plan. Until recently, there was a reasonably positive dialogue with the applicant in relation to this issue, which led to the production of a draft Commissioning Brief to KCC's consultancy team (prepared by KCC) for the applicant's comment/approval. Unfortunately, since the production of this brief, no further contact or undertaking with regard to costs has been received from the applicant. No agreement has therefore been reached to date with regard to this issue either.

Whilst KCC welcomes a flexible approach to highway mitigation measures, it is essential that any contributions are informed by highway interventions that *effectively* mitigate the impacts of the development and do not in themselves create safety issues. The usual approach would be for the applicant to enter into relevant Highways Agreements under the Highways Act 1980. However, in this case, KCC is amenable to a contribution-based approach to ensure potential changes in local circumstances (such as future Local Plan review or large scale development proposals outside currently planned growth) are able to be facilitated in future junction improvement / road network solutions.

Separate to agreement on the quantum of the contributions, it is essential that a flexible approach to what the contributions secured under a section 106 agreement could be utilised for, provided of course that they are needed to alleviate the impact of the development.

However, if either the quantum of the contributions or the required flexibility as to the schemes to which KCC may apply the contributions is not reached with the applicant,

KCC objects to the proposed development on the basis that adequate mitigation has not been secured. At present KCC's position is that it fundamentally disagrees with parts of the mitigation proposed. Should no progress be made between now and the conclusion of the examination, if the Examining Authority is minded to grant the DCO, KCC requires that provision be put in place that any Highways works must be secured through Section 278 Highways Act agreements, with necessary changes to the section 106 agreement to reflect this position.

TR3.25 – Junction 4 Minster (A299/B2190/Tothill Street)

KCC as Highway Authority is surprised that the safety audit has not set out any observations in relation to the revised scheme produced by the applicant. The design appears to make no reference to the existing egress point from the adjacent Smuggler Leap development, which was highlighted in the RSA1 for the outgoing 3 lane scheme proposal. At this point in the Examination, KCC considers that similar issues would arise in respect of the proposed signal scheme. In addition, there are prima facie safety concerns relating to limited circulatory stacking space, which could lead to blocking back and inappropriate lane switching to the detriment of Highway Safety, which KCC considers has not been adequately addressed by the Safety Audit Team. It is important to reiterate that KCC has not received any new junction models to review, which is an important consideration when assessing the appropriateness of the proposed mitigation scheme.

TR 3.26 - Monkton (A299/Willetts Hill/A253/Seamark Road)

KCC has similar concerns with this junction in line with those stated for Junction 4. There are initial safety concerns relating to limited circulatory stacking space which could lead to blocking back and inappropriate lane switching to the detriment of Highway Safety. Similarly, KCC has not received any junction models to review, which is essential when assessing the appropriateness of the proposed mitigation scheme.

TR 3.28 – Spitfire Junction

The outcome of the RSA1 does not have a bearing on the opinion of KCC in relation to this scheme and they remain as per the KCC written response to this question. The applicant has indicated a desire to work with KCC to identify a mutually acceptable scheme, which is welcomed, however there are ongoing concerns over the ability to reach common ground given the lack of progress to date and the pressing time constraints remaining within the examination timetable.

The lack of progress on this issue, which was highlighted a considerable time ago and in fact as far back as prior to the commencement of the formal Examination, is extremely disappointing. It is not considered that this issue can be addressed through detailed design, as a potential solution may have a bearing on land take within the site.

CA.3.18 – Pipeline plots

There has been no substantive engagement between the applicant and KCC regarding entering into an option agreement with regard to KCC owned land or highways land that runs along the route of the proposed drainage pipeline. In any event, KCC does not consider that there is a need for the applicant to acquire any KCC owned land or Highways land to deliver the drainage pipeline for the reasons set out below.

In KCC's view, the applicant will need to apply for a section 50 licence under the New Roads and Street Works Act 1991. The grant of such a licence will entitle the applicant to execute works and to do so without obtaining consent from any owner of apparatus affected by the works or relevant authority (e.g. a street authority, sewer authority, transport authority or bridge authority).

The issue of a street works licence permits the licensee (subject to the procedures imposed on undertakers) to place, retain, inspect, maintain, adjust, repair, alter, renew or change the position of apparatus in a street and to execute those works required for or incidental to those acts. In particular, the licensee will be permitted to break open the street or any sewer, drain or tunnel under it or to tunnel or bore under the street. There is therefore no need to acquire land or rights over land in the manner suggested by the applicant.

NS.3 Noise and Vibration

The County Council would reiterate its request, set out in its Local Impact Report, that the proposed airport scheme should be compliant with World Health Organisation guidelines on Aviation and Noise.

Update for actions from Issue Specific Hearing: 6 June 2019

Action 39 - Provide an update on negotiations in relation to the draft s106 and on the matters to be included in it. Consider the insertion of a clause to make sure mitigation is delivered when needed and for purposes related directly to the scheme.

The draft section 106 agreement was not sent to KCC for comment, instead it was surprisingly included within appendices to answers to Third Written Questions (Appendix Tr3.1 Part B). KCC notes with some concern that the applicant submitted this first draft of the section 106 agreement without any discussion about the headline terms at the very least with KCC potential, which would be the expected way to proceed and secure agreement between the relevant parties. In fact, to date, there has still been no engagement from the applicant with regard to agreeing the headlines in the section 106 agreement, let alone any detailed drafting points.

At this stage, a full review of the section 106 agreement has not been possible, however, initial review with respect to highway matters has highlighted several areas of concern that require further clarification/action by the applicant, which are set out briefly below.

Third Schedule - Public Rights of Way

No monetary value or triggers have been agreed and no specific reference is made in relation to which projects/interventions the Public Rights of Way contributions will relate to – clarification is required. This is covered in part through action point 46.

Fourth Schedule - Manston – Haine Link Road

KCC requires a much longer safeguarding period to cover unforeseen delays in delivering this project, due to circumstances outside of its control. It is suggested that the safeguarding should be extended to twenty years, which will also facilitate future changes in circumstances (for example, a subsequent Local Plan review).

Alternatively, the section 106 agreement should include necessary clause(s) to enable KCC to secure a deed of dedication for any land deemed necessary to deliver the all or part of the Manston to Haine road scheme ahead of planning consent being gained.

As outlined above, the proposed area of land for safeguarding is not yet agreed and will require further dialogue between the applicant and KCC in due course.

Fifth Schedule – Public Transport

No specific discussions have been held between the applicant and KCC in relation to Public Transport Strategy for the development, so the scope and value of contributions are not agreed/identified.

To date, KCC is unaware of any specific discussions taking place between the applicant and any local bus operator. If agreement is/has been reached then it may be necessary for the bus operator to be included as a party to the section 106 agreement, so that relevant obligations between the two parties can be secured. At this point and given the lack of information, KCC does not agree to act as a conduit for public transport contributions, as there is a significant risk that the contributions offered by the applicant will simply remain unspent as they are not implementable.

Until a defined Public Transport/Bus Strategy has been developed, it is not possible to define the Fifth Schedule with required clarity. In addition, the applicant has recently expressed its intention to provide a bespoke shuttle bus service between the site and either Thanet Parkway Rail Station (when delivered) or Ramsgate Rail Station. To date, details of what this service consists of (for example including hours of operation, frequency and the type of vehicle) have not been clarified by the applicant. Details should be clarified by the applicant and appropriate changes made to the Fifth Schedule

Sixth Schedule – Off-Site Junctions

There is disparity between mitigation measures (contributions) included in Schedule 6 and those identified within the supporting Transport Assessment. In response to the ExA's Written Questions 3 (TR 3.15), the applicant suggests that mitigation schemes for junctions 1 (Sandwich Road/A256), 9 (Acol Hill Manston Road), 25 (Manston Road Tesco Junction) & 28 (Grange Road/High Street St Lawrence) through the section 106 agreement, however the draft makes no reference to 9, 25 and 28.

KCC takes this opportunity to re-emphasize (as also referred to earlier in this letter) that there is no agreement with the applicant in relation to the package of highway mitigation (included in Schedule 6) as these have been insufficiently evidenced. This includes proposed trigger points in section 43.1.

As outlined at the recent ISH7, KCC considers that an appropriate contribution towards the emerging Inner Circuit Route Improvement Strategy should be included within the section 106 agreement. However, the modelling/study work to calculate the monetary value of this has not been completed, due to delays in obtaining an undertaking from the applicant to cover costs associated with completing this piece of work, which cannot be reasonably expected to be borne by the Highways Authority.

The applicant has provided no evidence as to how cost estimates for mitigation schemes have been arrived at or calculated. It is impossible for KCC to assess the adequacy of the mitigation offered without this further information. KCC can therefore only assist the Examining Authority in advising very generally that the cost estimates should include all reasonable elements required to deliver these schemes, including design, project management, design/construction risk and other reasonable contingencies.

In light of the matters outlined above, KCC objects to the draft section 106 agreement, as the measures/clauses included do not demonstrate that what is proposed effectively mitigates the impact of the proposed development.

Action 40 - Provide a legal opinion on whether permitted development rights apply to all or some of the proposed junction improvements, if such development is associated with EIA development.

Section 55 of the Town & Country Planning Act 1990 (TCPA) states that the starting point for considering this issue is whether the works are development within the meaning of the TCPA, that require planning permission. Section 55(2)(b) provides that the following does not involve the development of land requiring planning permission: -

“the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment”

Where the works proposed are required for the maintenance or improvement to the road and do not have significant adverse effects on the environment, they do not require planning permission and as such are considered to fall under permitted development rights.

Where the applicant’s proposals will require acquisition of land or acquiring rights over third party land e.g. to improve visibility sightlines (for example Alland Grange Lane / Spitfire Way & Manston Court Road / Manston Road), it is the opinion of KCC that these would not fall within the exceptions to section 55(2)(b) and Part 9, Class A of the GPDO and must be included in the draft DCO. The purpose of the DCO process is to avoid piecemeal decision making and ensure streamlined decision-making to enable the development granted consent to proceed.

If the applicant were to deliver the Highways improvements by way of a section 278 Highways Act 1980 agreement, the same considerations apply, in so far as planning permission, where required, would still need to be obtained by the applicant in order to implement an associated works under a section 278 agreement.

If the DCO does not grant the required planning permission for the Highways works, it would need to be obtained subsequent to the grant of the DCO. In circumstances, where the proposed development relies on such mitigation to make it acceptable in planning terms, it would be inappropriate to grant the DCO, if there is uncertainty about whether planning permission to deliver the highways improvements could in fact be separately secured.

Action 45 - Provide a note on the intended locations of emergency accesses and how these might be appropriately secured at this stage of the examination.

To date, extremely limited information has been provided by the applicant in relation to the proposed emergency access arrangements for the site, which amount to no more than a rough identification of where the emergency accesses may be located. Therefore, it is not possible to reach a definitive or even prima facie conclusion in relation to the suitability of each proposed access point as indicated within the plan attached to applicant's response to the ExA's Second Written Questions (Appendix TR.2.47).

As set out within KCC's response to the ExA's Third Written Questions (TR3.34), it is necessary for the applicant to set out a justification/rationale for the positioning and operation of proposed emergency access points. At this stage, they should be appropriately detailed and assessed, with general arrangement being produced and a Stage 1 Road Safety Audit being provided for each access. This will enable the suitability of the locations suggested can be fully appraised.

Initial appraisal suggests that there is scope for emergency access points at regular intervals around the application site, however there are immediate significant concerns with access points 2 and 5, as they are close to/within busy road junctions and as such should be relocated to more appropriate locations where vehicle conflict can be avoided and suitable visibility can be achieved.

Ordinarily, the form and location of each emergency access should be agreed in detail through the DCO (in the same way that primary access to the site would be). In the absence of full details, KCC suggests that a pre-commencement requirement is included within the DCO, for details of emergency access arrangements to be submitted to and approved by the Local Planning Authority (as discharging authority in consultation with the Local Highway Authority). Agreed emergency access should then be delivered by the applicant in accordance with those subsequently approved details, prior to first occupation of the development.

Update for actions from Issue Specific Hearing 4: 3 June 2019

Action 4: Provide comments on the draft Written Scheme of Investigation (WSI). Engage in offline discussion with the Applicant regarding human remains

The Archaeological Written Scheme of Investigation (WSI)

The Archaeological WSI (Third Issue dated 22/5/2019) has responded well to the comments provided by the County Council on earlier drafts. This is particularly noted in explaining the process by which those areas yet to be evaluated, will be, in advance of submission and agreement of a final Masterplan (as secured through requirement 3). Within the WSI, this has been achieved through improved wording in clause 1.3.3 and in the scope of works detailed in Table 4.1. A number of comments, which can be accommodated through minor modification of the present draft, have been shared with the applicant and are as follows:

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| Para 1.2.4 | Amend 'The site has' to 'Areas of the site have', as this reflects the correct position. |
| Para 1.3.2 | Bullet points should be changed to reflect lettering in Figure 2. |

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| Para 1.3.3 | Reference 'other identified areas of the site' to those mentioned in table 4.1 |
| Para 1.3.3 | Should read 'preservation <i>in situ</i> ', rather than 'preservation in site' |
| Para 2.5.15 | Remove reference to Sheppey, as none have been found on that island |
| Para 2.5.22 | KCC disagrees that the WW2 remains are of limited archaeological interest – the remains of a Heavy Anti-Aircraft battery were found during the Stone Hill Park evaluation and the area has been identified as a site to be preserved <i>in situ</i> . This is presently accommodated in the Masterplan. |
| Para 4.1.1 | Should include reference to evaluation prior to masterplan agreement that will inform design and parameters of the development. |
| Table 4.1 | The response for Location D East of the runway should be the same as that for location B. It may need some trial trenching to confirm locations of significant features; however, the area has been subject to geophysical survey, which has suggested the presence of significant remains. |
| Table 4.1 | In Location E, there is already a demonstrable need for strip, map and sample over substantial areas and the response in Table 4.1 therefore needs to acknowledge that this will be taking place, as well as the further trenching. |
| Table 4.1 | The additions of the sub areas E(1), E(2) and (G1) are welcome. |
| Para 5.3.3 | This should acknowledge trial trenching in other areas, as well as the Northern Grass Area. Trial trenches may be variable in size, dependent on their target. The scope of evaluation will be agreed in detail based on the potential of the archaeology and objectives of the evaluation. |
| Para 5.3.10 | The scope of the areas for strip, map and sample and method statements should be agreed with the KCC Archaeologist. The section on Post excavation Reporting seeks to combine reporting process for several stages of field work before addressing overall project reporting. The stages and timing of reporting should be made clearer. |
| Para 5.5.8 | Geophysics reports should be as per Historic England guidance and should be provided to enable a decision to be reached on subsequent evaluation. The present paragraph provides only for plots which may not be sufficient without commentary and discussion. |

- Para 5.5.9 Evaluation reports should be in accordance with the requirements set out in Appendix B.
- Para 5.5.10 The evaluation report is needed in the form stated in the appendix to enable a detailed and informed decision to be reached with regards to mitigation. KCC is of the view that such detailed evaluation reports are needed at the point of decision making and cannot be left until the completion for all project fieldwork.
- Para 5.5.11 This clause needs to make clear whether the interim report is covering all the works combined or if there will be interim reports for individual areas. It is likely that some form of interim reporting will be needed for phases of work and areas of the site to enable sign off processes. The remaining paragraph is confused and in final sentence has two phases of Post Excavation Assessment (PXA) with the first presumably referring to assessment and the second to analysis. This could all be simply replaced by saying that stages of interim reporting, post excavation assessment, analysis and publication works and reporting will follow the KCC requirements set out in Appendix B.
- Para 5.5.15 It is not clear what is meant by dividing the summary reporting 'thematically'. It may be that reports for particular stages or areas will be forthcoming determined by site areas, contractors or timetabling of works.
- Para 5.5.16 The PXA is intended to enable costed recommendations set out in a Updated Project Design for final analysis and reporting. It may be that if there are significant phases in overall delivery of the development programme, it would be appropriate to progress post excavation assessment works of early phases in advance of completion of all field work. Such an approach can also have benefits in feeding into strategies for subsequent phases of work.
- Paras 5.5.17 & 19 The County Council's expectation on what should be included in a post excavation assessment report is set out in detail in Appendix B.
- Para 5.5.21 Post excavation analysis and proposals for publication will be set out in an Updated Project Design that is informed by the Post Excavation Assessment. The UPD will be submitted to and agreed with the KCC archaeologist, together with a timetable for the completion of the works.
- Para 6.1.6-7 Any conflicts between the Construction Environmental Management Plan and the implementation of the WSI should be discussed and revised approaches agreed with the KCC Archaeologist.

Engage in offline discussion with the applicant regarding human remains

KCC's Principal Archaeological Officer has discussed with the applicant's archaeological advisers the matter of the potential conflict of the intentions of Article 37 and the WSI with respect to human remains. Both parties are in agreement that there is a conflict and the applicant will look at wording to either replace Article 37 or add to it, to clarify that Article 37 relates to human remains that are not of an archaeological nature or interest.

KCC will continue to work with the applicant and Planning Inspectorate as the project progresses through the remainder of the Examination process and will look to continue to comment on matters of detail as may be required throughout the Examination.

Should you require any additional information or clarification, please do not hesitate to contact me.

Yours sincerely,



Stephanie Holt-Castle

Interim Director - Environment, Planning and Enforcement