

**Deadline 9** (28 June 2019) – KCC’s response to the ExA’s Fourth Written Questions

Ec.4	<b>Ecology and Biodiversity</b> (including Habitats Regulations Assessment (HRA))	
Ec.4.4	<p><b>Incomplete surveys</b></p> <p><b>Confirm whether the worst-case assessment and proposed mitigation set out in the Environment Statement (ES) biodiversity chapter [APP-033] is sufficient to mitigate the likely significant effects of the Proposed Development or whether any further remedy is required prior to the close of the Examination.</b></p>	<p>The County Council provided commentary on the ES in 2018. Therefore, to ensure that the recommendations are still valid, KCC considers that there should be an updated Preliminary Ecological Appraisal carried out to assess that the proposed surveys/and worst case scenario mitigation is still valid/appropriate. However as far as KCC is aware, the ecological management of the site has not changed significantly (e.g. regularly mown), therefore it’s unlikely that the conclusions of the reports will have significantly changed from when the original Preliminary Ecological Appraisal was produced.</p>
CA.4	<b>Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</b>	
CA.4.14	<p><b>Special Category Land</b></p> <p>Plots 185b, 185c, 185d, and 185f are identified in Part 5 of the Book of Reference: Post-Application Revision 1 [REP3-194] as being special category land under s131 and 132 of the PA2008.</p> <p>The ExA stated in its question CA.2.9. that it is minded to recommend that subsection 3 of s132 of the PA2008 does apply in that:</p> <p><i>(3) ... the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons—</i></p> <p><i>(a) the persons in whom it is vested,</i></p> <p><i>(b) other persons, if any, entitled to rights of common or other rights, and</i></p> <p><i>(c) the public.</i></p> <p>Plots 185b, 185c, 185d, and 185f are identified in the Land Plans and in paragraph 10 of the revised Book</p>	<p>The County Council does not have any comments on this question.</p>

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	<p>of Reference [REP7a-023] as proposed to be subject to the compulsory creation of new rights pursuant to Article 22 of the dDCO and if necessary, to powers to override third party rights or powers to extinguish, suspend or interfere with any third party rights pursuant to Article 24 of the dDCO.</p> <p>Articles 22 and 24 of the dDCO include the power of the imposition of Restrictive Covenants.</p> <p><b>Given that the scope, nature and effect of any Restrictive Covenants have not been disclosed by the Applicant, do parties still consider that subsection (3) of s132 of the PA2008 does apply?</b></p>	
DCO.4	<b>Draft Development Consent Order (DCO)</b>	
DCO.4.4	<p><b>Article 2 (1) – ‘associated development’</b></p> <p>In your submission at AS-124 published on 5 June 2019 you state that:</p> <p><i>“KCC would like to reiterate here that there is currently associated highway mitigation that is proposed by the applicant, which should constitute associated development.”</i></p> <p><b>Is KCC suggesting changes to the definition of ‘associated development’? If so, what?</b></p>	<p>KCC is not proposing a change in definition to ‘associated development’. However, KCC considers that the highway schemes currently referred to in the draft section 106 agreement should be included in the works listed in Schedule 1 to the DCO, under the sub-heading ‘associated development comprising’.</p> <p>Planning permission should be granted as part of the DCO process for associated highways development requiring planning permission. If planning permission, where needed, is left to be secured subsequent to the grant of the DCO, there is uncertainty that the highways mitigation proposed is capable of being delivered in practice to alleviate the impact of the development consent granted.</p>

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		<p>What is submitted above is stated without prejudice to KCC’s position that some of the highway mitigation proposed in the draft section 106 agreement is considered to be inappropriate.</p>
<p>DCO.4.6</p>	<p><b>Article 3(b) – Principal powers</b>  The ExA wishes to examine further the phrase in this Article: <i>“land within, adjoining or sharing a common boundary with or adjacent to the Order limits”</i>.  <b>To the Applicant</b>  <b>i. Explain why a power to carry on activities outside the Order Limits is considered to be necessary.</b>   <b>To KCC</b>  In your submission published on 5 June 2019 [AS-124] you state that:  <i>“There is adopted Highway Land that immediately abuts the site and as such KCC would need to ensure that this order does not prevent the County Council from undertaking any maintenance/upgrades or changes to the highway in the future, and, if necessary, any new routes that KCC wishes to promote.”</i>  and that:  <i>“In order to carry out full due diligence, KCC officers will check the enactments that apply in respect of any other adjacent land in which KCC has an interest that will be affected and will update the Examining Authority accordingly.”</i></p>	<p>KCC has not had an opportunity to check all relevant enactments that could affect land within, adjoining or sharing a common boundary with or are adjacent to the Order limits.</p> <p>However, KCC makes the following general observations:-</p> <p>The current drafting appears to suggest that the DCO is capable of overriding enactments that apply to land within, adjoining or sharing a common boundary with or adjacent to the Order limits. However, KCC will have statutory duties in respect of areas within and adjacent to the order limits e.g. as the relevant Highway Authority.</p> <p>KCC considers that those statutory duties cannot be overridden by the grant of a DCO. It is on this basis that KCC considers the wording of Article 3(1) to be inappropriate. The term enactment is extremely wide. It is untypical for any statutory instrument or legislation to refer to it without restriction.</p> <p>The Interpretation Act 1978 in Schedule 1 provides that the term ‘enactment’ does not include an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament. This means that all other enactments are included.</p> <p>The Secretary of State would be making the DCO under powers conferred by sections 114, 115, 117 and 120 of the Planning Act 2008 Act. None of the aforementioned provisions appear to contain a Henry VIII power i.e. one which allows a statutory instrument to amend primary legislation.</p>

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	<p><b>ii. Have KCC officers checked the enactments that apply in respect of any other adjacent land in which KCC has an interest that will be affected?</b></p> <p><b>iii. Is KCC suggesting any changes to the wording of this Article? If so, what?</b></p>	<p>Whilst section 120(5)(a) of the Planning Act 2008 provides that an order granting development consent can apply, modify or exclude a statutory provision which relates to any matter for which provision is being made in the order, this is not the case in relation to the statutory functions KCC has responsibility for. Section 120(5)(b) in any event limits such an amendment, repeal or revocation to statutory provisions of <b>local application</b>.</p> <p>KCC has had very limited time to consider this issue, but on the basis of the issues highlighted above, would suggest that Article 3(2) be amended to provide:-</p> <p>Any <b>[local]</b> enactment applying to land within, adjoining or sharing a common boundary with or adjacent to the Order limits has effect subject to the provisions of this Order.</p> <p>Ideally the term enactment should also be defined for the purpose of the Order for the reasons set out above.</p> <p>KCC has had very limited time to consider this matter fully and reserves the right to make further submissions in this regard.</p>
DCO.4.8	<p><b>Article 6 - Limits of deviation and Requirement 3(1) and (3)</b></p> <p>In its Response to the Examining Authority’s Second Written Questions by the Historic Buildings and Monuments Commission for England (Historic England) [REP6-042], Historic England proposed revised wording to Article 6 and to Requirement 3(1) and (3).</p>	<p>The drafting of requirement 3 is not yet settled.</p> <p>KCC agrees with the view of Historic England that the provision for avoidance of harm to the historic buildings and their settings should be addressed in Requirement 3, as is proposed for archaeology.</p> <p>The first version of the DCO simply provides that options for increasing the proportion in on-harmful land-uses must be included in the Masterplan. KCC</p>

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	<p>The Applicant proposed an alternate form of words in its submission [REP7a-017].</p> <p>At the ISH on the dDCO held on 7 June 2019 [EV-029] the ExA requested the Applicant and Historic England to seek to agree a mutually acceptable form of words to address the concerns of Historic England. In paragraph 2.4 of its Summary of submissions made during the Issue Specific Hearings by the Historic Buildings and Monuments Commission for England (Historic England) [REP8-026] Historic England state that:</p> <p><i>“... we have not yet agreed an alternative wording; however we have suggested to the applicant that our concept of Heritage Constraints Areas could be moved from the Articles to the Requirements if that is more acceptable to them.”</i></p> <p>The ExA note, further, that in paragraph 2.8, Historic England considers that the suggestion made by KCC in relation to Requirement 16 goes some way to addressing our concern (ExA Agenda for ISH8 s.8 d [EV-023]) but that:</p> <p><i>“this provision is not wholly adequate for our purpose in that it only makes provision for the protection of buried archaeological remains and not for historic buildings and their settings, and historic landscape character. In addition, we think it inappropriate that a provision for the avoidance of harm should be in Requirement 16, which relates to the mitigation of</i></p>	<p>considers in respect of the latest version of the drafting, there is less scope to insist on a smaller footprint, rather the emphasis is on ‘moving’ the harmful use to another part of the site.</p> <p>The second version expressly refers to options which may involve a smaller development footprint. Here there is scope for a smaller development footprint to come forward.</p> <p>Suitable wording for the Requirement must be agreed in consultation with Historic England. Requirement 3 must include for reduced development quantum as well as footprint. It may be that the extent of archaeology requires preservation of an area which cannot be accommodated in the minimum footprint area that the applicant needs to build their aspired quantum of development.</p> <p>KCC will continue to engage with all parties on the wording for Requirement 3 and 16.</p>
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	<p><i>impacts through excavation and recording; in our view it should be covered in Requirement 3 as provision for avoidance of harm prior to approval of a masterplan.”</i></p> <p>The ExA notes that the Summary of Applicant's Case put Orally – Draft Development Consent Order hearing and associated appendices [REP8-016] states that:</p> <p><i>“The Applicant and Historic England are currently in discussions and attempting to agree the wording of Requirement 3 and Requirement 6 of the DCO. The remaining issues are that Historic England wishes to approve any detailed design of the northern grass area due to its potential impact on archaeological finds; and that more protection should be given to non-designated heritage assets.</i></p> <p><i>The Applicant has also tried to engage with Kent City Council and attempted to agree the wording of Requirement 3 of the DCO. KCC has not responded to emails dated 23.05.19 and 12.06.19.”</i></p> <p><b>i. The ExA continue to request that the Applicant and Historic England submit a mutual acceptable form of words in their responses to the draft ExA’s second dDCO.</b></p> <p><b>ii. Given KCC’s submissions on this Article and Requirement published on 5 June 2019 [AS-124], the Applicant is urged to continue to seek to involve KCC in any discussions on this.</b></p>	
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<p>DCO.4.9</p>	<p><b>Article 12 – Temporary stopping up and restriction of use of streets</b>  KCC’s submission published on 5 June 2019 [AS-124] states with reference to sub-paragraph (6) - and also referring to the same provision in Articles 15, 16 and 17 - that:  <i>“the approach is entirely unsatisfactory. There might be an unavoidable delay – for instance, due internal consultation required within KCC and a requirement to take decisions in compliance with delegated authority and sign off procedures within the authority. 28 days is therefore not considered to be a reasonable time period.”</i>  and that:  <i>“KCC requires the power to refuse to undertake the works for which approval is sought, if there is a conflict with other planned works in the vicinity for example. Article 12(6) and the [other] provisions quoted immediately preceding this paragraph are not acceptable to KCC.”</i></p> <p><b>i. Has there been any further negotiation on this issue?</b>  <b>ii. If not, state where areas of disagreement exist and suggest alternative wording to overcome these.</b></p>	<p>There has been no further engagement and/or discussion between KCC and the applicant in respect of this issue.</p> <p>KCC proposes that Articles 12(6), 15(11), 16(9) and 17(6) be deleted.</p> <p>This development is EIA development. Article 30 and Schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 expressly exclude deemed discharge provisions from application to EIA development in respect of planning conditions imposed on the grant of planning permission.</p> <p>There is no basis (legal or factual) for drawing a distinction between requirements under the DCO process and planning conditions under the TCPA 1990.</p> <p>Accordingly, all deemed discharge provisions in Articles 12(6), 15(11), 16(9) and 17(6) should be deleted.</p>
<p>DCO.4.11</p>	<p><b>Article 18 - Authority to survey and investigate the land</b></p>	<p>The County Council has no comments on this question and considers this to be a matter for Stone Hill Park only.</p>

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<p>In the Written Summary of SHP’s Oral Submissions put at the Compulsory Acquisition Hearing held on 20 March 2019, submitted at DL5 on 29 March [REP5-] SHP state at paragraph 7.3, with reference to Article 18 (Authority to survey and investigate the land) that: <i>“...the wide powers sought by the Applicant to survey and investigate land are inappropriate and are likely to have a blighting impact on land held by SHP.”</i></p> <p>In its Written Summary of Stone Hill Park Ltd’s Oral Submissions put at the Second Draft Development Consent Order (“DCO”) Hearing Held on 7 June 2019 [REP8-034] SHP state that: <i>“the following minor amendments to Article 18 would need to be incorporated in the DCO submitted by the ExA;</i></p> <p><i>Paragraph (1) amended to;</i></p> <p><i>“(1) Subject to paragraph (8), the undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised development and—“</i></p> <p><i>The inclusion of a new Paragraph (8);</i></p> <p><i>“(8) paragraph (1) does not apply to SHP Land without the consent of the owner of the SHP Land, but such consent must not be unreasonably withheld or delayed.”</i></p> <p><i>Note: “SHP Land” to be defined as the freehold land comprising Title Numbers K803975, K837264, K891199, K806190, K873633, K873634 and K743314.”</i></p> <p><b>Comment on this suggested amendment.</b></p>	
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<p>DCO.4.16</p>	<p><b>Article 37 - Removal of human remains</b>  KCC’s submission published on 5 June 2019 [AS-124] states that:  <i>“This article covers a process dealing with human remains that may be of more recent date - in the context of the airfield, those as a result of war time casualties. There is a known potential for human remains of Roman date on the site and potential for remains of prehistoric and Saxon date on the site. Such remains are of archaeological interest and would be identified, investigated, removed and studied under the provisions of the archaeological written scheme of investigation. Article 37 should make provision for archaeological matters relating to human remains where this is appropriate”.</i>  <b>Can you suggest a form of words that achieves this whilst not changing other legal requirements in respect of the discovery of human remains?</b></p>	<p>It is suggested that between Article 37 Paras (2) and (3), a new paragraph is inserted that covers human remains of archaeological nature:   “(1) In this article “the specified land” means any land within the Order limits. “Archaeological human remains” means human remains that are not of recent origin, that is dating before 1900.   (2) paragraph to remain unchanged   “(3) Archaeological human remains will be identified, investigated and removed in accordance with the Archaeological Written Scheme of Investigation subject to the provisions of an exhumation licence under the Burial Act 1857. Human remains that are found associated with crashed military aircraft would be dealt with under the provisions of the Protection of Military Remains Act 1986”   “(4) Before human remains that are non-archaeological are removed from the specified land ...”</p>
<p>DCO.4.24</p>	<p><b>Requirement 16 - Archaeological remains</b>  KCC have proposed additional wording in its response to DCO.2.42 [REP6-045] to cover evaluation and preservation in situ, as follows:  “(1) <i>Prior to the submission of details of the final design, parameters and quantum of development in:</i>  • <i>The area of development proposed north of Manston Road known as the North Grass Area;</i>  • <i>The location of the helicopter facility in the south east of the site</i></p>	<p>KCC is still awaiting the applicant’s response to the suggested wording in respect of Requirement 16. This suggested wording was provided within the County Council’s submission for Deadline 6. Therefore, no agreement has been reached with regards to the wording of the requirement.</p>

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	<ul style="list-style-type: none"><li>• <i>The area proposed for HGV access and earthworks north of the western runway were not tested through trial trenching but had significant geophysical survey results;</i></li><li><i>and</i></li><li>• <i>The area proposed for a contractor’s compound and later car parking;</i></li></ul> <p><i>A programme of archaeological field evaluation works shall be carried out in that area and reported in accordance with a specification which has been submitted to and approved by the Secretary of State in consultation with Kent County Council and Historic England.</i></p> <p><i>(2) Where archaeological evaluation works referred to in sub-paragraph (1) identify remains that are of a significance to warrant preservation in situ, as advised to the Secretary of State by Kent County Council and Historic England, the design, parameters and quantum of development in that area will be adjusted to ensure the appropriate preservation in situ of the archaeological remains.”</i></p> <p>KCC adds that:</p> <p><i>“the areas listed above in sub paragraph (1) could be included on a drawing that is referenced in the requirement.”</i></p> <p>In its response to DCO.2.43, KCC stated that the draft wording provided in DCO.2.42 above has not yet been agreed with the Applicant.</p>	
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	<p><b>i. Has agreement been reached on the draft wording?</b></p> <p><b>ii. If not, state where any areas of disagreement exist and suggest alternative wording to overcome these.</b></p>	
<b>F.4</b>	<b>Funding</b>	
F.4.24	<p><b>P&amp;L Forecast used in the RSP Business Plan for Manston</b></p> <p>The Applicant has provided a more detailed RSP Business Plan for Manston submitted at Appendix CAH2 – 15 to the Summary of Applicant's Oral Submissions at the Compulsory Acquisition Hearing on 4 June 2019 and associated appendices [REP8-011].</p> <p>Given that the EBITDA margin is the only measure used to demonstrate viability <b>indicate what status you consider should be afforded to this document by the ExA in coming to any related recommendation to the Secretary of State.</b></p>	The County Council has no comment on this question.
<b>HE.4</b>	<b>Historic Environment</b>	
HE.4.2	<p><b>Draft Written Scheme of Investigation</b></p> <p>Discussion took place at the LDAH ISH [EV-019] over the latest version of the draft Written Scheme of Investigation (WSI).</p> <p><b>Provide an update on discussions relating to the draft WSI, including the provision of a new WSI, if required.</b></p>	Detailed comments have been provided by KCC and it is understood that the applicant will be submitting a further draft at Deadline 9, with a number of matters to be considered beyond Deadline 9.

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NS.4	<b>Noise and Vibration</b>	
NS.4.2	<p><b>Noise insulation and ventilation for schools</b>            In the Applicant’s submission at Deadline 8 it states at page 5:  <i>“...The Applicant noted the clarifications requested surrounding uncertainties in the noise modelling. The Applicant confirmed that if a 2dB increase was applied to predicted levels as a result of uncertainties, then a number of schools could exceed the 60dB threshold that would require the Applicant to provide noise insulation and mitigation. Such an exceedance would only be likely to occur approximately 20 years after the project commences operations.</i></p> <p><i>2.35 The ExA questioned whether there would be adequate funds available within the Community Fund (CF) to provide noise insulation and ventilation to affected schools. The Applicant highlighted that all schools should be assessed on a case-by-case basis in order that the needs of individual schools can be taken into account rather than offering a one size-fits-all solution. Nonetheless, the Applicant has now committed to providing £139,000 per year for affected schools for 20 years, to be spent on noise insulation or other measures to benefit pupils, based on 1% of the per-pupil funding of the schools concerned and to be distributed to each one annually, as reflected in the revised s106 agreement.</i></p> <p><i>2.36 The Applicant emphasised that it does not underestimate the importance of noise control for</i></p>	<ul style="list-style-type: none"> <li>i) The County Council is unable to answer this question without knowledge of the likely flight paths. The County Council has provided a list of the schools within a radius of the site (Appendix 1), a map is also provided attached to this response (Appendix 2).</li> <li>ii) KCC is not able to respond to this question without undertaking a feasibility appraisal in all schools that could be potentially affected.</li> <li>iii) The proposed £139,000 over 20 years does not take account of the fact that at the start (depending on flight paths) a considerable number of schools may be affected requiring a considerable concentrated up-front cost. It is likely that this would tail off after the initial investment unless (1) flight paths changed, or (2) new schools were built in the affected area. A larger lump sum earlier in the 20 year period with a smaller regular amount that could then be kept to address any of the changes identified as (1) or (2) would be preferable.</li> </ul>

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	<p><i>schools and the school’s liaison committee will be a further means of engaging with schools that have not taken the opportunity to comment during the DCO examination process.”</i></p> <p><b>i. Given the +/-1dB uncertainty for measurements and for calculations which schools are likely to be eligible for the insulation/ ventilation scheme?</b></p> <p><b>ii. If schools became eligible what would the cost implications be?</b></p> <p><b>iii. What is KCC’s and TDC’s view?</b></p>	
NS.4.6	<p><b>ATM limits during the school day</b></p> <p><b>i. Should the DCO secure the limits of ATMs during the school day periods based on the analysis in Table 1 of NS.2.16 to ensure that the potential impacts are not worse than modelled?</b></p> <p><b>ii. Can KCC confirm school day hours for primary and secondary schools?</b></p>	<p>i) The County Council considers that any limitation of air traffic movements during school operating times would be welcomed as this would limit the impact of any noise pollution on the schools and children affected.</p> <p>ii) The school day hours for primary and secondary schools vary but are usually between the hours of 8.30 am and 3.30pm</p>
TR.4	<b>Traffic and Transportation</b>	
TR.4.1	<p><b>Study Area</b> KCC’s response to third written question TR.3.15 [REP7a-034] sets out that the provision of the network diagram (Appendix TR.2.11) has highlighted further areas of interest which should be addressed</p>	<p>In the absence of Thanet Strategic Highway model, coverage within these parts of the local road network, a spreadsheet approach is accepted as being the only useable alternative.</p>

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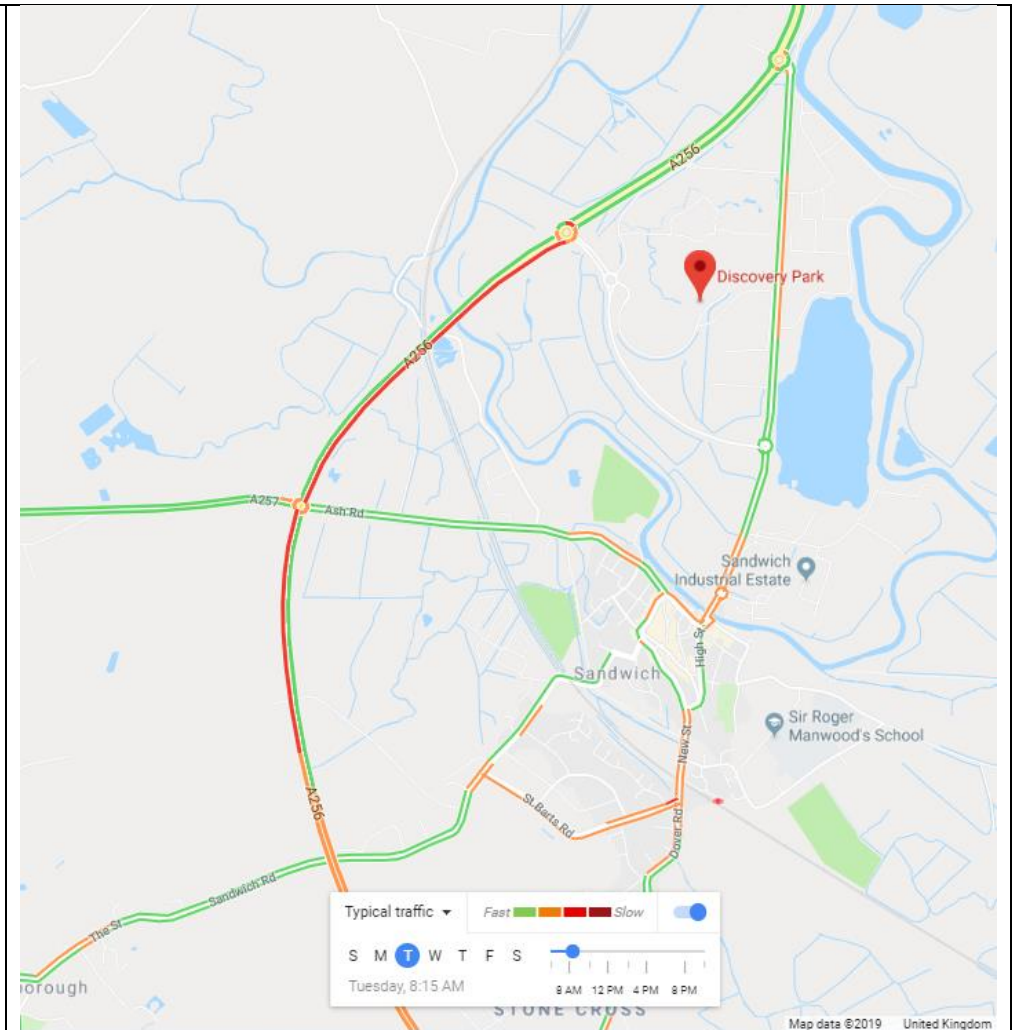
<p>by the Applicant. These include traffic flows entering/leaving the current network study area on:</p> <ul style="list-style-type: none"> <li>• The A256 (177 and 155 two-way traffic movements in the AM and PM peaks respectively).</li> <li>• The A299 Thanet Way at St Nicholas-at-Wade (111 &amp; 84 two-way traffic movements in the AM and PM peaks respectively).</li> </ul> <p>KCC suggested that the study areas should be expanded to better understand potential impact on these links and appropriate mitigation proposals progressed if adverse impacts are identified. After further discussion at the ISH7 on 6 June 2019 [EV-028], the Applicant agreed to undertake a proportional impact assessment on the wider study area. This is presented in the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 – 32 [REP8-017].</p> <p><b>i. Is KCC content with the methodology adopted?</b></p> <p><b>ii. Is KCC content with the findings of the additional assessment?</b></p> <p><b>iii. Is the use of a 5% proportional increase threshold appropriate and acceptable to KCC?</b></p>	<p>As outlined by KCC during ISH7, it is not agreed that a blanket 5% impact threshold for additional assessment of junctions is appropriate.</p> <p>Whilst it is accepted that within the industry 5% is generally adopted by consultants and local authorities as a guideline, it is nonetheless important to consider the specific operation of the road network in question and the nature of impact from the development, which has not been done in this case. This is particularly important when the network is already subject to existing traffic delay. On parts of the local road network where junction/link capacity has already been exceeded, a relatively minor increase in traffic movement can result in disproportionate worsening of existing delay. This has been highlighted on other junctions within the scope of the Transport Assessment (for example Junction 26 &amp; 27)</p> <p>Parts of the A256 corridor within Dover are already subject to extended queuing and delay (this is demonstrated by the traffic extract below which is taken from Google Maps). In this case, the primary area of interest to KCC is the A257/A256 roundabout junction. The Applicant has not provided sufficient information for the KCC to reach an informed decision regarding traffic impact at this junction and consequently determine if further mitigation is required.</p>
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iv. The additional modelling is based on the revised Transport Assessment 9) TA (utilising the Thanet Strategic Transport Model).

v. Are there any potential implications of such a wider study area associated with the original TA?

vi. If so, how will this be addressed by the end of the Examination?



Courtesy of Google

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<p>TR.4.4</p>	<p><b>Passenger flight movements</b></p> <p>Appendix ISH7 – 30 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Paragraph 2.5.4 concludes:</p> <p><i>“The overestimation of the AM peak hour traffic is comparable to the traffic generation for departure and arrival flights which would affect the AM peak hour. On this basis, the DCO (original) TA has been robust and has assessed a situation equivalent to departure/arrival flights affecting the AM peak hour”.</i></p> <p>However, the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Paragraph 2.13 states:</p> <p><i>“Following discussions of this item at the hearing, the Applicant confirms that there will be a ban on flights arriving or departing between 09.00 and 11.30, with one departure permitted from 11.30 and one from 11.45. For the 11.30 departure, it is assumed that half of the 30% passenger arrivals would fall within the morning peak hour and for the departure at 11.45, one quarter of passengers would fall within the peak hour”.</i></p> <p><b>i. These two statements appear contradictory, provide further clarification.</b></p> <p><b>ii. How many departure and/ or arrival flights would result in the equivalent number of vehicle</b></p>	<p>v. In order for KCC to have any confidence in the outputs of the TA, it is clearly essential that it presents a robust assessment of traffic movements, particularly during the AM and PM network peak hours. The County Council shares the ExA’s concern regarding the apparently contradictory statements made by the Applicant in their written and oral submissions to date – which have become increasingly challenging for third parties to review and cross-reference against one another – and therefore urgent clarification is required, in order that KCC may make an informed judgement as to the adequacy or otherwise of the peak period impact assessments presented. Subject to this, it may be necessary to consider additional passenger flight restrictions as suggested by the ExA.</p>
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	<p><b>trips as the suggested overestimation in the am peak?</b></p> <p><b>iii. Provide further evidence that an arrival at 07.00 (where 100% of passengers would depart in the am peak) along with the proposed departure flights at 11.30am and 11.45am would not materially impact on the am peak.</b></p> <p><b>iv. Should a restriction on any passenger flight arrivals before 8.00am be imposed?</b></p> <p><b>v. Do KCC have any views on this matter and the proposed passenger flight restrictions?</b></p>	
<p>TR.4.5</p>	<p><b>Passenger flight movements</b>  Appendix ISH7 – 30 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Table 2.13 shows that, as a result of the amended passenger traffic generation, there would be 98 more vehicle movements in the pm peak than that modelled in the original TA.  Appendix ISH7 – 43 of Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] provides a Transport Assessment Update, which at Paragraph 1.1.3 states:  <i>“As part of the scoping of the TA Addendum with KCC, two changes to the traffic generation</i></p>	<p>iv. In accordance with the answer to TR.4.4 (above), clarification on this point is required from the Applicant in order that KCC may make an informed judgement as to the adequacy or otherwise of the peak period impact assessments presented. An increase in PM peak hour trip generation of 98 vehicle movements is considered to represent a material impact which may have implications for the robustness of the junction capacity assessments undertaken. Without further clarification KCC must maintain an objection to this element of the proposal. Should the information needed be forthcoming, KCC reserves its right to seek necessary revisions to these assessments.</p>

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	<p><i>methodology were agreed which affected the overall traffic generation’. Paragraph 1.1.4 goes on to set out: ‘The purpose of the TA Update is to assess and present the implications of the changes to the traffic generation based on the DCO (original) TA spreadsheet model’.</i></p> <p><i>Paragraphs 2.2.6 to 2.2.8 state:</i></p> <p><i>“Further to this, it is noted that a review of the spreadsheet calculations identified two errors which resulted in an overestimation of overall traffic generation. With regards to the peak hour periods, there are the following changes: In the AM peak hour there are 141 fewer trips than the revised traffic generation in the Revised TA; and In the PM peak hour there is a marginal increase of 11 vehicles compared to the revised traffic generation in the Revised TA.</i></p> <p><i>The overestimation of the AM peak hour traffic is comparable to the traffic generation for departure and arrival flights which would affect the AM peak hour. On this basis, the DCO TA has been robust and has assessed a situation equivalent to departure/arrival flights affecting the AM peak hour.</i></p> <p><i>This assessment of the PM peak hour has been based on the V7 traffic generation. The addition of 11 extra two-way trips is marginal and would not affect the overall outputs”.</i></p> <p><b>i. Given that the Transport Assessment Update (Appendix ISH7 – 43) is reviewing the original TA based on the changes to the traffic generation</b></p>	
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	<p><b>methodology and not the revised TA, why was an increase of 11 extra two-way trips considered and not the 98 extra two-way trips as set out in Table 2.13 of Appendix ISH7 – 30?</b></p> <p><b>ii. What effect would the additional 98 extra two-way trips have on the junction assessments in the Transport Assessment Update (Appendix ISH7 – 43)?</b></p> <p><b>iii. Further, what effect would this have on the noise and air quality assessments?</b></p> <p><b>iv. What are the views of KCC and TDC on this matter?</b></p>	
TR.4.6	<p><b>Passenger flight movements PM peak restrictions</b></p> <p>In a similar manner to the am peak restrictions, to ensure that there will be no unacceptable impacts on the local highway network, the ExA is considering whether a further restriction in the dDCO is required for passenger arrival and departure flights during the pm peak period in the form of an additional Requirement to read:</p> <p><i>“There shall only be: one passenger flight arrival between the hours of 16.00 and 17.00; two passenger flight departures between the hours of 18.00 and 19.00; one passenger flight departure between the hours of 19.00 and 20.00; and no</i></p>	<p>ii. In line with the answers to TR.4.4 and 4.5, KCC welcomes the proposed restrictions in principle, as this would further assist in ensuring robustness of the traffic assumptions that have been made within the submitted TA. If the Applicant is not content with such a restriction, then a reasonable worst-case scenario should be assessed within the Transport Assessment.</p> <p>As discussed during ISH7, there may be cases where it would however be prudent to provide a level of flexibility to allow unavoidably delayed flights to land or take off, therefore it is recommended that the restriction relates to scheduled flights rather than a blanket restriction, which in itself could cause unreasonable impact on the operation of the airport.</p>

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	<p><i>passenger departure flights between the hours of 20.00 and 21.00.”</i></p> <p><b>i. What is the Applicant’s response?</b>  <b>ii. What are the views of KCC and TDC?</b></p>	
<p>TR.4.7</p>	<p><b>HGV clustering</b></p> <p>The Applicant’s response to second written question ND.2.13 [REP6-012] sets out that “...<i>the ‘new’ integrators are not offering the same fixed early morning delivery times as the traditional express integrators, they do not require the night-time arrivals or departures that are essential to achieving such vertically integrated door to door overnight delivery commitments”.</i></p> <p>i           <b>i. Further justify this assertion.</b>  ii           <b>ii. Is it entirely feasible that a traditional express integrator could operate out of Manston that would require early morning delivery times that would affect the am peak?</b></p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix 2 at Paragraphs 5.1.1 and 5.1.2 state:  <i>“There are likely to be lower HGV movements in the peak periods and higher flows in the off-peak, as commercial operators will seek to avoid congested periods to avoid inefficiency. Any clustering of HGV movements is therefore not likely to coincide with peak traffic hours.</i></p>	<p>iii. KCC requires a reasonable worst case scenario to be considered within the TA in order for there to be sufficient confidence in its outputs and conclusions. As such, unless the Applicant is able to provide robust justification that traditional express integrators would not operate out of Manston, then an allowance for their associated movements should be made within the AM peak hour impact assessments presented. Whilst it may be that the absolute number of these movements – and those arising from HGV clustering – would be relatively small, KCC has not currently been presented with sufficient information to make an informed judgement in this respect. On that basis, KCC maintains an objection to this element of the scheme.</p>

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	<p><i>Any clustering is unlikely to have a material impact on the transport network, e.g. a 50% uplift would result in an extra 5 HGVs in an hour”.</i></p> <p><b>iii. Is this accepted by KCC and Highways England?</b></p>	
TR.4.8	<p><b>Manston-Haine Link Road</b></p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] in Section 3 sets out that:</p> <ul style="list-style-type: none"> <li>• <i>“KCC agreed that the deliverability of the link road is a matter for them and that a planning application for the road would need to be submitted including any necessary environmental impact assessment (EIA) and public consultation;</i></li> <li>• <i>The draft Thanet Transport Strategy (TTS) is an aspiration and is not yet adopted in any Plan;</i></li> <li>• <i>The emerging Thanet Local Plan indicates that the route is indicative and will depend on the final proposals for the Northern Grass site;</i></li> <li>• <i>The Strategic Site Allocations Impact Thanet Local Plan Evidence Base, July 2018, Amey identifies that strategic housing developments in Thanet should contribute to the transport strategy at a level commensurate to their likely impact and does not include the airport;</i></li> <li>• <i>KCC does not currently own any of the land in the Northern Grass that would be required to</i></li> </ul>	<p>A direct response to each point is provided below.</p> <p><b>RSP</b></p> <ul style="list-style-type: none"> <li>• <i>“KCC agreed that the deliverability of the link road is a matter for them and that a planning application for the road would need to be submitted including any necessary environmental impact assessment (EIA) and public consultation;</i></li> </ul> <p><b>KCC Response</b></p> <p>This is agreed</p> <p><b>RSP</b></p> <ul style="list-style-type: none"> <li>• <i>The draft Thanet Transport Strategy (TTS) is an aspiration and is not yet adopted in any Plan;</i></li> </ul> <p><b>KCC Response</b></p> <p>The TTS is not an aspiration, it is a key strategy document that supports the draft Thanet Local Plan and the associated Infrastructure Delivery Plan. The draft Thanet Local Plan is currently subject to examination in public. Whilst it is accepted that the draft Thanet Local Plan has yet to be formally adopted by Thanet District Council, KCC is of the opinion that it should hold a significant amount of weight within current planning decisions, particularly as the proposed development will be delivered within and beyond the lifetime of the draft Local Plan.</p>

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	<p><i>deliver the link road and nor is that land safeguarded for road development in any adopted or even emerging development plan;</i></p> <ul style="list-style-type: none"> <li>• <i>KCC acknowledged that the route contained within the TTS has not been the subject of detailed testing, nor has it been the subject of environmental assessment, feasibility study or EIA screening;</i></li> <li>• <i>The proposal is a Nationally Significant Infrastructure Project that should not be unnecessarily compromised by a transport strategy that is not secured and could be delivered via the alternative alignment proposed by the Applicant;</i></li> <li>• <i>The Applicant has agreed to safeguard (for the duration of the Local Plan period) and transfer to KCC at nil cost, land alongside Manston Road to ensure that the alternative alignment can be delivered in the event that funding is secured for it. Alongside a number of other transport contributions, this is a generous contribution to the costs and deliverability of KCC’s proposed link road; and</i></li> <li>• <i>The Applicant believes that the inclusion of safeguarding of the land within the Section 106 agreement is the most appropriate mechanism given that it is unknown as to when KCC plan to deliver the link road and that there is no guarantee that the link road will be delivered”.</i></li> </ul> <p>Does KCC accept all of these points? If not, why not.</p>	<p><b>RSP</b></p> <ul style="list-style-type: none"> <li>• <i>The emerging Thanet Local Plan indicates that the route is indicative and will depend on the final proposals for the Northern Grass site;</i></li> </ul> <p><b>KCC Response</b></p> <p>Whilst KCC has developed an initial feasibility design for costing purposes, there is scope to alter this alignment to reflect future uses on the site. It is however essential that the financial and 3<sup>rd</sup> party land take implications of a change in alignment are fully understood before an informed decision can be made.</p> <p><b>RSP</b></p> <ul style="list-style-type: none"> <li>• <i>The Strategic Site Allocations Impact Thanet Local Plan Evidence Base, July 2018, Amey identifies that strategic housing developments in Thanet should contribute to the transport strategy at a level commensurate to their likely impact and does not include the airport;</i></li> </ul> <p><b>KCC Response</b></p> <p>The proposals subject to the DCO application were not included within this document as they do not form part of the current draft Thanet Local Plan. Whilst this document currently only encompasses strategic housing sites, this does not preclude the ability for the contribution apportionment mechanism to be reviewed, should a large commercial/employment development site be progressed which has direct synergy/relevance to strategic highway infrastructure. Employment sites are not initially included within this study document as the subsequent traffic impact from this type of development can vary significantly depending on the type of development applied for, whereas the impact from housing allocations can be identified with required clarity at policy making stage.</p> <p><b>RSP</b></p>
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		<ul style="list-style-type: none"><li>• <i>KCC does not currently own any of the land in the Northern Grass that would be required to deliver the link road and nor is that land safeguarded for road development in any adopted or even emerging development plan;</i></li></ul> <p><b>KCC Response</b></p> <p>This assertion is accepted. However, the alignment that forms part of the current feasibility design was developed in conjunction with the current owners of the site. In addition, there is a firm proposal to safeguard a route within the Northern Grass for the provision of key road schemes and junction improvements. This is intended to support the implementation of the Thanet Transport Strategy under draft Thanet Local Plan Policy SP47 - Strategic Routes.</p> <p><b>RSP</b></p> <ul style="list-style-type: none"><li>• <i>KCC acknowledged that the route contained within the TTS has not been the subject of detailed testing, nor has it been the subject of environmental assessment, feasibility study or EIA screening;</i></li></ul> <p><b>KCC Response</b></p> <p>This is accepted.</p> <p><b>RSP</b></p> <ul style="list-style-type: none"><li>• <i>The proposal is a Nationally Significant Infrastructure Project that should not be unnecessarily compromised by a transport strategy that is not secured and could be delivered via the alternative alignment proposed by the Applicant;</i></li></ul> <p><b>KCC Response</b></p> <p>KCC would like to reiterate that at this late stage of the examination process, the Applicant has nonetheless failed to adequately clarify and explain on what basis they allege that the Transport Strategy would compromise the proposed development. KCC’s position is that it is essential that the financial and logistical implications of the development on the draft Thanet Transport</p>
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		<p>Strategy are fully and comprehensively considered. This is essential to enable an informed view to be reached and allow for appropriate mitigation strategy to be identified and agreed in line with forecast growth within the district. This will ensure that both the NSIP and the Thanet Local Plan can progress without unnecessary conflict.</p> <p><b>RSP</b></p> <ul style="list-style-type: none"><li>• <i>The Applicant has agreed to safeguard (for the duration of the Local Plan period) and transfer to KCC at nil cost, land alongside Manston Road to ensure that the alternative alignment can be delivered in the event that funding is secured for it. Alongside a number of other transport contributions, this is a generous contribution to the costs and deliverability of KCC’s proposed link road</i></li></ul> <p><b>KCC Response</b></p> <p>As outlined within the response to the Draft DCO, KCC requires a longer period of safeguarding for this scheme to allow for any unexpected delay to the delivery of the scheme (KCC suggest 20 years). KCC also requires a level of flexibility over the route alignment; this is outlined in Question TR 4.12</p> <p><b>RSP</b></p> <ul style="list-style-type: none"><li>• <i>The Applicant believes that the inclusion of safeguarding of the land within the Section 106 agreement is the most appropriate mechanism given that it is unknown as to when KCC plan to deliver the link road and that there is no guarantee that the link road will be delivered’.</i></li></ul> <p><b>KCC Response</b></p> <p>KCC’s position is that there is robust evidence that supports the need for the link road and it is the Highways Authority’s firm intention to deliver it. KCC accepts that the section 106 agreement is an adequate mechanism to secure the land for the intended purpose.</p>
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<p>TR.4.10</p>	<p><b>Manston-Haine Link Road</b>          The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix ISH7 – 36 sets out a note on ‘Safety and Security Issues with the Manston-Haine Link Road Transecting the Northern Grass Area’.</p> <ul style="list-style-type: none"> <li>• <b>Does KCC accept the Applicant’s views on these matters?</b></li> </ul>	<p>The views of the Applicant are noted and KCC notes the fact that the Applicant would prefer complete control over the internal layout of the Northern Grass without a requirement to facilitate a public road.</p> <p>However, there is insufficient information and no clarification has been provided, in relation to how the Northern Grass element of the development will be developed or operate. This in turn does not enable KCC to assess the arguments put forward by the Applicant. As a result, KCC is not in a position to assess and evaluate whether the issues raised by the Applicant are in fact valid. Whilst, the Applicant has indicated that security checks could be required at the site access, this has not been outlined on any of the plans submitted to the Examination to date and an assessment of the scheme in this respect has not been possible. Therefore, KCC is unable to assist the Examining Authority with a view about on the feasibility of such an access arrangement in the future, or if they could as a matter of fact be implemented without additional planning consent being required outside of the DCO process.</p> <p>A secure perimeter fence is also not currently shown for the Northern Grass site. Given that security of the operation of the airport is claimed to be essential to this part of the development site, KCC would have expected it to be clearly identified. The issue of road safety and delay could be addressed by appropriate design of the internal layout of each business unit and the proposed access road.</p> <p>KCC accepts that should safety/security checks be a requirement within the spine access road, there are potential challenges with the location of a public road to the operation of the development and implementation of such an arrangement. However, in the absence of details about the detailed</p>
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		<p>operation of the airport, as referred above, KCC is unable to advise the Examining Authority how such challenges, if any, could be overcome.</p> <p>In summary, The Explanatory Note of the Safety and Security Issues with the Manston Haine Link Road Transecting the Northern Grass Area, do not fully address the concerns that KCC has previously raised and has asked to be addressed in the Applicant’s proposal.</p>
<p>TR.4.11</p>	<p><b>Alternative Manston-Haine Link Road</b>  The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Paragraph 3.12 notes that the Applicant:  <i>“...has already funded an initial feasibility design of the alternative Manston Haine link demonstrating that equivalent performance could be delivered without the need to take a central line through the Northern Grass. This information is in the public domain and has been shared with KCC. In addition, the Applicant has funded the Revised TA which demonstrated that the Manston-Haine Link in its alternative alignment is deliverable and provides the same performance as the route through the Northern Grass”.</i>  Further, Paragraph 3.15 states:  <i>“The Applicant highlighted that the alternative alignment as proposed by the Applicant is 100m shorter than the route identified by KCC. It also follows existing highway for part of its length</i></p>	<p>i, KCC accepts that the proposed revised Manston to Haine Road Alignment (as suggested by the applicant) is likely to operate with similar levels of service to the route currently proposed within the draft Thanet Local Plan and the associated Thanet Transport Strategy. However, an important factor is that the alternative alignment suggested by the Applicant results in a need to secure and acquire a substantially greater area of land presently owned by third parties.</p> <p>Yet there has been no clarification from the Applicant about the differential in costs associated with the alternative link. The applicant has not provided the necessary costs undertaking for KCC to commission consultants to provide a reliable cost estimate. Therefore, KCC is not currently able to provide any meaningful comment to the Examining Authority on the financial implications of the revised alignments and how this might impact on the deliverability of the Manston-Haine Road link.</p>

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	<p><i>therefore requiring considerably less land take than the KCC option”.</i></p> <p><b>i. Are these matters accepted by KCC?</b></p> <p><b>ii. Can the Applicant confirm that this initial feasibility study forms part of the examination evidence?</b></p> <p><b>iii. Is there sufficient evidence to suggest that there is a reasonable likelihood that the alternative link road can be delivered without significant environmental impacts?</b></p>	
TR.4.12	<p><b>Alternative Manston-Haine Link Road</b></p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix ISH7 – 38 includes maps showing a wider corridor to be safeguarded for the alternative route.</p> <p>Further, KCC in their response to Deadline 8 [REP8-027] on Page 2 set out several concerns:</p> <p><i>“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.</i></p>	<p>i, KCC has reviewed the proposed land safeguarding plans and would request that the offset to the South/East of the proposed road is increased to 10 metres for areas contained within Sheets 5&amp;6 and a 5-metre offset for remaining areas of link southbound towards Manston Road/Spitfire Way junction.</p> <p>KCC requires safeguarding of land required to deliver an appropriate form of junction at Spitfire Way. This has not been included within the submitted plans and as such remains unresolved. In the absence of an agreed position in relation to the Spitfire Junction design, it is important for as much land to be encompassed within the safeguarding area as possible, to provide scope to alter the junction accordingly. This is essential to ensure that the mitigation offered by the Applicant is deliverable in practice.</p>

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	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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”.</i></p> <p><b>i. Does the Applicant’s proposed wider safeguarding corridor overcome KCC’s concerns?</b></p> <p><b>ii. What is the view of the Applicant on these matters?</b></p>	<p>All plans should be annotated in the corresponding colour to denote exactly the extent of land being safeguarded as the areas shown in Pink are not currently annotated within the corresponding key.</p>
TR.4.13	<p><b>Alternative Manston-Haine Link Road</b></p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix ISH7 – 38 provides an</p>	<p>KCC does not have the required expertise in aviation radar design in order to provide the Examination Authority with an informed steer in relation to this matter.</p>

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	<p>‘Explanatory Note addressing the implications of safeguarding a wider corridor for the proposed Manston-Haine link road’. The Applicant suggests that safeguarding a wider corridor will not affect the performance of the radar and having a wider corridor means that any heritage impacts are more likely to be able to be avoided.</p> <p><b>Does KCC and Historic England accept these points?</b></p>	<p>Whilst written confirmation from the applicant that the proposed Radar Protection Zone will not impede the future delivery of highway infrastructure is welcomed, KCC remain concerned that the evidence submitted in order to support the assertion that by the Applicant have not been subject to independent scrutiny.</p>
<p>TR.4.20</p>	<p><b>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017]</b></p> <p>Table 3.1 shows the junctions that have been assessed. For junctions 14, 19, 22 and 23 it states: <i>“Traffic Impact at the junction not sufficient to warrant assessment”</i>.</p> <p><b>i. Provide clarification how has this been established.</b></p> <p>Further, Table 3.1 also sets out that junctions 20, 21a and 21b do not require assessment based on the ‘Manston Green Junction Layout’.</p> <p><b>ii. What guarantee can there be that the Manston Green site will come forward?</b></p> <p><b>iii. If the Manston Green site did not come forward and the junction layout was not implemented,</b></p>	<p>iii. If the Manston Green development does not come forward, (but the Airport DCO does) then this would result in a severe impact from the development at this junction as no mitigation is currently proposed by the applicant.</p> <p>Therefore, KCC considers that appropriate mitigation must be secured for this junction as part of the Section 106 agreement.</p> <p>The signal mitigation scheme proposed by the applicant within the initial Transport Assessment is considered to be inadequate to mitigate the impact of the development for the reasons set out within previous written KCC representations/Local Impact Report. KCC is therefore not content with the current proposed approach.</p>

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	<p><b>what effect would this on such an assertion and the need for assessment and mitigation?</b></p> <p><b>iv. Is KCC content with this approach?</b></p>	
<p>TR.4.21</p>	<p><b>Modelling Approach in Original TA</b>  KCC in their response to Deadline 8 [REP8-027] (Pages 5 and 6) state:  <i>“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.</i>  <i>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).</i>  <i>The recently submitted TA Addendum (TA2) was informed by outputs from the TSHM (undertaken by</i></p>	<p>ii. As has been noted by KCC previously, the interventions contained within the Thanet Strategic Highway Model form part of the adopted Thanet Transport Strategy and draft Local Plan, which is currently at Examination stage. The County Council and District Council are committed to the delivery of these interventions, both as an integral part of strategic site infrastructure and through the attainment of Section 106 and external funding sources (e.g. Local Growth Fund). This position has not been the subject of significant challenge or objection at the Local Plan Examination. As such, there can be reasonable confidence that the interventions will be delivered, and accordingly appropriate weight should be given by the Examining Authority.</p> <p>iv. Land off Haine Road (planning reference OL/TH/18/0261) was already included within the Thanet Strategic Highway Model (TSHM), as that development site is one of the strategic housing allocation sites as set out within the draft Thanet Local Plan.</p> <p>It is important to highlight that both internal and external highway infrastructure related to this site were designed against 2031 TSHM flows and a proportionate contribution towards infrastructure (in line the Strategic Site Allocations Impact Thanet Local Plan Evidence Base, July 2018) was agreed. This position negated the need for further strategic highway modelling to be undertaken.</p> <p>A similar requirement for utilisation of the Thanet Strategic Highway Model has recently been communicated by KCC for alternative development</p>

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<p><i>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).</i></p> <p><i>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.</i></p> <p><i>Whilst KCC welcomes a flexible approach to highway mitigation measures, it is essential that any contributions are informed by highway interventions</i></p>	<p>proposals on the Manston Airport Site by the current owners (planning reference OL/TH/0660). Therefore, this demonstrates that KCC are taking a consistent approach to strategic modelling requirements for significant development proposals that fall outside of the umbrella of the current draft Local Plan.</p>
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*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*



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	<p><i>necessary changes to the section 106 agreement to reflect this position.”</i></p> <p><b>i. The Applicant must respond to each matter raised.</b></p> <p><b>ii. KCC has set out that the 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). However, what guarantee is there that these will actually be delivered?</b></p> <p>In addition, KCC in their response to Deadline 8 [REP8-027] (Page 8) state: <i>“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”.</i></p> <p><b>iii. What is the Applicant’s response?</b></p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices’ at Paragraph 2.7 states:</p>	
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	<p><i>“The Applicant highlighted that a standard spreadsheet traffic modelling methodology used in the original TA is a conventional approach applied in numerous planning applications and appeals without controversy and has been accepted by KCC for a number of recent planning applications, including Land off Haine Road OPA (planning reference OL/TH/18/0261)”.</i></p> <p><b>iv. What is KCC’s response?</b></p>	
TR.4.22	<p><b>Junction 1: A256 / Sandwich Rd</b> KCC in their Local Impact Report (LIR) [REP3-143] state: <i>“It is not considered that the proposed scheme of mitigation for the A256 / Sandwich Road roundabout will deliver practical benefits to the capacity of the junction. There is a known tendency for the ARCADY and PICADY modelling software to exaggerate the impact of minor amendments to kerb radii, flare lengths etc, which do not in reality provide meaningful capacity gains”.</i></p> <p><b>i. What is the Applicant’s response?</b></p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 - 43 [REP8-017] at Paragraph 3.2.9 states that <i>“this junction improvement scheme has</i></p>	<p>ii. It has been the consistent view of KCC that independent Stage 1 Road Safety Audits should be provided by the Applicant for all physical changes to the road network, as even relatively minor interventions such as amendments to lining and signing can have adverse highway safety implications. The Applicant’s view that the change is minor is not accepted by KCC.</p>

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	<p><i>not been subject to a Stage 1 Road Safety Audit (RSA) as the change is minor”.</i></p> <p><b>ii. Is this view accepted by KCC?</b></p>	
<p>TR.4.23</p>	<p><b>Junction 2: A299 / A256 / Cottington Link Rd</b>  Appendix TR3.24 [REP7a-003] of the Applicant’s response to third written questions includes a further Stage 1 Road Safety Audit following the design response and the provision of swept path analysis. The audit concludes that there are no outstanding matters.  KCC in their response to Deadline 8 [REP8-027] set out that it is their understanding that instigated by the Road Safety Audit a change to the mitigation scheme has been made which includes the signalisation of the roundabout. The response goes on to set out that in the absence of the revised junction model, KCC cannot assess the impact and operation of the proposed mitigation scheme. Further, in the absence of junction model, there are prima facie concerns over the potential effectiveness of the proposed signalisation of this junction; 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.</p>	<p>ii. The proposed layout shows very little internal vehicle storage capacity, with only storage for approximately four vehicles at all three internal stop lines. This is not acceptable, and it is considered that the junction will exit block on all arms. This is likely to lead to queues blocking the circulatory and an increased risk of crashes caused by weaving, shunts and side swipes, particularly considering the vehicle speeds on this route. This is a fundamental flaw with the proposal but has not been identified as part of the RSA1, which raises serious concerns about the validity of the audit undertaken on behalf of the Applicant.</p> <p>iv. In view of the above concerns, it is clearly not possible for KCC to comment on the adequacy of this mitigation scheme. The fact that the original TA identified a greater level of impact during the AM peak hour further compounds this issue. In light of this KCC maintains an objection in respect of the Applicant’s approach to this element of the scheme.</p>

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	<p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 - 43 [REP8-017] at Paragraph 4.4 states:</p> <p><i>“The Applicant acknowledged that the Designers Responses to the Road Safety Audits (RSAs) had resulted in changes to the mitigation schemes for Junctions 2, 4 and 6. As such, the Applicant has submitted a Technical Note as Appendix ISH7-44, which provides the junction capacity models for those schemes (responding to the ExA’s action point 44)”.</i></p> <p>i      <b>i. What is the Applicant’s response to these concerns?</b></p> <p><b>ii. Does the junction capacity model provided for Junction 2 overcome KCC’s concern?</b></p> <p>The mitigation scheme for Junction 2 is based on the modelling in the revised TA and the Stage 1 RSA has been conducted on this basis.</p> <p><b>iii. Will the junction mitigation scheme suitably mitigate the impacts of the development based on the modelling in the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017], especially as the original TA (at Table 7.8) identifies a greater level of impact on this junction, particularly in the am peak than Table 6.3 of the revised TA?</b></p> <p><b>iv. What is the view of KCC on this matter?</b></p>	
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<p>TR.4.24</p>	<p><b>Junction 4: A299 / B2190 (Four-Arm Standard Roundabout)</b></p> <p>Appendix TR3.25 [REP7a-003] of the Applicant’s response to third written questions includes a further Stage 1 Road Safety Audit following the designer’s response and the provision of swept path analysis. The audit concludes that there are no outstanding matters.</p> <p>KCC in their response to Deadline 8 [REP8-027] set out that it is their understanding that instigated by the Road Safety Audit a change to the mitigation scheme has been made which includes the signalisation of the roundabout. The response goes onto set out that in the absence of the revised junction model, KCC cannot assess the impact and operation of the proposed mitigation scheme. Further, in the absence of junction model, there are prima facie concerns over the potential effectiveness of the proposed signalisation of this junction; 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.</p> <p>Summary of Applicant’s Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 - 43 [REP8-017] at Paragraph 4.4 states:</p>	<p>ii. The leaving pedestrian intergreens for phases I and J are set too low, as the crossings will be nearsided puffin type. The intergreens should account for the maximum extendable clearance period. The proposed layout again shows very little internal storage capacity, with space for approximately four vehicles at the internal stoplines. This is not acceptable as the junction will exit block on all arms. This is likely to lead to queues blocking the circulatory and an increased risk of crashes caused by weaving, shunts and side swipes, particularly considering the vehicle speeds on the approach to this junction. This is a fundamental flaw with the proposal but has not been identified as part of the RSA1, which raises serious concerns about the validity of the audit. KCC continues to object to this element of the scheme.</p> <p>v. The proposed scheme does not represent appropriate mitigation for either scenario for the reasons set out above.</p>
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	<p><i>“The Applicant acknowledged that the Designers Responses to the Road Safety Audits (RSAs) had resulted in changes to the mitigation schemes for Junctions 2, 4 and 6. As such, the Applicant has submitted a Technical Note as Appendix ISH7-44, which provides s the junction capacity models for those schemes (responding to the ExA’s action point 44)”.</i></p> <p><b>i. What is the Applicant’s response to these concerns?</b></p> <p><b>ii. Does the junction capacity model provided for Junction 4 overcome KCC’s concern?</b></p> <p>KCC in its response to Deadline 8 (Page 6) [REP8-027] also state:</p> <p><i>“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”.</i></p>	
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<p><b>iii. What is the Applicant’s response?</b></p> <p>The mitigation scheme for Junction 4 has been refined based on the modelling in the revised TA and the Stage 1 RSAs have been conducted on this basis.</p> <p><b>iv. Will the junction mitigation scheme suitably mitigate the impacts of the development based on the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017], especially as the original TA (at Table 7.15) and Table 3.7 of the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] identify a greater level of impact on some arms of this junction than Table 6.7 of the revised TA?</b></p> <p><b>v. What is the view of KCC on this matter?</b></p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Table 3.7 identifies that on the B2190 (N) arm of the junction a significant reduction in queues (59) will occur in the pm peak as a result of the updated assessment ‘revised traffic’ when considered against ‘original traffic’. However, Table 2.3 shows that 14 additional vehicles will use this junction in the pm peak.</p>	
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	<p><b>vi. Provide further justification for the improvement.</b></p>	
<p>TR.4.25</p>	<p><b>Junction 6: A299 / Seamark Rd / A253 / Willetts Hill (Monkton Roundabout)</b>  Appendix TR3.26 [REP7a-003] of the Applicant’s response to third written questions includes a further Stage 1 Road Safety Audit following the design response and the provision of swept path analysis. The audit concludes that there are no outstanding matters.  KCC in their response to Deadline 8 [REP8-027] set out that it is their understanding that instigated by the Road Safety Audit a change to the mitigation scheme has been made which includes the signalisation of the roundabout. The response goes on to set out that in the absence of the revised junction model, KCC cannot assess the impact and operation of the proposed mitigation scheme. Further, in the absence of junction model, there are prima facie concerns over the potential effectiveness of the proposed signalisation of this junction; 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.  Summary of Applicant’s Case put Orally - Traffic and Transport hearing and associated appendices’ at</p>	<p>ii. The overall results summary provided shows that the junction is operating over capacity with no practical reserve capacity (-2%). As with the other proposed signalised roundabouts mitigation schemes, the proposed layout only shows storage for approximately four vehicles at the internal stoplines. This is not acceptable as the junction will exit block on all arms. This is likely to lead to queues blocking the circulatory and an increased risk of crashes caused by weaving, shunts and side swipes, particularly considering the vehicle speeds on this route. This is a fundamental flaw with the proposal but has not been identified as part of the RSA1, which raises serious concerns about the validity of the audit.</p> <p>iv/viii. In view of the above concerns, it is clearly not possible for KCC to comment on the adequacy of this mitigation scheme. The fact that the original TA identified a greater level of impact on some arms of the junction further compounds this issue. KCC therefore must maintain its objection to this element of the scheme.</p>



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	<p>Appendix ISH7 - 43 [REP8-017] at Paragraph 4.4 states: <i>“The Applicant acknowledged that the Designers Responses to the Road Safety Audits (RSAs) had resulted in changes to the mitigation schemes for Junctions 2, 4 and 6. As such, the Applicant has submitted a Technical Note as Appendix ISH7-44, which provides s the junction capacity models for those schemes (responding to the ExA’s action point 44)”.</i></p> <p><b>i. What is the Applicant’s response to these concerns?</b></p> <p><b>ii. Does the junction capacity model provided for Junction 6 overcome KCC’s concern?</b></p> <p>The mitigation scheme for Junction 6 has been refined based on the modelling in the revised TA and the Stage 1 RSAs have been conducted on this basis.</p> <p><b>iii. Will the junction mitigation scheme suitably mitigate the impacts of the Proposed Development based on the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017], especially as the original TA (at Table 7.22) and Table 3.10 of the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] identify a greater level of impact on some</b></p>	
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	<p><b>arms of this junction than Table 6.11 of the revised TA.</b></p> <p><b>iv. What is the view of KCC on this matter?</b></p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Table 3.10 identifies that on the A253 Canterbury Rd (186 vehicles) and A299 (North) (65 vehicles) arms of the junction there is a significant increase in average queue lengths in the pm peak as a result of the updated assessment ‘revised traffic’ when considered against ‘original traffic’. However, the proposed mitigation for the junction appears to be the same.</p> <p><b>v. Will the proposed mitigation scheme fully mitigate the impacts of the Proposed Development as set out in Table 3.10?</b></p> <p><b>vi. If so, provide the detailed modelling to illustrate this.</b></p> <p><b>vii. Why is the data in Table 3.11 set out differently to Table 3.10?</b></p> <p><b>viii. What is the view of KCC on these matters?</b></p>	
TR.4.26	<p><b>Junction 7: A299 / A28 (St Nicholas Roundabout)</b> KCC’s response to third written question TR.3.27 states:</p>	<p>ii. No, the proposal is not accepted by KCC. KCC maintains its view as outlined in Third Written Question TR.3.27, that this mitigation scheme is not</p>

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<p><i>“There is a concern with a potential increased likelihood of side swipe collisions at this roundabout. The proposal for vehicles travelling between the A299 (west) approach and the A299 (south-east) exit to use either lane on the roundabout circulatory has the potential to cause collisions with vehicles making opposing manoeuvres (e.g. from the A299 (south-east) approach to the A28 (north-east) exit), whose drivers may not appreciate that they intend to continue past their exit. Therefore, KCC is not content with the findings of the Safety Audit”.</i></p> <p><b>i. What is the Applicant’s response?</b></p> <p>Appendix TR3.27 [REP7a-003] of the Applicant’s response to third written questions includes a further Stage 1 Road Safety Audit following the designer’s response in terms road markings and signage. The audit concludes that there are no outstanding matters in relation to these matters.</p> <p><b>ii. Is this accepted by KCC?</b></p> <p>The mitigation scheme for Junction 7 has been refined based on the modelling in the revised TA and the Stage 1 Road Safety Audits have been conducted on this basis.</p> <p><b>iii. Will the junction mitigation scheme suitably mitigate the impacts of the development based on the original TA and/or Transport Assessment</b></p>	<p>acceptable in highway safety terms. As such, it does not effectively mitigate the impacts from the proposed development.</p> <p>iv. No - KCC maintains its view as outlined in Third Written Question TR.3.27 that this mitigation scheme is not acceptable in highway safety terms. As such, it does not effectively mitigate the impacts from the proposed development. KCC objects to this element of the scheme.</p>
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	<p><b>Update - Appendix ISH7 – 43 [REP8-017], particularly as the original TA (at Table 7.26) Table 3.12 of the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] identify a greater level of impact on some arms of this junction than Table 6.13 of the revised TA?</b></p> <p><b>iv. What is the view of KCC on this matter?</b></p>	
<p>TR.4.27</p>	<p><b>Junction 8: A28 / Park Ln / Station Rd</b>  Based on the findings of the original TA, KCC’s response to first written question TR.1.26 disagrees with the Applicant’s view that no mitigation measures are needed for Junction 8. Further, KCC’s LIR [REP3-143] states:  <i>“An inconsistent approach is taken to the justification of capacity mitigation requirements. For example, mitigation is proposed to the Shottendane Road / Manston Road / Margate Hill junction, yet the impact of the proposed development is seen to be of a similar order of magnitude at the A28 / Park Lane / Station Road junctions, where mitigation is claimed to be unnecessary. This is not accepted”.</i></p> <p><b>i. What is the Applicant’s response?</b></p> <p><b>ii. Why has mitigation been proposed for Junction 10 but not for Junction 8 where the impacts are comparable?</b></p>	<p>KCC awaits justification from the Applicant with respect to this matter; however, comments remain as per First Written Question TR.1.26. KCC’s objection is maintained.</p>

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<p>TR.4.28</p>	<p><b>Junction 10: Shottendane Rd / Manston Rd / Margate Hill</b></p> <p><b>i. Are KCC content with the mitigation scheme proposed for this junction?</b></p> <p><b>ii. Does it result in a nil detriment mitigation scheme?</b></p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.40 sets out that the mitigation scheme has not been subject to a Stage 1 RSA as the change is minor.</p> <p><b>iii. Do KCC accept this point of view?</b></p>	<p>i. KCC is content with this mitigation scheme in principle; however, a Stage 1 Road Safety Audit is required in order for the County Council to draw a firm conclusion as to its acceptability.</p> <p>ii. Whilst it is not considered that the mitigation scheme achieves nil detriment, a ‘severe’ residual impact would not result, in accordance with the requirements of the National Planning Policy Framework (Para. 109).</p> <p>iii. It is the consistent view of KCC that independent Stage 1 Road Safety Audits should be provided for all physical changes to the road network, as even relatively minor interventions such as amendments to lining and signing can have adverse highway safety implications. The Applicant’s view is not accepted.</p>
<p>TR.4.29</p>	<p><b>Junction 12: Manston Road / B2050 / Spitfire Way (Four-Arm Staggered Priority Junction (Spitfire Junction))</b></p> <p>KCC has expressed a view that a roundabout layout would be preferable.</p> <p><b>i. If it can be demonstrated that a signalised junction is suitable in highway capacity and safety terms, would KCC’s preference for a roundabout layout be a reason to impede the delivery of the proposed development?</b></p> <p>KCC in their response to Deadline 8 [REP8-027] state:</p>	<p>i. Despite a roundabout being the preferred junction solution and being achievable within land within the DCO boundary, KCC would be prepared to compromise on the form of junction if this enables common ground to be reached and a smaller footprint to be utilised (a requirement previously expressed by the Applicant). KCC has yet to receive a signal-controlled junction layout which it considers to be safe and appropriate. Throughout the Examination process, KCC has expressed a willingness to engage with the Applicant in order to seek common ground on numerous occasions; however no further contact has been received from the Applicant in relation to this matter. The Applicant has therefore not been able to demonstrate that a signalised junction is suitable. KCC maintain their objection.</p> <p>ix. It is apparent that the intervisibility line does fall outside of the highway boundary to the north of the junction, which is a point that KCC has</p>

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<p><i>“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”.</i></p> <p><b>ii. What is the Applicant’s response?</b></p> <p>KCC’s response to third written question TR.3.28 notes that:</p> <p><i>“The incorporation of uncontrolled right turns within the junction intersection could result in forward visibility for right turning drivers becoming obstructed by vehicles making the opposing right turn, with the potential for collisions with oncoming traffic. Further, KCC is concerned that neither this issue nor the issue of the inter-visibility splay between Manston Road</i></p>	<p>consistently raised with the Applicant as an unacceptable highway safety issue. It is not conclusive from the plans submitted that the small area of land outside of the highway boundary falls within the DCO boundary and whilst it may be possible to address this matter using permitted development rights, this would rely on the cooperation of the landowner. The uncertainty in this regard means that KCC maintains its objection.</p> <p>xii. The Applicant should be required to clarify whether the revised mitigation scheme has formed the basis of the junction capacity assessment presented in the latest TA update, as this is not clear from the report. The proposed narrowing of the footway on the Manston Road (north) arm to 1.26m is not considered acceptable in the vicinity of this busy junction. In the absence of a satisfactory response, KCC maintains its objection.</p> <p>xiv. KCC will not be in a position to answer this question until the Applicant has provided the clarification requested above.</p>
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<p><i>(north) and Manston Road (west) crossing third party land have been identified by the Road Safety Audit”.</i></p> <p><b>iii. What is the Applicant’s response and why did the Stage 1 RSA not pick up on such matters?</b></p> <p><b>iv. If further assessment is required, what is the timeline for this?</b></p> <p>i      <b>v. Does Figure 7.5 of the revised TA show the inter-visibility line departing from the highway boundary on the northern edge of the junction?</b></p> <p>ii      <b>vi. Does this small area of land outside of the highway boundary fall within the DCO boundary as shown on land plan [APP-016] Sheet 3?</b></p> <p>iii      <b>vii. If not, how can suitable inter-visibility be ensured and would this benefit from permitted development rights?</b></p> <p>iv      <b>viii. Is there also a large tree in this location that would obscure views (shown on aerial map within the Stage 1 Road Safety Audit)? Is the tree subject to a tree preservation order?</b></p> <p><b>ix. What is the view of KCC on these concerns?</b></p> <p>Appendix TR3.28 [REP7a-003] of the Applicant’s response to third written questions includes a further Stage 1 Road Safety Audit following the design</p>	
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	<p>response and the provision of swept path analysis. The audit concludes that there are no outstanding matters. The Design response states (Page 953): <i>“The Swept Path Analysis work has been undertaken on a slightly revised version of the design, upon final review it was noted an element of the previous design for the northern Manston Road arm had strayed into a plot of land that needed to be avoided. As such the length of two-lane carriageway approaching the junction on this arm has been reduced and a small section of pavement needs to be width restricted for a small distance to a minimum of 1.26m”.</i></p> <p><b>x. What area of land needed to be avoided any why?</b></p> <p><b>xi. Was this to avoid the footprint of the RAF museum building?</b></p> <p><b>xii. Do KCC have any comments on the revised mitigation scheme?</b></p> <p>The mitigation scheme for Junction 12 has been refined based on the modelling in the revised TA and the Stage 1 Road Safety Audits have been conducted on this basis.</p> <p><b>xiii. Will the junction mitigation scheme suitably mitigate the impacts of the development based</b></p>	
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	<p><b>on the original TA and/or Transport Assessment Update - Appendix ISH7 – 43 [REP8-017]?</b></p> <p><b>xiv. What is the view of KCC on this matter?</b></p>	
<p>TR.4.30</p>	<p><b>Junction 13 - Manston Court Road / B2050</b>  KCC’s LIR [REP3-143] states:  <i>“The proposed scheme of mitigation for the B2050 / Manston Court Road junction is considered inadequate. It is the opinion of the Highway Authority that Manston Court Road would act as a key route to the site from much of Thanet; however it is currently not of an appropriate standard to fulfil this function, due to its traffic calmed nature and constrained geometry”.</i></p> <p><b>i. What is the Applicant’s response?</b></p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.51 sets out that the mitigation scheme has now had a Stage 1 Road Safety Audit undertaken on it. This is provided at Summary of Applicant’s Case put Orally - Traffic and Transport hearing and associated appendices at Appendix ISH7 – 44. This also includes the designer’s response and confirmation that, following this, there are no outstanding issues.</p>	<p>ii. KCC would reiterate the position articulated in its LIR. It is also the case that the proposed mitigation scheme requires third party land which may not be made available to the Applicant. KCC maintains its objection.</p>

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<p><b>ii. Does KCC have any comments on the information provided and does it overcome KCC’s concerns?</b></p> <p>The designer’s response under Problem 3.4 (Potential for carriageway condition to lead to collisions) states: <i>“Road will be resurfaced within the extent of the junction as it is a part of the proposed scheme”.</i></p> <p><b>iii. Does the junction fall within the DCO boundary and form part of the work plans?</b></p> <p><b>iv. If not, how can this be correct and how will this be secured and delivered?</b></p> <p>The designer’s response under Problem 3.5 (Lack of inter-visibility with bridleway) states: <i>“It is not proposed as a result of proposals at the junction that the currently intervisibility for the bridleway will be changed. The land surrounded by hoardings that is the main impediment to the visibility is not part of the Manston Airport proposals”.</i></p> <p><b>v. The Applicant has suggested elsewhere that such works would constitute permitted development. If this is the case, why has the designer’s response not set this out?</b></p>	
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	<p><b>vi. Based on the designer’s response does the Applicant accept that suitable mitigation can not be achieved without acquiring additional land?</b></p> <p><b>vii. If so, should this have formed part of the Proposed Development and the land included as part of the DCO boundary?</b></p> <p><b>viii. How does the Applicant intend to rectify this before the end of the examination?</b></p>	
<p>TR.4.31</p>	<p><b>Junction 15: Manston Rd / Hartsdown Rd / Tivoli Rd / College Rd / Nash Rd (Coffin House Corner Junction)</b></p> <p>KCC response to second written question TR.2.42 raised concern that the proposed scheme of mitigation (in the revised TA) results in significantly increased queue lengths on the College Road approach to the junction. The Applicant’s response to third written question TR.3.29 sets out that:  <i>“The issue of queue lengths on College Road can be addressed by minor modifications to the signal timings if reductions in queuing on this arm is a priority”.</i></p> <p><b>i. Provide evidence to show this would be the case.</b></p> <p><b>ii. Is this accepted by KCC?</b></p>	<p>ii. The evidence requested by the ExA would need to be reviewed by KCC’s Traffic Signals Team in the first instance. However, it should be noted that this issue has been raised with the Applicant on numerous occasions during the course of the Examination and is yet to be addressed.</p> <p>ii. KCC remains unpersuaded that such a seemingly modest scheme would achieve such significant improvement to the junction operation.</p> <p>iv. This is accepted in principle, albeit the Examining Authority’s attention is drawn to the fact that this mitigation scheme is no longer being relied upon by the Applicant.</p> <p>viii. It has been the consistent view of KCC that independent Stage 1 Road Safety Audits should be provided for all physical changes to the road network, as even relatively minor interventions such as amendments to lining and signing can have adverse highway safety implications. KCC maintains its objection.</p>

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	<p>The Applicant’s response also sets out the revised TA shows a significant improvement to the junction performance as a whole with major reductions in queues on all arms in both peaks except for College Road in the AM peak when compared to the 2039 baseline scenario.</p> <p>i            <b>iii. Is this accepted by KCC?</b></p> <p>Appendix TR3.29 [REP7a-003] of the Applicant’s response to third written questions includes a further Stage 1 Road Safety Audit following the designer’s response and the provision of swept path analysis. The audit concludes that there are no outstanding matters.</p> <p>i            <b>iv. Is this accepted by KCC?</b></p> <p>KCC’s response to second written question TR.2.42 [REP6-045] set out that:</p> <p><i>“It is also relevant to note that this mitigation solution could not be implemented until other development sites were delivered as it relies on other road link infrastructure being in place to enable the Nash Road arm of this junction to be closed as traffic will need to reroute between Nash Road and Manston Road”.</i></p> <p><b>v. Is this the case for the mitigation proposed in the revised TA?</b></p>	
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	<p><b>vi. If so, how can it be concluded that this is a viable scheme of mitigation, as it cannot be guaranteed that the other developments will be implemented?</b></p> <p>The Applicant’s response to third written question TR.3.29 [REP7a-002] states: <i>“The mitigation proposed by the Applicant in the original TA excluded the Nash Road closure and demonstrates that a scheme of mitigation can be delivered with or without other road link infrastructure proposed by KCC. The improvement scheme comprised an additional signal head and adjustments to the signal timings to allow greater throughput on the College Road and Hartsdown Road arms which successfully mitigated the impact of the development traffic”.</i></p> <p>Further, the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.56 sets out that: <i>“the mitigation proposal is a new signal head and stage sequence, as well as new white lining, to maximise the capacity at this junction. The scheme drawing is unchanged from that presented in the DCO (original) TA provided as Figure 7.9 and has not been subject to a Stage 1 RSA as the change is minor”.</i></p> <p><b>vii. Which scheme of mitigation is the Applicant proposing and which one has been costed and</b></p>	
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	<p><b>included in the revised draft Section 106 Agreement?</b></p> <p><b>viii. Is KCC content that a Stage 1 Road Safety Audit is not required for the mitigation scheme proposed in the original TA?</b></p> <p><b>ix. Is KCC content with the mitigation scheme proposed in the original TA?</b></p>	
<p>TR.4.32</p>	<p><b>Junction 16: Ramsgate Rd / College Rd / A254 / Beatrice Rd</b>  KCC’s response to second written question TR.2.43 states:  <i>“...the proposed mitigation for the Ramsgate Road / College Road / A254 / Beatrice Road junction would appear to result in a highly unconventional junction layout, which is unlikely to be acceptable to KCC, not least due to the lack of intervisibility between the stop lines.”</i></p> <p>In response the Applicant has set out:  <i>“The proposed arrangement which is included in both the original TA [APP-060] and the revised TA has been subjected to an independent Road Safety Audit (Stage 1) and inter-visibility was not raised as a material issue at this junction. The existing signalled scheme is subject to limited inter-visibility due to the built-up nature of the junction and as such is also considered to be evidenced as a departure from standard. This is not uncommon for signalled</i></p>	<p>i. KCC does not agree with the Applicant’s response. Whilst KCC appreciates that the scope for direct mitigation at the junction is limited due to geometrical constraints in this location.</p> <p>The proposed mitigation has the following flaws:-</p> <ul style="list-style-type: none"> <li>• In practice the proposed layout will just add to existing queues at the signals and provide potential for vehicles being held at pedestrian crossings to block the junction.</li> <li>• Crossing facilities are moved further away from desire lines increasing the risk that pedestrians will not use crossing facilities.</li> <li>• Intervisibility has been reduced or eliminated altogether on what is already a constrained junction. It is felt that this will lead to an increased risk of road traffic collisions.</li> </ul> <p>An initial review of the road network in the locality suggest that it may have been possible to investigate a potential traffic management scheme of works in the locality that seeks to optimise vehicle routing around roads such as Tivoli Road (by re-introducing two-way traffic flow), which in turn could assist</p>

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<p><i>schemes located in built up urban environments. Based on discussions between the Applicant and KCC, it is understood that KCC acknowledges that there are constraints to further improvement at this junction and has suggested that there could be acceptance of the level of impact at the junction’.</i></p> <p><b>i. Can KCC confirm this is the case?</b></p> <p><b>ii. Are the mitigation schemes in the original TA and the revised TA identical?</b></p> <p><b>iii. If not, how can it be concluded that the proposed scheme of mitigation in the original TA is appropriate in the absence of the link road and can be delivered by KCC?</b></p> <p>KCC in its response to third written question TR.3.30 [REP7a-034] stated that it is not content with the findings of the Stage 1 Road Safety Audit, in that it has not identified the unconventional nature of the proposed junction layout and the lack of inter-visibility between stop lines as potential hazards.</p> <p><b>iv. What is the Applicant’s response and why did the Stage 1 RSA not pick up on such matters?</b></p> <p><b>v. On a related matter, should the Applicant have undertaken a revised Stage 1 RSA following the designer’s response?</b></p>	<p>in managing traffic impact at Ramsgate Rd / College Rd / A254 / Beatrice Rd. However, this has not been investigated or considered by the Applicant.</p> <p>v. It is KCC’s view that a revised Road Safety Audit is required following the Designer’s Response to the original Audit.</p>
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<p>TR.4.33</p>	<p><b>Junction 17: Ramsgate Road / Poorhole Lane / Margate Road / Star Lane</b>  KCC’s LIR [REP3-143] states that:  <i>“It is not considered that the proposed scheme of mitigation for the Ramsgate Road / Poorhole Lane / Margate Road / Star Lane roundabout will deliver practical benefits to the capacity of the junction. There is a known tendency for the ARCADY and PICADY modelling software to exaggerate the impact of minor amendments to kerb radii, flare lengths etc, which do not in reality provide meaningful capacity gains”.</i></p> <p><b>i. What is the Applicant’s response?</b></p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.65 sets out that:  <i>“The proposed mitigation scheme at Junction 17 is limited in terms of options which can be delivered within the existing highways constraints. The proposed scheme is to provide minor widening and updated white lining to maximise the available capacity. The Scheme design is unchanged from the DCO TA which was Figure 7.11 and has not been subject to a Stage 1 RSA as the changes are minor”.</i></p> <p><b>ii. Is KCC content that a Stage 1 Road Safety Audit is not required for the mitigation scheme proposed?</b></p>	<p>ii. It has been the consistent view of KCC that independent Stage 1 Road Safety Audits should be provided for all physical changes to the road network, as even relatively minor interventions such as amendments to lining and signing can have adverse highway safety implications. KCC therefore objects to this element of the scheme.</p>
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<p>TR.4.34</p>	<p><b>Junctions 20 A and B: A256 / Manston Road</b>  The original TA includes a proposal for mitigation at these junctions.  <b>Question:</b></p> <p><b>i. Why are they not included in the revised draft Section 106 Agreement?</b></p> <p><b>ii. If this is on the basis that the Manston Green development will be improving the junctions, what certainty is there that this development will be delivered?</b></p> <p><b>iii. Would the identified impacts of the proposed development be suitably mitigated if the Manston Green site did not come forward as envisaged?</b></p> <p>KCC’s LIR [REP3-143] states:  <i>“The proposed scheme of mitigation for the A256 / Manston Road junctions is not considered appropriate. It would introduce a major signalised junction on the A256 Haine Road, where roundabouts are currently the predominant junction form. Moreover, it is apparent that there are potential highway safety issues with the proposed junction layout, arising from the need for ‘ahead’ traffic in the outside lane to merge to the left within the junction intersection. It is considered</i></p>	<p>i. Neither the original nor the revised draft section 106 agreement were discussed with KCC before their respective submission to the Examining Authority. KCC is not able to not able to assist with a response to this question.</p> <p>ii. There is no certainty that the development would be delivered, however there is an acceptance that the site benefits from an extant planning consent.</p> <p>iii. It is not felt that the impact of the development would be suitably mitigated if the Manston Green development does not come forward. It is important to highlight that KCC object to the proposed mitigation scheme as presented in the original TA for the reasons set out within the KCC Local Impact Report.</p> <p>However, given the uncertain timescale for physical delivery on the Manston Green site, KCC would be prepared to accept a contribution-based approach that allows KCC to determine the appropriate mitigation required at this junction as it is clear that some form of mitigation will be required. However as stated in previous representations, it is essential that it is based on a mitigation scheme that effectively mitigates the impact from the Proposed Development and does not generate overbearing safety concerns (no agreement has currently been reached in relation to a suitable scheme with which to base a contribution on).</p> <p>KCC emphasises that it is essential that some flexibility in how this funding is applied is built into the section 106 agreement; for example, it could be used to assist in funding the Manston to Haine Road link, which will assist in mitigating impacts on the Haine Road Corridor. To date KCC is unaware of any further revisions to this element of scheme by the applicant and it is</p>
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	<p><i>that the outside lanes on the northern and southern Haine Road approaches to the junction should be allocated to right turning traffic and the LinSig assessment updated accordingly”.</i></p> <p>i      <b>iv. What is the Applicant’s response?</b></p>	<p>unlikely that common ground will be reached given the timescales remaining within the examination timetable. KCC must therefore maintain its objection.</p>
<p>TR.4.35</p>	<p><b>Junctions 21 A and B: Canterbury Road / Haine Road &amp; A299 / A256 / Sandwich Rd / Canterbury Rd East</b></p> <p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.69 states:</p> <p><i>“In the initial DCO (original) TA the proposed committed scheme for the Manston Green Development was not taken into account. However, this has formed the basis for this assessment. The scheme proposals are for the route though the Manston Green development to be the primary route north on the A256 corridor to Junction 20 and downgrading of the old Haine Road”.</i></p> <p>On this basis, it is now considered by the Applicant that a mitigation scheme is not required at this junction.</p> <p><b>i. Is this based on a robust assessment as set out in Table 3.31 of the Transport Assessment Update - Appendix ISH7 – 43 [REP8-017]?</b></p>	<p>iii. KCC would reiterate the position articulated in response to TR.4.34 (above). Since the Applicant has chosen not to align itself with the Thanet Strategic Highway Model and Transport Strategy, it is critical that it puts forward independent mitigation schemes for junctions on which the Proposed Development would have a material impact. The Applicant has failed to do so and, on that basis, KCC must maintain its objection.</p>

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<p><b>ii. Why is a direct comparison not been made to the 2039 baseline, as has been undertaken for other junctions?</b></p> <p><b>iii. Is this accepted by KCC?</b></p> <p><b>iv. Would the identified impacts of the proposed development at this junction be suitably mitigated if the Manston Green site did not come forward as envisaged?</b></p> <p><b>v. Given the Applicant’s position, why is a financial contribution for this junction improvement secured in the revised draft Section 106 Agreement [REP8-006]?</b></p> <p>In the event that a mitigation scheme is considered necessary, KCC’s LIR [REP3-143] sets out that: <i>“It is evident that there would be interaction between the A299 / A256 / Sandwich Road / Canterbury Road East roundabout and the adjacent Canterbury Road / Haine Road roundabout in the PM peak following the implementation of the proposed scheme of mitigation, with enhanced queue lengths on the A256 arm arising from the proposed development. This is not acceptable to the Local Highway Authority and must be addressed, with the two junctions assessed within a network model”.</i></p>	
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	<b>vi. What is the Applicant’s response?</b>	
TR.4.36	<p><b>Junction 25: Tesco Access (Three-Arm Standard Roundabout)</b>  Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Table 3.34 shows a worsening of queues and RFC values on the B2050 Manston Road West arm of the junction. Paragraph 3.2.76 goes on to state:  <i>“With the addition of the development traffic scenario traffic the operation of the junction continues to be at an over just over capacity situation as in the base 2039 scenario. However, in both peaks the increase in queue and delay is minimal and as such it is considered that no mitigation proposals are required”.</i></p> <p><b>i. To the Applicant: Provide further justification for this position, particularly as other junctions (for example 10) do have mitigation schemes proposed for similar impacts?</b></p> <p><b>ii. Does KCC agree with this position?</b></p>	<p>ii. The TA Update (Table 3.34) identifies that the Proposed Development would take the junction over theoretical capacity in the 2039 PM peak hour, with increased queue lengths on the B2050 Manston Road West and Tesco Access arms. The Applicant has proposed mitigation schemes for junctions where similar impacts are forecast and it is considered that mitigation is required in this case. KCC does not agree that no mitigation is required.</p>
TR.4.37	<p><b>Junction 26: Newington Road / Manston Road &amp; Junction 27: Newington Road / High Street</b>  Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.79 states:</p>	<p>vi. The level of impact is considered to be significant as this part of the network is already subject to a large degree of peak hour traffic delay/congestion. As per Junction 16, there is an appreciation that the scope for direct physical mitigation at the junction is limited due to geometrical constraints in this location.</p>

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	<p><i>“The DCO (original) TA identified a scheme which comprised a signalised T junction. A Stage 1 RSA has been undertaken which identified issues with lane widths. Further consideration has been given to the need for an improvement scheme given the land constraints at the junction and the quantum of development traffic. On the basis that there are only 35 vehicles at the junction in the PM (and 45 vehicles based on R7 in the AM peak, or 38 vehicles based on the amended traffic generation), it is concluded that there is limited opportunity to improve the junction and the scale of development traffic does not result in a severe impact”.</i></p> <p><b>i. Provide more detail in relation to ‘land constraints’ at the junction.</b></p> <p><b>ii. Could a suitable mitigation scheme be delivered if additional land was secured?</b></p> <p><b>iii. If so, how will this be rectified before the end of the examination?</b></p> <p><b>iv. Justify the assertion that an additional 30 vehicles in the average queue length (an increase of 25%) on the Manston Road Arm of the junction in the pm peak does not result in a severe impact.</b></p> <p><b>v. Why does the revised draft Section 106 Agreement [REP8-006] include a financial contribution for mitigation at this junction, if mitigation is not achievable?</b></p> <p><b>vi. What is the view of KCC?</b></p>	<p>Theoretically, it could be possible to implement further improvements at Newington Road/St Lawrence High Street if third party land/property was available (i.e. the demolition of the public house located at this junction), however a number of non-highway based planning constraints/considerations could rule this type of solution out (setting of the Listed church, potential loss of community based amenities). This would need to be clarified with the TDC in its capacity as the Local Planning Authority, and these proposals do not form part of the current DCO mitigation proposals.</p> <p>Considering the above constraints, it is highly likely that there would need to be a level of acceptance that traffic congestion will potentially get more acute, which conversely could naturally lead to local traffic seeking alternative routes away from this part of the local road network or adjusting journey timing.</p> <p>The draft Thanet Transport Strategy seeks to manage this by increasing resilience on other primary road corridors such as A256 Haine Road. This further adds weight to the need to secure appropriate mitigation at junctions 20A &amp; B and the Manston to Haine Road link as quickly as possible, as these mitigation schemes would directly contribute towards managing journey times and providing an enhanced level of resilience in the general locality.</p>
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TR.4.38	<p><b>Junction 27: Newington Road / High Street (Three-Arm Mini Roundabout)</b></p> <p>Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.82 states:</p> <p><i>“The DCO (original) TA identified a scheme which comprised minor road widening by the removal of existing splitter islands on the southern and western arm and additional lane markings. A Stage 1 RSA has been undertaken which identified issues with lane widths. Further consideration has been given to the need for an improvement scheme given the land constraints at the junction and the quantum of development traffic. On the basis that there are only 35 vehicles at the junction in the PM (and 45 vehicles based on R7 in the AM peak, or 38 vehicles based on the amended traffic generation), it is concluded that there is limited opportunity to improve the junction and the scale of development traffic does not result in a severe impact”.</i></p> <p><b>i. Provide more detail in relation to ‘land constraints’ at the junction.</b></p> <p><b>ii. Could a suitable mitigation scheme be delivered if additional land was secured?</b></p> <p><b>iii. If so, how will this be rectified before the end of the examination?</b></p>	See response to TR 4.37 above.
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	<p><b>iv. Justify the assertion that an additional 23 vehicles in the average queue length (an increase of 22%) on the Newington Road North of the junction in the pm peak does not result in a severe impact.</b></p> <p><b>v. Why does the revised draft Section 106 Agreement [REP8-006] include a financial contribution for mitigation at this junction, if mitigation is not achievable?</b></p> <p><b>vi. What is the view of KCC?</b></p>	
TR.4.39	<p><b>Junction 28: Wilfred Rd / A255 /Grange Rd (Four-Arm Signalised)</b>          Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Paragraph 3.2.84 notes that with the inclusion of the Proposed Development flows, the Junction continues to operate within theoretical capacity with minimal queues and delays. It is therefore concluded that no physical mitigation works are required at this junction.</p> <p><b>i. Does KCC accept that no mitigation is required at this junction, given some of the DoS values in Table 3.37?</b></p> <p><b>ii. If KCC disagree what mitigation would it like to see at the junction?</b></p>	<p>i. Notwithstanding the overarching caveat that KCC is not content with the Applicant’s spreadsheet-based approach to highway capacity assessment, it is accepted that no mitigation is required at this junction, as the residual cumulative impact of the Proposed Development is not considered likely to be severe by reference to the National Planning Policy Framework (Paragraph 109).</p>

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<p>TR.4.41</p>	<p><b>Permitted Development Rights</b></p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices' at Appendix ISH7 – 32 [REP8-017] at Paragraph 4.1 states:</p> <p><i>“The Applicant explained that highway improvements that are part of the mitigation package could be associated development, however, this does not mean that they have to be ‘associated development’ secured via the DCO. The only appropriate circumstances warranting their inclusion in the DCO might be if they did not otherwise have consent. Since such improvements are within or adjacent to the highway boundary, they benefit from permitted development rights and hence have planning permission. As noted in the Applicant’s answer to Tr.3.8, under Class A of Part 9 of the Town and Country Planning (General Permitted Development) Order, the highway authority can undertake the works under permitted development rights. The proposed highway improvements do not fall within any of the thresholds for ‘EIA development’ within Schedule 1 or Schedule 2 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and article 3(10) of the Town and Country Planning (General Permitted Development) Order 2015 does not apply to remove permitted development rights”.</i></p> <p><b>i. Is this accepted by KCC and TDC?</b></p>	<p>KCC accepts that only those Highways mitigation measures that require planning permission should be included as associated development and granted planning permission via the DCO. The Highway Authority considers that the following mitigation measures do not benefit from permitted development rights and would need be included in Schedule 1 to the DCO:-</p> <ul style="list-style-type: none"> <li>• Junction Improvements at Alland Grange Lane/Spitfire Way</li> <li>• Proposed signal-controlled junction improvements at Manston Road/Manston Court Road.</li> </ul>
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<p>KCC response to Deadline 8 [REP8-027] on page 9 states:</p> <p><i>“Section 55 of the Town &amp; 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: -</i></p> <p><i>“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”</i></p> <p><i>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.</i></p> <p><i>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 &amp; 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</i></p>	
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	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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”.</i></p> <p><b>ii. What is the Applicant’s response?</b></p> <p><b>iii. The Applicant must provide further and detailed justification (for each specific junction) where third party land is required for mitigation schemes why it believes that permitted development rights apply.</b></p>	
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<p>TR.4.42</p>	<p><b>Junctions 9, 25 and 28</b>  KCC response to Deadline 8 [REP8-027] on page 4 raises concerns (as a result of the Applicant’s response to third written question TR.3.15) in relation to mitigation schemes for Junctions 9, 25 and 28 being omitted from the draft Section 106 Agreement.  <b>However, does the original TA consider that mitigation is required at these junctions?</b></p>	<p>KCC accepts that no mitigation has been identified within the original TA at these junctions, however the Applicant’s response to Written Questions TR.3.15 makes the following reference:-</p> <p><i>“The mitigation proposed by the Applicant is identified in the original TA [APP-060-073] and includes junctions 1, 9, 25 and 28. The Applicant proposes to provide funding for the delivery of those improvement works through a s.106 obligation.”</i></p> <p>Given that the form of mitigation schemes that are included within the draft S106 differ significantly to those outlined within the TA, it is difficult to ascertain exactly what mitigation is being proposed by the applicant.</p>
<p>TR.4.43</p>	<p><b>Additional Junction Assessments</b>  Appendix TR.3.16 [REP7a-003] of the Applicant’s response to third written questions includes an assessment of Junctions 1, 25 and 28 based on the modelling in the revised TA.  <b>i. Is KCC content that the additional assessment is robust and that no mitigation schemes are required at these junctions?</b>  <b>ii. If not, what would KCC request that the Applicant does to rectify this matter?</b></p>	<p>i. As has been articulated by KCC in earlier responses, it is considered that mitigation is required to Junctions 1 and 25, but that mitigation is unlikely to be required to Junction 28. Indeed, it is apparent from the TA Update that the Applicant does now propose to provide mitigation to Junction 1 as per the original DCO TA.</p> <p>ii. The Applicant should put forward Stage 1 mitigation designs for Junctions 1 and 25 that are considered to be deliverable within highway land, which should be accompanied by full capacity assessments and independent Stage 1 Road Safety Audits.</p>
<p>TR.4.44</p>	<p><b>Site Accesses</b>  Appendix TR3.23 [REP7a-003] of the Applicant’s response to third written questions includes a further Stage 1 Road Safety Audit for the site accesses following the designer’s response. The audit for each</p>	<p>i/iii/vii/ix. KCC accepts that there are no outstanding issues to be addressed from the Stage 1 Road Safety Audit of the proposed cargo facility access and is generally content with the Stage 1 design provided.</p> <p>However, as articulated in the County Council’s Local Impact Report, the proposal to implement a linked signalised junction arrangement for the</p>

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<p>access concludes that there are no outstanding matters.</p> <p><b>i. Is this accepted by KCC?</b></p> <p><b>ii. There are revised schemes for the Cargo Access and the Northern Grass Area West Access set out in Appendix TR3.23. Are these materially different to those initially proposed?</b></p> <p><b>iii. Do KCC have any views on these amended access schemes?</b></p> <p><b>iv. Have any changes been made in Appendix TR3.23 to the Passenger Terminal Access and Northern Grass Area South Access?</b></p> <p>KCC in their response to second written question Tr.2.36 set out that:</p> <p><i>“Confirmation that the requisite visibility splays can be achieved from each of these accesses is awaited, as is clarification of the extent of the proposed 50mph speed limit on Spitfire Way in the vicinity of the cargo facility access and evidence that the requisite forward and inter-visibility splays can be achieved at this junction”.</i></p> <p>The Applicant in their response to third written questions TR.3.23 has confirmed that this can be achieved.</p> <p><b>v. What work has been done to allow the Applicant to confirm this?</b></p>	<p>Northern Grass Area southern access and the passenger terminal access is not considered appropriate in this location and should be reconsidered. Indeed, the passenger terminal access junction is shown to operate close to theoretical capacity in the 2039 + Proposed Development scenario on the Manston Road (west) arm and there is doubt over the ability of this form of junction to accommodate future traffic flows arising from the Inner Circuit Route Improvement Strategy. KCC maintains the view that uncontrolled junction layouts should be tested. In the meantime, KCC must therefore maintain its objection.</p> <p>KCC is not content with the Designer’s Response to the Road Safety Audit of the linked signalised junction proposal in respect of the orientation of pedestrian crossings. It is noteworthy in this respect that the Auditor’s recommendation is not accepted on the basis that it would adversely affect the operational capacity of the junction. KCC maintains its objection.</p> <p>vi. The Applicant’s response is not accepted, as no technical evidence has been presented to enable a direct comparison of the various junction options to be completed.</p> <p>vii. This justification is not accepted by KCC, as the existing traffic speeds on the major road in question are an important consideration in determining the appropriate form of junction to be provided.</p>
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	<p>KCC has previously raised concerns with regard to the proposal to implement a linked signalised junction arrangement for the Northern Grass southern access and the passenger terminal access. In response to third written question Tr.2.36 the Applicant has set out that:</p> <p><i>“It is understood that KCC would prefer a priority junction arrangement due to the maintenance costs of signals. The Applicant has considered a staggered priority junction option at the passenger terminal and NGA accesses; however, a signal arrangement is preferred as it enables control of traffic along each of the arms and provides pedestrian crossings”.</i></p> <p><b>vi. Is this accepted by KCC?</b></p> <p><b>vii. Do KCC contend that the signalised approach is unacceptable or less preferable?</b></p> <p>KCC has previously raised concerns that no speed data was provided in relation to the Terminal and Northern Grass access junction and as such, the audit team was unable to make fully informed recommendations in relation to scheme safety. In response to third written question Tr.2.36 the Applicant has set out that:</p> <p><i>“Speed surveys were not undertaken on this section of Manston Road. These were not considered to be necessary as the Project will result in alterations to the character of Manston Road that are not reflective of the existing situation. This includes road widening, the provision of footways and through the development of the NGA and the Airport, and the</i></p>	
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	<p><i>creation of signal junctions at Spitfire Way and the site accesses, all of which will change the character of the road and traffic speeds along the route. Therefore, speed data of the current conditions would not be relevant”.</i></p> <p><b>viii. Is this accepted by KCC?</b></p> <p>The Transport Assessment Update - Appendix ISH7 – 43 [REP8-017] at Section 3.3 considers the site access junctions.</p> <p><b>ix. Is KCC content with its findings?</b></p>	
TR.4.46	<p><b>Off site junction mitigation costs</b></p> <p>Appendix ISH7 – 42 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] sets out how the costs for each off-site junction mitigation scheme, as set out in the revised draft Section 106 [REP8-006] has been estimated.</p> <p><b>i. Is KCC content with the methodology applied to estimate the costs?</b></p> <p><b>ii. Are the exclusions listed in paragraph 1.2.5 justified?</b></p> <p><b>iii. Do KCC accept the estimated costs for each junction mitigation scheme?</b></p>	<p>i. KCC is not content with the methodology used to estimate the costs of the proposed schemes. As outlined at ISH7, it is necessary for the costs associated with the management and delivery of the schemes to be assessed by KCC’s appointed cost consultant before they can be accepted as adequate, given the statutory responsibilities of the Local Highway Authority.</p> <p>KCC reiterates that as the requirement for this costing exercise is a direct result of the development proposals, the costs relating to this process must be funded in full by the applicant. In ongoing absence of a financial undertaking from the applicant, KCC has been unable to obtain the necessary advice and does not accept the costings that have been submitted nor is it in a position to agree an alternative costing figure.</p> <p>Notwithstanding the above, KCC officers have undertaken an initial review of the submitted costs estimates and would like to highlight the following immediately clear discrepancies (please note that this is not an exhaustive list).</p>

		<p><b>Junction 1 – A256 Sandwich Road</b></p> <ul style="list-style-type: none"><li>• Area of carriageway reconstruction at 49m<sup>2</sup> is too small. Minimum width of 1.2m would be required in order to provide access for compaction plant in order to compact the different surfacing layers.</li><li>• Length of kerb is 151m but allowance for resurfacing is only 271m<sup>2</sup>. Minimum permitted width of surfacing will be a full lanes width therefore a minimum area of 551m<sup>2</sup></li><li>• Approaches to the roundabout have High Friction Surfaces (HFS) and assuming as a minimum the new area of surfacing would need HFS, the cost of this would be approx. £12,000</li><li>• Gullies and drainage connections will be affected by the widening and an allowance for new gullies and reconnection to outfalls should be included.</li><li>• Signs and light columns will be affected by the widening as lateral clearance will be compromised, but no allowance has been included</li><li>• Vehicle barriers will be affected by moving the kerb line on the A256 Northbound approach and the westbound exit to Ebbsfleet Farm and an allowance for removal/new barriers will need to be included. Need to ensure adequate length is realigned (this will be longer than the directly affected barrier). Will also include two new terminal points. Need to include a risk allowance for clashes with underground services/drainage.</li><li>• Footway will need some widening where barriers need to be moved, so will need an additional allowance for new footway construction and new edgings.</li><li>• Area of footway allowance is not enough to cover the impacts to the footway on the A256 northbound approach where VRS/Kerbs need to be relocated. Should assume the full width of the footway would need to be resurfaced in this area.</li></ul>
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		<ul style="list-style-type: none"><li>• The roundabout is located on a Kent Lane Rental Route and Lane rental costs of circa £800/day should be included. Allowing 4 weeks for the piecemeal work to be completed (including the drainage/barrier/carrageway work etc that has been omitted) will be an additional cost of approx. £16,000.</li><li>• It is possible that services will be affected but as a minimum electrical services/connection will be affected by the works, so an allowance should be included for reconnection of affected lighting columns</li><li>• Design allowance looks low but probably doesn’t reflect the actual scope of the work involved, i.e. barrier design etc. This will need to be increased.</li><li>• It should be assumed that each site will be constructed separately so allowance for site supervision costs is not adequate. Assuming a visit is required three days a week and allowing four hours per visit, allowing for travel time, and longer attendance for surfacing works, this would be a minimum of approx. £3,000-£5,000.</li><li>• Preliminaries appear to be too low if they are deemed to include traffic management. Lane closures will be required on all approaches to the roundabout and it is likely to cost in the region of £15,000-£20,000 for four weeks of a TM crew.</li></ul> <p><b>Junction 2 – Sevenscore Roundabout</b></p> <ul style="list-style-type: none"><li>• The allowance for resurfacing of the existing carriageway, within the estimate, is too low, and as a minimum full lane width should be assumed, although this will be dependent on level changes and existing surfacing joints.</li><li>• Approaches to the roundabout/signals will require new High Friction Surfacing, this has not been included within the estimate and could be a significant cost.</li></ul>
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		<ul style="list-style-type: none"><li>• Drainage will be affected by the proposal and it is wrong to omit this from the estimate and an allowance should be included for new gullies and connection to the existing system/outfalls.</li><li>• Signs and light columns will be affected by the widening, but no allowance has been included to relocate/replace these.</li><li>• Additional signs are also likely to be required on the approaches to the junction should this design be adopted but there are no allowances for any new signs.</li><li>• The widening at the roundabout will require alteration to the chevron paving and signing and no allowance has been included within the estimate.</li><li>• The widening of the Northbound approach will affect an existing embankment and planting. No allowance has been included for earthworks/landscaping within this area.</li><li>• No allowance included for topsoiling and reshaping of verges.</li><li>• A lump sum figure has been included for the signals, but the design will need extensive ducting on approaches due to the current speed limit of the route and will need additional speed detector loops. It is not known what has been included in this lump sum figure.</li><li>• The roundabout is located on a Lane Rental Route and Lane rental costs of circa £800/day should be included. These costs are currently not included.</li><li>• There is a chance that services will be affected but as a minimum electrical services/connection will be affected by the works, so an allowance should be included for reconnection of affected lighting columns/lit signs</li><li>• It should be assumed that each site will be constructed separately so allowance for site supervision costs does not appear adequate, even assuming part time supervision.</li></ul>
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		<ul style="list-style-type: none"><li>• Prelims look low if they are deemed to include traffic management. Lane closures will be required on all approaches to the roundabout/circulatory in order to construct the scheme.</li></ul> <p><b>Junction 4 – Minster Roundabout</b></p> <ul style="list-style-type: none"><li>• A lump sum figure has been included for the signals but the design will need extensive ducting on approaches due to the current speed limit of the route and will need additional speed detector loops. It is not known what has been included in this lump sum figure.</li><li>• Approaches to the roundabout/signals will require new HFS, this has not been included within the estimate and could be a significant cost.</li><li>• Additional signs are also likely to be required on the approaches to the junction should this design be adopted but there are no allowances for any new signs.</li><li>• The roundabout is located on a Lane Rental Route and Lane rental costs of circa £800/day should be included. These costs are currently not included.</li><li>• Design allowance should be increased to reflect the early stage design.</li><li>• It should be assumed that each site will be constructed separately so allowance for site supervision costs does not appear adequate, even assuming part time supervision.</li><li>• Prelims look low if they are deemed to include traffic management. Lane closures will be required on all approaches to the roundabout/circulatory in order to construct the scheme.</li></ul> <p><b>Junction 6 – Monkton Roundabout</b></p> <ul style="list-style-type: none"><li>• A lump sum figure has been included for the signals but the design will need extensive ducting on approaches due to the current speed limit of the route and will need additional speed detector loops. It is not known what has been included in this lump sum figure.</li></ul>
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		<ul style="list-style-type: none"><li>• Changes to the splitter islands may require the existing carriageway to be resurfaced and an allowance should be included for this.</li><li>• Approaches to the roundabout/signals will require new HFS, this has not been included within the estimate and could be a significant cost.</li><li>• Additional signs are also likely to be required on the approaches to the junction should this design be adopted but there are no allowances for any new signs.</li><li>• The roundabout is located on a Lane Rental Route and Lane rental costs of circa £800/day should be included. These costs are currently not included.</li><li>• Design allowance should be increased to reflect the early stage design.</li><li>• It should be assumed that each site will be constructed separately so allowance for site supervision costs does not appear adequate, even assuming part time supervision.</li><li>• Prelims look low if they are deemed to include traffic management. Lane closures will be required on all approaches to the roundabout/circulatory in order to construct the scheme.</li></ul> <p><b>Junction 10 – B2050 Manston Road/Margate Hill</b></p> <ul style="list-style-type: none"><li>• Road Signs will be affected by the proposal but omitted from the costing</li><li>• Manston Road has High Friction Surfacing through the junction and this will need to be allowed for where new areas of carriageway are being provided within the existing area of HFS.</li><li>• Existing drainage is located at the junction so an allowance should be included to relocate drainage systems and provide new connections to existing outfalls</li></ul>
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		<ul style="list-style-type: none"><li>• Utility apparatus is noted to be present in the verge to be widened to carriageway, so an allowance should be made for localised diversion/protection of underground services</li></ul> <p><b>Junction 13 – B2050 Manston Road/Manston Court Road</b></p> <ul style="list-style-type: none"><li>• The extent of the work indicated on the drawing is not represented in the bill of quantities accurately, for example only 49m<sup>2</sup> of carriageway reconstruction is shown but in excess of 500m<sup>2</sup> would be required to provide the additional carriageway width for the right turn land and widening at the junction. (Note difficult to accurately estimate as western limits not shown on junction drawing). This will have a knock effect to the excavation/disposal quantities</li><li>• 139m of kerbing included in Bill of Quantities but over 300m indicated on the drawing</li><li>• More extensive surfacing of existing carriageway is likely</li><li>• High Friction Surfacing has been omitted from Bill of Quantities but will be required on each approach to the junction</li><li>• A lump sum figure has been included for the signals, but it is not clear what has been included in this lump sum figure.</li><li>• Existing signs are affected, and new signs will be required for the new layout, but no allowance has been included</li><li>• An overhead BT cable and poles will be affected by the proposal and other underground services are likely to be affected by the proposal. Costs for utility diversions have been omitted but these could be costly, and an allowance should be included.</li><li>• There will be impacts to the existing gullies and an increase in carriageway area will require additional drainage to be installed but there is no allowance for any drainage works.</li><li>• No allowance has been made for any land take but due to the levels of the existing field on the eastern side of the junction, it is likely that</li></ul>
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		<p>additional land will be required or as a minimum regrading of an existing embankment which will impact on third party land. There is also land take required from the BT exchange area.</p> <ul style="list-style-type: none"><li>• Road closures of at least Manston Court Road will be required to construct the scheme but costs of TTROs/TM for diversions have been omitted.</li></ul> <p>In summary, the measurement and allowances in the bill of quantities does not reflect the actual scope of works required. The actual value of works will be substantially higher than the estimate provided.</p> <p><b>Junction 16 – A254/B2052</b></p> <ul style="list-style-type: none"><li>• A lump sum figure has been included for the signals, but it is not known what has been included in this lump sum figure.</li><li>• HFS and footway works have been omitted from bill of quantities</li><li>• The site is very constrained with high traffic/pedestrian flows and TM will be difficult and is likely to require temporary 4-way lights during construction which will always need to be manually controlled. Therefore, the current TM allowance looks very low and is unlikely to cover the real terms construction costs.</li></ul> <p><b>Junction 17 – Ramsgate Road/Poorhole Lane</b></p> <ul style="list-style-type: none"><li>• No allowance has been included for the footway/edging work that is also detailed on the drawing.</li><li>• The widening at Poorhole Lane can potentially only be achieved by encroaching on third party land and affecting existing tree planting</li><li>• Part closure of Poorhole Lane would be required to carry out the works. TTROs and TM costs for road closures are omitted</li><li>• The existing kerbs are a combined kerb/drainage system, so kerbing allowance will not reflect this.</li></ul>
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		<ul style="list-style-type: none"> <li>• Impact on drainage design will need to be reviewed.</li> <li>• A BT chamber and apparatus will be affected by the proposals and an allowance to rebuild the chamber and slew ducting should be included.</li> <li>• An allowance for some carriageway has been included but nothing for any High Friction Surfacing, so this will need to be included.</li> </ul> <p>Please note that the above comments are provided without prejudice and do not indicate KCC’s acceptance of the mitigation package as currently proposed by the applicant.</p>
TR.4.47	<p><b>Timing of Off-Site Junction Mitigation</b> Appendix ISH7 – 42 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] shows evidence of when each junction mitigation scheme will be required.</p> <p>i        <b>i. Is KCC content with the methodology applied?</b></p> <p>ii       <b>ii. Is the use of a 100 vehicle movement threshold appropriate?</b></p> <p>iii      <b>iii. Do KCC accept the estimated timing of delivery for each junction mitigation scheme?</b></p>	<p>ii &amp; iii. The methodology proposed by the Applicant is not fully justified. An arbitrary figure of 100 traffic movements appears to have been used as a benchmark for trigger points at each junction. As has already been highlighted for other junctions on the local highway network, traffic flows below 100 vehicles have been demonstrated to trigger the need for mitigation at several locations. Therefore, KCC requires that these trigger points are varied using appropriate junction modelling tools.</p>
TR.4.48	<p><b>Revised draft Section 106 Agreement</b> The Applicant has provided a revised draft Section 106 Agreement [REP8-006]. Schedules 5, 8 and 10 refer to maps.</p> <p><b>i. Provide these maps.</b></p>	<p>ii. The Examining Authority will be aware that KCC has expressed concern about the appropriateness of the mitigation proposed at some of the junctions identified in the draft section 106 agreement. For example, where KCC disagree with the mitigation offered e.g. Junctions 2, 4 &amp; 6 where signalised roundabout solutions are proposed, the mitigation offered is not accepted as being CIL Regulation 122 compliant. In relation to the junctions,</p>

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<p>The revised draft Section 106 Agreement in Schedule 10, Paragraph 3 states:  <i>“In the event that the above junction improvements are not necessary, the payments may be put towards other highway improvements as the County Council deems necessary provided that such improvements are required for the purpose of mitigating the effects of the Development”.</i></p> <p><b>ii. To the Applicant, KCC and TDC: Do you consider this to be compliant with CIL Regulation 122?</b></p> <p><b>iii. What is KCC’s view on this matter?</b></p> <p>The Section 106 Agreement is in draft.</p> <p><b>iv. Will it be agreed and signed by all parties and submitted to the ExA before the end of the Examination?</b></p> <p>KCC in its response to Deadline 8 [REP8-027] on Page 7 set out:  <i>“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</i></p>	<p>where it is prima facie accepted by KCC that they are required and alleviate the impact of the development, KCC consider those to be CIL Regulation 122 compliant.</p> <p>KCC’s position is that a full package of mitigation measures must be provided by the applicant, which KCC at the moment are not satisfied are actually being provided. For example, there is an absence of an evidence-based financial contribution towards the Manston-Haine Road Link.</p> <p>Provided that the initial mitigation measures identified and secured in the section 106 obligation are directly related to the development, and fairly and reasonably related in scale and kind, KCC submits that paragraph 3 of Schedule 10 to the draft section 106 agreement would be CIL Regulation 122 compliant, because if as a result of passage in time it transpires that the mitigation measures are needed elsewhere, some flexibility needs to be maintained in the section 106 agreement that allows KCC to apply such contributions to schemes identified later as being in fact necessary to alleviate the impact of the development. However, it would not be CIL Regulation 122 compliant if the mitigation measures were inappropriate or not needed at the outset.</p> <p>iv. Reaching agreement between the parties on the substance of the obligations to be secured and the technical drafting is going to be very difficult given the total lack of engagement by the applicant in this regard. Neither the first draft section 106 agreement nor the second revised draft agreement was shared or discussed with KCC before being submitted to the Examining Authority. There is no costs undertaking in place, as would usually be standard practice, that would allow KCC to instruct lawyers to negotiate the draft section 106 agreement. KCC would welcome an</p>
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	<p><i>regard to agreeing the headlines in the section 106 agreement, let alone any detailed drafting points”.</i></p> <p><b>v. Why has the Applicant not engaged with KCC on the draft Section 106 Agreement?</b></p> <p><b>vi. When will such engagement take place?</b></p> <p><b>vii. Given the lack of such engagement, what significance does the Applicant consider the ExA should afford this draft?</b></p>	<p>opportunity to discuss and agree the draft section 106 agreement with the applicant.</p> <p>vii – KCC’s view is that no weight or little weight should be given to the draft section 106 agreement, including if it were to be offered as unilateral undertaking under section 106. In addition, there is a question over the enforceability of the planning obligations offered.</p> <p>For example, KCC notes that the party proposed to sign the obligation is said to be RiverOak Fuels Limited, who are an unknown entity. The section 106 agreement does not identify the nature of their interest in the land and whether they have an interest capable/sufficient for the purposes of section 106(1) TCPA 1990.</p> <p>As outlined within numerous written questions, many of the substantive mitigation measures are still not agreed and costings are not robustly estimated or justified. There are also inconsistencies between the mitigation measures included within the draft section 106 agreement and those indicated within the Transport Assessment. Triggers for the payment of contributions are insufficiently evidenced as they are based on arbitrary traffic impact triggers and milestones.</p> <p>For all of the aforementioned reasons, the draft section 106 agreement in its current form, or if offered as a unilateral undertaking, should be given no weight or little weight.</p>
TR.4.49	<p><b>Emergency Accesses</b> Appendix ISH7 – 45 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] provides a technical note on emergency site accesses.</p> <p>i        <b>i. Is KCC content with the information provided?</b></p>	<p>i. KCC is generally comfortable that a suitable range of emergency access points can be secured, however there is currently insufficient information to agree exactly where these should be located. KCC wish to highlight the following observations based on the limited information supplied to date:-</p> <p>Access Point 1 - Whilst this is an existing access point, it is located very close to the roadside and is subject to very limited visibility. It is</p>



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	<p>Paragraph 2.1.15 sets out that the final position of the emergency gates will need to be determined as part of the airports overall emergency response procedures.</p> <p>i        <b>ii. Show where this is suitably secured in the dDCO?</b></p> <p>ii       <b>iii. Is this an appropriate approach that will ensure that there would be no unacceptable impacts on highway safety?</b></p>	<p>recommended that the fence line is set back to facilitate necessary visibility sightlines in line with national guidance.</p> <p>Access Point 2 - This is located very close to the proposed signal-controlled junction at Manston Road/Spitfire Way, which may lead to unnecessary vehicle conflict. It is not clear that necessary sightlines can be achieved to ensure that vehicles can access/egress safely. The current draft access masterplan makes no reference to any vehicle hardstanding within the site.</p> <p>Access Point 3 - As this is an internal access, KCC has no particular concerns with respect to highway matters.</p> <p>Access Point 4 - KCC has no particular concern with respect to highway matters.</p> <p>Access Point 5 - KCC has no particular concern with the use of this existing access with respect to highway matters.</p> <p>Access Point 6 - The proposed access location is not acceptable as it would lead to an unacceptable level of vehicle conflict and is not compatible with the existing and proposed layout of this junction. The proposed alternative location stated within the note would be acceptable in principle, however further detail needs to be provided in relation to proposed geometry, impact on existing street lighting and internal access hardstanding.</p> <p>iii. Whilst it is disappointing that full details of each access point (including relevant design drawings) have not been provided by the Applicant, this is potentially dealt with by imposing a pre-commencement requirement within the DCO. This should require the Applicant to submit and obtain written approval for each emergency access point to the Local Planning Authority</p>
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		(in consultation with the Local Highway Authority) prior to the commencement of development on the main airport site. Those access points (as approved) should then be provided by the Applicant prior to occupation of the development.
TR.4.50	<p><b>Car Parking Provision</b></p> <p>Appendix ISH7 – 50 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] provides a technical note on passenger parking provision. This considers the modal share assumptions and targets used in the Transport Assessments. This shows that there is a need for 81 less parking spaces.</p> <p><b>i. Is KCC content with such findings?</b></p> <p>In terms of the overflow passenger parking, Paragraph 2.3.2 of Appendix ISH7 – 50 states:  <i>“As set out in the Car Parking Management Strategy, the space for “overflow parking” will ensure that there are no issues with overspill parking onto surrounding areas, which addresses concerns expressed by KCC regarding the risk of ‘flyparking’. In addition, it will enable flexibility of size of spaces: blue badge parking and electric vehicle parking have larger dimensions than standard size spaces”.</i></p> <p><b>ii. Is this explanation accepted by KCC?</b></p>	<p>i. KCC is broadly content with this finding.</p> <p>ii. KCC does not accept that this explanation provides sufficient justification for the extent of parking over-supply, which risks jeopardising the aims and objectives of the Framework Travel Plan. Whilst it is accepted that a careful balance needs to be struck in this respect, at present it is considered that the level of on-site parking proposed is excessive.</p>
TR.4.51	<b>Car Park Management Strategy</b>	i/ii. KCC is broadly content with the changes proposed, which will need to be reflected in the Airport Surface Access Strategy.

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	<p>Appendix ISH7 – 52 of the Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] includes a revised Car Park Management Strategy.</p> <p><b>i. Is KCC content with the changes proposed, especially with regard to: blue badge and electric vehicle spaces (Section 2.4); and staff car park management (Section 3.3)?</b></p> <p><b>ii. Do any subsequent changes need to be made to the Airport Surface Access Strategy?</b></p> <p>The revised draft Section 106 Agreement [REP8-006] includes provision for an annual contribution to TDC towards Controlled Parking Zones.</p> <p><b>iii. Why is this not referred to in the revised Car Park Management Strategy?</b></p> <p><b>iv. How much will this be, how will it be calculated and when will this be confirmed?</b></p> <p><b>v. What are the views of KCC and TDC on this matter?</b></p>	<p>v. KCC feel that further engagement between the applicant and the Local Parking Authority need to take place to agree an appropriate contribution mechanism. This should be referred to within the Car Park Management Strategy.</p>
TR.4.52	<p><b>Framework Travel Plan</b></p> <p>The Applicant has provided a revised Framework Travel Plan [REP8-017]. This includes a number of additional measures to help achieve the objectives of the Plan, in terms of walking/cycling, public transport</p>	<p>i. KCC would wish to reiterate the comments made in its Local Impact Report with regard to the robustness of the Framework Travel Plan. In particular, the Applicant must make more explicit commitments to the implementation of specific measures to enhance the quality of non-car modes at appropriate</p>

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	<p>and car park management and the provision of a mitigation plan (Table 6.2).</p> <p>i <b>i. Is KCC content with the Framework Travel Plan?</b></p> <p><b>ii. There is a reduction in the target for passengers accessing the airport by public transport from 25% in the previous draft to 20% in Year 20. Is this justified?</b></p> <p><b>iii. Show where and how Plan’s commitments are suitably secured in the dDCO?</b></p> <p><b>iv. Do any subsequent changes need to be made to the Airport Surface Access Strategy?</b></p> <p>The revised draft Section 106 Agreement [REP8-006] includes provision for an annual contribution of £1,667.00 to KCC for travel plan monitoring.</p> <p><b>v. How has this been calculated?</b></p> <p><b>vi. Is KCC content with this figure?</b></p> <p><b>vii. Is this planning obligation compliant with CIL Regulation 122?</b></p>	<p>stages in the Proposed Development build-out programme (see also responses to TR.4.54 and 4.55 (below)).</p> <p>v. The figure stated within the draft Section 106 agreement was supplied to the Applicant by KCC and is consistent with other contributions that have been historically sought for the monitoring of Travel Plans within the county. This is generally set at £5,000 to cover a three-year period. Costs are based on the anticipated level of involvement from KCC staff in the monitoring of the Travel Plan for the entire site, which includes several different elements such as the Cargo Hub, Passenger Terminal and complimentary Business Park on the Northern Grass.</p> <p>vi. KCC is content with this figure.</p> <p>vii. KCC consider that this planning obligation is fully compliant with CIL Regulation 122. The National Planning Policy Framework (NPPF 2019) includes a requirement that all developments which generate significant amounts of movement should provide a Travel Plan, (which the applicant has provided in draft). In the absence of an effective monitoring regime for the Travel Plan, there is a risk that the commitments and measures within the Plan will remain unimplemented. The provision of a Travel Plan monitoring fee will enable KCC to provide resource to effectively monitor compliance with the measures agreed within the final Travel Plan and work proactively with the Applicant. This is particularly important on a site such as an airport, which in the absence of an effectively monitored Travel Plan could lead to proliferation of private car-based trips on the local and wider highway network.</p>
TR.4.53	<b>Freight Management Strategy</b>	ii. KCC is content with the proposed local routing.

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<p>The revised Framework Travel Plan [REP8-017] at Appendix B includes a Preliminary Freight Management Strategy.</p> <p><b>i. Does the proposed HGV routeing affect the HGV distribution modelled in both the original TA and the revised TA?</b></p> <p><b>ii. Is KCC content with the proposed local routeing set out in Figure 2.2?</b></p> <p><b>iii. Is KCC content with the proposed strategic routeing set out in Paragraphs 2.3.4 to 2.3.7?</b></p> <p><b>iv. Are the measures included sufficient to enforce the strategy?</b></p> <p><b>v. Will the measures be suitably secured in the dDCO?</b></p> <p>The Preliminary Freight Management Strategy at Paragraph 3.4.1 sets out:  <i>“It is important to provide clear routeing signage to ensure HGV drivers use appropriate roads to reach the Proposed Development. In consultation with Kent County Council, the existing road signs will be reviewed and replaced where required”.</i></p> <p><b>vi. Who will fund such a task? If it is the Applicant, should such a contribution be secured in the draft Section 106 Agreement?</b></p> <p>The Preliminary Freight Management Strategy at Paragraphs 3.6.1 and 3.6.2 state:  <i>“HGV movements out of the Cargo Airport will be restricted during the AM and PM peak hours of 08:00</i></p>	<p>iii. KCC is content with the proposed strategic routing.</p> <p>iv. It is possible that the measures could go further, for example the use of vehicle tracking technology as part of contracts between Cargo freight hauliers and the Applicant which may further enforce the routing strategy and assist in enforcement where necessary.</p> <p>v. The requirement for the submission of a full Freight Management Strategy should be secured as a requirement within the DCO. This should be submitted and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority), prior to commencement of the development.</p> <p>vi. All costs associated with HGV signage strategy should be met by the Applicant. It is recommended that a requirement is included within the DCO for the submission and subsequent implementation of a signage strategy by the Applicant. This strategy document should be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority), prior to commencement of the development. The approved signage strategy should be implemented in full prior to first occupation of the Airport or Northern Grass Area.</p> <p>viii. The proposed level of restriction should be clarified with the Applicant (as referred to in question ii), however KCC would welcome any measures which seek to reduce peak hour traffic movements on the surrounding highway network.</p> <p>ix. As development within the Northern Grass is intended to be aviation related, KCC see no reason why restrictions should not also apply to development located in the part of the site.</p>
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	<p><i>to 09:00 and 17:00 to 18:00 to minimise the impact of the local road network. HGV movements will be managed through the cargo gatehouse.</i></p> <p><i>At this stage for the cargo facility it is considered that there would not be more than 10 two way HGVs in the peak hours. This will be monitored and reviewed in consultation with KCC’.</i> However, Paragraph 1.2.5 of the strategy states ‘As set out in the Transport Assessment, in the peak year, Year 20, the Proposed Development will generate the following:… Total AM Peak HGV Traffic Generation (08:00 – 09:00) - 18 arrivals and 18 departures; and Total PM Peak HGV Traffic Generation (17:00 – 18:00) - 21 arrivals and 21 departures”.</p> <p><b>vii. Why do these figures not correlate?</b></p> <p><b>viii. Does KCC accept the proposed restrictions?</b></p> <p><b>ix. Should restrictions apply to HGVs associated with the northern grass area and passenger terminal?</b></p> <p><b>x. Overall, is KCC content with the Preliminary Freight Management Strategy?</b></p>	<p>x. Whilst some of the information contained within the Strategy is relatively vague, the Preliminary Freight Management Strategy represents a reasonable framework with which to build upon, pending the submission of a Full Freight Management Strategy which should be secured as a requirement within the DCO.</p>
TR.4.54	<p><b>Manston Village Pedestrian Links</b></p> <p>The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix 2, Paragraph 13.1.1 states: “The draft S106 Obligation includes funding for improvements to PRow TR10 which is considered an acceptable and appropriate means of connecting to</p>	<p>i. An obligation to fund an upgrade of TR10 is welcomed; however, in isolation, this does not provide appropriate connectivity between the terminal building, Manston Village and future residential settlements to the east.</p> <p>Journeys to and from the site would also rely on travel within parts of PRow TR8 and TR9 (as indicated below). As such these routes also require improvements to enable them to be used all year round.</p>

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*Manston Village and the expanding population to the east due to the Manston Green development. This is in line with PRow Officer comments requests for a contribution and completion of an upgrade to the link”.*

Further Paragraph 13.1.2 sets out:

*“The population of Manston is small (100 houses or less), and the potential usage by residents of a footway alongside the B2050 from the village to the Airport is limited. The improvement of TR10 has the potential to attract higher usage as it will provide a connection to the Manston Green development, comprising 800 homes, as well as Manston Village and the western outskirts of Ramsgate”.*

**i. Does this overcome the concerns of KCC with regard to pedestrian links with Manston Village?**

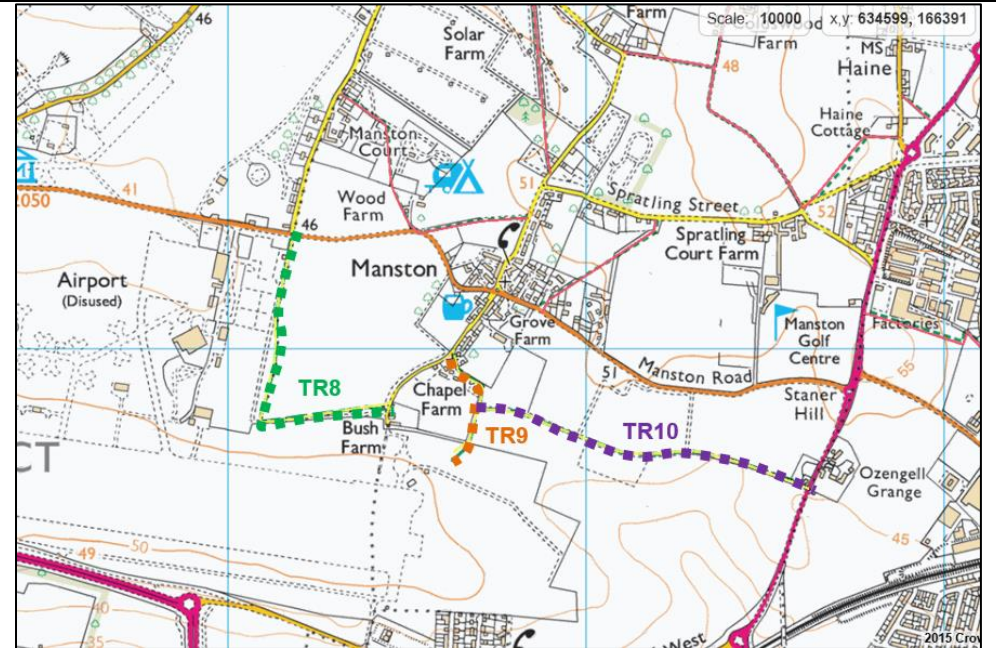
The revised draft Section 106 Agreement [REP8-006] at Schedule 5 includes provision for a financial contribution for £90,000.

**ii. How has this been calculated?**

**iii. Is KCC content with this figure?**

**iv. Is this planning obligation compliant with CIL Regulation 122?**

The definition of ‘PRow Contribution Purposes’ in the Revised draft Section 106 Agreement states: *“means the ongoing maintenance of that part of public right of way TR10 as shown on the PRow Plan”.*



Appendix M of the original Transport Assessment outlines a Public Rights of Way Management Strategy (PRowMS). Table 3.1 of this document suggests that TR8 will be diverted to accommodate the proposed development boundary and TR9 will be extinguished south of the perimeter fence for the site. However no explicit commitment has been made to improvement to the form of surface or widening of the routes (either within this document or the draft section 106 agreement).

The development proposals should obligate the Applicant to improve pedestrian connectivity to the site, by including the upgrade/widening of routes (TR8 & TR9). This could be achieved either by appropriate amendments to the Fifth Schedule of the Section 106 Agreement or through physical works on land that falls within the site (secured as a requirement

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	<p><b>v. Should this therefore be an annual contribution rather than a one-off payment?</b></p>	<p>within the DCO). There should also be a requirement for appropriate foot access into the Airport Terminal from TR8.</p> <p>Whilst not representing the optimal solution for pedestrian access to the site, if the above requirements are met then they would overcome the issue of pedestrian connectivity to Manston Village and settlements to the east.</p> <p>ii &amp; iii. KCC is unaware where the figure of £90,000 has originated from, how it has been calculated, nor of the evidence or underlying assumptions that have been used to support it . KCC considers the sum offered by the Applicant to be inadequate. KCC is able to provide the Examining Authority with the following costings*:-</p> <p>TR8 – 889 m (length) x 3 m (width) = <b>£120,015*</b> (Based on the existing route) adjustment may be required once new route has been fully defined</p> <p>TR9 – 190 m (length) x 3 m (width) = <b>£25,650*</b></p> <p>TR10 – 964 m (length) x 3 m (width) = <b>£130,140*</b></p> <p>*The above costs have been calculated using a standardised costing for surfacing each bridleway with compacted type one (passing 37.5mm sieve) to 100mm depth with 15mm thickness of 4mm to dust limestone fines.</p> <p>iv. This contribution (if adjusted to the correct scope and financial figure as outlined above) is fully compliant with CIL Regulation 122 as it is essential to facilitate opportunities for trips to and from the development to be undertaken by sustainable means, which is consistent with Section 9 of the National Planning Policy Framework (NPPF 2019).</p>
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		<p>v. The contributions set out above are one-off payments to cover the cost of improving the PRow network, there are no commuted sums required for future maintenance. It is suggested that the words “ongoing maintenance” are replaced by “improvements”. Reference should also be included to the routes TR8 &amp; TR9 as highlighted above.</p>
<p>TR.4.55</p>	<p><b>Provision of Bus Services</b>  The Summary of Applicant's Case put Orally - Traffic and Transport hearing and associated appendices [REP8-017] at Appendix 2, Paragraphs 14.1.1 to 14.1.6 state:  <i>“The Transport Assessment assumes that 10% of passenger trips will be by bus and rail and bus and 6% of staff trips will be by bus by Year 20. These are targets that are included in the Travel Plan and will be regularly monitored through surveys and reviewed.</i>  <i>The Applicant will provide buses for passengers which will include a shuttle service between the proposed Thanet Parkway (or Ramsgate Station) with services timed to coincide with flight arrivals/departures and train arrivals and departures. The Applicant will provide buses for staff with routeing and timing to be based on staff home locations and shift patterns.</i>  <i>There are KCC funded bus services which route along Manston Road and it may be appropriate for there to be enhancement of these, such as increased frequency and early/late start and finish times, if they</i></p>	<p>ii. KCC is not content with this response. Whilst there is an appreciation that the local bus service provision could be subject to change (between the granting of consent and the subsequent delivery of the NSIP), it is still appropriate to secure a robust framework Public Transport Strategy (PTS) based on current service provision and forecast operations at the Airport at this stage. This should set out headline bus service requirements along with any financial implications/commitments from the applicant. Such discussions should take place with KCC Public Transport Team and any relevant local bus operators as reaching an agreed evidence-based framework PTS.</p> <p>This type of approach will assist both commercial operators and the local authority to shape future decisions in relation to local bus service provision. Naturally there would need to be a level of flexibility over which service could benefit from agreed funding. As stated at Deadline 8, it may be appropriate for the Local Bus Operator to be a party to the S106 agreement, however in the absence of specific discussions it is not possible to provide further advice to the Examination Authority.</p> <p>iv. As outlined within the KCC response to Deadline 8, to date, no specific discussions have been held between the Applicant and KCC in relation to PTS, so the scope and value of contributions within the draft s106 agreement are not agreed. Given the limited timeframe remaining, it is</p>

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<p><i>are still operating when the Airport becomes operational.</i>  <i>As bus plans and timetables are not typically planned years in advance, meaningful engagement with KCC and bus operators at this stage is not applicable.</i>  <i>Discussion will be held at an appropriate point in the future to identify the optimum provision”.</i></p> <p><b>i. Show where and how such provisions/commitments are suitably secured in the dDCO?</b>  <b>ii. Is KCC content with this response?</b></p> <p>The Revised draft Section 106 Agreement [REP8-006] at Schedule 9 includes provision for an annual financial contribution for £150,000.</p> <p><b>iii. How has this been calculated?</b>  <b>iv. Is KCC content with this figure?</b>  <b>v. Is this planning obligation compliant with CIL Regulation 122?</b></p> <p>The Revised draft Section 106 Agreement [REP8-006] at Schedule 9 includes provision for a Manston Airport Bus Service Scheme to be agreed in writing by KCC.</p> <p><b>vi. Should this form a Requirement in the dDCO?</b></p> <p>KCC in its response to Deadline 8 [REP8-027] on Page 8 state:</p>	<p>unlikely that any meaningful discussion can take place and agreement reached between now and the end of the Examination, which constitutes a material failing in the current PTS.</p> <p>v. For the reasons set out in ii and iv above, the obligation as proposed is not currently considered to be compliant with CIL regulation 122 and the lack of a robust PTS and evidence based Bus Access Strategy constitutes a material failing within the current development proposals.</p> <p>vi. KCC suggests that it would be prudent to secure this as a requirement within the dDCO.</p>
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	<p><i>“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.</i></p> <p><i>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</i></p> <p><i>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.</i></p> <p><i>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”.</i></p> <p><b>vii. What is the Applicant’s response?</b></p>	
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