



Department
for Transport

Amy Hulley
Highways England
Bridge House
Walnut Tree Close
Guildford
GU1 4LZ

National Transport Casework Team

Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

Direct line: 07786 190909

www.gov.uk

Email: dave.candlish@dft.gov.uk

Your Ref:

Our Ref: NATTRAN/HE/LAO/190

Date: 17 June 2021

Dear Ms Hulley

THE A249 TRUNK ROAD (STOCKBURY ROUNDABOUT IMPROVEMENTS) ORDER 2021 ("the Trunk Road Order")
THE HIGHWAYS ENGLAND (A249 TRUNK ROAD STOCKBURY ROUNDABOUT IMPROVEMENTS) (SIDE ROADS) ORDER 2019 ("the SRO")
THE HIGHWAYS ENGLAND (A249 TRUNK ROAD STOCKBURY ROUNDABOUT IMPROVEMENTS) COMPULSORY PURCHASE ORDER 2019 ("the CPO")

SECRETARY OF STATE'S DECISION – TRUNK ROAD ORDER TO BE MADE AND SRO AND CPO TO BE CONFIRMED WITH MODIFICATIONS

1. I refer to Highways England's ("HE") application for making/confirmation of the above-named Orders. The Secretary of State for Transport ("the Secretary of State") has decided to make the Trunk Road Order and to confirm the SRO and CPO with modifications and this letter constitutes his decision to that effect.

2. The Trunk Road Order, SRO and CPO will, respectively, authorise:

- (i) that the new road to connect the amended A249 Trunk Road to the amended A249 County Road, which is proposed to be constructed by HE, shall become a trunk road;
- (ii) HE to improve highways, stop up highways, construct new highways, stop up private means of access to premises and provide new means of access to premises all on or in the vicinity of the A249 Trunk Road which Highways England proposes to construct as referred to in the above Trunk Road Order; and the A249 Trunk Road which Highways England proposes to improve from a point 46 metres west of Maidstone Road junction with the A249 Sittingbourne Road to a point 1240 metres north of Maidstone Road junction with the A249 Sittingbourne Road.
- (iii) HE to purchase compulsorily the land and new rights over land for the purposes of:
 - (a) the construction of highways which shall become trunk road in pursuance of the above Trunk Road Order; (b) the improvement of the A249 Trunk Road; (c) the improvement of slip roads connecting the M2 special road to the A249 Stockbury Roundabout; (d) the construction and improvement of highways to connect the above mentioned Trunk Road with the existing road system at Stockbury Roundabout; (e) the construction and

improvement of highways and the provision of new means of access to premises in pursuance of the above Trunk Road Order; (f) use by the acquiring authority in connection with the construction and improvement of highways and the provision of private means of access to premises as aforesaid; and (g) mitigating the adverse effect which the existence or use of the highways proposed to be constructed or improved will have on the surroundings thereof.

MODIFICATIONS

3. The Secretary of State will make the modifications to the SRO as agreed in the Inspector's report at paragraph 10.311 and to the CPO at 10.318 and as detailed in the annex to this letter. The annex also includes additional minor, technical modifications to the SRO and the CPO, which have been agreed to by HE.

CONSIDERATIONS FOR DECISION

4. As statutory and non-statutory objections remained outstanding to the Orders it was decided that concurrent Public Local Inquiries should be held for the purposes of hearing those objections. The Inquiries were to commence on the 28 April 2020 with Ian Jenkins BSc (Hons) CEng MICE MCIWEM as the independent Inspector, but subsequent to a pre-inquiry meeting held by him on 7 January 2020, due to the emerging Covid 19 pandemic the Inquiry did not take place. In September 2020 Karen L Ridge LLB(Hons) MTPL Solicitor was appointed by the Secretary of State as the independent Inspector and it was determined that the Inquiry would comprise a virtual event which would take place with all parties connecting via the Teams platform. A pre-Inquiry meeting via the Teams platform was held 29 September 2020 and the virtual Inquiry was held on 9-13 and 16-18 November and 1 & 3 December 2020.

5. The Inspector considered all representations about the Orders during the Inquiries and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. The Secretary of State has given careful consideration to the Inspector's report and also to a number of relevant issues, as set out in *Guidance on Compulsory purchase process and The Crichel Down Rules* and *The Highways Act 1980*, in reaching his decision on the Orders.

In relation to the Trunk Road Order, namely that:

- i. the purpose for which the Order is promoted is extending, improving or reorganising the Trunk Road system; and
- ii. having taken into consideration the requirements of local and national planning, including agriculture, that the proposal is expedient for the purpose intended.

In relation to the SRO, namely that:

- i. where a highway is to be stopped up another reasonably convenient route is available or will be provided before the highway is stopped up;

- ii. where a private means of access to premises is to be stopped up either no access to the premises is reasonably required or another reasonably convenient means of access to the premises is available or will be provided; and
- iii. provision will be made for the preservation of any rights of statutory undertakers in respect of their apparatus.

In relation to the CPO, namely that:

- i. there should be a compelling case in the public interest to acquire all the land and that this should sufficiently justify interfering with the human rights of those with an interest in the land affected;
- ii. the acquiring authority should have a clear idea of how it intends to use the land that it wishes to acquire;
- iii. sufficient resources should be available to complete the compulsory acquisition within the statutory period following confirmation of the Order, and to implement the scheme; and
- iv. there should be a reasonable prospect of the scheme going ahead and it should be unlikely to be blocked by any impediment to implementation.

CONCLUSION

6. The Secretary of State has considered carefully all the objections to, and representations about, the Orders, including alternative proposals put forward.

7. The Secretary of State agrees with the Inspector's conclusion at paragraph 10.199 that, given the statutory tests and considerations which are relevant to these Order, as set out at paragraph 5 above, that the Orders can be determined before any decision is made with regard to the request for compensation made by Ms. Miller on behalf of Kent Downs Area of Outstanding Natural Beauty.

8. The Secretary of State notes that changes recommended by the Inspector to the Outline Environmental Management Plan and the Register of Environmental Actions and Commitments have been accepted by HE (paragraph 10.220) and the Secretary of State agrees with the Inspector that these measures should be implemented.

9. The Secretary of State agrees with the Inspector that the overbridge would be an addition to, rather than an alternative to the promoted scheme (paragraph 10.297). The Secretary of State also agrees with the Inspector that the addition of an overbridge would cause a delay to the scheme being implemented and therefore should not be considered as part of this scheme (paragraph 10.298). The Secretary of State is therefore satisfied that the Orders can be determined and the case for an overbridge, and any related applications/orders, can be considered separately.

10. The Secretary of State is satisfied that the Trunk Road Order is needed to authorise the trunking of the new road to connect the A249 Trunk Road to the A249 amended County Road and that HE, as a strategic highways company, shall become the highway authority for that trunk road from that date. In agreement with the Inspector's conclusions at paragraph 10.308, the Secretary of State is satisfied, having taken into consideration local and national planning policy, including agriculture, that the scheme would be in the public interest and that the adverse environmental impact would be proportionate to the benefits of the scheme.

11. The Secretary of State notes that provision is being made for statutory undertakers' apparatus and that liaison between HE and the companies affected is on-going (paragraph 10.310). The Secretary of State agrees with the Inspectors conclusions at paragraph 10.312 that where a highway or a private means of access to premises is to be stopped up, that the modified SRO would provide a reasonably convenient alternative route and that either no access is reasonably required or another reasonably convenient means of access is available or will be provided.

12. The Secretary of State has carefully considered whether the purposes for which the CPO is required sufficiently justify interfering with the human rights of those with an interest in the CPO and is satisfied that they do. In particular, consideration has been given to the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State agrees with the Inspector's conclusions at paragraph 10.319 and is satisfied that in confirming the CPO a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

13. The Secretary of State agrees with the Inspectors conclusions at paragraph 10.317 that HE has a clear idea of how the land to be acquired would be used and is content that there is a reasonable expectation that the necessary resources will be available to carry out the proposals within a reasonable timescale. The Secretary of State is satisfied that there are no impediments to the scheme going ahead.

14. The Secretary of State agrees with the Inspector that the MODS 1-6 are not controversial and should be made to the SRO and CPO (paragraph 10.318).

15. Having considered all aspects of the matter the Secretary of State is satisfied that there are no compelling reasons brought forward which would justify not making the Trunk Road Order and not confirming the SRO and CPO. Accordingly, the Secretary of State agrees with the Inspector's recommendations and has decided to make 'The A249 Trunk Road (A249 Trunk Road Stockbury Roundabout Improvements) Order 2021' and to confirm 'The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) (Side Roads) Order 2019' and 'The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) Compulsory Purchase Order 2019' as modified by him in accordance with paragraph 3 above.

16. In making the Trunk Road Order and confirming the SRO and CPO the Secretary of State has relied on the information that HE and others have provided, as contained in the Orders and any related plans, diagrams, statements or correspondence, as being factually correct. Making/confirmation is given on this basis.

COMPENSATION

17. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the CPO will need to be approached by HE about the amount of compensation payable to them in respect of their interests in the land. If the amount cannot be agreed the matter may be referred for determination by the Upper Tribunal (Lands Chamber) under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

AVAILABILITY OF DOCUMENTS

18. A copy of this letter and accompanying annex, together with a copy of the Inspector's report, have been sent to those parties who appeared at the Inquiries, other interested parties and relevant Members of Parliament. Copies will be made available on request to any other persons directly concerned.

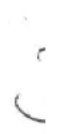
19. Please arrange for a copy of the Inspector's report and of this letter, including its annex, to be made available for inspection at [https://highwaysengland.co.uk/projects/m2-
junction-5-improvements/](https://highwaysengland.co.uk/projects/m2-junction-5-improvements/) and <https://www.programmeofficers.co.uk/M2J5/M2J5CDS6NOV.pdf>.

Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report.

RIGHT OF CHALLENGE

20. Notice is to be published of making/confirmation of the Orders. Any person who wishes to question the validity of the made/confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements in making/confirming them may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the Orders have been made/confirmed. The High Court cannot entertain an application under Schedule 2 or section 23 before publication of the notice that the Secretary of State has made/confirmed the Orders.

Yours sincerely



DAVE CANDLISH

Authorised by the Secretary of State for Transport
to sign in that behalf



Report to the Secretary of State for Transport

Karen L Ridge LLB(Hons) MTPL Solicitor

An Inspector appointed by the Secretary of State for Transport

Date: 9 March 2021

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

The A249 Trunk Road (A249 Trunk Road Stockbury Roundabout Improvements) Order 20[...]

The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) (Side Roads) Order 2019

The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) Compulsory Purchase Order 2019

Inquiry Held on 9-13 and 16-18 November and 1 & 3 December 2020

File Reference: DPI/U2235/19/21

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CASE DETAILS

The Trunk Road (Line) Order

- The draft Trunk Road (Line) Order would be made under Sections 10 and 41 of the Highways Act 1980 and is known as The A249 Trunk Road (A249 Trunk Road Stockbury Roundabout Improvements) Order 20[...].
- The Draft Order was published on 13 June 2019.
- The Order would authorise the construction of a new section of trunk road or trunk road slip roads.

Summary of Recommendation: That the Order be made.

The Side Roads Orders

- The Side Roads Order was made under Sections 14 and 125 of the Highways Act 1980 and is known as The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) (Side Roads) Order 2019.
- The Order was made on 13 June 2019.
- The Order would provide for the improvement and construction of highways; the stopping up of highways and private means of access; and the provision of new means of access.

Summary of Recommendation: That the Order be made with modifications.

The Compulsory Purchase Order

- The draft Compulsory Purchase Order is made under Sections 239, 240 and 246 of the Highways Act 1980, as extended and supplemented by sections 249 and 250 of that Act, and section 2 of the Acquisition of Land Act 1981. It is known as The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) Compulsory Purchase Order 2019.
- The Order was published on 13 June 2019.
- The Orders would authorise the compulsory acquisition of all the land needed to construct the new trunk road and associated junctions and for all necessary alterations to side roads as provided by the above-mentioned Scheme and draft Side Roads Orders.

Summary of Recommendation: That the Order be made with modifications.

1. INTRODUCTION

- 1.1 The Applicant is the Highway Authority for the M2 Motorway including the slip roads and roundabout referred to as the M2 Junction 5 Stockbury Interchange (the Stockbury Roundabout), as well as for the A249 Trunk Road north of the Stockbury roundabout. Kent County Council (KCC) is the Highway Authority for the A249 south of the Stockbury roundabout and all other public roads connecting at the junctions.

Figure 1-1 M2J5 Location Plan



- 1.2 By letter dated 30 August 2019¹ the Secretary of State for Transport (SoS) confirmed that he intended to hold a public inquiry into the orders which had been submitted by Highways England (HE). Initially Mr Ian Jenkins BSc (Hons) CEng MICE MCIWEM was appointed as the Inspector to conduct the Inquiry and to write a report into the above Orders. He held a pre-inquiry meeting on 7 January 2020, with the Inquiry scheduled to open on Tuesday 28 April 2020. Due to the emerging Covid-19 pandemic the Inquiry did not commence and was postponed until other arrangements could be made.
- 1.3 In September 2020 I was appointed to hold the Inquiry into the above Orders, and to report to the SoS. It was determined that the Inquiry would comprise a virtual event which would take place with all parties connecting via the Teams platform.
- 1.4 I held a virtual pre-inquiry meeting via the Teams platform on 29 September 2020 when the procedure for the Inquiry and the timetable for the

¹ CD J.4

submission of documents were explained. A copy of the notes of the meeting is at core document (CD) X.2.

- 1.5 The Inquiry sat between 9-13 November and 16-18 November and on the 1 & 3 December 2020. Due to the Covid-19 pandemic all sessions, with one exception, were heard remotely with parties joining via the Teams platform. I conducted one session in person together with two objectors and a representative from HE in attendance at the Maidstone Hilton Hotel on 17 November 2020 and all other parties on Teams.
- 1.6 I made a series of unaccompanied site inspections between 19 and 21 October 2020 and further unaccompanied site inspections after the commencement of the Inquiry during the week commencing 16 November 2020. I made only one accompanied site visit to Whipstakes Farm and its environs in an attempt to limit accompanied site visits at a time of Covid restrictions. In addition, all parties were asked to submit site visit requests and travel routes and times to the Programme Officer. All parties agreed with this course of action. I confirm that I conducted all the site visits and routes which were requested.
- 1.7 Four roundtable sessions were held to examine the Applicant's approach to landscape impact, non-motorised users, alternative schemes and the Record of Environmental Actions and Commitments (REAC). The substantive points from these discussions are included in the parties' representations.
- 1.8 There were 7 objections remaining to the Orders at the start of the inquiry, including 3 statutory objections. In addition, several parties participated in the four roundtable discussions. The three statutory objectors appeared or were represented at the inquiry². Two supporters also appeared at the Inquiry.

The Published Scheme

- 1.9 The Scheme is located at, and around, the Stockbury Roundabout in Kent which sits within the Stockbury Valley, approximately 5km south west of Sittingbourne. The Scheme is centred upon the Stockbury roundabout which is variously described as 'the junction', 'the Stockbury junction' and 'the M2J5' throughout this Report. It comprises the following elements:
 - The replacement of the existing Stockbury Roundabout with a new grade-separated junction;
 - Stockbury Roundabout would remain at-grade and would be enlarged to accommodate connections to the roundabout. The A249 mainline would flyover the Stockbury Roundabout, with the approaches on embankments and retaining walls, and with two single span bridges over the roundabout;

² Stockbury Parish Council, Kent Downs AONB Unit and Mrs Mary Evans.

- Four new slip roads are included, three of which would include dedicated left-turn lanes at the roundabout for the following turning movements:
 - A249 southbound to M2 westbound;
 - A249 northbound to M2 eastbound; and
 - M2 eastbound to A249 northbound.
- The existing Maidstone Road connection with Stockbury Roundabout would be stopped up and a new Maidstone Road Link would be provided, connecting to Oad Street to the north of the M2;
- A new link road would be provided between Stockbury Roundabout and Oad Street, with the new link road connecting into Oad Street near the existing junction of Oad Street and the A249. The existing Oad Street and A249 junction would be closed. Oad Street would remain open for local access to properties but would not have direct access onto the A249 as currently exists;
- The existing southbound lanes of the A249 would be retained south of the existing junction with Oad Street and this would be converted into a two-way single carriageway to provide continued access to properties and land fronting onto this section of road and connection to South Green Lane; and
- The Honeycrook Hill junction with the A249 would be stopped up.

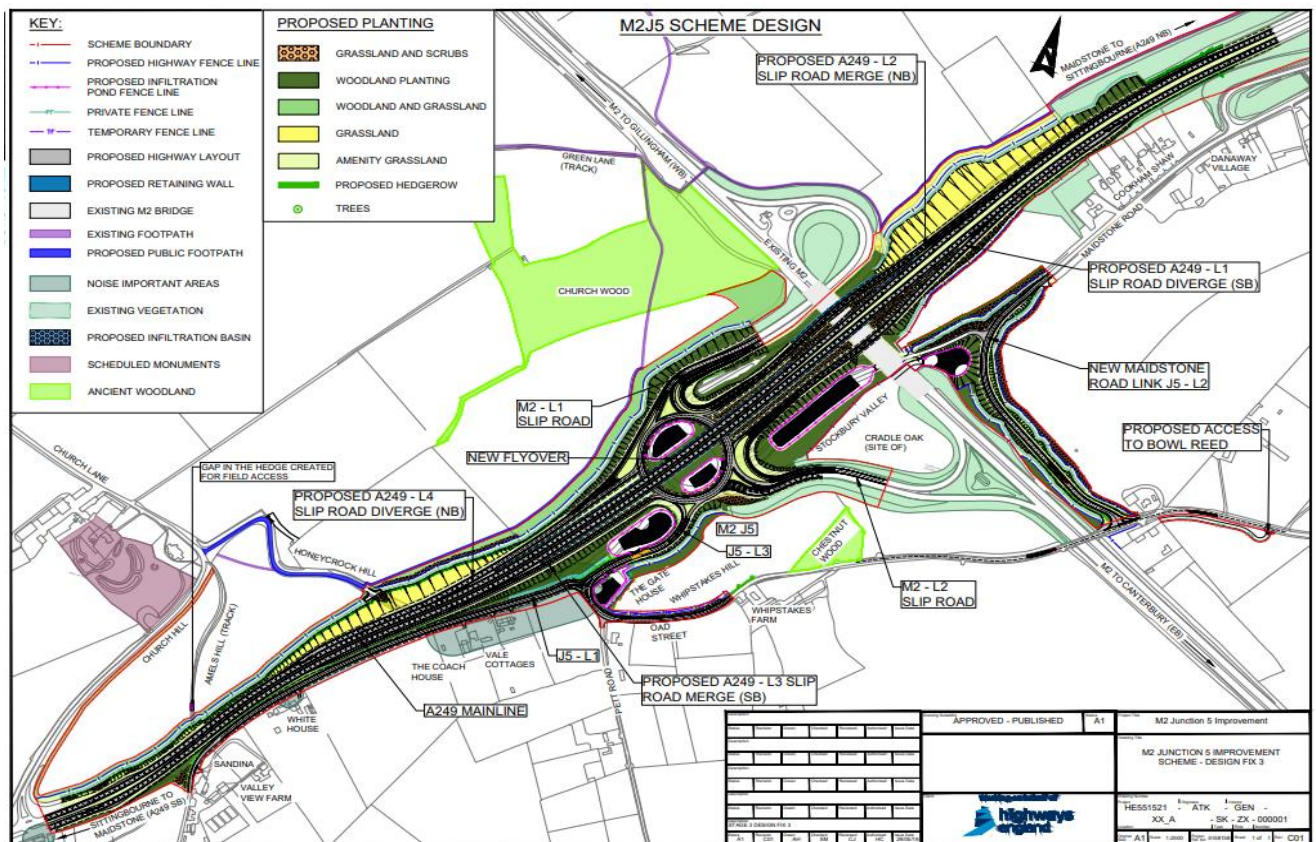


Figure 1: General Arrangements Drawing

1.10 Figure 1 above is an early General Arrangements drawing which provides a

general impression of the Scheme. Mitigation works are embedded within the Scheme design. The works would be subject to mitigation requirements which are set out in the Outline Environmental Management Plan (OEMP)³ and the Register of Environmental Actions and Commitments Volume 2 (REAC).

The Compulsory Purchase Order (CPO)

- 1.11 The Order land is required for the purpose of implementing the Line Order and the Side Roads Order (SRO). Individual plots are listed and described in the Orders Booklet (Order and Schedule) at CD A.2. The Order Limits are shown on the CPO Plans, depicted on Sheet 1 and Sheet 2 in the Orders Booklet (Plans) at CD A.3. It comprises 106 plots, each of which is described in the Book of Reference. The CPO land comprises approximately 38.7 hectares of which approximately 38.5 hectares would be acquired permanently.
- 1.12 The Applicant states that it is intended that those plots identified within the Statement of Reasons (SoR) as required for temporary purposes only would be returned to the original owners once the Scheme has been built, in as close to the original condition as possible.
- 1.13 The main grounds of objection to the Scheme are road safety concerns; the effects on the scheme on the landscape; effect on the local economy and on Stockbury village; ecology and biodiversity considerations; and alternatives.
- 1.14 The Applicant confirmed at the Inquiry that it had complied with all necessary statutory formalities. This compliance was not disputed.
- 1.15 This Report contains a brief description of the site of the proposal (the subject of the Orders) and its surroundings, the gist of the cases presented and my conclusions and recommendations. Lists of Inquiry appearances, documents and plans are attached. I have included in the list of documents the proofs and other statements of evidence submitted by the parties, subject, however, to the proviso that these may have been added to or otherwise amended at the Inquiry.

2.0 Procedural Matters

- 2.1 The Applicant did not submit a planning application in relation to the proposed Scheme. Section 7 of the Statement of Reasons⁴ and Section 5 of the Statement of Case explain that the proposal is permitted development by virtue of Class B of Part 9 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the "GPDO").
- 2.2 An Environmental Statement⁵ (ES) has been undertaken and reported in accordance with the Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations

³ CD B2.1

⁴ CD A.8 p31

⁵ Contained at section B of the Core Documents

- 2017 and pertaining to the amended provisions under the Highways Act 1980 (HA 1980).
- 2.3 These Regulations apply the amended EU directive 2014/52/EU2 “on the assessment of the effects of certain public and private projects on the environment” (usually referred to as the ‘Environmental Impact Assessment Directive’) to the planning system in England. On 31 December 2020 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 came into force and made changes to the 2017 Regulations. For the purposes of my assessment they do not make any material difference.
- 2.4 The ES was published with the Orders on 13 June 2019. The ES comprises four volumes; a main text; appendices, figures, drawings and illustrative material and a non-technical summary. It includes comments from statutory consultees, comments made by any other person, and any other substantive information relating to the ES provided by the Applicant. It is supported by an OEMP⁶ which contains a REAC⁷ which was updated after the roundtable session.
- 2.5 Following the receipt of comments, further assessments were undertaken and changes to the design were made. The additional assessments were additional landscape and visual assessments relating to winter-time and night-time conditions; an update to the published Habitats Regulations Assessment Stage 1 Screening Report and an environmental assessment of four design changes detailing whether there are any changes to the overall conclusions of the published ES. There were not.
- 2.6 Consequently, on 24 January 2020 the Applicant submitted an Environmental Statement Addendum⁸ to cover all matters in the preceding paragraph. I am satisfied that the additional assessments were necessary to complete gaps in the ES evidence base. In relation to the consideration of the design changes, I am entirely satisfied that the conclusion that the design changes do not alter the conclusions of the ES original assessment is robust. Whilst there have been objections to the ES methodology and objections to some of the conclusions in relation to some matters, there have been no objections in relation to the conclusion that the design changes do not materially change the outcome of the ES assessments.
- 2.7 I have taken all of these documents, and the submitted environmental information, into account in reaching my recommendation.
- 2.8 The Scheme as submitted is referred to as the ‘Published Scheme’. Prior to the Inquiry the Applicant submitted 6 modifications to the Published Scheme⁹. Modifications were published on 24 January 2020, the most significant of which are modifications 1 (dealing with Oad Street) and 6 (Church Hill junction). The addendum ES was published in January 2020 and an annex to the addendum was published on 7 February 2020. Together

⁶ ES Appendix A, CD B2.1

⁷ Inquiry document INQ/041.1

⁸ CD Section B5

⁹ Details of these modifications are at CD A.16 to A.21 inclusive.

these modifications combine to form the 'Promoted Scheme'.

2.9 The modifications were discussed throughout the Inquiry and were also addressed during evidence in chief and cross-examination. These modifications are considered within this Report.

2.10 The Applicant assessed each modification in terms of its impact on the Orders, Safety and the ES. In summary they comprise:

- *Modification 1.* These changes were provided at the request of the affected landowner Mrs Mary Evans. They are set out in Detailed Modification MOD-1 Report¹⁰. The modification concerns the relocation of a replacement access, the reduction of the Oad Street works by 20m to minimise land take impacts. The modification was discussed in detail at the Inquiry, it was made at the request of the landowner and it was not controversial.
- *Modification 2.* This modification was provided at the request of the affected landowners, Mr Stephen William Attwood, Mr Kevin Dennis Attwood, Mr Michael Christopher Attwood and Miss Stella Jane Attwood. The modification is to provide an additional direct access to the landowners' parcel of land. Details are set out in Detailed Modification MOD-2 Report¹¹. The changes are minor and are not controversial.
- *Modification 3.* This modification set out in Detailed Modification MOD-3 Report¹² does not entail any engineering changes, it is essentially administrative to reflect the change of land ownership which has occurred since the Orders were originally published. The new landowners were notified of matters and did not raise any objections.
- *Modification 4.* This modification set out in Detailed Modification MOD-4 Report¹³ does not entail any engineering changes, it is essentially administrative to reflect the change of land ownership which has occurred since the Orders were originally published. The new landowners were notified of matters and did not raise any objections.
- *Modification 5.* This modification set out in Detailed Modification MOD-5 Report¹⁴ does not entail any engineering changes, it is essentially administrative to reflect the change of address of the landowner which has occurred since the Orders were originally published. The landowner remains the same, he has been notified of matters and did not raise any objections.
- *Modification 6.* This modification is the most significant of all of the modifications and it relates to improvements to the layout of the existing Church Hill junction with the A249 which does not meet current Design

¹⁰ CD A.16

¹¹ CD A.17

¹² CD A.18

¹³ CD A.19

¹⁴ CD A.20

Manual for Roads and Bridges (DMRB) standards. The U-turn facility at the junction would be removed and the radii and traffic islands would be reconfigured to meet standards. The modification came about following discussions between the Applicant and Kent County Council. Details are contained within Detailed Modification MOD-6 Report¹⁵. The modification was discussed at the Inquiry and of itself, it was not controversial. The issue raised by Stockbury Borough Council, and others, was that it would be insufficient to overcome their concerns.

- 2.11 Signed Statements of Common Ground (SoCG) were submitted to the Inquiry. Amongst other matters these included areas where the parties disagreed or were unable to reach agreement during the course of the inquiry. The signed SoCG included Kent Downs AONB Unit¹⁶, Mrs Lilian Attwood and Ms Stella Attwood¹⁷ and Mr Kevin Attwood¹⁸.

3.0 THE SITE AND ITS SURROUNDINGS

- 3.1 An indicative layout of the Scheme illustrating the works is provided on the General Arrangements Drawings¹⁹. The Scheme is located within the administrative boundaries of Maidstone Borough Council and Swale Borough Council in Kent. Kent County Council is the planning authority for the area and the local highway authority. The Scheme is located within the Stockbury Valley approximately 5km south west of Sittingbourne. Some 60% of the Scheme lies within the Kent Downs Area of Outstanding Natural Beauty (AONB)²⁰.

¹⁵ CD A.21

¹⁶ CD N.1

¹⁷ CD N.2

¹⁸ CD N.3

¹⁹ CD A.9 to A.15

²⁰ Inquiry document INQ/032

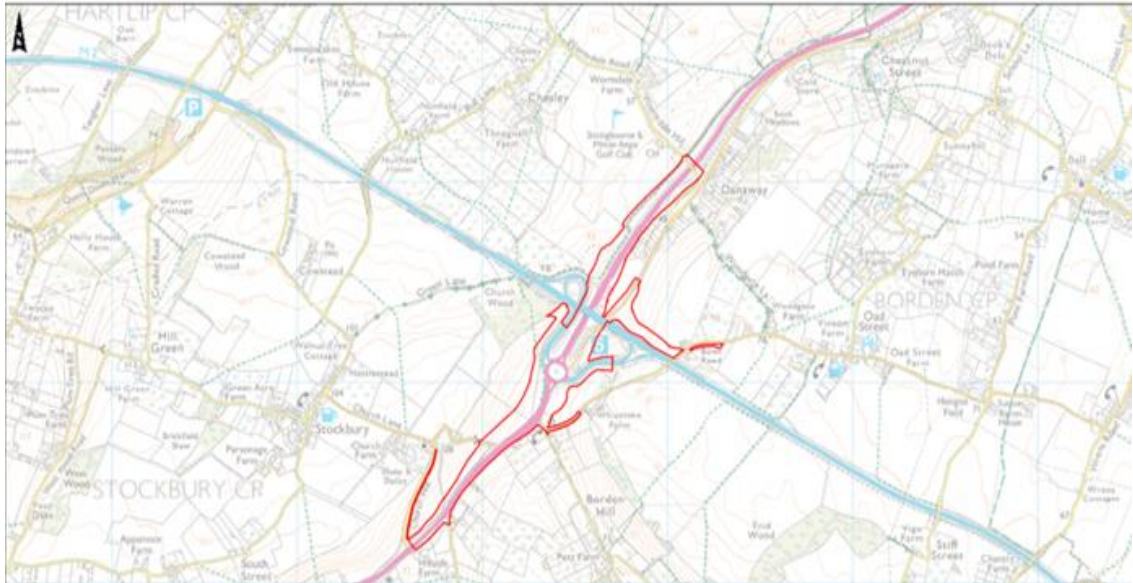


figure 1.2 Scheme Location and Boundary depicted by red line

- 3.2 The A249 provides a local and strategic route between Maidstone and the Isle of Sheppey, serving a number of smaller villages and Sittingbourne along the way. The A249 crosses the M20 and M2 routes and is generally a dual, 2-lane all-purpose carriageway along most of its length.
- 3.3 The Stockbury roundabout was designed and completed in the late 1960s in anticipation of adoption of the European standard of driving on the right. Consequently, and counterintuitively, access to the eastbound M2 is west off the Stockbury roundabout and access to the M2 westbound carriageway is east off the roundabout.
- 3.4 There are a number of local access roads within the site area. Maidstone Road is accessible from Stockbury Roundabout and runs sub-parallel with the A249 towards Sittingbourne, serving villages such as Danaway and Chestnut Street. Other access routes are situated in the south-eastern extent of the site area, providing access to occasional farmhouses and residential properties. Oad Street joins the A249 some 250m south of the roundabout. Currently vehicles can turn both left and right out of Oad Street with only left-in turns permitted. The right turn out of Oad Street involves a manoeuvre crossing the A249 southbound dual carriageway, through the central reservation to join the A249 northbound.
- 3.5 Stockbury Parish comprises Stockbury village and the hamlet of Yelsted which lie on the western side of the valley slope, to the south-west of the Stockbury roundabout, and the hamlet of South Green on the eastern side of the valley. Church Hill and Honeycrook Hill provide direct access and egress onto the A249 and the wider road network. The village dates back to Saxon times and is a thriving local community with a village hall at the centre of community life, farms, a farm shop, post office and butchers, a community owned public house, a garage and MOT station and other small businesses. The extent of community engagement was not only evident in the well-organised and thoughtful case presented by the Parish Council but also by the running of the

community bus and the community purchase of the public house.

- 3.6 The scheme is located within the base of the dry Stockbury valley landscape. The A249 dual carriageway and the M2 motorway are prominent infrastructure features in the ES study area, with the A249 extending from southwest of the study area through to the northeast of the study area. The M2 motorway runs from the northwest of the study area down through to the southeast. Both are in direct contrast with the historic and traditional pattern of rural roads within the area, which are often narrow, winding and with sharp bends.
- 3.7 The existing M2 viaduct, which crosses the valley, is a noticeable feature in the local landscape. The part of the A249 most relevant to the Scheme sits within the Stockbury valley with ground elevation typically increasing relatively steeply on either side of the road. The existing roundabout junction is largely screened by mature roadside vegetation. To the south and west of the Scheme the landform is gently undulating, typical of a dry valley landscape with a series of dip-slope valleys. To the north of the Scheme lies rolling arable landscape.
- 3.8 Some 60% of the scheme is located in the Kent Downs AONB, a nationally important protected landscape. Within the study area, the M2 corridor forms the northern boundary for the AONB²¹.
- 3.9 There are two areas of Ancient Woodland within 30m of the Scheme, which include Church Wood and Chestnut Wood²². Other areas of Ancient Woodland within the 2km study area include: Frid Wood (1.2km from the Scheme), Steps Hill Wood (1.5 km away from the Scheme), Squirrels Farm Wood (1.1km away from the Scheme) and Gore Wood (0.8km away from the Scheme).
- 3.10 Statutorily protected sites within the ES study area include: three protected hedgerows at: Oad Street; to the east of Amels Hill Track and to the east of Honeycrook Hill. Non-statutory designated sites within the study area include: two Roadside Nature Reserves (RNRs) at Church Hill and Honeycrook Hill, Stockbury.
- 3.11 There is a Scheduled Monument adjacent to Church Farm and a twelfth century Grade I listed, Church of St Mary Magdalene along Church Lane, Stockbury which have both been ascribed a high national value in the Landscape and Visual Impact Assessment²³ (LVIA) contained within the ES.
- 3.12 A series of Public Rights of Way (PRoW)²⁴ are located along the sides of the Stockbury Valley and within close proximity of the A249 and M2 infrastructure. Of the PRoWs within the Kent Downs AONB, PRoW KH85 is located immediately adjacent to the existing Stockbury roundabout and the

²¹ see Figure 9.1 in Volume 3 CD B3.7

²² see Figure 2.1 in Volume 3 CD B3.1

²³ CD B2.17

²⁴ Figure 9.1 in Volume 3CD B3.7- PROW KH81, PROW ZR70, PRoW KH85, PRoW ZR135, PRoW ZR71, PRoW KH80.

infrastructure of the A249 and the M2 are a primary feature within the view.

- 3.13 The closest residential properties are Vale Cottages which sit alongside the eastern carriageway of the A249 just south of the roundabout.

4.0 LAW AND POLICY

The Statutory Tests

- 4.1 The Trunk Road (Line) Order is drafted under sections 10 and 41 of the HA 1980. It would authorise the construction of a new section of trunk road or trunk road slip roads. The roads described in the draft Trunk Road Order would become trunk roads from the date when the Trunk Road Order comes into force.
- 4.2 The requirements of local and national planning policies and the requirements of agriculture must be borne in mind when making changes to the trunk road network. Furthermore, it is a requirement that the changes are expedient for the purpose of extending, improving or reorganising the national system of routes in England and Wales.
- 4.3 The SRO is made under Sections 14 and 125 of the HA 1980. These provisions allow the Secretary of State, by Order, to authorise the stopping up of any highway or private means of access (PMA) and the provision of any improved or replacement highway, footpath and PMA, or new means of access to premises adjoining or adjacent to a highway. For an Order under section 124 of the Act to stop up a PMA to be approved, the SoS must be satisfied that continued use of the access is likely to cause danger to, or to interfere unreasonably with, traffic on the highway, and either no access is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided.
- 4.4 The SRO would also provide for the transfer of the new highways to Kent County Council, the local highway authority as from the date on which HE notify the said Kent County Council that the new highway has been completed and it is open for through traffic.
- 4.5 It is a requirement that provision be made for the preservation of any rights of statutory undertakers in respect of their apparatus.
- 4.6 The draft CPO is made under sections 239, 240, 246, 249 and 250 of the HA 1980 and Parts II and III of Schedule 2 to the Acquisition of Land Act 1981. For this Order to be confirmed, the land affected must be required for the construction or improvement of, or the carrying out of works to, a highway maintainable at public expense, or for the provision of buildings or facilities to be used in connection with the construction or maintenance of a highway maintainable at public expense. The powers extend to the acquisition of land to mitigate any adverse effects which the existence of a highway would have on the surroundings of that highway. The powers also extend to the acquisition of rights over land.
- 4.7 The CPO would authorise the acquisition of land and rights for the construction and improvement of highways and new means of access to premises in

pursuance of the Line Order and the SRO. It would also authorise the acquisition of land to enable mitigation measures to be implemented as an integral part of the scheme.

- 4.8 In addition to the tests detailed above, MHCLG Guidance on Compulsory Purchase Process and Crichton Down Rules (The Guidance)²⁵ stipulates that, for land and interests to be included in a CPO, there must be:
- a compelling case for acquisition in the public interest;
 - that this justifies interfering with the human rights of those with an interest in the land affected;
 - that the acquiring authority has a clear idea of how it intends to use the land it seeks to acquire;
 - that the acquiring authority can show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale; and
 - that the scheme is unlikely to be blocked by any impediment to implementation.
- 4.9 **AONB:** the primary legislation in relation to AONBs is set out in the Countryside and Rights of Way Act (CROW) 2000 and provides²⁶ that all Statutory Undertakers and Public Bodies, including HE and the SoS, shall have regard to the purposes of AONB designation in carrying out their functions.

The Policy Context

- 4.10 As set out above [2.1] the Applicant relies on permitted development rights by virtue of Class B of part 9 of Schedule 2 of the Town and Country Planning (General Permitted Development) England Order 2015.
- 4.11 In terms of trunk roads, section 10(2) of the HA 1980 requires the Minister to *take into consideration* the requirements of national and local planning policy, including the requirements of agriculture, in making decisions.
- 4.12 The National Planning Policy Framework (The NPPF) sets out the Government's planning policies for England. At the heart of the NPPF is a presumption in favour of sustainable development, which should be considered through both plan-making and decision-taking. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity and that planning policies should provide for any large-scale transport facilities needed and the infrastructure necessary to support the operation, expansion and contribution to the wider economy²⁷.
- 4.13 The NPPF provides²⁸ that great weight is to be given to conserving and enhancing landscape and scenic beauty in AONBs. It goes on to provide that

²⁵ CD E.3

²⁶ Section 85

²⁷ ¶80 and ¶102

²⁸ ¶172

the scale and extent of development within AONBs should be limited and planning permission should be refused other than in exceptional circumstances and where it can be demonstrated to be in the public interest after considering the need for development, the cost of and scope for developing elsewhere and any detrimental effects on the environment and landscape and the extents to which they could be moderated. Further guidance is provided within Planning Practice Guidance (PPG). Specifically, the PPG provides further advice on the setting of AONBs.

- 4.14 The National Policy Statement for National Networks (NPS-NN) may also be relevant to the proposal. As confirmed at paragraph 1.4 of that document, the NPS-NN may be a material consideration in decision-making on applications that fall under the Town and Country Planning Act 1990 or any successor legislation. It further requires statutory undertakers to comply with the duty to have regard to set out in the Countryside and Rights of Way Act and in relation to decision making provides that great weight should be given to conserving landscape and scenic beauty in nationally designated areas.
- 4.15 Paragraph 5.151 provides that the SoS should refuse development consent in these nationally designated areas except in exceptional circumstances and where it can be demonstrated that it is in the public interest after considering the need for development, the cost of and scope for developing elsewhere and any detrimental effects on the environment and landscape and the extents to which they could be moderated. Paragraph 5.152 creates a strong presumption against significant road widening or new roads in AONBs unless it can be shown there are compelling reasons for enhanced capacity with benefits outweighing the costs 'very significantly'.
- 4.16 The Development Plan for the Scheme area comprises the Maidstone Local Plan (LP) adopted in 2017²⁹ and the Swale LP adopted in 2017³⁰. The Medway Council LP³¹ was adopted in 2003 and it contains an AONB policy which is echoed in national and other development plan policy requirements in the Maidstone and Swale LPs.
- 4.17 Key policies in the Maidstone LP include:
- SP 17: reiterates that great weight is to be given to the conservation and enhancement of the Kent Downs AONB and that proposals should not have a significant adverse impact on the setting of the Kent Downs AONB.
 - SP 23: relates to sustainable transport and contains reference to individual site allocations requiring strategic and local highway infrastructure improvements and the M2J5 is listed as one of the key improvements.
 - DM 1: sets out principles of good design.

²⁹ CD G8

³⁰ CD G4

³¹ CD G5

- DM 3: sets out policy objectives in relation to the natural environment requiring development to protect and enhance it.
- SP 17: provides that development proposals in the countryside will not be permitted unless they accord with other plan policies and it reiterates the requirement to give great weight to the conservation and enhancement of the AONB.

4.18 Key policies in the Swale LP include:

- DM24: conserving and enhancing valued landscapes. Permission for major developments in the AONB should be refused unless exceptional circumstances, as set out in the NPPF, prevail.
- DM28: biodiversity and geological conservation.
- DM29: seeks to ensure the protection, enhancement and sustainable management of woodlands, trees and hedges.
- DM34: scheduled monuments and archaeological sites.
- CP7: seeks to conserve and enhance the natural environment.

4.19 Finally, the Kent Downs AONB Management Plan³² contains a number of relevant policies:

- SD1: sets out the need to conserve and enhance the natural beauty of the Kent Downs.
- SD3: provides that new development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.
- SD7 confirms that developments which negatively impact on the local tranquillity of the Kent Downs AONB will be opposed unless they can be satisfactorily mitigated.
- SD8 states that proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, will be opposed unless they can be satisfactorily mitigated.
- SD10 supports positive measures to mitigate the negative impact of infrastructure and growth on the natural beauty of the AONB.
- SD11 in the case of development that will have a negative impact on the landscape character, characteristics and qualities of the Kent Downs AONB or its setting, mitigation measures appropriate to the national importance of the Kent Downs landscape will be required.

³² CD G9

- SD12 Transport and infrastructure schemes are expected to avoid the Kent Downs AONB as far as practicable. Essential developments will be expected to fit unobtrusively into the landscape, respect landscape character, be mitigated and provide environmental compensation by benefits to natural beauty elsewhere in the AONB.
- LLC1 supports the protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB.
- BD5 confirms that the protection, conservation and extension of Kent Downs priority and distinctive habitats and species will be supported.
- AEU11 provides that a reduction in the need to travel by car will be supported through new and improved measures to provide integrated, attractive and affordable public transport in the Kent Downs.
- AEU 14 Proposals which detract from the amenity and enjoyment of users of the Public Rights of Way network will be resisted.

5.0 THE CASE FOR HIGHWAYS ENGLAND

Introduction

- 5.1 This summary contains all material points in relation to the Applicant's case and it is substantially based upon the closing submissions of the Applicant. It is also taken from the evidence given on behalf of the Applicant and from other documents submitted to the Inquiry, including the Statement of Reasons and Statement of Case. The SoS is also referred to the Applicant's closing submissions³³ which contains a full exposition of the Applicant's case.
- 5.2 The Scheme is often referred to as the M2 junction 5 Scheme (M2J5). In fact, as the wording of the Orders make clear, the trunk road being improved is the A249 and at its core is a reconfiguration of the Stockbury roundabout. The proposal is required to alleviate existing congestion and safety issues and as a regeneration route to enable new development. Objectors, as well as supporters, were almost unanimous in affirming that congestion, accidents and incidents were an almost daily occurrence at the roundabout and its approaches. HE's evidence as to the Scheme being essential for the delivery of allocated housing and employment land in Swale Borough Council was unchallenged³⁴.

³³ Inquiry Document INQ/060

³⁴ HE/2/1 at 2.2.3 & HE/6/2 at 4.3.11

Need for the Scheme

- 5.3 The Scheme forms part of the Department for Transport (DfT) and HE Regional Investment Programme. It is needed primarily to address the capacity and performance deficiencies of the junction which experiences high levels of delay on the approach to the junction and to address safety issues. It is included in the top 50 national casualty locations on the motorway network.
- 5.4 A proposal to improve the Stockbury roundabout was first made formally in Kent County Council's transport delivery plan 'Growth to Gridlock' in 2010. The evidential basis for a scheme to be promoted by HE was set out in the document entitled 'Kent Corridors to M25 Route Strategy Evidence Report'³⁵ of April 2014.
- 5.5 The A249 in the vicinity of M2J5 stood out in a number of respects; firstly, congestion led to low average speeds. The majority of the route network had average peak hour speeds above 51 mph, but the average peak hour speed for the A249 approaching the M2J5 was 31mph to 40mph on a section of highway subject to national speed limits. Congestion further led to unpredictable journey times³⁶. Secondly, this stretch of the Strategic Road Network (SRN) was the most dangerous in the Kent Corridors area and equal 10th (out of 250) throughout the whole of the SRN in England³⁷.
- 5.6 Many of the witnesses at the Inquiry referred to Stockbury roundabout being in the top 50 of accident hotspots, that is a statistic derived from the Kent Corridor to M25 Route Strategy of March 2017³⁸. It is evident³⁹ that this stretch of the SRN is heavily congested, afflicted by journey time unreliability and unsafe and that all three features are inter-linked.
- 5.7 Insofar as regeneration is concerned, the need for the Scheme is highlighted in the Swale LP of 2017 which states that M2J5 "*is the single greatest transport constraint in the Borough*"⁴⁰. Funding was committed in the Road Investments Strategy (RIS) 1 and the objectives of the Scheme align with the overarching objectives of RIS 1, namely to:
- support economic growth; and provide
 - a safe network;
 - a more-free-flowing network; and
 - an improved environment in the form of a high standard of design that reflects the quality of the landscape and setting, and that minimizes the adverse environmental impact of new construction.

³⁵ CD H.10

³⁶ OTRM on-time reliability measure CD H.10

³⁷ Figure 2.3 pages 19-20 of H.10

³⁸ CD H.14/page 9

³⁹ CD H.10 and H.14

⁴⁰ G4

Objections

- 5.8 There are six challenges to the merits of the Scheme: an argument⁴¹ that any scheme should include a bridge or other measure to facilitate access to the village; an argument⁴² that the impact on the AONB is such that the Scheme should not be confirmed unless funding for the enhancement of the AONB is provided; an argument⁴³ that the impact on landscape, ecology and landholdings is such that the Scheme should not be confirmed; the promotion of alternatives⁴⁴ to the promoted Scheme which ought to be considered; an argument⁴⁵ against any road proposal and finally, a contention that greater Non-Motorised User (NMU) provision ought to be included.

The Statutory Tests and the Crichel Down Rules

- 5.9 The Applicant is satisfied that the powers of compulsory acquisition sought are necessary, proportionate and justified. HE has continued to negotiate with landowners which has resulted in some statutory objectors withdrawing their objections. In terms of justifying the interference with the human rights of those with an interest in the land, HE contends that, via the Inquiry process, landowners will be entitled to pursue compensation. The pressing need for an intervention is in the public interest and points to the interference with the human rights of landowners being justified.
- 5.10 Detailed design and assessment work has continued since the publication of the Orders in June 2019 and, subject to the outcome of this Inquiry, construction will commence in September 2021. In short, the acquiring authority has a very clear idea of how it intends to use the land. The policy and budget commitments in the RIS confirm that the costs of constructing the Scheme are secured. In terms of impediments, work has been undertaken with Natural England in terms of working towards securing the required licences regarding protected species⁴⁶. Statutory undertaker apparatus will need to be diverted or protected in order for the Scheme to be constructed. Any diversions required are outside the Order land to be acquired and will require Statutory Undertakers to acquire land and easements through their own statutory powers.
- 5.11 As well as conferring the power on HE to acquire land to construct roads the HA 1980 directs the decision maker to have regard to certain matters. In particular, s10(2) provides that the Minister shall keep the national system of routes under review and should take into account the requirements of local and national policy.

⁴¹ Advanced on behalf of Stockbury Parish Council and some elected representatives.

⁴² Advanced on behalf of Kent Downs AONB Unit.

⁴³ Advanced by Mrs Evans and Mrs Corbishley.

⁴⁴ By Mr MacDonald and Mr Bowman.

⁴⁵ By Mr Jeffery of the Green Party.

⁴⁶ HE/7/2 at 4.1.4

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- 5.12 Planning policy is relevant but, as is apparent from s 10(2), there is no presumption that compliance or non-compliance with planning policies is determinative of whether or not the Orders ought to be made or confirmed. National policy emphasises the critical importance of sound transport networks. On the other hand, local and national policy makes clear the importance of preserving and enhancing the natural beauty of AONBs. Looked at in the round it is argued that there is powerful local and national policy support for this Scheme.
- 5.13 As enunciated by Lord Clyde in *City of Edinburgh v Secretary of State for Scotland*, there is no requirement to comply with local and national planning policy; only a requirement to consider the same. The fundamental point made by Lord Clyde applies a fortiori when local and national policies are to be considered: they will almost always pull in different directions and an overall view has to be taken as to the extent to which planning policy is supportive or hostile to the Scheme.
- 5.14 National policy emphasizes the critical importance of sound transport networks⁴⁷ and of the need to support economic growth⁴⁸. At regional level the Kent Council Local Transport Plan identifies the need for upgrading M2J5 to provide free flow between the M2 and A249 and to alleviate capacity issues⁴⁹. That support is replicated at local plan level with the Swale Borough Council LP emphasizing the need to relieve safety and congestion problems at M2J5.
- 5.15 It is necessary to look at relevant planning policies in their totality and, looked at in the round, there is powerful local and national policy support for this Scheme. Even then, however, compliance with planning policy is only a factor in the expediency and public interest tests which have to be met.
- 5.16 The Scheme will stop up a number of highway links e.g. the junctions at Honeycrook Hill, Oad Street and South Green Lane with the A249, and where that occurs, section 14(6) of the HA 1980 requires the SoS to be satisfied that reasonably convenient alternatives are available. A similar test stands to be satisfied with regard to any PMAs which are stopped up under section 125 of the HA 1980. Those tests are, it is submitted, satisfied.
- 5.17 With regard to highways stopped up on the eastern side of the A249 the new service road will provide adequate and safer access to the A249 via the reconfigured roundabout and the Oad Street link, while the improved Church Hill junction is a convenient alternative to Honeycrook Hill. As for the PMAs stopped up in the vicinity of Amels Hill those have fallen into disuse and are not required. Modification 1 provides a new access for Mary Evans in exchange for the one which is stopped up.
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⁴⁷ CD F.2 at 2.2 and 2.10

⁴⁸ CD F.1 at p80

⁴⁹ CD G.3 page 14

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- 5.18 Finally, reference must be made to the obligation under section 85 of the Countryside and Rights of Way Act⁵⁰ on public bodies to have regard to the purpose of preserving and enhancing the beauty of AONBs. Graham Woodward addresses the landscape and visual amenity impact of the Scheme and the way in which the design has responded to the fact that the Scheme lies within and impacts upon the AONB. It will be submitted that confirmation of the Scheme would be consistent with the SoS's duties under section 85.

The Bushell Principle

- 5.19 The principle is that the merits and foundations of policies, methodologies, design standards and economic assumptions adopted by the Government are not matters for argument at an individual inquiry. Any argument about them should take place generally and at national level. This is clear Government policy from a Ministerial statement made in the House of Lords on 25 February 1976 and that approach is supported by the judgement of the House of Lords in the case of *Bushell and Another v Secretary of State for Environment*⁵¹.
- 5.20 In general terms, the policy issues which are not matters for debate at inquiries are: the allocation of resources to each of the different transport modes; the combination of investment, subsidy, taxation and regulation by means of which the Government seeks to create the most efficient transport system; the general assumptions that Government makes about the availability and price of fuels and other economic factors which influence traffic growth; the objectives of the Government Road Programme; and the general methodologies and the adoption of design standards used in the preparation of schemes and orders – as opposed to their application to particular schemes and orders.
- 5.21 This principle applies to all matters and objections raised at this Inquiry. But it is of particular relevance to the cases advanced by Stockbury Parish Council (SPC), Mr Jeffery and Mr Bowman. As for SPC, DMRB⁵² provides guidance as to when priority junctions/crossovers are acceptable, and it is not open for this Inquiry to question or gainsay that guidance. As for Mr Jeffery, his in-principle objection to significant road building and views as to what is required to meet the UK's obligations under the Paris Agreement contradict RIS 1 & 2 and the advice of the Committee on Climate Change. It is not open to the Inquiry to prefer Mr Jeffery's views to those adopted by Government.
- 5.22 Finally, in respect of Mr Bowman's alternative, it is a matter of consensus that his proposals depart significantly, and in a multiplicity of ways, from the guidance in DMRB. Whilst departures from DMRB are permitted if approved by Highways England's Safety and Engineering Standards group (HE SES) the Inquiry will, in assessing Mr Bowman's alternative, be obliged to deal with it

⁵⁰ CD D.8

⁵¹ [1980] 2 All ER 606

⁵² CD H.1

on the basis of the content of DMRB as it stands. As Mr Roberts explained in evidence Mr Bowman's advocacy of underpasses for certain types of traffic to be segregated from the main line is something to be considered in a general review of DMRB and not at a discrete inquiry.

Alternatives

- 5.23 Mr Bowman and Mr MacDonald put forward alternative designs for improving M2J5. SPC and others have called for physical changes to be made to the Scheme in order to provide for better access and egress to the village without promoting any particular solution, though, during the Inquiry, it became clear that their preferred alternative was for a bridge. The approach which the Inquiry ought to take to their assessment is that it is not the role of the Inspector to make a recommendation in favour of an alternative proposal. However, the Inspector must understand any alternatives proposed sufficiently well to be able to decide whether they appear to be worth further investigation. An important factor in such decisions will be whether or not the alternative would overcome or sufficiently mitigate some deficiency in the Order proposal that would otherwise render it incapable of passing the statutory tests.
- 5.24 When an alternative route is considered at an inquiry, the promoters should produce an evaluation of the merits and practicability of the alternative proposed, whether it would meet the aims and objectives set for the original scheme, taking into account its comparative impacts on the environment and adjoining owners, and comparative costs. When considering comparative costs, there will usually be an assessment of the cost of the delay, which would follow from considering an alternative scheme. An alternative would no doubt require detailed design work, followed in all probability by the preparation of new orders and the holding of a new inquiry. The assessed cost of delay is therefore often very substantial.
- 5.25 Decisions should be based upon what is appropriate in the public interest, and therefore all relevant factors should be taken into account. Although the Inspector is not in a position to make a recommendation in favour of any alternative proposal, any such proposal (and any counter-objections to it) must be given due consideration, and its apparent advantages and disadvantages compared with the published proposal. This is because the Inspector will need to advise the SoS on whether the alternative in question appears to warrant further investigation where the Inspector comes to the conclusion that, whilst the original proposal may be justified in principle, the objections made against it are sufficiently overwhelming to lead the Inspector to recommend against it.
- 5.26 There will then follow an overall judgement on the proposal, together with the reasoning which leads to any recommended modification, bearing in mind the submissions and objections made, any relevant policies and any criteria specified in the enabling Act.
- 5.27 In this case no quantification of the costs associated with the need to design a new scheme and to comply with all the statutory processes has been adduced but they are bound to be significant. But, in addition to the financial

costs associated with scheme preparation, detailed design and so on, there are social, economic and human costs which would inevitably result from delay. The network has suffered from serious congestion for a long time and that congestion is bound to return when the pandemic abates: delay occasioned by the consideration and pursuit of an alternative would prolong the congestion. The network is, moreover, a constraint on the development of much needed housing and economic growth and delay would thwart those developments thereby imposing economic costs on an area to the north of the junction which, the Inquiry heard, is amongst the most deprived in the UK.

- 5.28 Finally, delay in providing an improvement would, inevitably, lead to unnecessary accidents including those giving rise to serious personal injury⁵³ and both Mr MacDonald and Councillor Whiting described the problems of unemployment on the Isle of Sheppey and Sheerness.
- 5.29 Finally, it is worth noting that, in respect of access to Stockbury village, the alternatives, properly analysed, are supplements rather than alternatives to the promoted Scheme. For instance, the bridge and signalised junction could be added at a later stage should the local highway authority deem that to be desirable and feasible. Indeed, KCC's application for funding for the bridge wholly relies upon the Scheme being implemented. Signalised junctions could be put in place by KCC without the need for orders under the HA 1980 and without an inquiry. They would have to be Traffic Regulation Orders and possible consultees could oppose these but that would be a straightforward exercise.

The Case for the Scheme

- 5.30 As set out earlier, there is little dispute as to the need for a scheme to deal with the problems at the Stockbury roundabout. A solution is required to alleviate current problems and to enable further development in terms of housing and employment land in Swale Borough Council. The real question for the Inquiry is whether this Scheme, as opposed to some alternative or variant, ought to be implemented. The overall focus must be on whether there is a compelling public interest case for the Scheme. Much of the time during this Inquiry has been spent on considering the impact of the Scheme on the village of Stockbury and access and egress to it and in assessing the impact of the Scheme on the AONB. Whilst that is entirely appropriate and proper those issues must be seen in a wider context.

⁵³ CD H.7a Table 5-11, page 59 for the disaggregation of accident benefits as a result of the Scheme. Over 60 years the Scheme is predicted to save 8 fatalities and 65 serious injuries. A delay of 3 years might thus be expected to cause something in the region of 3 serious accidents and 30 slight accidents. In terms of the scale of accident benefits it is useful to compare with INQ/0-24 which sets out the accident benefits predicted as a result of a bridge.

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- 5.31 First, the greatest problems at this junction relate to the southbound approach on the A249 and with traffic accessing the junction from the westbound M2. Those are the arms which suffer the greatest delay and the problems are at their worst during the AM peak hour (7.00 am to 8.00 am). The wider context, in a local or regional sense, therefore, is that those suffering the greatest inconvenience reside to the north and to the east of the junction and not to the south of the roundabout. The same is true insofar as the regeneration purpose of the Scheme is concerned; the development which requires the junction to be improved is predominantly in the area of Swale Borough Council and not Maidstone Borough Council.
- 5.32 The local or regional context is not, moreover, solely concerned with economic development or avoiding queues. Whilst much of the expert evidence is focused on the safety of the Scheme to the south of Stockbury roundabout, the historic accidents are not limited to this stretch of the road. Rather, it is apparent that accidents, closely associated with the congestion, have occurred on the other arms and approaches to the roundabout⁵⁴. The swift implementation of the Scheme would thus confer wider safety benefits over and above those which relate to the Stockbury community.
- 5.33 Secondly, there is a wider national context. It is a fact that useful highway interventions will usually outstrip the available resources⁵⁵. This is true for public investment in general which is why central government requires projects to be subjected to cost benefit analysis. Resources spent on one intervention is money which is not available for another intervention: a point made lucidly by Mr Bowman. Due in large part to the severity of the existing problems at M2J5 the benefit cost ratio (BCR) for the Scheme puts it in the High or Very High value for money category.
- 5.34 The further provisions which have been assessed in terms of access to Stockbury all perform very poorly in terms of value for money. Having regard to the national context that suggests that the money which might be spent, for example, on an overbridge would be better spent elsewhere. In any event there is no safety need for a bridge.

Modifications

- 5.35 Mr Roberts gave detailed evidence as to the nature and advantages of the changes to the Church Hill junction contained in Modification 6. Whilst Mr Roberts was careful not to overstate the benefits it is submitted that these amount to an appreciable improvement and I am invited to commend Modification 6 to the SoS. Modification 1 is a change to accommodate Mrs Evans and it was clear, notwithstanding her opposition to the Scheme, that she agrees with Modification 1 should the Scheme proceed. The other modifications are trivial, and uncontroversial.

⁵⁴ CD H.7a/section 4.4

⁵⁵ CD H.10/2.2.11

Conclusions and overall balance

- 5.36 There cannot be many road projects where the problems of the present are so apparent and the need for improvement so compelling, not simply in terms of alleviating current problems but also in terms of unlocking much needed development. The promoted Scheme is a well thought out proposal which provides very good value for money. It responds to its setting in, and adjacent to, the AONB and would lead to net biodiversity benefits in the long run and an enhancement of the soft estate.
- 5.37 The design has benefited from engagement with all stakeholders and from the early involvement of the contractor. Delay would be contrary to the public interest and none of the alternatives come anywhere near meeting the test set out. In the circumstances, HE as the Applicant invites the SoS to confirm and make the Orders as appropriate to enable the promoted Scheme to be implemented.

6.0 CASES FOR THE SUPPORTERS

- 6.1 Two supporters appeared at the Inquiry to support the Scheme in principle.

Councillor Mike Whiting of Kent County Council

- 6.2 Councillor Whiting represents Swale West including the Parish of Borden and Newington. He put forward two 'pillars' for allowing the application- safety and economic growth. Councillor Whiting reiterated that Stockbury junction was one of the worst junctions for accidents, with one personal injury accident every two weeks and less serious accidents causing delays on a daily basis. Consequently, he said that many drivers used country lanes to avoid the roundabout and he cited Oad Street as being a popular 'cut-through'.
- 6.3 Councillor Whiting went on to explain that, as one of the main routes to the channel ports, volumes of traffic are predicted to increase significantly when the Lower Thames Crossing opens in 2027, with growths of 5% in port traffic forecasted. He emphasised the importance of the A249 as a strategic route, key to delivering the UK's wider economic plans post-Brexit. Improvements to the junction are therefore a key priority to alleviate congestion and improve road safety whilst aligning with KCC's longstanding objectives.
- 6.4 The junction serves key economic and employment hubs at Sheerness and Maidstone and without intervention, the South-East Local Enterprise Partnership has said the network would fail to support the Swale LP objectives in supporting business growth at Peel Ports. The junction serves some of the most deprived wards in England and improvements would promote growth and improve lives. Councillor Whiting is firmly of the view that junction improvements are key to the UK economy and they would, over time, significantly improve the life prospects of many local residents and workers.

Ms Sharon Dosanjh

- 6.5 Ms Dosanjh is a local resident who lives on Maidstone Road. She moved there 18 months ago, and she stated that she did not realise how bad Stockbury

Roundabout is. She uses the roundabout every day and on Maidstone Road every morning the traffic is backed up because people think it is a quicker route than the A249. She turns right out of Maidstone Road and people cut her up trying to turn left. She has seen cars cut up and crashed on top of the roundabout. Ms Dosanjh stated that she considered it dangerous and very frightening to use Maidstone Road. She contends that the road has become even busier over the last few months with new housing developments and she endorsed the comments of Councillor Whiting.

7.0 CASES FOR THE OBJECTORS

Stockbury Parish Council (SPC)

- 7.1 SPC were ably represented at the Inquiry by their Chairman Mr Phil Woods, and ably supported by the evidence of Mr Alan Cooke, Ms Sara Kemsley and Mrs Penny Spearman and other local residents.
- 7.2 This summary contains all material points in relation to SPC's case and it is substantially based upon the closing submissions of SPC, as well as taken from the evidence given on behalf of the Parish Council and from other documents submitted to the Inquiry. The SoS is also referred to SPC's closing submissions⁵⁶ which contains a full exposition of the Parish Council's case.
- 7.3 SPC maintains that the Scheme as it currently stands would increase the risks to drivers entering or leaving Stockbury via the junction at Church Hill and that this would cause serious harm to the local economy and the community. This view has been echoed in the lived experiences described by other witnesses from Stockbury, most notably the evidence from Ms Kemsley relating to the village bus. SPC do not pretend to be experts in road design or traffic management, but they do have 365-day a year experience of the difficulties associated with entering and leaving the A249 in all conditions and at all times of day.
- 7.4 SPC's contention that the junction with Church Hill would become less safe without some form of mitigation has been lent more weight by the evidence that has been put to the Inquiry by HE.

The Church Hill Junction

- 7.5 In order fully to explain the Parish Council's concerns about the increased risks to Parishioners, business owners and visitors to Stockbury, they make the following observations based on peak time travel.
- 7.6 Joining the A249 northbound from Church Hill: as the Scheme allows for the increase in speed of vehicles passing Church Hill Junction, this would remove the gaps in traffic flows, resulting in additional risks in crossing into, and

⁵⁶ Inquiry Document INQ/054

leaving, Church Hill. This risk would be increased in the case of slow-moving vehicles such as farm vehicles.

- 7.7 Vehicles leaving Church Hill would join two lanes of continuous traffic travelling at up to, or beyond, the national speed limit, with a blind bend obscuring the view of oncoming traffic and no acceleration lane. The distance between the blind bend and the junction was quoted by one of HE's expert witnesses as 198m, some 97m less than the accepted DMRB recommendation of 295m for this kind of junction. This would present a particular danger to slower accelerating cars and light goods vehicles which currently use Honeycrook Hill due to its much longer line of sight.
- 7.8 The view of drivers in the offside lane would be obscured by a continuous flow of slower and larger vehicles travelling northbound on the A249 in the nearside lane. Any vehicle leaving Church Hill intending to enter the flyover would therefore need to make two separate manoeuvres: one to join the nearside lane and another to cross into the offside lane. Whilst gaps in queuing traffic currently facilitate this, it would become a difficult and potentially dangerous manoeuvre when joining continuously flowing traffic.
- 7.9 In assessing the increased risk of this manoeuvre after the Scheme is completed, HE have not assessed the range of speeds anticipated on the A249. They have also neglected to take into account the fact that there would be an increased number of slow accelerating cars and light goods vehicles using the junction. Whilst the removal of the U-turn facility will reduce one risk, HE have failed adequately to take into account the increased risks associated with slow accelerating vehicles and, in their opinion, has produced a flawed assessment.
- 7.10 Crossing the A249 from the southbound carriageway into Church Hill: on leaving the new roundabout, vehicles wishing to access the cross-over into Church Hill would need to cross two lanes of continuous traffic travelling at, or above, the national speed limit. The current roundabout, with traffic lights, allows natural gaps to occur in the southbound traffic flow, which facilitates traffic entering the off-slip to the Church Hill junction. HE confirmed that the minimum weaving distance for this manoeuvre as set out in the DMRB is 1 kilometre, but that the designed distance is less than half of this. HE have reached an agreement with KCC regarding the defect, subject to Stage 3 and Stage 4 safety audits to be carried out after the Scheme is completed.
- 7.11 It was revealed during the evidence given by Mr Roberts that, if this section of road fails the audits due to the departure from standards, there is no practical plan for remediation, although major works to move the junction south may have to be considered. Given the topography, they are of the opinion that this would be a prohibitively expensive and disruptive solution. They accept that the number of southbound vehicle movements leaving the flyover would not increase greatly, but these vehicles would be travelling continuously and "at speed" having travelled unimpeded for 7 miles thus leaving minimal gaps for traffic to cross safely. This would be a challenge with a weaving distance of 1km, but SPC contend it would prove dangerous with a weaving distance of less than 500m. This has not been adequately taken into account in HE's assessment of risks.
- 7.12 When exiting the crossover into Church Hill, vehicles would be confronted with a continuous flow of northbound traffic, with the nearside lane being obscured

by vehicles in the offside lane. This is currently a time-consuming manoeuvre but can be achieved with patience by waiting for gaps to occur due to the traffic lights at the roundabout creating queues and the “keep clear” road markings on the northbound carriageway. Once these gaps have been eliminated, they contend that crossing two lanes of traffic would become dangerous.

- 7.13 Non-motorised vehicles and pedestrians: the Scheme does not allow for non-motorised vehicles or pedestrians to cross the A249. The current gaps in the central reservation barrier would not be replaced. This is inconsistent with Government policy and KCC’s strategies in that it further reduces the opportunities for safe non-motorised travel.
- 7.14 The Scheme proposes the creation of new bus stops on the new Oad Street slip road. Given that there would be no safe route for pedestrians to cross the A249, these would be of no use to the majority of the population of the Parish who live on the western side of the road.

Evidence at the Inquiry

- 7.15 They do not propose to go into all of the relevant evidence that was put forward by HE witnesses at the Inquiry. However, they do wish to highlight the following points:
- None of the expert witnesses appearing for HE had driven the relevant roads or used the Church Hill and Honeycrook Hill junctions in all conditions and at all times of day.
 - That the weaving distance between the end of the proposed flyover and the deceleration lane leading to the Church Hill junction southbound would be less than 50% of the distance recommended in the DMRB.
 - That there was agreement with KCC that the sub-standard distance should be allowed, subject to stage 3 and stage 4 safety audits which would take place after the project is completed. Should the distance prove to be a critical safety factor in either of these audits, there is no plan for remediation.
 - That the average speed of vehicles travelling both northbound and southbound on the A249 would increase.
 - That traffic flow on the A249 is planned to be continuous.
 - That HE has accepted responsibility for the Church Hill junction through the publication of Modification 6 which proposes re-modelling the radii of entry to and exit from the junction at the northbound carriageway.
 - That the distance between a blind bend on the northbound carriageway and the Church Hill junction is 198 metres, whereas the DMRB standard for this kind of junction is 295m.

- It was accepted by an expert witness that the number of “side swipe” and “nose to tail” collisions around the Church Hill junction would increase.
- That, despite a greatly increased number of slow accelerating vehicle movements at the junction, which would increase risk, the removal of the U-turn facility at the Church Hill junction would, in the opinion of HE, compensate for this in an overall risk assessment.
- That HE assumes all slow-moving and slow-accelerating vehicles using the Church Hill junction would be HGVs and farm machinery.
- That the benefit cost ration (BCR) of the entire scheme would still be judged as good value for money if a bridge at the Church Hill junction was included as part of the Scheme⁵⁷.

Conclusions

- 7.16 SPC maintains that the Scheme, as currently designed, would increase the dangers faced by residents, employees and visitors to Stockbury village and believes that the evidence they have heard further reinforces that view. They acknowledge that there is a need to modernise the M2 junction but assert that the solution has not taken adequate account of the risks associated with the Church Hill junction.
- 7.17 HE has produced assessments in good faith, but SPC argue that, whilst they are adequate in the context of the entire scheme, there has been a lack of detailed consideration of its effects on people entering or leaving Stockbury. By their own admission, none of the experts upon whose evidence HE relies have driven the relevant routes in all conditions and times of day, instead relying on computer modelling carried out in locations remote from Stockbury. In this respect, SPC say that approach is simply insufficient.
- 7.18 The final part of their closing submission is a short and simple one. The rural community of Stockbury is a thriving and successful one and represents everything that is good about village life. It supports businesses that have overcome significant challenges to remain viable and to provide employment opportunities, as well as essential services, to local residents. But those businesses remain viable only because they are able to attract custom from outside the village itself. The Stockbury community is bisected by the A249 and so it is essential that appropriate and sufficient access remains available to those who have to cross the A249 to travel into the village.
- 7.19 There is no room here for doubt or ambiguity. If this access is lost, then the businesses of Stockbury would cease to be viable. Jobs would be lost. Farming activity will be seriously compromised. Local residents would be exposed to a very real risk of losing their pub, farm shop, post office and local garage. The

⁵⁷ Inquiry document INQ/046

services presently provided by village organisations to vulnerable members of the outlying rural community would also be at risk.

- 7.20 SPC readily recognise and accept that there is good reason to improve the traffic flow from Sheppey to Detling. But the ambition to accelerate the flow of that traffic at the least possible cost is too high a price to pay if it compromises the viability of the now thriving community of Stockbury. Put another way, if additional cost is incurred in securing continued sufficient and safe access to Stockbury village, then that is plainly wholly proportionate to the outcome, which would be to avoid sacrificing the interests of local residents in order to shave off a few minutes from the journey of traffic with no interest in the village passing along the A249.
- 7.21 Distilled to its essence their submission is this: The cost of measures necessary to secure the viability of Stockbury village should not be considered as additional and avoidable expenditure but something that is an unavoidable consequence of the scheme itself that should have been included in the original plans by the designers of the scheme. To describe the costs involved as representing “very poor value for money” is to regard the quality of life of hundreds of local residents as being worthless. That cannot be a sustainable outcome to this Inquiry. In light of the above, SPC would ask that the recommendation to the SoS is that the Scheme should only proceed with the inclusion of a bridge at the Church Hill junction as an integral part of the wider project.

Kent Downs AONB Unit

- 7.22 Ms Katherine Miller BSc (Hons), Dip TP, MRTPI represented the interests of the Kent Downs AONB Unit at the Inquiry. She is the planning manager within the Unit and she took part in the roundtable session on landscape impact.
- 7.23 This summary contains all material points in relation to Kent Downs AONB Unit’s case and it is substantially based upon the written and oral evidence of Ms Miller as well as taken from other documents submitted to the Inquiry. Ms Miller also submitted a note on compensation mechanisms to the Inquiry⁵⁸
- 7.24 The proposed Stockbury roundabout works are located within the Kent Downs AONB and its setting and include significant widening of the existing highway corridor, the provision of a new flyover and construction of new link roads. These works would have a damaging effect on landscape character, as well as adverse visual impact, which would result in significant harm both to the Kent Downs AONB and its setting and fail to conserve or enhance this nationally protected landscape.
- 7.25 The Kent Downs AONB comprises the eastern half of the North Downs ridge of chalk stretching from Farnham in Surrey to the English Channel at Dover. The landscape of the AONB is made up of several special characteristics and qualities including; dramatic landform and views such as the North Downs escarpment and dry valleys; biodiversity-rich habitats including semi-natural

⁵⁸ Inquiry documents INQ/039 and INQ/049

chalk grassland and species-rich hedgerows; farmed landscape and woodland and trees, all of which would be impacted by the proposed works.

- 7.26 The works would extend approximately 1.4km into the AONB and include the realignment of the existing route of the A249 to the north-west by some 70 metres while the existing carriageway would be retained, widening the existing highway corridor from 40 metres to over 100 metres at its widest point. This involves intrusion into undeveloped land in arable use with the re-aligned road encroaching up the valley side, requiring extensive engineering works, further exacerbating the impact.
- 7.27 The introduction of the flyover would be a particularly harmful element of the proposal. The A249 is presently provided at grade, other than the slips to access/exit the M2 which generally follow the natural topography of the valley sides. The fly-over would introduce an extensive built element some 7.4 metres above ground level, for a length of approximately 600 metres into this rural valley within the AONB.
- 7.28 Harm would also arise as a result of the construction of the two new link roads, with the Maidstone Link creating a 0.5km length of road cutting directly up the valley side in the immediate setting of the AONB and the Oad Street link creating a 200 metre length of new road in the AONB, increasing the extent of the highways infrastructure southwards and requiring a new urbanised junction with the old A249 south-bound carriageway, complete with traffic islands. Harm would also arise as a result of the widening and upgrading of the existing Oad Street, changing its current character and resulting in it becoming visible from the other side of the valley.
- 7.29 The proposal would also result in a need for increased signage and lighting and an increase in night-time impacts as a result of the headlights of vehicles on the elevated flyover. The presence of the flyover structure would also reduce the cohesion and ease of accessibility of AONB communities on either side of the A249.
- 7.30 The site of the proposed works lies within an attractive dry valley on the dip slope of the North Downs that notwithstanding the existing highways infrastructure, is wholly typical of the Mid Kent Downs Landscape Character Area, within which it lies. As the Kent Downs AONB Management Plan⁵⁹ makes clear, such dry valleys are a greatly valued and intimate feature of the Kent Downs landscape, and along with the scarp slope, were the main target for designation when the AONB was designated. Accordingly, dry valleys are specifically identified as one of the special characteristics and qualities of the Kent Downs AONB.
- 7.31 The assessed level of harm as reported in the ES⁶⁰ is considered to be underestimated for both landscape and visual receptors in the AONB, principally through an under estimation of their sensitivity, considering their high landscape value and susceptibility, and an unrealistic assessment of magnitude of impact. This has consequently led to an under-estimated residual

⁵⁹ CD G.9 at section 4.2

⁶⁰ CD B2.17

significance of effects for the receptors. The Unit notes that this is a view that is shared by Natural England.

- 7.32 Accordingly, it is considered that the proposal fails to comply with various aspects of both national and local planning policy and guidance. While it is accepted that there is a need for the development and little scope for developing outside of the designated area, they consider insufficient moderation of the impacts are proposed. Accordingly, it is considered that the scheme is in conflict with paragraphs 5.150, 5.160 and 5.161 of the NPS-NN⁶¹.
- 7.33 The proposal would also be in conflict with paragraph 172 of the NPPF⁶² which requires great weight to be given to conserving and enhancing AONBs and advises that permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest, and requires consideration of need, scope for developing elsewhere and ...*"any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated"*.
- 7.34 Similarly, the Scheme fails to comply with policies SP17 of Maidstone's adopted LP⁶³ and DM24 of Swale's adopted LP⁶⁴, both of which require conservation and enhancement of the AONB.
- 7.35 Also of relevance is the Kent Downs AONB Management Plan (CD G.9). Compliance with policies of the Management Plan assists in helping to demonstrate that public bodies have complied with their Duty of Regard under the Countryside and Rights of Way Act. The scheme conflicts with many policies in the Kent Downs AONB Management Plan. The landscape and visual impacts would be contrary to policies SD1, SD3, SD8 and LLC1. The lack of sufficient mitigation and environmental compensation conflicts with policies SD11 and SD12.
- 7.36 Increased lighting would adversely impact on the dark night skies of the Kent Downs AONB, in conflict with policy SD7. Furthermore, loss of vegetation including species rich verges, hedgerows and woodland would impact on the biodiversity rich habitats of the Kent Downs, contrary to policy BD5.
- 7.37 Notwithstanding the proposed mitigation measures, the works would, in their view, result in significant residual impacts to the landscape and scenic beauty of the AONB, in addition to the acknowledged predicted major impacts in the LVIA during construction and for the first years of operation. As such, further mitigation should be incorporated. This could include vegetated traffic islands, a reduction in the amount of fencing and more sensitive fencing design and opportunities for landscape enhancement further afield, such as additional offsite planting to screen views of the M2 and/or A249 from nearby rural areas.

⁶¹ CD F.2

⁶² CD F.1

⁶³ CD G.8

⁶⁴ CD G.4

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- 7.38 Even with such measures, it would not be possible to satisfactorily mitigate the landscape and visual impacts of the Scheme and compensation should therefore be made. There is a long-established precedent for providing compensation for unavoidable infrastructure schemes that impact on nationally protected landscapes, including for schemes where impacts are temporary only.
- 7.39 The compensation should be used to contribute towards enhancement of the landscape corridor of the A249 Stockbury Valley and be used to fund schemes that directly respond to recommendations in the various Landscape Character Assessments that cover the local area. Compensation would not offset harm to the AONB; damage to the AONB and its setting cannot be substituted by other means. However, such an approach would be consistent with the advice from Natural England⁶⁵, the NPPF, the concept of environmental net gain set out in the 25 Year Environment Plan⁶⁶ and policy SD12 of the AONB Management Plan⁶⁷.

Conclusions

- 7.40 The proposed works to the A249 and Stockbury Roundabout would result in significant harm to the special character and qualities of the Kent Downs AONB. The harm includes detrimental impacts to both the landscape and scenic beauty of this nationally protected landscape. The assessed level of harm as reported in the ES is considered to be underestimated for both landscape and visual receptors in the AONB, principally through an under-estimation of their sensitivity, considering their high landscape value and susceptibility, and magnitude of change. This consequently leads to underestimated residual significance of effects for the receptors. This is a view that is shared by Natural England.
- 7.41 While some mitigation measures are incorporated, these do not adequately moderate the significant levels of harm, nor is any compensation proposed. As such the proposal is considered to conflict with both national and local policy that seeks to conserve and enhance AONBs.

Mr Alan Cooke

- 7.42 His submission to the Inquiry is from the standpoint of a resident of the village, with an engineering and design background. It is based on a lived experience of using the roads in and around Stockbury and therefore a 'lived experience' skills base from which to express opinions on the proposed plans.
- 7.43 During the Inquiry he has expressed serious concerns about the proposed Scheme's failure to adequately address the impact of these works, particularly from a safety perspective on entry to, and egress from, Stockbury village. HE appears to be of the opinion that the elimination of U-turns at Church Hill junction is all that is required to improve the safety there to an acceptable level when the Scheme is completed.

⁶⁵ CD M.22

⁶⁶ CD Y.3

⁶⁷ CD G.9

- 7.44 This is at substantial variance with the 'lived experience' of drivers that use these roads. Non-HGV drivers, including his "lived experience" influences how they currently exit and enter the village, with the majority preferring to use Honeycrook Hill rather than Church Hill. Why? It offers better visibility of oncoming traffic which is slowing as it approaches the roundabout. The opportunities to safely cross the northbound carriageway traffic are higher, particularly at peak times thanks to the Keep Clear boxes.
- 7.45 Entering the eastern slip road from the current roundabout is safer, as it can be done without the need to cross any traffic. "Lived experience" of observed driver behaviour when performing these manoeuvres is that a sizeable minority resent having their flow interrupted, to the extent that they will tailgate you with some performing the dangerous manoeuvre of accelerating and weaving in front of you.
- 7.46 What impact would the proposed Scheme have? It would leave Church Hill as the only option available. Entering its eastern slip road requires weaving through two lanes of traffic, travelling unfettered up to 70mph (and more), in a distance that is half that required on a motorway.
- 7.47 Entering into Church Hill from the eastern slip road carries the same risk, exacerbated by the need to bisect the oncoming northbound traffic, together with the added danger of crossing the fast lane first. This imposes a significant and unacceptable risk to all users of the A249 at Church Hill Junction that is at variance to the safety improvements made to those junctions on the east side of the carriageway that have been removed from the A249.
- 7.48 Safety modelling by HE has apparently demonstrated to their satisfaction that required safety is achieved but a potent mixture of lived experience and common sense powerfully demonstrates a very different set of views and beliefs that should be taken into account.

Ms Sara Kemsley

- 7.49 Ms Kemsley is a local resident, retired headteacher and community bus driver. The following is taken from her closing submissions to the Inquiry⁶⁸.
- 7.50 Councillor Mike Whiting outlined very clearly why the proposed improvements at the Stockbury Roundabout are so vital at local, county and national levels. As local people involved in helping residents to lead fuller lives within, and beyond, the Parish of Stockbury, they have also supported this view that there are wider transport and economic benefits from this scheme for the area.
- 7.51 They have never opposed the Scheme as a whole. However, having heard the evidence at the Inquiry and participated in the sessions, they take the following views in relation to our community transport submission. The Community Bus is currently the only form of "public" transport for residents of Stockbury Parish and the surrounding environs. It provides a level of independence to individuals who do not have access to a car, thereby reducing

⁶⁸ Inquiry document INQ/056

isolation, loneliness, and social deprivation. It helps build and support the community spirit that exists throughout the community it serves.

- 7.52 The new public bus route and stops proposed within the Scheme⁶⁹ are both on the new Oad Street link road and would not serve the village on the east side of the valley at all. Pedestrians would have to cross a 'motorway' on foot, with shopping/push chairs/walking frames. This means that the community bus and taxis would remain the only options for the growing elderly population and other non-drivers in Stockbury, particularly on the east side of A249.
- 7.53 They maintain their position that the closure of Honeycrook Hill would force all traffic to use Church Hill to enter and leave Stockbury Village. This route is locally considered the more dangerous of the two and they have seen nothing in the submissions and evidence from HE to change that view. There is no acknowledgement in the statistical models that different vehicles and different drivers generate very different judgments about when it is safe to enter or cross speeding traffic.
- 7.54 The safety assessments for Church Hill⁷⁰ are limited to specific scenarios that have created historical accidents. Removing the scenario is predicted to remove the accidents. For example, quoting from Inquiry document 022, 'Vehicle 1' (queuing in lane 2 northbound) stops to allow 'vehicle 2' (waiting to turn right from the cross-over, towards Church Hill), across the northbound carriageway. The driver of vehicle 2, with an obscured view of northbound traffic in lane 1 (due to the presence of vehicle 1) then collides with another northbound vehicle travelling in lane 1 (who also has an obscured view due to traffic in lane 2).
- 7.55 The likelihood of this occurring is reduced with the Scheme, notwithstanding the increase in turning movements, as northbound traffic is less likely to be queueing at this location due to improvements. This attitude pervades the Risk Assessments and takes no account of the new risks posed by trying to grab an opportunity to weave through, join or cross vehicles moving at 70mph or more. These are motorway manoeuvres without the motorway standards of acceleration and deceleration lanes.
- 7.56 Having heard the Alternatives Round Table session, it appears that the option for traffic lights at Church Hill would provide a level of safety, without seriously impacting the free-flowing objectives of the Scheme. It is also the least costly and would have least impact of the alternatives on the AONB. This would be an acceptable option for drivers of the bus and taxis. However, it would not open up the public transport options for pedestrians.
- 7.57 They understand from the REAC session that a traffic management system would be developed in discussion with SPC for the duration of the works. They could urge that this includes a commitment for traffic signals at Church Hill to mitigate the immediate worsening of the situation when Honeycrook Hill closes at the start of the works. Having heard a fair and detailed Public Inquiry, it

⁶⁹ Inquiry document INQ/028

⁷⁰ Inquiry document INQ/022 and CD H.47

remains their position that they urge the Inspector to require a modification to these proposals that provides for safe access and egress for the village of Stockbury via the A249 whether by traffic lights or a simplified overpass.

Mrs Evans and Mrs Corbishley

- 7.58 Mrs Evans and Mrs Corbishley are mother and daughter. Whilst strictly speaking only Mrs Evans is a statutory objector and Mrs Corbishley an objector, their evidence and cases were heard together in person in Maidstone.

Mrs Evans

- 7.59 This summary is taken from Mrs Evans' written and oral evidence and her closing submissions⁷¹. She has been a resident of Whipstakes Farm, Stockbury Valley for 39 years. She is objecting to the proposed layout in terms of the crossing of the A249 to Stockbury Village, because she considers that it would be dangerous due to Honeycrook Hill being closed. The distance from Honeycrook Hill to the Church Hill junction means that you can judge the speed and distance for crossing the road. However, at the entrance to Church Hill, the distance is much shorter from the bend on the A249 and if you have lorries in the slow lane, cars will pull out on to the fast lane and be at the junction very quickly.
- 7.60 She goes to Stockbury village to Burdens for tractor parts; Tomsetts for vehicle repairs and MOTs and Browns Post Office and the farm shop. With the new flyover there would be more constant traffic and speed. When the M20 and M2 are blocked there would be more holdups and the flyover would not help. If the M20 is closed that would cause more traffic to queue up to go on to the M2. If the M2 is blocked it would again cause a holdup.
- 7.61 She has experience of these matters because from her farm she overlooks the A249 and the Stockbury Roundabout and she has witnessed the air ambulance landing in her field (plot 4) due to serious accidents and not being able to park on the road. She has seen many accidents on the A249 over the years.
- 7.62 She is dissatisfied with HE Surveys 2016. She had previously telephoned to make arrangements for HE to access her land and no-one has attended.
- 7.63 HE initially incorrectly identified plot 5 of her land which resulted in additional solicitor's costs. The questionnaire was filled in and sent back. She has brought errors to the attention of HE at their meetings in her home every time. She expects the information to be sent out to be accurate. The Gate House is shown positioned on official maps in the incorrect position.
- 7.64 She asks can HE guarantee that the accidents in Stockbury Valley would reduce because of the new Scheme?
- 7.65 She wants to record that she has not denied access for survey work to be carried out at Whipstakes Farm and she has made arrangements through her agent.

⁷¹ Inquiry document INQ/058

- 7.66 Since HE sent out correspondence in April 2017, she has had an ongoing issue with land boundaries. HE kept telling her that they only go by the deeds. Every official map has the Gatehouse on her land Title K644086. These errors have resulted in a lot of additional work and expense.
- 7.67 To date the historic well has not been surveyed in daylight. The well is hidden under the galvanised tank. The survey took place at night in the dark without permission from either her or her Agent.
- 7.68 The hedge along Oad Street should not be removed to widen the road. Putting in a grass verge will encourage vehicles and tractors to drive on the verge. French drainage is not wanted as she does not want her field contaminated with road pollutants, all of this will leak into the soil and down into the groundwater. The maintenance would be short-term and rubbish would accumulate.
- 7.69 She has been assured by HE that no more of her land will be used.
- 7.70 She was disappointed that HE did not produce an image of the new flyover from viewpoint 6 for the publication.
- 7.71 To finish she would like to say that the work that is needed to engage in the compulsory purchase and inquiry process is unbelievable, it is so unnecessary for the Landowner and Family Members.

Mrs Corbishley

- 7.72 Tracey Corbishley objects to the Orders for the following reasons. The flyover would be constructed in an AONB and the construction would have adverse effects on the natural historic landscape. Huge amounts of materials would be excavated and moved to new locations, which would cause dust, noise and vibration to the surrounding inhabitants, affecting not only the people but the biodiversity of the area which is so sensitive.
- 7.73 The destruction of tonnes of vegetation and trees would be adverse in an AONB. The constant erosion of the area would filter out wider than envisaged, especially through the groundwater as they are in a Special Protection Zone with a Chalk Aquifer. The Environment Agency needs to be onboard from the outset to protect the quality of water that accumulates in the valley.
- 7.74 Having observed how HE conduct their surveys and collect data she has asked the Inspector to do an audit trail for the Ecology Surveys. This should have happened in Stockbury Valley for the protected species because these species need as much protection as possible. If the data is not collected and reported to the National Database how can they be protected for the future? The whole valley is a conservation area, they just lack the verification of their species. Without the verification they do not exist. A requirement should be introduced that data collected should be entered on to the national database within a time period so that something positive comes from the study.
- 7.75 Destruction of the hedgerow and established trees just adds to the adverse harm to the landscape. All species living amongst this vegetation would be affected in a negative way. Building the flyover would not reduce accidents. The accidents would move further up the road to Church Hill. Accidents would happen, can you imagine how many more would happen, as they would not

have the space available due to green grass verges for the cars to spin onto. Instead cars would be spinning into walls and embankments, plus the lagoons placed near the roundabout.

- 7.76 Without the traffic lights it would be a free for all. The aggressive drivers would push ahead in their desire for speed and time. The Stockbury Valley is a community that travels to the village of Stockbury and they need to commute across the valley whether on foot, cycle or car -they need to cross safely. Stockbury Village needs visitors since it cannot survive on the local parishioners alone.
- 7.77 The CPO Order and SRO process has invaded her family's privacy. She has to relinquish some of her privacy to make representations in public.

Other Objectors

- 7.78 The above comprises the cases of statutory objectors who presented oral evidence to the Inquiry. In addition, a series of other objectors also made submissions and gave evidence to the Inquiry. Their cases are summarised below.

Helen Whately MP

- 7.79 Ms Whately Member of Parliament for Faversham and Mid-Kent spoke at the Inquiry. She contends that the Stockbury roundabout needs improvement and is "badly over capacity" with problems only getting worse. She did not want to see any delays to the Scheme going ahead but said that there are real concerns that improving life for some may make it worse for others, particularly for residents of Stockbury village and with encroachment into the AONB.
- 7.80 Ms Whately went on to say that she fears Stockbury village would become a "cut-off ghost town" and that concern is shared by others. She said there is a clear need to support local visitors and she was glad that Kent Downs AONB Unit and SPC were giving evidence to the Inquiry. The MP stated that a lot of work has been done by KCC to support the provision of a bridge over the A249 which would complement the Scheme and she hoped HE would acknowledge this. Ms Whately ended her comments by saying that if a new access bridge is not to be provided as part of this Scheme, it would need a firm commitment for provision of a bridge.

Councillor Patrik Garten

- 7.81 Councillor Garten is the Maidstone Borough Councillor for North Downs Ward which covers the entire section of this project and includes the Parish of Stockbury. The following is a summary of his written evidence and his oral representations at the Inquiry.
- 7.82 It is his understanding that Maidstone Borough Council withdrew their initial objections to the project. This decision was taken at Officer level, without consultation with members. The reason for the Authority not pursuing their reservations was to avoid unnecessary delay to the project being completed. It was reasoned that the district-wide benefit of the motorway junction improvement would outweigh the detriment to the community of Stockbury.

He would like to submit that this officer-decision was contrary to the objectives as stated in the Maidstone Strategic Plan.

- 7.83 He objects to the Scheme and fully supports the submissions by SPC, which were drawn up with wide input and support by the whole Stockbury community. Their submission reflects valuable local insight and addresses the logistical difficulties of entering and leaving the Parish, as well as the crossing from one part of the village to the other. Crossing from the western side of the Parish to the eastern side would be possible via the M2 Junction 5 roundabout, should one wish to avoid crossing the centre reservation of the dual carriageway.
- 7.84 However, in order to cross from the eastern side of the Parish to the western side, without crossing the central reservation of the dual carriageway, one would have to travel an 18km detour to Junction 7 of the M20, which would be the next safe crossing place. He endorses the comments of SPC, namely that the de-facto division of the Parish by an impenetrable traffic flow on the A249 would cause irreparable damage to the Parish and runs contrary to the stated aims of the Maidstone Strategic Plan.
- 7.85 In contrast with many rural communities, Stockbury has maintained a strong collective identity and, against the odds, has managed to retain a thriving mixed rural economy. These include farms, a farm shop, post office and butchery, a community owned public house, a garage and MOT station, a supplier of agricultural equipment, and many small businesses. The businesses in Stockbury supply goods and services to a wide catchment area and rely on more than the 600 residents to maintain their financial viability. A key to their success in the 21st century has been safe access to and from the A249 and the motorway network to which it connects.
- 7.86 Despite being impeded by the A249 dual carriage way for 50 years, Stockbury defied the odds and remains a close-knit striving community. As SPC submits, Stockbury has a vibrant economy of successful local businesses and farming. While the current traffic scheme leaves a lot to be desired, it is nonetheless possible to cross the A249 by utilising central reservations. SPC set out the reasons why increased traffic flow and speeds would make it even more dangerous, if not impossible to keep both sides of the community connected.
- 7.87 As outlined above, particularly the crossing from the eastern part to the western part may become impossible. It may be easier for residents in South Green to use the shops, garages and pubs in Maidstone than to utilise their local offer. An impenetrable traffic flow on the A249 by the new scheme, without any remedial work to allow safe crossing from one part of the Parish to the other would lead to a de-facto division of the Parish. The implications for the community and local economy would be devastating:
- Key local employment sites would be destroyed.
 - People would not feel safe and their lives would be exposed to unacceptable danger.
 - Community spirit would be eroded, and neighbourly care would cease to prosper.
 - A divided community is not environmentally attractive nor sustainable.

- Access to community activities would be impeded.
- Community facilities and services would no longer be accessed in the right place at the right time by the whole community.
- A vibrant leisure and culture offer would no longer be easily accessed by residents or visitors.
- Stockbury village centre would no longer be fit for the future
- Skills levels and earning potential of residents would fall at the same time as local commercial and inward investment decreases. For example: at the beginning of the Covid Crisis, Stockbury rapidly set up a community self-help group and many volunteers looked after their vulnerable and elderly neighbours.

- 7.88 The above list shows that 10 out of 16 key objectives of the Maidstone Borough Strategic Plan would be eroded instead of being enhanced, for the residents and taxpayers in Stockbury, should the junction improvement lead to a de-facto division.
- 7.89 Like SPC, he has no objection to the objectives of the Scheme, but he contends that the survival of Stockbury as a community on both sides of the A249 and as a thriving local economy depends upon mitigation of the effects. Entering and exiting the village, or crossing the A249 should, at a minimum, be no more difficult or dangerous than currently.
- 7.90 If the Scheme endangers the lives of Parishioners and visitors to the village or dissuades Parishioners and visitors visiting and using the service offers in the village, irreparable harm would be done to the Parish's economy and community. HE should take responsibility for the potential effects of the Scheme on Stockbury and should include some form of mitigation as an integral part of the project. He makes no judgement as to the nature of that mitigation which would be for those with expertise in the field to determine.
- 7.91 It is his contention that the scheme as proposed, without the mitigation measures sought, would leave what is presently a thriving and successful rural community in Stockbury at risk of being fundamentally compromised. The consequence is likely to be that local businesses would cease to be viable, quite possibly to the extent of extinction, and social cohesion of this community, bisected as it is by the A249, would be forever broken. This in turn would undermine the vibrancy of this long established community, which should be seen as a model and an example to be followed and not something to be sacrificed in the interests of an accelerated journey for passing traffic with no interests in, or concern for, the local community of Stockbury.
- 7.92 The damage to the Stockbury rural community that seems an inevitable consequence of the Scheme as presently set out, would not outweigh the benefits to Maidstone Districts and the wider Kent area. He would ask the Inspector to recommend to the SoS that the Scheme, should it be allowed to go ahead, be subject to modification which mitigates the problems referred to. He would also ask that it should be a condition, if the Scheme is approved, that such mitigation be included as an integral part of the Scheme as a whole and completed at the same time as the new flyover comes into operation.

Councillor Shellina Prendergast

- 7.93 Councillor Prendergast was elected to represent Maidstone East, a large rural division covering most of the Kent Downs. She spoke as a local councillor on behalf of her constituents and made it clear that she was not speaking at the Inquiry on behalf of KCC. The following is a summary of her oral evidence to the Inquiry.
- 7.94 She has represented residents in Stockbury since 2017 and has travelled along the road network regularly. Her constituents recognise that the Scheme is needed to improve congestion and highway safety. She has concerns about the safety implications of the Scheme at the Church Hill junction. With an element of caution, it is currently possible to turn right into Church Hill from the A249, but the Scheme would make this more difficult with higher speeds. She is therefore concerned about highway safety implications and the severance of the Stockbury community.
- 7.95 KCC commissioned a safety audit and one of the recommendations was a speed restriction to 50mph. She considers that the left turn merge into the northbound carriageway from Church Hill would be acceptable subject to a 50mph speed limit. The existing right turn manoeuvre into Church Hill from the A249 should be closed off altogether due to insufficient distance to the roundabout.
- 7.96 Despite several meetings with HE, the above concerns were not taken up and the response from HE was just to extend the Scheme boundary to include Church Hill and to prevent U-turns. The only changes are the extended right turn lane. The configuration of Church Hill remains largely unchanged.
- 7.97 KCC engaged a consultant to prepare a business case for an overbridge from Stockbury over the A249. The inclusion of a footpath would be an important addition to that. The full BCR of an overbridge was 1:1 on a preliminary assessment. She appreciates that this a low value but thinks it could rise to above 2:1 when all elements are included. HE are clear that they think an overbridge is a matter for KCC to fund and deliver.
- 7.98 KCC are currently awaiting feedback from DfT as to whether such a bridge should be a standalone project. Such a project would need to develop a business case, with further survey work and currently KCC does not have an identified budget for the project nor any matched funding. Essentially the delivery of an overbridge is in the air and far from being certain. The safety concerns of this Scheme without an overbridge do not bear thinking about. Stockbury is a thriving community and it would be shameful if all of this were to be lost. The Scheme is a once in a generation opportunity, but an overbridge is an essential part of it.

Mr Brendan Ferrill

- 7.99 Mr Ferrill submitted a written proof of evidence⁷² to the Inquiry which was read out at the objectors' session.

⁷² Proofs of Evidence FER/1/1.

- 7.100 He has been a resident of Stockbury village for over 25 years and he wishes to express his frustration at the lack of consideration which has been afforded to the village of Stockbury in the preparation of this Scheme. In the provision of the new roundabout, HE proposes to cut off Honeycrook Hill which would leave villagers with only one dangerous access point at Church Hill.
- 7.101 Whilst he recognises the need to reduce congestion, if vehicles go onto the M2 flyover without the need to slow down, it would be virtually impossible for villagers to get onto the A249 from Church Hill. There would be the same problem with villagers trying to cross the A249 from its southbound carriageway to make a right turn into Church Hill.
- 7.102 There are major commercial businesses in the village providing valuable employment and services to the community. Some examples include farms, stables, BCD Builders, Tomsett's garage, Burden Brothers who provide and maintain farm vehicles. The wider community depends upon these services as well as the village shop and post office and the community owned public house and St Mary Magdalene, the well-supported parish church.
- 7.103 A colossal effort has been put in to save the shop and post office with their local magistrate, butcher and farmer, Mr Terrence Brown, taking the lead. The Scheme would be damaging for the village, preventing them from getting out and visitors getting in. He bears in mind the need for vehicles using the A249 to access the M2 which is an important need. So rather than this being an objection to the proposal, it is a plea to give the villagers access and egress to and from the village with the provision of an essential bridge and roundabout added to the scheme. Please give this matter urgent consideration or alternatively suffer the demise of the village.

Mr Stuart Jeffery- Maidstone Green Party

- 7.104 On behalf of the Green Party Mr Jeffery submitted a written presentation⁷³ on the climate and biodiversity crises, an assessment of the proposal and conclusions. These written submissions were supplemented by Mr Jeffery's oral submissions to the Inquiry which are recorded below.
- 7.105 There is currently a climate emergency and the UK Government has made statements to that effect, as have Maidstone Borough Council. The impacts are very stark, and the data is irrefutable. We have a few years left to change things. The climate is following the worst-case scenarios in trajectories. The UK is a signatory to the Tyndall Centre⁷⁴ for Climate Change Research, with the SCATTER project funded by the Department for Business, Energy and Industrial Strategy providing a method for local authorities to set targets for the reduction of carbon emissions tied to UK Government ambitions. When the UK carbon budget was expressed, Maidstone was allocated 5.4m tonnes of CO2 between now and 2100. The borough is currently emitting 0.8m tonnes of CO2 each year and at this rate the carbon budget will be exhausted by 2027.

⁷³ Proofs of Evidence GP/1/1

⁷⁴ See Inquiry Document INQ/038 -Setting Climate Commitments for Maidstone

- 7.106 The carbon footprint of proposed changes which would be brought about by the Scheme is an increased 44 tonnes of CO₂. In addition, the Scheme would add extra traffic and further CO₂ emissions. The Committee on Climate Change Report⁷⁵ references an 80% switch to electric cars but to date only 2% has been achieved, with no ramping up and no reduction so far in CO₂ emissions over the last 20 years. The Net Zero report prioritises modal shift (p25) but the closure of bus stops has already happened, and this suggests a need to reduce the number and speed of vehicles.
- 7.107 It is also worth noting that another National Policy Statement was problematic in relation to its lack of reference to the Paris Agreement. Additional impacts do not result in a fair and equitable distribution of allocated emissions, so this Scheme is incompatible with the Paris Agreement and the opportunity cost of £80m should be considered in this light. That money could be used to affect a modal shift; reduce traffic and congestion; provide bus stops and enhance the provision of public transport. A reduction in the speed of traffic and volume is problematic. He would urge the SoS to reject the Scheme and refuse the Orders.

Mr Kenneth Bowman

- 7.108 Mr Bowman provided a proof of evidence to the Inquiry, with a proposed modification or alternative to the Scheme⁷⁶. Mr Bowman also spoke as an objector to the proposal. The following summarises his written and oral representations.
- 7.109 He is not personally affected by the Scheme and he makes this representation as a concerned citizen and a member of the Institute of Chartered Engineers. He is putting forward an alternative scheme on the basis that a satisfactory solution to traffic congestion at this junction could be achieved at about one fifth of the cost of the proposed Scheme. An alternative solution is possible, and this alternative would reduce carbon emissions to about one fifth of those projected by the Scheme. His alternative solution would, in contrast to the proposed Scheme, impose little further additional visual and environmental intrusion into the valley.
- 7.110 Mr Bowman's alternative scheme was the subject of detailed discussions during the alternatives roundtable session and is dealt with in full in that section of this Report.
- 7.111 During his closing Mr Bowman made the point that there was a David and Goliath situation pertaining between him and HE. HE has vast resources and he is but one professional engineer. He has submitted a design in one day which indicates that his design alternative has possibilities worthy of further investigation by HE. Mr Bowman contends that the scheme he was putting forward would deal with traffic problems, be cheaper and would deal with the

⁷⁵ See Inquiry Document INQ/030- M2J5 Committee on Climate Change Net Zero -Note dated 17 November 2020.

⁷⁶ Proofs of Evidence KG/1/1, KG/1/2 and KG/1/3.

issue of global warming. He advocated that there should be a requirement that his scheme is looked at in more detail.

Mrs Sarah Rayfield of the British Horse Society (BHS)

- 7.112 Ms Rayfield produced a proof of evidence⁷⁷ to the Inquiry and spoke at the roundtable session for non-motorised users (NMUs). She explained that within just a few miles of the Scheme are located key equestrian hotspots⁷⁸ such as Detling, Yelsted, Borden and Hartlip suggesting significant potential use of the changes requested here by the BHS as the connectivity of existing paths would be enhanced. Currently, many horse owners have no choice but to travel their horses in horseboxes or trailers to areas for safe off-road riding
- 7.113 The Applicant's Walking, Cycling and horse-riding assessment and review (WCHAR)⁷⁹ states that for a large highway scheme the study area should typically extend to 5km surrounding the scheme and *"Where gaps in existing walking, cycling and horse-riding strategic networks are identified within the WCHAR study area for large highway schemes, these shall be recorded so that opportunities for improvement and/or betterment can be identified"*.
- 7.114 The BHS asked, in response to the consultation for this project, that footpaths ZR70 and ZR71 be upgraded to bridleway status. This would benefit not only horse riders but cyclists too. As part of this upgrade, the existing footbridge would need to be upgraded to make its use more suitable for those on horse-back or bike by, for example, infilling the bridge railings to up to 1 metre and raising the parapets (and/or providing mounting blocks at either end if dismounting was considered necessary because of limitations on parapets).
- 7.115 HE responded to the BHS request by stating that a section of the footpath appeared to be within the highway boundary of the M2, outside the Scheme limits but BHS say that this should not matter for the purposes of the WCHAR which should look at opportunities for improvement and/or betterment by connecting two dead end bridleways.
- 7.116 If the land is within private land, BHS would suggest that the footpath could be diverted such that the path was within Highway land. HE confirmed that part of the footpath is being diverted as part of the Scheme. BHS contend that this is not a problem since it could be diverted at bridleway status. If the available width is limited, a pragmatic approach is often taken to the provision of new bridleways in much needed areas. Much narrower existing bridleways are still satisfactory.
- 7.117 With regard to the existing footbridge, HE again said that it was "outside the scope of the scheme." In light of WCHAR, BHS would argue that this is not pertinent. HE said that they would need to review the relevant standards to understand if the bridge could be modified. Whilst it may not be the standard

⁷⁷ Proof of Evidence BHS/1/1

⁷⁸ See BHS/1/2 Appendix B

BHS would expect for a new equestrian bridge, it would be well within the standard tolerance of existing bridges on the motorway network.

- 7.118 BHS believe no clearance of woodland would be necessary to view from one end of the bridge to the other and that the parapets need not necessarily be a significant factor.
- 7.119 HE further stated it did consider upgrading KH85 to enable horse riding and cycling within its WCHAR review but concluded that the gradients were too steep. Whilst this path would be of little use to equestrians unless provision was made for safely crossing the road, to suggest that a 4-footed animal would manage a steep slope less well than a two footed one would be inaccurate. The lack of perceived suitability was presumably for cyclists.
- 7.120 We support SPC's call for a bridge to keep the Parish connected and, if this was provided, would ask for the parapets on the bridge to be of a suitable height for equestrian use. We also support Maidstone Cycle Campaign Forum's best option suggestion of an underpass for all NMUs. If their alternative suggestion of an at-grade crossing was to be provided, we would ask that this be a Pegasus style crossing to enable safe crossing of all NMUs, including equestrians. Their proposals for Maidstone Road would also be of benefit to equestrians and so, if provided, should cater for this user group too.
- 7.121 To conclude, BHS believe that it is both practical and good value for HE, within the requirements under WCHAR, to provide this requested upgrade to benefit both equestrians and cyclists. It is their belief that it should be entirely possible to provide for this within the confines of the land already within HE ownership and/or that planned to be bought by compulsory purchase.

8.0 THE CASES FOR ADDITIONAL REPRESENTATIONS MADE IN WRITING

Objectors

- 8.1 There were 157 individual emails and letters objecting to the Scheme; virtually all of these objectors wrote with highway safety as their main or only concern. The concerns primarily centred on the increased use of Church Hill junction as the only means of access and egress to Stockbury village following the closure of Honeycrook Hill.
- 8.2 Many written objections reiterated the case put by SPC in terms of the access and egress to Stockbury village. **Ms Belinda Gately** and **Ms Carolyn Fortune** contended that villagers currently often rely on traffic being slowed along the A249 to enable drivers to get onto and off the A249 into and out of Stockbury village. She added that many people use Honeycrook Hill to exit the village as it gives a greater field of vision along the A249 and the Scheme would make access to Stockbury village significantly more dangerous.
- 8.3 Local residents **Jim and Freddie Davey** would welcome a 50mph enforced speed limit as part of the improvements because it is increasingly difficult to pull out of the layby into the fast-moving traffic. They are disappointed that there is no provision to travel from the new roundabout to Stockbury village centre. They point out that access to the village via the Honeycrook Hill turn-off from the A249 across the northbound carriageway is possible because traffic speeds are lower and there is good visibility. They contend that visibility at the Church Hill junction is much poorer and would increase the risk

to all road users. They advocate a bridge over the A249 as did **Mr Christopher Plant and Ms Katharine Perkins**. Others advocated an extension of the 50mph limit as far as The Squirrels on both northbound and southbound carriageways.

- 8.4 The above road safety points concerning Church Hill and access and egress to the village were echoed by many others including **Ms Jackie Smith** who also expressed concerns about the ability of emergency vehicles to access the village in a timely manner following implementation of the Scheme. Following these road safety concerns many objectors went on to comment that the consequences of a poor access would drive vehicles onto the back lanes and would affect local businesses in Stockbury and the thriving community which currently exists.
- 8.5 **Mr Dave Tomsett**, proprietor of Tomsett Kent MOT Centre in the village, wrote to object on the basis of highway safety concerns regarding the Church Hill junction and suggested the inclusion of a bridge.
- 8.6 **Maidstone Cycling Forum** submitted an objection to the Scheme on the basis that there was inadequate provision for cyclists. There was no safe route provided for cyclists and pedestrians to traverse the A249. As such the Orders did not accord with the stated aim of the project to 'improve facilities for pedestrians, cyclists and other non-motorised users'. The Forum adopted and endorsed the views of Mr Outram set out below.
- 8.7 **Mr Gary Outram**⁸⁰ wrote to object to the Orders on the grounds that HE have made inadequate provision for safe movements of NMUs within the area covered by the Scheme. He pointed out that the A249 is a hostile environment for NMUs and it is unsurprising that they do not currently use the road routinely because their needs have not been accommodated. Mr Outram said that whilst NMUs do not make regular use of the road, journeys by NMUs are made across it, between Church Hill and South Green Lane (east and west) and between Oad Street and Honeycrook Hill. Both cyclists and pedestrians use the various gaps designed to facilitate manoeuvres across the A249.
- 8.8 Mr Outram contended that his single focus is to provide a safe crossing for NMUs to the south of the roundabout. He went on to say that it was inexplicable that a Scheme which purported to have fully considered the road safety of all road users, had overlooked the needs of the most vulnerable road users.
- 8.9 **Mr Stephen Palmer** said that the consultation period should have been extended because 6 weeks was insufficient for a lay person to get to grips with all of the material, some of which was highly technical.

The Written Representations of Supporters

- 8.10 Some 15 people wrote in support of the Scheme. **Kent County Councillor John Wright** (member for Sittingbourne South Division) wrote to assert that the Scheme needs to be commenced without delay. He stated that this is a

⁸⁰ Objection 01

major strategic corridor from the port of Dover to the rest of the UK which is not recognised as such. One resident from the Isle of Sheppey and one from Whitstable also wrote in support of the proposal.

- 8.11 **Mr Darren Sherlock**, Finance Director at Nicholls Transport, wrote to express support for the Scheme, stating that access to the strategic road network via the A249 is critical to the success of most local businesses. **Mr John Davies, member of Hartlip Parish Council** also wrote in support of the proposal but made the point that it would be better if a road bridge could be provided to cross the A249.
- 8.12 The formal response from **Minster on Sea Parish Council**, based on the Isle of Sheppey, was in support of the Scheme.

9.0 THE RESPONSE OF THE HIGHWAYS ENGLAND TO OBJECTORS

HE Response to Stockbury Parish Council (SPC)

- 9.1 The main challenge to the Scheme has come from SPC represented by Mr Woods with supporting evidence and questioning coming from Mr Cooke, Miss Kemsley and Mrs Spearman. There are a number of strands to SPC's objection. Firstly, that the proposed access to the village along Church Hill is unsafe. Secondly, that the Scheme would increase severance between the village centre and the areas of the parish which lie to the east of the A249. Thirdly, that the Scheme would undermine the village economy and turn it into yet another commuter village. The second and third strands rely on the first, namely that of safety.
- 9.2 SPC are undoubtedly correct about the village: it is an active and thriving community, both economically and socially. It is thriving despite and not because of the current road network. HE contends that the Scheme improves the network insofar as the village is concerned and the proposition that it would become isolated or cut off as a result of the Scheme is unsustainable. On the contrary, there is every reason to suppose that this Scheme would be a positive boon to the village.
- 9.3 SPC's focus is on the increased speeds on the southbound and northbound A249 as a result of the Scheme. That risk has been considered by the experts who have been concerned with designing the Scheme and the upshot of the semi-quantified risk assessment is that the road network in the vicinity of the Scheme would be significantly safer than the status quo⁸¹. Greater speed is an additional risk factor but the risks associated with greater speed remain in the low category and there are many other risks which are reduced or eliminated by the Scheme which mean that, compared to the status quo, the safety of the network south of the roundabout would improve. Those improvements are, furthermore, in addition to the safety benefits at the roundabout and on the

⁸¹ CD H.47 as clarified by INQ/022

approaches to it from the M2 (east & west) and from the northern arm of the A249.

- 9.4 The Inquiry heard expert evidence on the matter of safety from only one witness, namely Chris Roberts. In short, he was a credible and cogent expert witness and his evidence is unequivocal that the Scheme would be safer than the status quo and that the access via Church Hill junction would be appropriate. There is no expert evidence to the contrary; the lay evidence relied upon by SPC relates, inevitably, to the status quo and not to the proposed Scheme. Whilst Ms Kemsley has quoted the Risk Assessment and said it was partial and did not address speeds, HE points out that there is an express assessment of the risk of speed⁸².
- 9.5 Safety benefits include the removal of the staggered crossings for vehicles wishing to get from the east of the Parish across the A249 to the village to the west. There are two such staggered crossings, namely;
- Oad Street to Honeycrook Hill with vehicles having to get into the central reservation from a standing start over a distance of 120 metres; and
 - South Green Lane to Church Hill involving the identical manoeuvre over a distance of 140 metres.
- 9.6 The Scheme solution to these staggered crossings is to provide entry on to the southbound merge slip-road followed by 485 metres into a right turn lane to access the Church Hill junction crossover.
- 9.7 Other safety benefits: The removal of the risky routes from the east of the Parish towards Sittingbourne, either via the Oad Street crossover or via South Green Lane and then using the U-turn facility at Church Hill Junction. The scheme solution is to provide easy access to the north via the roundabout.
- 9.8 Currently in returning from the village centre across the A249 to the eastern part of the Parish, vehicles either have to negotiate the roundabout (time consuming if congested during peak hours) or use the Church Hill to South Green Lane crossover in reverse. The Scheme solution is to provide easy access via a properly functioning and uncongested roundabout. It would result in safer access from the A249 to the east because it would be via the Oad Street Link and service road rather than a priority junction directly off the A249.
- 9.9 There are a number of direct accesses and priority junctions onto the A249 south of the roundabout. DMRB states: "*The number of priority junctions providing access to the all-purpose trunk road should be minimised*"⁸³. The Scheme solution is to close Honeycrook Hill, Oad Street and South Green Lane, with traffic which would have used the latter two, or directly accessed

⁸² CD H.13 appendix A.6, page 53

⁸³ CD H.40 at 2.1.3

the A249, provided with access to the roundabout via the service road and Oad Street link.

- 9.10 Whilst the Scheme represents an improvement on the current situation, it remains valid to question whether the Scheme would provide suitable access to the village. To get to the village from the southbound carriageway there is a need to enter into the central reservation. For traffic which has emanated from the roundabout then there is a departure from the DMRB standard. That is a requirement for there to be a 1km distance between a grade separated and at grade junction. That departure has, however, been subject to risk assessment by the project team and an application to HE SES for an approval for that departure. HE SES are specialists in safety and standards wholly independent of the project team and the application for approval is detailed and comprehensive. That application has been approved.
- 9.11 The reasons why it was reasonable to approve this departure were explored during the Inquiry. Firstly, traffic entering the A249 from the roundabout would have the opportunity of getting up to speed via the slip road. Secondly, the ease or difficulty of accessing the central reservation depends crucially on the volume of traffic on the flyover; the lower the volume the greater the gaps for entering lane 1 and then lane 2. The modelled flow in the design year (2037) at the busiest time in the AM peak is 1,781 vehicles per hour and in the PM peak 961 vehicles per hour⁸⁴. That is the flow over two lanes and the capacity of two lanes is 3,200 vehicles. The modelled flows in the AM peak are thus only 56% of capacity and flows are 30% of capacity in the PM peak.
- 9.12 It is clear, therefore, that, notwithstanding the departure from the standard, vehicles emanating from the roundabout and wishing to turn right at Church Hill should have little difficulty in safely negotiating lanes 1 and 2 and entering the central reservation. Once at the central reservation visibility is good and several improvements have been made to Church Hill junction as a result of Modification 6 – most notably the closure of the U-turn facility. Consequently, the manoeuvre is unproblematic, and it involves no relaxation, let alone a departure from, the standards in the DMRB.
- 9.13 It is this right turning manoeuvre which lies at the heart of the concerns of the SPC. They are concerned about having to cross a stream of traffic in the northbound carriageway which can lawfully travel at 70 mph (as now) but which would not have to slow down because of the roundabout. However, this would be no different to the movement required when joining a dual carriageway from a priority junction, and there are plenty of examples of such junctions from the Stockbury roundabout to Maidstone. Those junctions are, moreover, in regular use despite the misgivings expressed at this Inquiry as was apparent from Ms Kemsley's evidence regarding the routes taken by the community bus.

⁸⁴ HE/1/3/pages 6-7/tables 1 & 2.

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- 9.14 The volume of traffic along the northbound carriageway in the PM peak in 2037⁸⁵ would comfortably be within the capacity for a 2 lane carriageway which suggests that the notion that vehicles wanting to turn right would be stranded in the central reservation waiting for a gap which never appears in an unceasing stream of tightly packed traffic is unfounded. Confirmation that waiting times would not be excessive is provided by Inquiry document 2. Finally, and most fundamentally, it is a movement and junction configuration which is expressly sanctioned by DMRB.
- 9.15 The other movements relating to Church Hill junction involve access from the northbound carriageway, about which there is no complaint, and the left-turn egress from Church Hill junction. The latter does involve a departure from DMRB but the same has been approved by HE SES and there is no record of any personal injury accidents resulting from that movement in the last 5 years. Experience, shows, therefore that the junction operates satisfactorily – a view confirmed when one considers that the slowest and least agile vehicles e.g. HGVs and farm vehicles have always been restricted to Church Hill due to the narrow and serpentine characteristics of Honeycrock Hill.

Severance

- 9.16 As set out above, the Scheme enhances the ability to travel by vehicle to, and from, the village centre from Vale Cottages and the other properties in the eastern end of the Parish. It would clearly be better for the eastern end of the Parish in terms of accessing Sittingbourne, Maidstone and the M2. The severance critique is not sustainable; the Scheme improves vehicular connectivity and provides a modest advantage in terms of NMU connectivity in the provision of bus stops along the service road, instead of those on the A249 which are no longer used or useable.

Economy and Commercial viability

- 9.17 Residents of the village and those commuting to the village to work at its businesses, as well as visitors, would all benefit from the alleviation of congestion to the north of the roundabout, at the roundabout and to the south of the roundabout. As well as benefiting from reduced congestion, the analysis predicts significant safety improvements to the north of the roundabout and at the roundabout. Furthermore, the safety benefits set out above in respect of the section to the south of the roundabout would benefit all travellers. The removal of risky accesses and crossovers for those living in the eastern part of the Parish would not only benefit them as they may collide with through traffic or with those travelling along the A249 to access the village centre.
- 9.18 Even if the submissions made as to the safety of the road network to the south of the roundabout are not accepted, wholly or in part, it remains the case that a balance would have to be struck between the considerable congestion and safety aspects at the roundabout and to the north against the (perceived) risks at the Church Hill junction. In assessing that balance there is no evidential basis for supposing that a perception could outweigh the real

⁸⁵ HE/1/3 2,407 vehicles per hour versus a capacity of 3,200 (75%) see Table 2.

and quantified countervailing advantages. The notion that the Scheme threatens the viability of the village is unsustainable, the analysis points in the opposite direction.

The Safety Costs of delay

- 9.19 The accident savings of the Scheme are assessed as being in the region of £24 million over 60 years⁸⁶. The accident benefits from the bridge are assessed as being in the region of £1.84 million over 60 years⁸⁷. The delay which would be occasioned by a refusal of this Scheme to be replaced with a scheme providing a bridge is 3 years⁸⁸. In broad terms, the Scheme would provide accident benefits of £400k per annum. Thus, refusal would lose benefits of £1.2 million (over 3 years) in order to achieve very modest accident benefits of £31k per annum. Eventually, the modelling would predict a net accident benefit after about 40 years but, even if one ignores the costs of a bridge and its impact on the AONB, the safety case for the bridge is very marginal.

Cost and value for money

- 9.20 The accident benefits of the bridge are marginal. When one considers the journey time disbenefits there are no overall benefits. Those reduced benefits would come at a cost of £8.8 million, which is some 14% of the cost of the promoted Scheme. Money spent at Stockbury is money which cannot be spent on socially useful projects elsewhere. The bridge has no net benefits and comes at a cost which, elsewhere, could be expected to produce accident and travel benefits of £17 to £18 million⁸⁹. The project co-ordinator, Miss Lichtl stated that, had the bridge been assessed at an early stage, its inclusion could not have been justified.

Impact on AONB

- 9.21 Finally, the AONB Unit are likely to object to a bridge, a matter confirmed by Ms Miller. Graham Woodward's assessment of the residual impact of the bridge is that it would leave a moderate, and therefore significant, adverse residual impact at year 15. That is because it is a significant piece of infrastructure in a more sensitive part of the AONB, some distance away from the M2 bridge and the existing roundabout.
- 9.22 The Scheme is justified because some harm to the AONB is necessary and unavoidable due to the overwhelming public interest case in support of the improvement and the fact that only a grade separated junction would satisfactorily overcome the current problems at the junction. A bridge is not necessary, certainly not from a safety point of view. This is yet another

⁸⁶ At 2010 prices and discounted – see CD H.7A table 5-11

⁸⁷ Inquiry document INQ/024

⁸⁸ Inquiry document INQ/046

⁸⁹ The BCR for the portfolio in RIS1 is about 2:2.5. Oral evidence of Jim O'Sullivan to Transport Committee of House of Commons 23 October 2019.

reason not to refuse the Scheme in order to explore the inclusion of the bridge.

Conclusions in Response to SPC

- 9.23 Attractively though the SPC have presented its case, it does not bear scrutiny and comes nowhere near meeting the test for refusing the Scheme. As for Mrs Spearman and Ms Kemsley advocating traffic lights- that would not require the refusal of the Orders, it could simply be a recommendation implemented by KCC with HE co-operation.
- 9.24 Mr Woods made a submission that Mr Roberts agreed that a subsequent road safety assessment which identified problems would leave HE and KCC with an insoluble problem. Mr Woods cross-examined Mr Roberts about moving a new junction some 500 metres further down the A249, south of Church Hill. Mr Roberts' evidence was that the road safety assessment people take a step back from DMRB guidance and look at matters through a different lens. The second point is that Mr Roberts could not conceive of a solution moving the junction simply to get the 1km standard distance to the junction and that a more practical solution would be the imposition of a 50mph speed limit.

HE Response to Kent Downs AONB Unit

- 9.25 The AONB Unit does not mount an in-principle challenge to the Scheme. It accepts that there is an overwhelming public interest case for a scheme and that any promoted scheme must be grade separated and that the scheme cannot be located outside the AONB. It takes issue, however, with the assessment made by HE of the landscape impact. The AONB Unit did not adduce any relevant expert evidence on landscape character and visual amenity and did not produce a proof of evidence and submit to cross-examination. HE, by contrast, adduced evidence by an expert, Graham Woodward, who was subjected to cross-examination. Accordingly, it is submitted that, absent a cogent reason for rejecting the only landscape evidence tested, the SoS ought to accept HE's assessment of the residual landscape and visual amenity impacts of the Scheme.
- 9.26 There remains no substantive criticism of the mitigation measures adopted by HE. That is in large-part attributable to the close consultation between the project team and the AONB Unit and the advice given by the AONB Unit. That has continued in the lead up to the Inquiry and during the Inquiry when further mitigation measures have been incorporated or refined⁹⁰. The AONB Unit have not criticised the extent of land acquisition and seem to accept that the mitigation provided is appropriate.
- 9.27 In terms of the 'conservation and enhancement' of the AONB, planning policy provides that it is a consideration when ascertaining whether the Scheme is expedient in the public interest; compliance or otherwise with policy does not

⁹⁰ The flint applied to the façade of the flyover retaining walls, the cleft and chestnut fencing, and the vegetation of the traffic islands. See INQ/010 and INQ/044

determine the decision. Secondly, even when a planning application is made it is clear from paragraph 172 of the NPPF that a degree of net detriment to the AONB is acceptable, providing that there are exceptional circumstances and that the development is in the public interest having properly assessed the three matters set out in paragraph 172.

- 9.28 Thirdly, whilst paragraph 172 requires moderation of adverse impacts there is no requirement for compensation. Fourthly, it appears a matter of consensus between HE and the AONB Unit that 'conserve and enhance' is a composite test which means that it is appropriate to balance detracting impacts and instances of enhancement and there are clearly examples of enhancement with this project e.g. with the expansion of the soft estate and the strengthening of woodland and hedgerow connectivity.
- 9.29 Finally, the consideration of policy requires regard to be had to all policy, and one cannot simply focus on one or a few policies which may be in conflict with the proposal.
- 9.30 The section 85 duty in the CROW Act is expressly a 'due regard' obligation and does not provide an absolute or prescriptive duty which is entirely at one with the interpretation of the policy framework set out earlier. In conclusion, on the available landscape evidence and a proper appreciation of law and policy there is no case for any compensation to be paid. In any event, the sums claimed by the AONB Unit are disproportionate to the impact of the Scheme. An example of a more proportionate compensatory scheme is included in INQ/047.
- 9.31 Should the AONB Unit's view prevail then the position is that SoS would have to indicate that he was minded to refuse whilst providing HE with an opportunity to undertake to provide such compensation as was required by the SoS. In terms of the potential mechanisms for satisfying any such requests by the SoS those are outlined, together with an assessment of their relative merits, in INQ/048. It appears that there is little between HE and the AONB Unit as to the more desirable mechanisms⁹¹.

HE Response to Mrs Evans & Mrs Corbishley

- 9.32 Whilst Mrs Evans and her daughter Mrs Corbishley presented their cases together, their positions were not identical. Mrs Corbishley opposes any scheme whether it includes a bridge to Stockbury or not; Mrs Evans, by contrast, would, should a bridge be incorporated, wish to reserve her position.
- 9.33 Aside from the landscape and visual amenity they criticise the ecological assessment and measures associated with the Scheme. The SoS is referred

⁹¹ Inquiry document INQ/049

to the evidence of Dr James Cook and Mr Woodward⁹². Neither the Environment Agency, nor KCC nor Natural England have raised any concerns as to HE's ecological assessment or the steps which it proposes to mitigate and moderate any adverse effects.

- 9.34 In short, it is submitted that Mrs Corbishley's critique of the ecological aspect of the Scheme, whilst grounded on a great deal of work on her part, is unsustainable in view of the explanations provided by Dr Cook and the agreement of the statutory bodies with HE's assessment. Insofar as safety concerns are raised, HE relies on its response to SPC's objection.
- 9.35 Finally, with regards to the allegation that HE has failed to negotiate appropriately with Mrs Evans with regard to compensation. This is addressed in Inquiry document INQ/045. The correspondence attached thereto speaks for itself and the failure to make progress as to compensation is attributable to the inaction of Mrs Evans and/or her property agent.

HE Response to the elected representatives

- 9.36 In large part **Helen Whately MP, Councillor Garten** and **Councillor Prendergast** wished to highlight the concerns of their constituents. Ms Whately's position was nuanced and careful; she did not want there to be any delay but also gave voice to the concerns of SPC about the village being cut-off. She made no submissions as to what should be in the Inspector's recommendation and did not submit herself to questioning.
- 9.37 **Councillor Garten's** position was that the whole junction ought to be remodelled. That is a proposal which has no realistic prospect of being pursued and provides no reason for refusal. He did not appreciate, and was reluctant to accept, that pursuing a bridge or underpass would occasion delay, remarking implausibly that an underpass could be constructed in a matter of weeks.
- 9.38 **Councillor Prendergast** referred to, and relied upon, the Road Safety Audit (RSA) commissioned by KCC. KCC do not rely upon that RSA which does not comply with DMRB and there is a critique of the RSA and the way in which it was prepared and commissioned⁹³. Moreover, the auditors are told of the alleged problem rather than being asked to reach their own assessment of the safety aspects of the Scheme.
- 9.39 The Councillor was not able to support, or evidence, what was said in her statement about the BCR of the bridge and she recognised the dilemma involved with delaying implementation in terms of forsaking the accident savings which would result from timely implementation of the Scheme.

⁹² Proofs of Evidence HE/7/2 and HE/5/2

⁹³ HE/1/4

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- 9.40 Overall, the representations and evidence from these elected representatives adds nothing to the case presented by SPC.

HE Response to Maidstone Green Party

- 9.41 **Mr Jeffery** was opposed not just to this road scheme but to most, if not all, major road schemes. That opposition is based on a coherent and thought-out position in relation to climate change and the steps required to deal with it. But his views do not correspond with Government policy, as he was candid enough to admit.
- 9.42 Accordingly, whilst he is perfectly entitled to disagree with the road programme in RIS 2 and the steps recommended by the Committee on Climate Change⁹⁴, the Bushell principle means that it is not for this Inquiry to embark on an enquiry as to whether Mr Jeffery's views are more cogent than government policy. Government policy must be accepted. Thus, Mr Jeffery's evidence does not undermine in any way the case for the Scheme.

HE Response to Mr MacDonald

- 9.43 Mr MacDonald was very clear that he did not wish to have any delay in the Scheme and gave powerful evidence as to the importance of this Scheme to the residents and businesses located on the Isle of Sheppey. He supports greater investment at the junction, with the provision of more slip roads giving direct access between the M2 and the A249. While there would be modest traffic benefits as a result of these further linkages⁹⁵ those could not justify either the financial or environmental and landscape costs. That is because the roundabout under the Scheme operates well within its capacity so that there is no need for the direct linkages.
- 9.44 On the available information it is uncertain whether there would ever be a robust case for the further investment suggested by Mr MacDonald. If so, the linkages could be added to the Scheme, if, and when required. It is submitted that Mr MacDonald's evidence provides useful support for HE's case that the Scheme should be implemented without delay.

HE Response to Mr Bowman

- 9.45 Mr Bowman suggests a radical and innovative alternative which involves segregating cars and vans wishing to go straight through on the A249 via underpasses which would enable those vehicles to bypass the roundabout, thereby relieving congestion at the roundabout and enabling it to operate satisfactorily. His proposal contains a number of innovations which would breach the standards in DMRB such as offside diverges and sub-standard height and width for the underpasses.

⁹⁴ as set out in INQ/030

⁹⁵ Roundtable session and in HE/1/5

- 9.46 HE highlighted these problems, as well as a lack of capacity for the single lane through roads. With commendable industry Mr Bowman developed his design in response to HE's rebuttal and the discussion at the roundtable on day 4 of the Inquiry. But it remained a design which expressly disavowed compliance with the fundamental aspects of DMRB.
- 9.47 The three advantages of Mr Bowman's alternative are that it would cost less, that consequently less capital carbon would be spent on the build and that it would have less of a landscape impact. Though Mr Bowman had a wealth of engineering expertise he had not specialised in costings and it will be noted that his estimate increased significantly between days 4 and 8.
- 9.48 In Mr Roberts' view, it would be difficult at this stage to assess whether there would be any cost savings. But the more fundamental point is that increased safety is one of the drivers of this Scheme and, absent a review and change to DMRB, it is difficult to envisage HE SES approving of Mr Bowman's design. There is, therefore, no realistic possibility of it being implemented absent that DMRB review.
- 9.49 In those circumstances, it is submitted that Mr Bowman's alternative provides no basis for refusing the Scheme.

HE Response to the British Horse Society and NMUs

- 9.50 The BHS suggest that the Scheme ought to be amended to upgrade the footpath which runs between the Green Lane byway west of the M2 and Wormdale Hill to a bridleway. The section of this footpath which runs on the western side of the A249 north of the M2 is being diverted as part of the Scheme. The attraction of a bridleway along this route is understood and accepted. However, large sections of this footpath lie outside the ownership of HE⁹⁶. Thus, it is not within the gift or power of HE to upgrade the footpath to bridleway status and there is no purpose in upgrading the status of isolated sections of the footpath over which HE has control.

End of page

⁹⁶ Inquiry document INQ/020

10.0 INSPECTOR'S CONCLUSIONS

- 10.1 Bearing in mind the submissions and representations I have reported, I have reached the following conclusions, reference being given in square brackets [] to earlier paragraphs where appropriate.

Structure of Conclusions

- 10.2 Section 4 of this Report sets out the statutory tests which the Orders must satisfy if they are to be made. I have also set out the policy context of the Published and Promoted Schemes, including the relevant policies against which they should be assessed. In doing so I have had regard to the National Planning Policy Framework ("NPPF"), Planning Practice Guidance and the National Policy Statement for National Network.
- 10.3 I shall examine each of the issues before the Inquiry, assessing them against policy considerations. Firstly, I shall examine the need for, and traffic and economics of, the Scheme and consequent highway safety considerations. Because SPC's concerns in relation to highway safety give rise to other objections in terms of the effects on Stockbury Village (social cohesion and economic considerations), I shall next examine these matters. I shall then examine the effects of the Scheme on non-motorised users (NMUs) and the question of severance of Stockbury village.
- 10.4 I then propose to look at the design of the Scheme and its effect on landscape and visual receptors, as well as its effect on the Kent Downs AONB. Consequent on any findings might be the need to consider mitigation and any compensation mechanisms. I shall then go on to examine other matters, including ecology.
- 10.5 I shall then consider each of the proposed published modifications. The findings will then deal with the environmental assessment of the Scheme, including the issues raised by Objectors and those who submitted representations to the Highways England and the Inquiry. I shall separately consider all alternative schemes and consequential matters, including any potential delay to the implementation of the Scheme. I shall then return to the statutory tests before making final conclusions which will then be drawn together into recommendations on each of the Orders.
- 10.6 As set out above I have taken account of the ES, together with all other environmental information submitted in connection with the Scheme, in arriving at my recommendations. [2.7]

Need and Traffic and Economics

- 10.7 The Applicant's case in relation to traffic and economics is set out at paragraphs 5.3 to 5.7 above.

Need

- 10.8 The need for the Scheme is premised on three objectives. Firstly, the need to increase capacity due to existing constraints at the Stockbury junction which result in delays and unpredictable journey times. Allied to this is the additional impetus to increase capacity to facilitate planned residential and commercial development. Finally, the accident record on the highway

- network around the junction is poor and there is a need to improve highway safety. These objectives were broadly accepted by all parties at the Inquiry.
- 10.9 The current situation: On behalf of HE, Mr Shipley⁹⁷ gave evidence about the existing traffic conditions, traffic forecasting and the economics of the Published Scheme.
- 10.10 The Kent Corridors to M25 Route Strategy (2014), a high-level route assessment, had identified long-standing congestion hot spots and safety concerns on the Strategic Road Network. The need for improvements in the operation of the Stockbury junction and the A249, as well as the reduction in congestion, is well documented in the Strategy. The approaches to the junction from both the north (A249 southbound) and from the east (M2 westbound) experience high levels of delays, particularly in the AM peak hour.
- 10.11 The reports conclude that current traffic demand significantly exceeds capacity, particularly on the M2 east-west movements and the A249 north-south Sittingbourne/Maidstone movements. This conclusion was uncontroversial at the Inquiry, with all participants accepting the Applicant's description of the current baseline position and most participants agreeing that some improvements to the network were needed.
- 10.12 One other element of the need to increase capacity is to facilitate projected residential and employment development. Swale Borough Council development plan commitments include an additional 13,192 dwellings and 130,000 sqm of employment land up to 2031, whilst Maidstone Borough Council has its own commitments for an additional 17,660 dwellings and 14,394 jobs up to 2031.
- 10.13 Future Forecasts: The traffic forecasting models and outputs⁹⁸ are explained by Mr Shipley in his proof of evidence. Three time periods were modelled to represent the AM and PM peaks and the inter-peak average hour between 09.00 and 15.00hours as at March 2016⁹⁹.
- 10.14 The forecast scenarios include the 'Do Minimum' (DM) scenario and the 'Do Something' (DS) scenario. DM represents the proposed changes to the transport network as well as changes in demand over the forecast years. The DS represents the DM position with the Scheme in place. Data is given in relation to each scenario for five forecast years, including the 2022 scheme opening year and the 2037 design year.
- 10.15 The model predicts the differences in flow between the DM and DS situations¹⁰⁰. The greatest difference in *inbound* 2037 AM peak flows into the junction are along the southbound A249, with flows increasing from 2,140

⁹⁷ PoE HE/3/1

⁹⁸ CD H.6

⁹⁹ March 2016 was used to align with the Lower Thames Area Strategic Traffic Model.

¹⁰⁰ PoE HE/3/2 - table 5-1

(DM) to 3,512 vehicles (DS) due to the introduction of the flyover increasing capacity through the junction. Unsurprisingly, the greatest difference in *outbound* flows from the junction between DM and DS in the 2037 AM peak is seen in the traffic travelling south along the A249 out of the junction.

- 10.16 Other improvements in traffic flows are seen in the 2037 PM peak, with the southbound A249 flow into the junction increasing from 2,090 to 2,628 vehicles with the Scheme in place. The same exercise is done for all traffic arms, during the AM, PM and inter-peaks in the DM and DS scenarios and a series of conclusions regarding the benefits of inclusion of the Scheme (DS scenario) follow¹⁰¹. These include that the Scheme would result in increased traffic volumes in both directions on the A249 and M2 off-slips, particularly in the AM peak, increased outbound trips from the junction on both A249 and M2, and an overall increase in the number of trips able to pass through the junction.
- 10.17 Essentially the Scheme would alleviate the existing high levels of congestion on the A249 southbound during the AM peak, in the main because the grade separation of the junction, by the introduction of the flyover, allows traffic to pass through the junction unimpeded. The corollary of capacity improvements is a consequential reduction in vehicles using competing north-south routes in 2037.
- 10.18 The above would have a consequential effect on journey times in 2037, as evidenced in the outputs for modelled journeys¹⁰². There is a forecast reduction in journey times for all journeys using the southbound A249 route across all time periods due to the alleviation of the queuing on the A249 northern arm of the Stockbury junction. Other forecast changes include a minor (2%) increase in journey times on the M2.
- 10.19 The modelling indicates that, with the Scheme in place, there would be significant reductions in delay, particularly during the AM peak, and there would be improvements in latent demand. The Scheme would reduce the overall journey time across a majority of routes assessed in both the opening and design years of DS, compared to the DM scenario. These conclusions were unchallenged at the Inquiry. I am satisfied that the modelling is robust, and the forecasts provide a good indication of the effects of the Scheme on capacity and journey times.
- 10.20 Highway Safety Improvements: Mr Roberts¹⁰³ gave evidence to the Inquiry regarding engineering and highway safety matters. He relied upon the evidence within The Combined Hazard and Safety Log (Safety Log)¹⁰⁴ which states that the appropriate level of safety management has been undertaken to assess the expected safety performance for the implementation of the scheme.

¹⁰¹ Set out at ¶5.2.2 HE/3/2

¹⁰² HE/3/2- Table 5-7

¹⁰³ PoE HE/1/2

¹⁰⁴ CD H.13

- 10.21 The Safety Log identifies that collision reduction safety objectives will be deemed to have been achieved if 3 parameters are met. Namely, if it is demonstrated for the period of 3 years after becoming operational that:
- The average number of fatal and weighted injury (FWI) casualties within the Scheme area is 20% less than the existing baseline;
 - The average annual FWI casualty rate per 100 million vehicle miles on the A249 within the Scheme area is 20% less than the existing baseline;
 - The average annual number of personal injury collisions on the M2 mainline within the Scheme area is better than the existing baseline.
- 10.22 The semi-quantitative risk assessment tables¹⁰⁵ appended to the log identify a series of hazards in the DM and DS scenarios and ascribe three values to them: probability, severity and resultant risk. These values are then applied to forecast traffic volumes to extrapolate the overall forecast Fatal Weighted Injuries and PCIs. The Safety Log concluded that the Scheme safety objectives are likely to be achieved within three years of the Scheme becoming fully operational and that no population (e.g. car drivers, pedestrians, HGV drivers and motorcyclists) is disproportionately adversely affected in terms of safety, and risk to each population remains tolerable.
- 10.23 Some of the assumptions, inputs, methodology and the resultant conclusions of this risk assessment were disputed at the Inquiry by SPC and others and I shall examine this matter in detail shortly.
- 10.24 Scheme Economics and Benefit-Cost Ratio: in order to ascertain whether the Scheme would represent good value for money a BCR was calculated¹⁰⁶, using monetised values for the benefits in terms of journey time and accident savings after a comparison of DM against DS¹⁰⁷.
- 10.25 The industry standard COBA-LT programme was used to assess the economic benefits of accident reductions over a 60-year appraisal period. The Scheme was forecast to save 531 personal injury accidents, 8 fatal casualties, 65 serious casualties and 649 slight casualties over the 60-year appraisal period¹⁰⁸. This equates to a £24million monetised benefit at 2010 prices. Similarly, the journey time reliability benefit of £0.31m was derived based on the accident reduction figures. Greenhouse gases were forecast to provide an -£8m disbenefit and delays during construction were forecast to provide disbenefit in the order of -£3.7m.
- 10.26 The net benefits were set against a Scheme cost of £60m at 2010 prices and a final BCR was calculated in the order of 3.97, adjusted to 3.04 if the 2018

¹⁰⁵ Appendices A.2 to A.6

¹⁰⁶ CD H.7a Transport Economic Package

¹⁰⁷ Ibid

¹⁰⁸ HE/3/2 ¶7.4.2

Road Traffic Forecasts were used¹⁰⁹. On any analysis a BCR of around or above 3 is considered to represent good value for money. I do not consider it necessary to embark on a detailed analysis of the various sensitivity testing¹¹⁰. At the end of the day the BCR is a tool used to provide a uniform analysis across all projects and to give an indication as to whether or not value for money would be achieved. The key data inputs, other than the Scheme costs, are the monetised accident savings and, to a much lesser extent, the monetised journey time savings.

Funding

- 10.27 The Funding Statement¹¹¹ confirms that the Scheme has a “most-likely” estimate of £91.91 million, including allowances for risk and inflation at the date of application. This estimate includes all costs to deliver the Scheme from Options Stages through to the opening for traffic. It includes an allowance for compensation payments relating to the compulsory acquisition of land interests as well as potential claims under the Land Compensation Act 1973 and the CPO Act 1965.
- 10.28 HE is a Government owned company and is responsible for operating, maintaining and improving the strategic road network in England. As such HE is responsible for delivering the major projects in the Road Investments Strategy (RIS) and in RIS 2. The RIS contains a list of commitments which included an investment of £50m - £100m allocated for improvements to M2 Junction 5. The Scheme was reconfirmed as committed in RIS 2, published in March 2020¹¹².
- 10.29 KCC has submitted an application on behalf of HE to the Government’s Major Road Network (“MRN”) programme. The purpose of the application is to meet the additional costs associated with the inclusion of the flyover and funding for an overbridge from Stockbury over the A249. The application is for £27.5 million, comprising of £17.5 million for the additional costs for the flyover design change and £10 million for an overbridge. It is anticipated that the application will be determined in late 2020/early 2021.
- 10.30 If the MRN application for the flyover is unsuccessful HE will fund the £17.5 million from its RIS 2 funding allocation. In addition to applying for MRN funding, KCC has committed to providing £2.5m towards the cost of the Scheme. Of this sum, £1.6m comes from KCC’s own resources and £900,000 from the South East Local Economic Partnership. This will be secured by a formal Funding Agreement between HE and KCC which has been agreed in principle.
- 10.31 I am therefore satisfied that, taken together, the committed and prospective funding from DfT and KCC would provide funding for the full estimated cost of

¹⁰⁹ The original analysis was based on 2015 Road Traffic Forecasts and subject to sensitivity testing in relation to low and high growth.

¹¹⁰ Using different TAG data books

¹¹¹ Inquiry document INQ/014

¹¹² CD F.12

the Scheme. As such there would be no financial impediments to the delivery of the Scheme.

Highway Safety

- 10.32 In this section I shall use the acronyms SB, EB, WB and NB to refer to southbound, eastbound etc when referring to the A249 and other carriageways.
- 10.33 The implications of the Scheme for highway safety, for those living in Stockbury and those wishing to visit, was a major issue at the Inquiry. Those concerns are set out in the cases of SPC, Mr Cooke, Ms Kemsley, Councillor Garten, Councillor Prendergast and others. They centre upon the adequacy and safety of the Church Hill/A249 junction as the primary means of access and egress to the village following the closure of Honeycrook Hill following Scheme implementation. The crux of SPC's case is that, due to what it contends are increased risks associated with accessing the village, the Scheme should only proceed on the basis that there is provision for an overbridge from Stockbury over the A249 included. [7.3-7.4, 7.21]
- 10.34 Mr Roberts¹¹³ on behalf of HE explained the engineering rationale behind the Scheme. HE also point out that whilst the concerns relate to one particular element or junction, the highway safety credentials of the whole Scheme fall to be assessed as a whole.
- 10.35 Existing highway network: The existing A249 south of the Stockbury roundabout is an all-purpose dual carriageway with the national speed limit of 70mph. It forms an at-grade junction with the Stockbury roundabout and has a NB dedicated left-turn lane to the M2 EB entry slip road. There are four at-grade priority junctions onto the A249 south of the Stockbury roundabout up to and including the Church Hill junction at the southern extent of the Scheme. These are A249 junctions with Oad Street and South Green Lane on one side of the A249 and Church Hill and Honeycrook Hill junctions on the other side.
- 10.36 Figure 1.3 overleaf depicts the A249, with Stockbury village in the top north-west and the Church Hill junction, Amels Hill track and Honeycrook Hill junction all running south-east down to the A249 mainline. Honeycrook Hill is an at-grade priority junction some 460 metres south of the Stockbury roundabout which provides left turns out onto the A249 NB but prohibits right turns out SB. Access into Honeycrook Hill from the A249 SB is via a right-turning manoeuvre across the A249 NB carriageway. Left turning traffic from the A249 NB is prohibited, as are U-turning manoeuvres. The proposal is to stop up Honeycrook Hill, given the presence of the diverge lanes downstream of the junction.

¹¹³ PoE HE/1/2

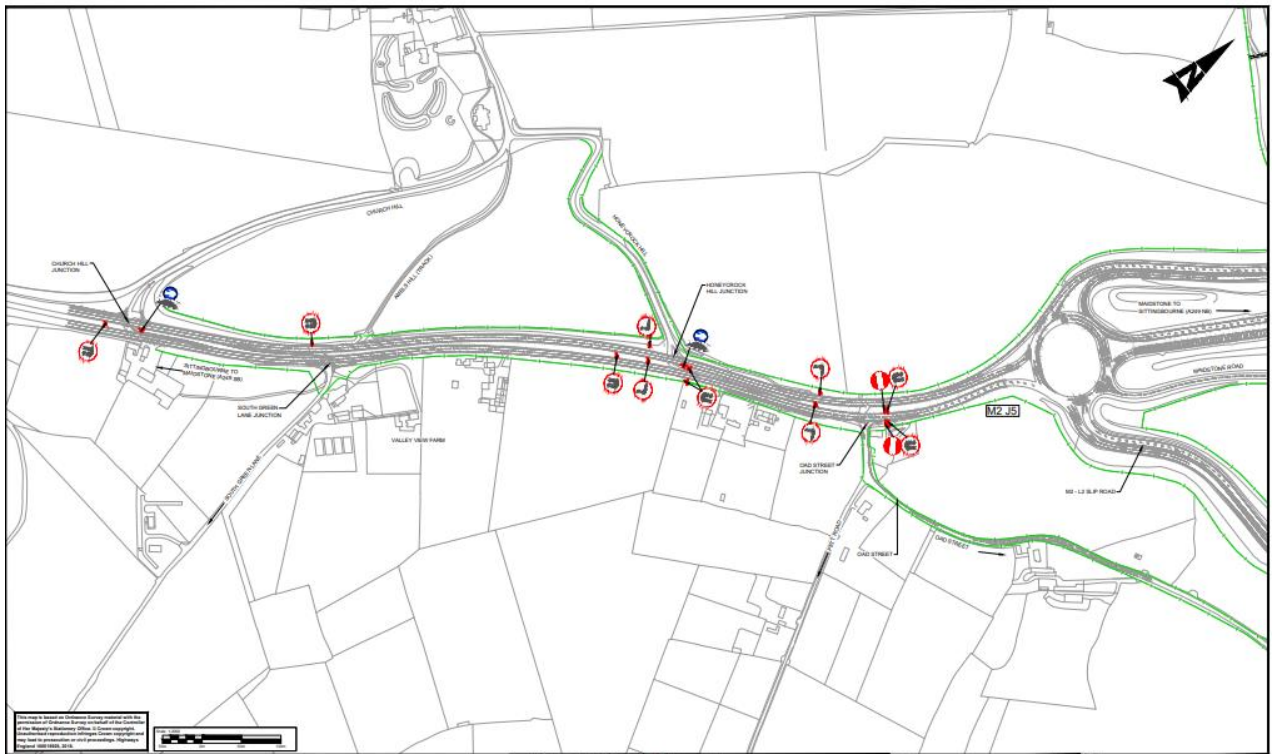


Figure 1.3: The existing road network depicting routes onto A249 from Stockbury village

- 10.37 Church Hill is an unclassified road which forms an at-grade priority junction with the A249 NB carriageway approximately 1,150 metres south of Stockbury Roundabout. It serves Stockbury village and the surrounding area. At the A249/Church Hill junction, vehicles are permitted to turn in from both A249 NB and SB carriageways and turn out left onto the A249 NB carriageway. The right-turn in from the A249 SB carriageway involves a manoeuvre crossing the A249 NB carriageway.
- 10.38 A U-turn facility is provided at Church Hill junction allowing vehicles in the A249 SB carriageway to turn right into Church Hill (crossing the A249 northbound carriageway) before turning left from Church Hill onto the A249 northbound carriageway.
- 10.39 Scheme Proposal: The Scheme would remove the Honeycroft Hill, Oad Street and South Green Lane at-grade junctions and six direct accesses to the A249 between Stockbury Roundabout and the Church Hill Junction. Honeycroft Hill would be stopped up and a new PRow would be created along it. South Green Lane, Oad Street and the direct accesses would link via a new two-way local road (part of which is the existing southbound carriageway) to the improved Stockbury Roundabout. Access to the village of Stockbury would be via the Church Hill junction at the southern extent of the scheme.
- 10.40 General arrangements drawings 01 and 02¹¹⁴ depict the proposed Scheme in the vicinity of the Honeycroft Hill junction. The proposal was accompanied

¹¹⁴ CD A.10 and A.11

by an Operational Traffic Forecasting Model Assessment¹¹⁵ which forecast traffic flows and the consequential effects upon traffic queues and journey times. The consequence of the stopping up of Honeycrook Hill would be the removal of one of the two main access/egress routes into the village. This would result in an increased use of the Church Hill junction.

- 10.41 The Scheme would include a SB merge slip road from a grade separated Stockbury Roundabout junction to the A249 SB, located north of the Church Hill junction. The weaving length between the merge and the right turn lane for the Church Hill junction would be 485m¹¹⁶ which is substantially less than the DMRB recommended 1km minimum length between a full grade separated junction and an at-grade junction. This would represent the most significant departure proposed on the Scheme and it has been subject to an application for Departure from Standards¹¹⁷. [9.6]
- 10.42 The departure from standards included a safety risk assessment¹¹⁸ and was approved by the HE-SES team. The risk assessment concludes that the overall risk of the proposed layout was lower than the existing situation and equal to a compliant design. HE SES have approved the departure, on condition that it was also acceptable to KCC. KCC have noted the departure and require post-scheme monitoring to be implemented, as well as a commitment from HE to rectify any issues identified. [9.10-9.11]
- 10.43 The promoted Scheme includes proposed Modification 6 relating to the layout of the existing Church Hill junction which is currently not DMRB compliant. The U-turn facility at the junction would be removed, and the radii and traffic islands would be reconfigured to meet standards. The existing SB A249 deceleration lane length is sub-standard, and it would be lengthened from 100m to 110m, incorporating a 30m direct taper.
- 10.44 The Church Hill junction: whilst there were several highway safety concerns, one of the greatest concerns related to the manoeuvres which would be necessary to travel from the roundabout to Stockbury village via Church Hill. Starting from the roundabout this journey would entail a merger with the traffic off the flyover onto the A249 mainline and then crossing two lanes of traffic to get into the deceleration taper lane on the A249 SB carriageway, to enable the driver to make the right turning manoeuvre across the A249 NB carriageway into Church Hill. I shall examine each of the two components of such a manoeuvre.
- 10.45 Firstly, as already indicated the weaving length from the SB merge slip coming from the junction up to the right turn taper lane to Church Hill would be 485m. HE acknowledge this to be a significant departure from the recommended standard of 1km¹¹⁹. This essentially means that drivers coming off the roundabout and wanting to go to Stockbury would have to

¹¹⁵ CD H.9

¹¹⁶ When measured in accordance with CD 122 – Geometric Design of Grade Separated Junctions at CD H.38.

¹¹⁷ CD H.16

¹¹⁸ CD H.47

¹¹⁹ HE/1/2 ¶2.3.5

merge into two lanes with the vehicles travelling south off the flyover. After this, drivers would have some 485 metres to position themselves in the outside lane ready to get into the right turn taper lane for the Church Hill turn.

- 10.46 SPC make the point that drivers coming off the roundabout would be seeking to merge with drivers coming off the flyover when those drivers on the flyover have already travelled for 7 miles on an uninterrupted A249 carriageway at the national speed limit. This would be in direct contrast to the current situation in which traffic lights at the roundabout result in gaps enabling drivers to execute the necessary weaving manoeuvre along the 485m length of road. [7.10-7.11]
- 10.47 Part of the justification for the departure is that the Scheme would result in the removal of three junctions and direct property accesses on to the A249 between the roundabout and the Church Hill turn. Therefore, the number of possible different movements would be reduced with the removal of these options. Further justification comes from the removal of the U-turning facility at Church Hill which it is contended would reduce the number of right turning movements into Church Hill. [9.1-9.12]
- 10.48 The application for departure goes on to explain:
- "...The removal of the uncontrolled junctions comprising two left/right staggered junctions will also reduce the number of conflict points along this section of the A249 eliminating the speed differential created by vehicles having exited the junction accelerating on the mainline or decelerating to turn off into the side roads. Removal of the need for drivers on the mainline to brake or change lanes to avoid vehicles entering from the side road will reduce the likelihood of nose-to-tail and changing lanes collisions. The reduced number of vehicle-turning movements and reduced conflict points along this section is therefore considered an improvement on the existing situation."*¹²⁰
- 10.49 The above part of the analysis appears predicated on an assumption that all other matters remain equal. However, it is also necessary to look at the contextual data in terms of traffic speeds and traffic volumes when assessing the risks of a reduced weaving distance. The assessment rationale is based upon the changes removing other turning options which in turn would result in a reduction of the number of vehicles slowing down to leave the A249 mainline or having to speed up quickly on entering at various points along the A249 mainline. This in turn would eliminate the "speed differential". However, in the existing configuration, all drivers travelling SB along this section of the A249 have already had their speeds moderated significantly by virtue of passing through the roundabout. In the Scheme configuration some drivers will have passed over the flyover at the national speed limit and drivers from the Stockbury roundabout would be joining them on the A249 mainline.
- 10.50 I note the departure application contains data on the average traffic 'spot' speeds for the A249 passing the Church Hill junction of some 90 kilometres

¹²⁰ Page 6 CD H.16

per hour, or 56 mph, which provides some indication of the current traffic speeds further upstream of the 485m weave section. The Safety Log¹²¹ contains a semi-quantitative risk assessment of the hazards associated with higher speeds at the slip road merges, before and after control measures. The risk is classified as low when the probability and severity values are combined.

- 10.51 Whilst the speed limit on the 485 m section would not change, it is a reasonable assumption that the traffic conditions in the SB section of the A249 on the approach to this 485m section of road would change. Many vehicles would be coming directly off the flyover, permitted to travel at the national speed limit and unimpeded by a roundabout and on a straight piece of carriageway. I have taken into account that SLOW markings would be provided on the flyover on the approach to the slip road merge and average speed cameras would be placed on the A249.
- 10.52 When looking at all of the above matters in combination, I conclude therefore that it is likely that there would still be speed differentials between the traffic on the flyover and the traffic joining it. In other words, I conclude that it is likely that the average speeds along this section are likely to be higher than the existing situation. However, the removal of two staggered junctions and other direct accesses would remove the number of points of conflict.
- 10.53 In terms of contextual data, it is also necessary to have regard to traffic flows in both the DM and DS scenarios at the 2037 design year. The following data is from Mr Roberts' VISSIM modelling:

Table 3-2: 2037 Traffic flows at Church Hill and Honeycrook Hill

Movement	AM		Inter Peak		PM	
	DM	DS	DM	DS	DM	DS
A249 Southbound	2637	3333	1666	1667	1778	1825
A249 Northbound	2029	2044	1571	1581	2409	2407
A249 Southbound to Church Hill	12	20	18	30	8	28
A249 Southbound to Honeycrook Hill	17	-	25	-	22	-

- 10.54 In his oral evidence Mr Roberts made the point that a dual carriageway has a capacity of 3,200 vehicles per hour and that, in the busiest periods, the traffic flows upstream of the merge would be around 1,800 vehicles per hour¹²². The Transport Forecasting Package¹²³ provides values for actual traffic flows during the 2037 AM peak. Southbound some 1,970 vehicles would come over

¹²¹ CD H.13

¹²² Mr Roberts' evidence was in fact 1,787 vehicles. I cannot find that figure in the Transport Forecasting Package at CD H.6 but it is immaterial given that the figures in the package are around the same values at 1,970 in the 2037 DS AM peak (page 72 of CD H.6).

¹²³ CD H.6

the flyover, with 1,613 vehicles coming off the roundabout to join them in the mainline merge¹²⁴. So, I accept Mr Roberts' point that the traffic from the roundabout would have to merge into a 2-lane carriageway which is already carrying around 1,900 vehicles. The point being that the mainline traffic flow would be at about 60% of capacity which would provide more opportunities for merging. It is however also important to bear in mind the high volumes of traffic which would be seeking to merge into that mainline. [9.11]

- 10.55 HE also utilised collision data for the A249 south of the roundabout for the 5-year period to 30 June 2019¹²⁵ reproduced in Mr Roberts' table 3-3 below. The number of observed collisions in the 5-year period was relatively small. Two serious and two slight collisions occurred at the Church Hill junction in the period and one serious collision and four slight collisions at the Honeycrook Hill junction, with others on the road network between junctions. Tragically there was one fatality at the Oad Street junction.

Table 3-3: Observed Collisions South of Stockbury Roundabout

Location (from south to north)	Fatal	Serious	Slight	Total
South of Church Hill	0	0	1	1
Church Hill junction	0	2 (50%)	2	4
Between Church Hill and S Green Lane	0	0	1	1
S Green Lane junction	0	1 (20%)	4	5
Between S Green Lane and Honeycrook Hill	0	2 (66.7%)	1	3
Honeycrook Hill junction	0	1 (20%)	4	5
Between Honeycrook Hill and Oad St	0	0	1	1
Oad Street	1 (33.3%)	0	2	3
Total	1	6	16	23

- 10.56 The departure application was accompanied by the safety risk assessment¹²⁶ which did two comparative exercises. Firstly, the risks of a compliant layout were compared with the proposed layout. Then the risks associated with the current highway configuration were compared with the proposed Scheme. For each risk the likelihood was calculated and multiplied by the severity of

¹²⁴ The figures in Mr Roberts' rebuttal at PoE HE/1/3 -table 1- Actual Flows 2037 AM Peak are 1,781 SB vehicles through trips over the flyover, with a total of 3,333 vehicles travelling SB towards the M20 from M2J5. The figure of 3,333 is the combined through trips and those vehicles accessing the SB A249 from the Stockbury roundabout. Any differences in the quoted figures are relatively small and are not material for the purposes of this analysis.

¹²⁵ Mr Roberts' Table 3-3 HE/1/2

¹²⁶ CD H.47

harm value to give a risk value. Four hazards were identified. Two hazards relate to the likelihood of "side-swipes" and rear-end collisions arising from vehicles changing lanes at short notice or decelerating sharply to turn right are both given values of 2 in a compliant layout and both increase to 3 in a proposed layout. The severity of any collisions remains the same at 3¹²⁷ which means that the resultant risk values are 6 and 9 respectively, both of which are classed as 'low'.

- 10.57 The hazard associated with U-turns at the Church Hill junction is ascribed a medium risk value¹²⁸. This movement would be prohibited by the introduction of Modification 6 in the promoted Scheme. In the assessment the risk is assessed as low because, as Mr Roberts explained, the model does not accept nil value inputs. The last hazard was associated with maintenance vehicles and there was no difference between the compliant and proposed Schemes.
- 10.58 The departure application was approved by an independent safety team within HE. It was subject to an agreement with KCC, that post completion there would be monitoring for a period of 3 years and a Stage 3 safety audit before opening and a Stage 4 safety audit after opening. SPC put questions to Mr Roberts about plans for remediation if the monitoring concludes there are issues with the layout. The possibility of moving the junction south was explored but, given the topography and the location of the junction in the AONB this option would be too difficult in engineering terms and too costly, as well as harmful to the AONB.
- 10.59 SPC, and others, had put forward a suggested 50mph speed limit at the Church Hill junction but this suggestion was discounted by HE on the basis that guidance in Department for Transport Circular 01/2013 - Setting Local Speed Limits¹²⁹ states "*Speed limits should not be used to attempt to solve the problem of isolated hazards, for example a single road junction or forward visibility...*". There is therefore the risk that this would not have the support of the relevant authorities. However, Mr Roberts does acknowledge the possibility of introducing a 50mph on the junction approaches at a later date¹³⁰ - presumably in light of an unfavourable safety audit.
- 10.60 Conclusions in relation to weaving length: the proposed Scheme would rationalise the number of junctions onto this part of the A249. The removal of Oad Street, South Green Lane and Honeycrook Hill as direct entry and exit points would remove the risks with associated turning manoeuvres, especially those where it is necessary to cross the opposing carriageway.
- 10.61 The traffic environment coming south off the flyover and continuing on the A249 mainline would be substantially different to that which currently exists when one has traversed the roundabout south. I have concluded that the likely average speeds of these vehicles would be higher than the average

¹²⁷ Value 3- serious harm

¹²⁸ Based on a likelihood score of 4 and a severity of score of 3 multiplied to give risk score of 12

¹²⁹ CD H.26 in Section 3 - The underlying principles of local speed limits, paragraph 40

¹³⁰ HE/1/2 ¶3.4.12

speeds currently recorded at the Church Hill junction. Whilst the A249 mainline would be under capacity, the number of vehicles seeking to merge would not be insignificant and this must be a factor in considering the likelihood of increased side swipes.

- 10.62 There would therefore be a differential between those vehicles on the mainline and those seeking to join the mainline from the SB roundabout slip road. The vast majority of these SB vehicles would be joining the A249 and remaining on it past Church Hill. For the minority wishing to travel to Stockbury, having joined the A249 mainline there would be a distance of 485m to get into the outside lane ready to enter the off-slip taper. I consider that this would be a more difficult manoeuvre than that which currently exists.
- 10.63 The risk assessment associated with the departure records the likelihood of side swipe collisions increasing to 3 in the proposed Scheme, as opposed to 2 in a compliant layout. The probability figures are relatively low, and this is partly attributable to the low number of vehicles seeking to enter the right turning taper. In the DS 2037 scenario, with the closure of Honeycrook Hill, 28 vehicles would seek to make this manoeuvre in the PM peak out of a SB stream of 1,825 vehicles. In the AM peak some 20 vehicles would be turning into the taper out of a traffic stream of 3,333.
- 10.64 Bringing all of the above together, and for the reasons previously given, I conclude that the risk of side swipes and rear-end collisions associated with those drivers joining the A249 and seeking to weave across to the outside lane to turn into Church Hill would be greater in the Proposed Scheme. I must acknowledge that the numbers which would seek to execute this manoeuvre are low and this has consequences for a mathematical model which seeks to ascribe numerical values for likelihood, severity and risk. I would categorise the increased risk therefore as modest.
- 10.65 The right-turn into Church Hill: I shall next consider the right turning manoeuvre from the A249 SB into Church Hill. The Safety Risk Assessment of the current arrangement along the A249 south of Stockbury Roundabout identified the existing right turn into Church Hill as being 'medium' risk as 2 out of the 4 collisions at this junction involved U-turning traffic. The assessment concludes that the risks would be reduced to low under the proposed layout as a result of the removal of the U-turn facility in the junction mouth at Church Hill.
- 10.66 SPC contends that, with the Scheme in place and when exiting the crossover into Church Hill, vehicles would be confronted with a continuous flow of NB traffic, with the nearside lane being obscured by vehicles in the offside lane. SPC say that this is currently a time-consuming manoeuvre, but it can be achieved with patience by waiting for gaps to occur due to the traffic lights at the roundabout creating queues and the "keep clear" road markings on the northbound carriageway. Once these gaps have been eliminated, SPC contend that crossing two lanes of traffic would become dangerous. [7.12]
- 10.67 On behalf of HE, Mr Jones submits that SPC's concerns about having to cross a stream of traffic in the NB carriageway which can lawfully travel at 70 mph (as now) but which would not have to slow down because of the roundabout, are unfounded. He says this would be no different to the movement required

when joining a dual carriageway from a priority junction, and there are plenty of examples of such junctions from the Stockbury roundabout to Maidstone in regular use. Mr Jones further asserts that fundamentally the right-turning manoeuvre into Church Hill is a movement and junction configuration which is expressly sanctioned by DMRB [9.12-9.14]

- 10.68 The predicted NB flow along the A249 past Church Hill in the 2037 AM peak is 2,029 and 2,409 in the PM peak¹³¹. In the AM peak there would be some 20 vehicles per hour seeking to execute the right-turning manoeuvre into Church Hill. The figures for vehicles travelling along the A249 in a NB direction in both of the peak hours are very similar in the DS and DM scenarios. This is because the implications of separating through traffic onto the flyover are only realised further upstream of the Church Hill junction.
- 10.69 Inquiry document 22 usefully explains the changes in annual average daily traffic (AADT) flows from 2019 flows to the modelled 2037 design year. It clarifies the risk assessment¹³² supporting the departure application and, in particular, the risk associated with the right turning manoeuvre into Church Hill. Row 5 assesses the risks associated with vehicles using the crossover to turn into Church Hill in the current scenario and with the proposed Scheme. A figure of 60 current daily right turning movements into Church Hill is recorded in the 'comments' column. Inquiry document 22 explains that this figure incorrectly excluded the 93 U-turners so the actual right turning movement was 153 in 2019.
- 10.70 Notwithstanding this correction the note contends that the increase in movements from 60 to 153 would not increase the likelihood score of 4. Combined with a severity rating of 3 the overall risk of this manoeuvre currently is 12 which places it in the medium risk category. A likelihood score of 4 means the risk is likely to occur- once every 1-4 years. I confess that I struggle somewhat with the concept that a more than doubling of the number of right turning movements would not increase the likelihood of an incident.
- 10.71 Inquiry document 22 explains that this reduction in the likelihood of an event is reduced with the Scheme, notwithstanding the increase in turning movements, because the assessed risk relates to a particular set of circumstances when NB traffic is queuing and a SB vehicle is waiting to turn right. The document states that with the Scheme in place there would be a reduction in queueing. I have some difficulties with this for the reasons set out below.
- 10.72 Firstly, row 5 lists the 'cause' of the risk as "*..a vehicle using the crossover to turn into Church Hill fails to see a vehicle in the nearside lane and turns across its path*". There is no reference to queuing. In addition, if this right turning risk was only associated with circumstances involving queuing, I would have expected another row setting out the risk associated with making the manoeuvre when there is no queuing. There is not. I am therefore going

¹³¹ Taken from Mr Roberts' Rebuttal PoE HE/1/3

¹³² CD H.47

to proceed on the basis that row 5 represents the risks associated with right turning manoeuvres in all circumstances.

- 10.73 Moving onto the modelled flows in 2037, inquiry document 22 explains that the number of right turning vehicles in 2037 is 453. A likelihood score of 3 is attributed to an incident and a severity score of 3 giving a reduced risk profile score of 9. This figure includes those vehicles displaced from Honeycrock Hill as well as predicted traffic flow increases but it excludes the U-turning manoeuvre. Again, in terms of the likelihood of an incident I must express scepticism at the concept that an initial 60, then 153, right turning manoeuvres attracts a likelihood score of 4 which then reduces to 3 in 2037 when the number of right turning movements is predicted to increase to 453.
- 10.74 In terms of traffic speeds, the aim of the Scheme is to reduce congestion and improve traffic flows. Currently existing traffic flows have to slow down to access the roundabout or as a result of queuing to get on to the roundabout. With the flyover in place, vehicles in the outside lane would be focussed on travelling through the junction on the flyover without interruption.
- 10.75 Inquiry document 2 sets out the forecast changes in average delays in this right turning manoeuvre into Church Hill. It can be seen that drivers seeking to execute the manoeuvre would have to wait some 8 to 9 seconds longer in both AM and PM peak periods

Table 1.1: Change in Average Turning Delay per vehicle (Sec) in 2037

Movement	AM			PM		
	Without Scheme	With Scheme	Change	Without Scheme	With Scheme	Change
Left Turn out from Church Hill	5	16	11	7	20	13
Right Turn into Church Hill	9	17	8	20	29	9

- 10.76 The Combined Safety and Hazard Log¹³³ assesses the hazards of the existing junction compared to the proposed Scheme junction in terms of hazards associated with increased vehicle speed along the A249 NB at its junction with Church Hill. The risk is associated with the driver seeking to turn right, misjudging the gap in the NB traffic. The existing risk is categorised as low based on a likelihood of 3 and a severity value of 3 giving an overall risk value of 9. The proposed Scheme scores exactly the same values on the risk matrix.
- 10.77 The risk assessment states that less queuing on the mainline would remove the 'ambiguity of slow-moving vehicles on the mainline, intentionally or

¹³³ CD H.13 at pages 53-54

- unintentionally, slowing down to give way to right-turning vehicles. In other words, the traffic would be travelling at a consistent and faster speed.
- 10.78 The traffic flows at Church Hill and Honeycrook Hill in the 2037 DM scenarios are illuminating. Without the Scheme in place and based on existing flows, in the AM peak 12 vehicles would turn into Church Hill and 17 would turn right into Honeycrook Hill. However, in the PM peak some 22 vehicles would choose to turn right into Honeycrook Hill with only 8 vehicles turning right into Church Hill. This supports the contentions of villagers, many of whom said that, at certain times of day they would prefer Honeycrook Hill over Church Hill for highway safety reasons due to a better line of sight¹³⁴. In his oral evidence Mr Woods explained that whilst all HGVs will have to use Church Hill, due to the winding nature of Honeycrook Hill, lighter vehicles including 'tipper lorries' use Honeycrook Hill. [7.44 and 7.53]
- 10.79 Honeycrook Hill is closer to the roundabout and in the peak hours, any queuing back from the roundabout is evident at Honeycrook Hill much sooner than at Church Hill. In the absence of queuing, due to the proximity of the Honeycrook Hill stretch of the A249 to the roundabout, it is likely that drivers are beginning to adjust their speeds to travel through the roundabout. Also notable is the figure for vehicles making the right turn in the inter-peak hours, with 18 at Church Hill and 25 at Honeycrook Hill.
- 10.80 With the Scheme in place there would be more vehicles, between 20 to 30 vehicles per hour, seeking to execute the right turn into Church Hill. This would be in the context of free-flowing vehicles travelling at faster speeds along the A249 NB corridor. The greatest NB flow is in the 2037-year PM peak when 2,407 vehicles per hour would be travelling along the dual carriageway past Church Hill. I remind myself that the capacity is around 3,200 vehicles. I also bear in mind the increased delays in turning which are up to 29 seconds with the Scheme.
- 10.81 It is axiomatic that if vehicles are travelling at faster speeds along the highway, then drivers seeking to execute a right turn into Church Hill would have less time to make a judgement about crossing the carriageway. I note that freer flowing traffic would lead to more consistent and uniform speeds but the window of opportunity to make a decision that it is safe to cross the dual carriageway and then to execute that manoeuvre would be reduced. This observation is particularly pertinent in the case of slower moving HGVs and farm vehicles. [7.47]
- 10.82 I also bear in mind my earlier comments on the likelihood of an event occurring. With an increase from 153 to 453 daily right turns predicted to occur between 2019 to 2037, with the Scheme in place, I do not accept that the likelihood of an event is less. I accept that some of the current accidents are attributable to U-turning movements and these would be eradicated but even so, some of the incidents occurred with simple right turning movements. On the basis of Inquiry Document 22 those right turning

¹³⁴ Mr Woods, Ms Kemsley and Mr Cooke all gave evidence to this effect.

- movements would increase from 60 or 153 total movements in 2019 to a modelled 453.
- 10.83 Taking all of the above matters into account I conclude that there would be some degree of increased risk of an incident over and above the existing situation in making these right turning manoeuvres. I appreciate that this is contrary to the risk values ascribed in the assessment, but these are multi-factorial judgements about the conditions and context and driver behaviour. I do again acknowledge that the numbers seeking to execute the manoeuvre would be small in the totality of the Scheme users and this matter has an influence on the likelihood input value of the assessment. I also note that the risks associated with U-turns would be removed and these manoeuvres accounted for 2 of 4 of the recorded accidents under existing conditions.
- 10.84 Finally, a Stage 1 Road Safety Audit of the Church Hill junction was undertaken at the behest of KCC and was submitted on behalf of SPC. The document is not relied upon by KCC who did not appear at the Inquiry. Mr Fitch from KCC did however attend on the first day of the Inquiry and he confirmed that whilst KCC did not seek to rely on the document or present any objections, he had no objections to the inclusion of the audit subject to redaction of personal details. HE criticise the document on the basis that it poses a loaded question. Whilst it was referred to by Councillor Prendergast, I have not placed any weight on it in my analysis of highway safety.
- 10.85 Joining A249 NB- visibility splays: another significant concern of SPC and others related to the ability of drivers seeking to exit the Church Hill junction and turn left onto the A249 mainline in a NB direction towards the roundabout. On behalf of SPC, Mr Woods explained that the concern relates to the increased speed of vehicles on the A249 in the post-Scheme environment and the reduced visibility to the right at the Church Hill junction looking back down the A249 at oncoming traffic. In addition, the Church Hill junction requires cars to join immediately onto the A249 mainline from a standing start since there is no acceleration taper lane. [7.6-7.7]
- 10.86 In his oral evidence Mr Roberts confirmed that the right-hand visibility splay from Church Hill onto the A249 was some 198m as against a recommended DMRB standard of 295m for this junction arrangement. He further confirmed that the visibility splays at Honeycrock Hill achieved the recommended 295m standard. Mr Roberts said that this was because it is on a straighter section of road and it is "probably of a better standard". He made the point that reduced visibility would entail additional risk for left turning vehicles out of Church Hill but also said that the accident data did not disclose any accidents in the 5-year period from this manoeuvre.
- 10.87 On behalf of SPC Mr Woods makes the point that it is likely that drivers in the offside lane may have views of joining vehicles obscured by drivers in the nearside lane. Any left turning vehicle out of Church Hill wanting to travel over the flyover would then have to weave into the outside lane whilst increasing their speed ready to enter the flyover diverge. [7.7-7.9]
- 10.88 It is also relevant to consider traffic volumes along this stretch of the A249. These are set out in the second row of table 3-2 above and indicate that in the DM and DS scenarios the NB flows past Church Hill are predicted to remain virtually the same.

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- 10.89 The Safety Log identifies the left turning manoeuvre out of Church Hill and onto the A249 with three potential hazards¹³⁵. The risks are associated with a driver misjudging the gap in the NB mainline traffic and making the turn into the path of an oncoming vehicle; a driver turning left into a small gap to avoid delay resulting in sudden braking, late lane changes in the context of high speeds and finally, a HGV turning left out of Church Hill resulting in sudden braking of mainline vehicles and a slow moving vehicle seeking to enter the mainline which has high vehicle speeds.
- 10.90 The Safety Log records that there have been no collisions involving vehicles turning left out of Church Hill in the last five years. However, as Mr Roberts and the log acknowledge, traffic in a post-Scheme world would be free-flowing and at more uniform and faster speeds than the current average speeds. In saying this I note that in the inter-peak hours currently, it is likely that traffic speeds are unconstrained by congestion and the speed limit is currently predicted to remain the same post-Scheme implementation.
- 10.91 In all three existing scenarios the likelihood of this occurring is ascribed a value of 2 and this increases to 3 in each of the post-Scheme scenarios. The severity of any accident is classified as 3 in all cases. This means that in each of the three hazards there is an acknowledged increase in the risk from 6 to 9. Whilst 9 remains in the low category, there would be an accumulation of increased risks from each of the three identified hazards. I conclude that there would be a modest increased risk in relation to this manoeuvre.

Overall conclusions on the Scheme and Highway Safety

- 10.92 The above analysis on highway safety has focussed on the objections made on highway safety and these relate solely to the manoeuvres associated with travelling into and from Stockbury village. I have concluded that there would be a modest increased risk with some of the manoeuvres and some degree of increased risk associated with the right turn into the Church Hill junction. They are set out above.
- 10.93 The Scheme would also result in the closure of direct accesses onto the A249, (including Oad Street, Honeycrook Hill and South Green Lane) and the removal of two staggered junctions¹³⁶. The risks associated with manoeuvres between these direct accesses and the A249 would be removed. The U-turning facility at Church Hill would be removed which would remove the risk of collisions associated with U-turning manoeuvres. The proposal would allow the A249 NB traffic to bypass the roundabout which would reduce congestion at the roundabout and which in turn would reduce the risk of nose to tail collisions involving queueing traffic.
- 10.94 I have taken into account the increase of 10m in the SB taper lane of the A249 into Church Hill junction in my analysis of the weaving and right turning risks. I accept that it makes the turn DMRB compliant but do not accept that

¹³⁵ Hazard identification references 3, 3a and 3b.

¹³⁶ Oad Street to Honeycrook Hill and South Green Lane to Church Hill

it would represent a material highway safety improvement given the changing context of the surrounding network.

- 10.95 The overall results of the Safety Risk Assessment and the Combined Safety Log record that, for the existing versus proposed layout, even with the increased A249 traffic speeds, there would be a reduction in the total risk for the proposed layout compared to the existing. This is largely attributable to the closure of the side roads on the NB and SB sections of the A249 and the reduction in congestion.
- 10.96 I have disagreed with some of the conclusions in the risk assessments. In particular, I have concluded that there would be modest increased risks with some of the manoeuvres associated with Church Hill and some degree of increased risk with the right turning manoeuvre. However, I also accept that when the totality of the Scheme is looked at in highway safety terms, even with my conclusions on the increased risk of some of the manoeuvres into and out of Church Hill, the Scheme would still deliver significant safety benefits overall. This is because of the small numbers of vehicles making the manoeuvres into, and out of, Church Hill and the much greater savings in highway safety terms with the closure of direct accesses and the reduction in nose to tail collisions on a part of the motorway network identified as an accident blackspot.
- 10.97 I pause here to recognise that the above conclusions will be disappointing to the residents of Stockbury. My conclusions however must be based on an objective analysis of risk and numbers and on the highway safety implications of the whole Scheme across the network. I shall revisit this matter on the consideration of Alternatives.

Stockbury Village- Economy and Viability

- 10.98 Whilst the village of Stockbury lies to the north-west above the A249 which sits in the valley bottom, the wider Parish and community of Stockbury is located on both sides of the valley. The number of participants from the village and the volume of representations is testament to the thriving and cohesive nature of the community. The SoS is referred to the proofs of evidence of the villagers which sets out the history of the village, the Stockbury economy and society¹³⁷. [7.18-7.19]
- 10.99 Mr Ferrill explained the efforts to retain the village shop, post office and public house. The public house, The Harrow, was purchased by the community and is run by the community as a collective endeavour and a focus of village life. Similarly, the village hall hosts many clubs and societies and operates as a community hub.
- 10.100 Ms Kemsley¹³⁸ gave evidence regarding the operation and activities of the community bus which provides a well-used service to residents of Stockbury, Yelsted, Hartlip and South Green. It is run by volunteers and is entirely self-funding and it represents the only form of public transport operating from

¹³⁷ SPC/1, SPC 3/1, SPC 5/1, SPC 6/1 and the proof of Mr Ferrill FER/1/1.

¹³⁸ SPC 3/1

within the village. Ms Kemsley is a driver of the bus and she enunciated the concerns of herself and other drivers in terms of safely crossing the A249 into the Church Hill junction. She said that drivers have expressed a reluctance to continue taking passengers across the A249 with the Scheme in place.

- 10.101 In its closing statement SPC stated that the rural community of Stockbury is thriving and successful but that businesses and services only remain viable because of an ability to attract custom from outside the village. They contend that because the community is bisected by the A249 it is essential that access remains safe and available for those wishing to cross the A249 into and out of the village. If the access is lost then SPC asserts that businesses would cease to be viable and the community facilities, services and businesses would be at risk. [7.18-7.19]
- 10.102 The concerns of SPC were echoed by the local MP Ms Whately who set out her concerns that Stockbury would become a 'ghost town'. [7.79]
- 10.103 HE contends that residents of the village and those working and visiting it would benefit from the alleviation of congestion to the north and south of the roundabout and at the roundabout itself. The Applicant points to significant safety improvements predicted to the north of the roundabout and at the roundabout and there would be the removal of risky accesses and crossovers for those living in the eastern part of the Parish. [9.17-9.18]
- 10.104 It is broadly accepted that the Stockbury junction is an accident hotspot which needs remediation. I have already documented the overall safety improvements with regard to the Scheme. There would also be a reduction in congestion in and around the junction which would prove beneficial to visitors to, and employees working in, the village as well as to residents. I have also found that there would be a modest increase in risk associated with the manoeuvres into Church Hill.
- 10.105 Given the overall picture I conclude that most drivers into, and out of, the village would adapt to the new driving arrangements. I accept that some drivers, due to their perception of the risks of entering or exiting Church Hill may be put off and a minority may decide not to visit at all or to make other arrangements. All of the evidence before me, as to perception of risk and the reaction to it, is anecdotal. There is no substantive evidence in relation to any potential downsides in terms of customer numbers and business viability. I have no reason to conclude therefore that the Scheme would have a deleterious effect on the economic viability of businesses, or to the community services currently offered.

Non-motorised users and Severance

- 10.106 The term 'non-motorised users' (NMUs) is used to denote pedestrians, cyclists and equestrians. A Walking, Cycling and Horse-riding Assessment and Review Report (WCHAR)¹³⁹ was produced as part of the proposal, building on the NMU Context Report¹⁴⁰ produced in the earlier stages. These

¹³⁹ CD H.17

¹⁴⁰ CD H.18

reports helped to inform the Scheme design, which HE contend, includes features which improve NMU connectivity along the A249 corridor within the Scheme area. These include the creation of new rights of way and unclassified local roads which would allow NMUs to bypass the junction

- 10.107 The Applicant says that no facilities for pedestrians or cyclists exist at Junction 5 and very few pedestrians or cyclists have been observed crossing the junction. One new NMU facility is proposed – a footpath linking Honeycrook Hill with the KH85. As a footpath, this would be for pedestrians only.
- 10.108 Bus-stops: The two existing bus stops near the existing junction require pedestrians to cross the A249 dual carriageway to board a bus. They would be relocated to the Oad Street link. The two Stockbury Valley bus stops are currently shown as being re-provided just north of Church Hill with an at-grade pedestrian crossing. However, Arriva's risk assessment¹⁴¹ shows this as a very high risk and they would like to close them. The WCHAR suggested that these should therefore be removed.
- 10.109 The NMU Context report conducted pedestrian movement surveys within the extents of the Scheme. During the surveys no pedestrian movements were observed but 5 bus passengers were observed to use the bus stops south of the roundabout, with one of these passengers crossing the A249 from the SB side to the NB side. Since this study was undertaken Arriva has now prevented buses stopping along the A249 due to safety concerns.
- 10.110 The four existing bus stops along the A249 would be closed as part of the proposal and two replacement bus stops would be available on the new Oad Street Link¹⁴². These bus stops would serve those residents on the south-west side of the A249. The majority of residents live on the Stockbury side of the valley and they would not therefore have access to local bus stops in the vicinity of the village. Given that the existing bus-stops along the A249 are not utilised due to safety concerns, there would essentially be no change. In this regard the proposal would be contrary to policy objectives seeking to promote the use of public transport and sustainable travel modes.
- 10.111 Inquiry document 25 sets out the reasons for not retaining an at-grade pedestrian crossing south of the roundabout. This is understandable, principally due to public safety concerns regarding an uncontrolled crossing on a high-speed dual carriageway, but it is also due to a lack of evidence of pedestrian demand for crossing the A249.
- 10.112 Cycling: Maidstone Cycling Forum and Mr Outram made similar objections on the basis that the Scheme made inadequate provision for NMUs, including cyclists. Mr Outram confirmed that NMUs do not make regular use of the road, but that some journeys are made across the A249 between Church Hill and South Green Lane and between Oad Street and Honeycrook Hill, with

¹⁴¹ This document is not before the Inquiry. It was provided confidentially to HE by Arriva and is referred to in the WCHAR.

¹⁴² Inquiry Document 28.

both cyclists and pedestrians making use of the gaps in the central reservation. [8.6-8.7]

- 10.113 I accept that some journeys are made across the A249 on the two routes described. However, the Scheme would result in the stopping up of South Green Lane and Oad Street which would remove these two pedestrian/cyclist routes across the A249. In any event, the interests of highway safety and the safety of pedestrians and cyclists in these circumstances take precedence over the desire for greater pedestrian connectivity. I conclude that there would be no satisfactory opportunities to provide at-grade pedestrian and cyclist crossings over this stretch of the A249 in highway safety terms and the lack of such a crossing is therefore acceptable.

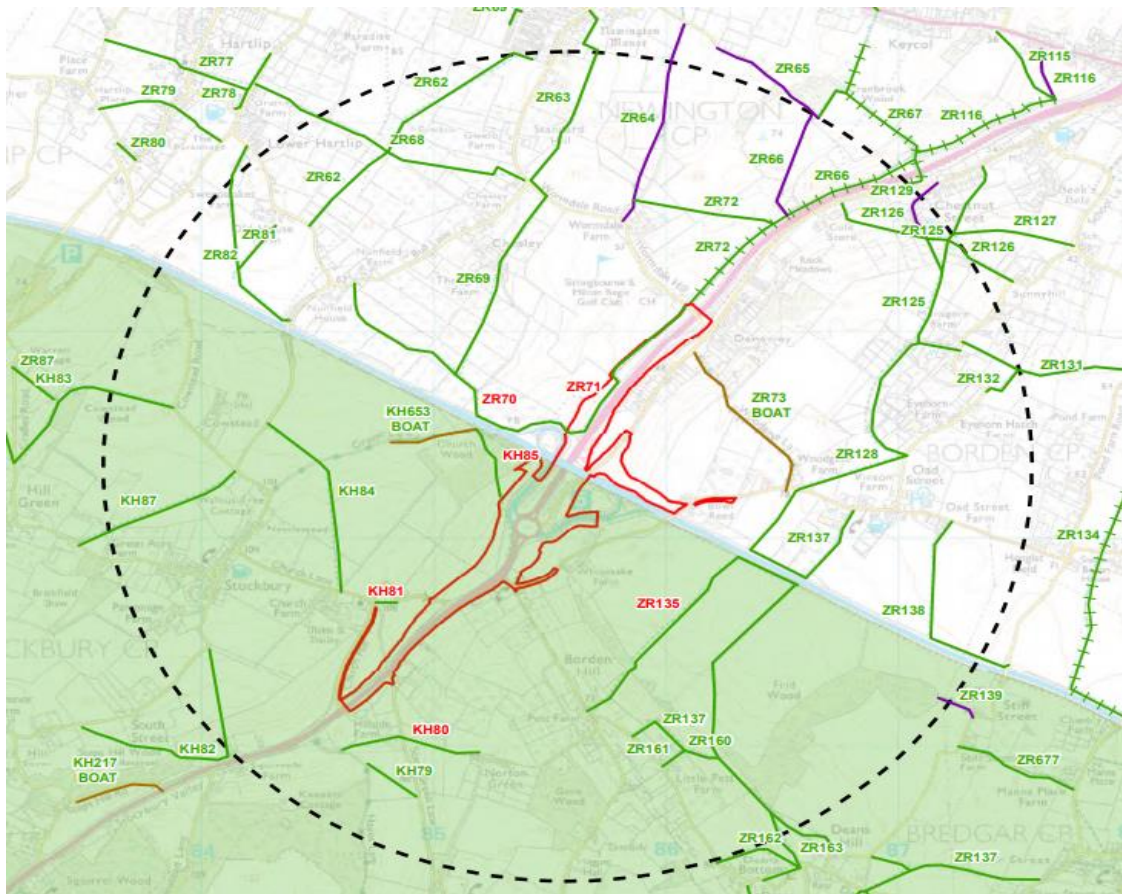


Figure 9.1 ES -Public Rights of Way with AONB in green

- 10.114 Bridleways/PRoWs: There are several PRoWs which are adjacent to or intersect with the sections of road and include a network of footpaths and a bridleway. The PRoWs allow NMUs travelling between the villages of Danaway, Stockbury and Lower Hartlip to cross the existing M2 Junction 5. Affected PRoWs are as follows:

- ZR71 – a footpath connecting Wormdale Hill Road outside Danaway and Bull Lane in Hartlip, parallel to the north of the M2, and to the west of the A249;
- An unnamed footpath and bridleway along Green Lane in Stockbury, which connects to a footbridge that extends across the M2;

- A footbridge connecting the above footpaths across the M2; and
- KH85 – a footpath connecting Church Wood and the above footbridge with the A249. The footpath is considered as a dead end as it does not include a safe crossing point on the A249.

10.115 The Scheme design proposes to extend the public footpath to link the end of the existing KH85 footpath along to the bottom of the Honeycrook Hill/A249 Junction which is being stopped up. The ES records that an opportunity exists to provide a higher-level right of-way (i.e. a bridleway or a byway) instead of a footpath to provide access for all NMUs which would be considered in the next stages of the design¹⁴³. The footpath ZR71 would also be relocated further to the north¹⁴⁴.

10.116 Ms Rayfield¹⁴⁵ spoke at the roundtable session on NMUs. She represents the British Horse Society (BHS) and explained that there are numerous equestrian facilities around the Scheme. BHS advocates the upgrading of footpaths ZR70 and ZR71 to bridleway status, together with an upgrade of the existing footbridge. This matter was explored fully during the session. Inquiry document 020 sets out the position in relation to the land along ZR70 and ZR71- much of it is not within the ownership of HE and has not been included in the CPO land.

10.117 Following the roundtable session, an email was received from KCC PRoW service expressing disappointment that it had not been invited to the roundtable session¹⁴⁶. On my instructions the Programme Officer contacted KCC PRoW service to invite them to a further roundtable session on NMUs and to provide a statement to the Inquiry. The response is at Inquiry document 26. The ProW Officer confirms that the work to upgrade public footpaths ZR70 and ZR71 is to be included in a designated funds bid. There is an acknowledgement that the work suggested is outside the scope of the Proposed Scheme and the KCC PRoW Officer confirms that there would be no net loss of access as a result of the Scheme and they did not object to the Scheme or wish to comment further.

10.118 During the NMu roundtable session the potential for including an NMu route within the detailed design of the Maidstone Road Link was discussed. Inquiry document 23 sets out the reason why this option has been discounted on the basis that the byway ZR73 along Woodgate Lane already provides a more preferable route for NMUs.

10.119 Conclusions on NMUs: On the basis of all of the above I am satisfied that the provision in relation to NMUs is satisfactory in all of the circumstances.

¹⁴³ CD B.1- ES Main Report ¶2.5.14

¹⁴⁴ As shown on the Scheme drawings Figure 2.2 in Volume 3 ES

¹⁴⁵ PoE BHS/1/1

¹⁴⁶ Inquiry document INQ/017 and see also Programme Officer's response and email exchange at INQ/026. KCC PRoW section had not registered as an objector and had not made representations.

However, that still leaves the question of the effects of the Scheme on Stockbury village and the issue of Severance.

- 10.120 Severance: SPC and Ms Miller raised the issue of severance in relation to the Scheme and its effects upon Stockbury village¹⁴⁷ and this was also discussed at the roundtable session. Ms Miller's contention on behalf of Kent Downs AONB Unit was that the closure of junctions and existing roads and the presence of the flyover structure would reduce the cohesion and ease of accessibility of communities on either side of the A249.
- 10.121 Ms Miller acknowledges that whilst the A249 currently dissects the Parish of Stockbury, it is nevertheless possible for pedestrians in the southern half of the Parish to cross the road to access the other half of the Parish, including the church and public house in Stockbury village. The presence of the flyover structure would result in a physical severance of the two parts of the Parish, making pedestrian access virtually impossible. She asserts therefore, appropriate mitigation and/or compensation should be provided.
- 10.122 HE contend that the Scheme would enhance the ability to travel from one side of the valley to the other by private motor car and that it would improve connectivity between the eastern end of the Parish and Sittingbourne, Maidstone and the M2. They also point to the replacement bus stops in a more useable position along the link road. [9.16]
- 10.123 The Stockbury community is evidently a cohesive and vital community with members of this community located on both sides of the A249. It has a long history and has continued to thrive, notwithstanding the dualling of the A249 in the 1970s. The A249 already forms a considerable barrier between one side of the valley and the other at Stockbury. The volume of traffic and speeds means that only the most stalwart of pedestrians would venture across the carriageway and only at certain times of day.
- 10.124 The Scheme would change matters further. In particular, the introduction of the flyover would further enhance the sense of separation of one side of the valley from the other both visually and psychologically. The current public bus services no longer stop along the A249 so the introduction of two bus stops on the link road would assist but that would only be a benefit for those on the western side of the valley. It would do nothing to assist with severance.
- 10.125 Having regard to the existing NMU and proposed NMU provision and the existing and proposed road network I conclude that there would be a modest increased degree of severance over and above that which currently exists, albeit this would be more perceived than actual given the existing lack of linkage. In this respect the Scheme would be contrary to the NPS-NN which promotes a reduction of severance.

¹⁴⁷ PoE KD/1/2 ¶7.6

Landscape and the AONB

- 10.126 I have set out the policy and statutory framework earlier in this Report. The NPPF¹⁴⁸ recognises the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Amongst other matters, it requires proposals to be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 10.127 The NPS-NN¹⁴⁹ advises that the SoS should consider whether the project has been designed carefully, taking account of environmental effects on the landscape, siting, operational and other relevant constraints, to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable mitigation. It goes on to state that the SoS will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development.
- 10.128 As was agreed by all parties at the Pre-Inquiry Meeting, the evidence on landscape and visual effects and the effects on the AONB would be tested at a roundtable session. I remain satisfied that this was appropriate and proportionate and that all matters were properly ventilated, and the evidence tested. The roundtable principally involved Mr Woodward on behalf of HE and Ms Miller on behalf of the Kent Downs AONB Unit. Ms Miller is the Planning Manager at the Kent Downs AONB Unit and has relevant professional planning qualifications.
- 10.129 During the roundtable session I led discussions and all parties were invited to make submissions, raise issues and put questions to their opposite number. I therefore reject Mr Jones' assertion that the Kent Downs AONB Unit has not adduced any relevant expert evidence and has not submitted to cross-examination. The evidence was tested at the roundtable and no issues as to the adequacy of the roundtable event to test the evidence were raised at that point. I am satisfied that Ms Miller is a highly experienced professional whose evidence was tested, and I accord her evidence the same weight as that of Mr Woodward.
- 10.130 The principal documents relied upon in relation to this matter therefore include: the proofs of evidence of Ms Miller (AONB Unit) and Mr Carpenter (HE), the Landscape and Visual Impact Assessment (LVIA)¹⁵⁰ and the photomontages¹⁵¹. The ES Addendum¹⁵² contains a winter assessment, night-time assessment and updated visual effects. Inquiry Document 08 contains an updated mitigation planting plan.

¹⁴⁸ ¶170

¹⁴⁹ ¶5.157

¹⁵⁰ CD B.1

¹⁵¹ CD B3.8

¹⁵² CD B5.1, B5.5-5.10, B5.6 and B6

The LVIA

- 10.131 The LVIA first reports a baseline assessment of the various landscape character areas, including sensitivity and susceptibility to change, before undertaking an assessment of the potential effects on landscape and visual receptors during construction (year 1) and operational phases (year 15). Mitigation embedded within the design is taken into account. ES Volume 3 Figures contains photographs of each of the 16 viewpoints across the Scheme. These have been supplemented by additional figures in the ES Addendum¹⁵³. Finally, Inquiry document 40 sets out proposed changes to figure 2.3 of the ES Addendum including the replacement of infiltration ponds on the roundabout with woodland planting and the traffic islands being planted with species rich grassland instead of paved Kentish ragstone.
- 10.132 Ms Miller sets out the Kent Downs Unit's disagreements with aspects of the LVIA in terms of some of the predicted landscape and visual effects due to what she contends is an underestimation of the sensitivity and susceptibility of landscape receptors. She goes on to set out her disagreements with conclusions relating to visual impacts at construction and at operational year 15. Ms Miller draws upon the views expressed by Natural England in its consultation response¹⁵⁴ which should be read in conjunction with the above documents. [7.22-7.41]
- 10.133 I shall focus my analysis on the points of disagreement between the parties and pick up any other points I think particularly relevant to my final assessment. I shall first examine the baseline assessments, before going to separately look at landscape character effects and then visual effects. Thereafter I shall look at the effects on the AONB and apply policy considerations.
- 10.134 Firstly, it is useful to record the aspects of the Scheme which would be relevant during construction and operation¹⁵⁵. During construction they are as follows:
- General construction vehicle movements, including large-scale earth movements and general disturbance, including construction of cuttings and embankments, and visual impact of highway material haulage.
 - Disruption to the existing network of woodland, hedgerow and other soft landscape features, including loss of vegetation and opening up of views towards the Scheme.
 - Equipment associated with larger structures such as the proposed Stockbury Flyover (height of 7.4 m).
 - Temporary structures for the construction of the bridge and the construction compounds and material laydown.
 - Temporary lighting for the Scheme.
 - Double stacked site offices (approximately 5.4 m in height).

¹⁵³ CD B5.10

¹⁵⁴ CD M.22

¹⁵⁵ As set out at F.1 in the LVIA

- All deliveries will be via the M2/M20/A249 and all vehicle access will be via the A249 and the slip roads, with no haul roads.

10.135 During operation the following matters are relevant:

- Replacement and enlargement of the existing Stockbury Roundabout with a new grade-separated junction, including re-alignment.
- Earthworks and structures associated with the Scheme.
- A249 flyover over the proposed Stockbury Roundabout, with approaches on embankments, and with two bridges over the proposed roundabout.
- Additional free-flow links provided for the A249 southbound to M2 westbound, and the A249 northbound to M2 eastbound.
- A new proposed Maidstone Road Link between Stockbury Roundabout and Oad Street – with the proposed Maidstone Road Link connecting into Oad Street near the existing junction of Oad Street and the A249.
- High-sided vehicles using the new bridge would add a further 4.5m to the overall visible height.

Landscape Character Areas- The Baseline Assessment

10.136 The Scheme crosses two National Character Areas (NCAs). The North Kent Plain NCA, an open, low and gently undulating landscape in productive arable use and with expansive views, and the North Downs NCA which forms a chain of chalk hills containing woodlands primarily on the steeper slopes of the scarp valley sides.

10.137 At regional level the Scheme is within three landscape character areas (LCAs): Bicknor: Mid Kent Downs, Chatham Outskirts: Mid Kent Downs and the Fruit Belt.

10.138 Bicknor: Mid Kent Downs: This LCA sits in the bottom south-east quadrant of the Scheme, bounded by the A249 and the M2. The character area is described as being a coherent and sparsely settled area, with arable farmland and woodland and dry valleys a particular feature. The LVIA relies upon judgements in the Landscape Assessment of Kent but I note that there is a much more recent Kent Downs AONB LCA Update¹⁵⁶ (albeit in draft form) from 2020 which references the Mid Kent Downs. The Bicknor LCA is described as a large-scale landscape, with a pattern of wide, arable fields contained by dense belts of woodland, which run along the upper slopes of the dry valleys.

10.139 The LCA update records a variation in the condition of the landscape across the LCA which was noted in the 1995 and 2004 assessments. The two photographs of a Mid-Kent Downs scene near Stockbury in 1995 and 2017¹⁵⁷ provide evidence of the improvements which the LCA has undergone, with

¹⁵⁶ CD Y.5

¹⁵⁷ Page 13 CD Y.5

new replanted hedgerows having matured and framing the middle-distance scene. The assessment records "*As the Landscape Character Assessment is being updated, substantial proposals to change J5 of the M2 could have major detracting impacts on this area*".¹⁵⁸

- 10.140 This part of the Bicknor LCA sits wholly within the AONB designation and is bounded by the A249 in the valley bottom along its north-western edge and the M2 along its northern edge. The A249 is framed on its eastern side by mature hedgerow planting and sporadic roadside development which contain views of the road from the valley slopes. For these reasons I agree with Ms Miller that the quality and condition of this LCA sits between exceptional and good. Both experts agree that the landscape value is high. The LVIA recognises the presence of harmonious features, including ancient and enclosing belts of woodland and the dry valley landform and describes the A249 and the M2 as discordant features.
- 10.141 As a result of the good to exceptional quality of the LCA, its high value and its range of typical characteristics I further conclude that the LCA should be assigned a medium to high susceptibility to change value and a resultant high sensitivity value.
- 10.142 Chatham Outskirts: Mid Kent Downs: in the updated 2020 assessment this LCA is described as a mosaic of deciduous woodland (much of it ancient), large arable plateaux and steep, rolling valleys with pockets of woodland and some surviving orchards. Woodlands perform an important function in screening urban edges and provide a buffer between the M2 and adjacent built-up-area. Other sections of the motorway are unscreened. In sharp contrast to the motorway, a network of steep and narrow lanes connects the farms and villages within the AONB.
- 10.143 This LCA sits on the opposite side of the valley to the Bicknor LCA, again framed by the A249 in the valley bottom and the M2 corridor. Whilst the M2 corridor is generally well-screened from this LCA, the A249 is a more conspicuous presence due to more gently undulating valley sides closer to the junction and some open sections along the hedgerow frontage. As one approaches the ridge of the valley slope, the presence of the A249 is greatly lessened. Both parties agree that the landscape quality of this part of the LCA is good.
- 10.144 Again, this part of the LCA exhibits many of the characteristics typical of the LCA, such as the ancient woodland and the narrow lanes. Larger arable fields along the A249 and arable intensification are a detractor, as well as the presence of the A249. The valley sides and its location within the AONB, combined with all other matters, gives the land a medium to high value and a high susceptibility to change. I conclude that overall, it has a high sensitivity to change.
- 10.145 Fruit Belt LCA: the baseline assessment in the LVIA is not in dispute. It sits outside the AONB on the northern side of the M2. The LVIA describes the

¹⁵⁸ ¶3.3.4

LCA as having a distinguishable landscape structure dominated by agricultural land uses, including intensive fruit growing. The dominance of the land uses within this LCA has led to a diminishment in the quality/condition of this LCA, leading to a change in character from that of a complex landscape pattern to a larger-scale open landscape. The landscape is judged to be ordinary and of low value.

- 10.146 At local level the Scheme sits within a number of local landscape character areas (LLCA) within the Maidstone and Swale districts¹⁵⁹. The effects are generally in relation to impacts on landform and the introduction of urban elements in the form of the flyover, new slip roads and two new link roads. There would be the loss of roadside vegetation in some LLCAs and impacts on setting of some LLCAs. Points of dispute arose in relation to the impacts on two LLCAs: Hucking Dry Valley and Newington Arable Farmlands. I shall examine those points of dispute but I also bear in mind in my overall assessment, the undisputed effects on landscape character assessed in the LVIA.

LCAs- Assessment of Effects

- 10.147 LCA Bicknor: Mid Kent Downs: during construction there would be moderate adverse effects which are significant at year 1. This is due to the loss of mature highways vegetation and the widening of the highway corridor, as well as the construction of the flyover and the widening of Oad Street. Due to the intervening nature of the topography and the well-wooded dry valley slopes, the A249 is currently well-contained within the base of a dry valley and views towards the Scheme are limited from the wider LCA. Therefore, significant impacts would be localised and the wider LCA would be largely unimpacted by the works.
- 10.148 At year 15, during operation in the Bicknor LCA the mitigation planting in the form of woodland belts and hedgerows would be established, starting to obscure views of the flyover. High-sided vehicles and lighting poles would add to the height of the flyover and would be especially apparent during winter months and in hours of darkness. The character of the area would remain changed due to the increased highway corridor width and the addition of more urbanising link roads which would lead to greater localised impacts. The effects would be less than at construction, but more than the slight effects recorded in the LVIA. I conclude they would be slight to moderate adverse. I have concluded that it has a high sensitivity value and therefore there would be a moderate to large significant effect.
- 10.149 LCA Chatham Outskirts: Mid Kent Downs: Inquiry document 29 contains a plan depicting the alignment of the existing highway and the proposed alignment. It can be seen that, currently, the A249 northbound approach into the roundabout follows the valley bottom and results in a concave bend into the roundabout. This would effectively be straightened by the proposal, with the mainline and the slip roads moving some 72 metres north-west into the valley side of this LCA. This would represent a localised but significant

¹⁵⁹ Detailed in Table F.3 CD Y.5

incursion into the natural valley configuration. The introduction of the flyover would have the same effects as described above.

- 10.150 During construction the LVIA assesses the effects as moderate adverse and significant. This is accepted by Ms Miller and I too agree with this assessment. The effects of the Scheme with mitigation at year 15 are in dispute. The slope would have been cut into and the flyover introduced. I accept that woodland planting and hedgerows would become established and that effects would be localised. However, the quantum of new infrastructure and particularly the flyover would represent considerable changes. The effect would be more than slight but reduced from the moderate adverse effects seen at year 1. Given the high sensitivity to change I conclude that the landscape character effects during operation would be moderate adverse and significant.
- 10.151 Hucking Dry Valleys LLCA: this character area comprises the gently undulating topography associated with the valley floor and its dip slopes. The Scheme sits in the upper northern section with the roundabout and southern A249 approach entirely within this LLCA.
- 10.152 The landscape character is very good because of the combination of the dip slope valleys and its associated woodlands, hedgerows and winding lanes. Due to many very distinctive and historic features the landscape is ascribed a high sensitivity. During construction the northernmost extent of the LCA would be affected by the flyover and widening of the A249, associated earthworks and vegetation clearance. The operational effects at year 1 are agreed to be moderate adverse and significant.
- 10.153 At year 15 mitigation planting in the form of woodland belts and hedgerows would have become established and would assist in screening views towards the dual carriageway but the height of the flyover and the expansion of the associated carriageways would mean that it remains a dominant presence in this part of the LLCA. It would represent a large piece of infrastructure within this distinctive smaller scale character area. I conclude that there would remain a moderate adverse effect at operation and it would be significant.
- 10.154 Newington Arable Farmlands LLCA: this LLCA covers land mainly to the north of the M2, with a small triangle below, and to the east of, the roundabout. Landscape character in this area is characterised by rolling arable fields, enclosed by roadside screening and built development. It is a more open, wider landscape due to the loss of intervening hedgerows which has occurred with the enlargement of fields. Due to this it would have moderate sensitivity. Effects at year 1 would be moderate adverse due to construction activities associated with the widening of the A249 and the creation of the proposed Maidstone Road Link, including vegetation clearance and the creation of earthworks. The construction of the Stockbury flyover would be an adverse presence.
- 10.155 Whilst mitigation planting would assist with screening as it matures at year 15, the Maidstone Link Road would be a noticeable and urbanising feature running up the valley side for some 500 metres. For these reasons I conclude that the residual impact at operational year 15 would be moderate adverse on this LLCA.

Conclusions on Effect on Landscape Character

10.156 The Scheme would have adverse effects on both regional and local landscape character areas during its construction and operational phases. During construction the effects would be most stark given the removal of planting and the young mitigation planting. In all three of the character areas located in the AONB, two regional LCAs and one LLCA, the effects would be moderate adverse and significant in year 1. Whilst the effects would moderate over time given the mitigation planting, I conclude that the magnitude of the changes and the scale of the infrastructure would result in a reduction of the moderate effects, but I do not accept those effects would reduce to slight. Given the sensitivity of the landscape and susceptibility to change, the effects at year 15 would to a large extent remain significant.

Visual Effects

10.157 The LVIA sets out a visual baseline¹⁶⁰ of 16 viewpoints selected after consultation. I am satisfied that the viewpoints offer a good representation of the key points at which the Scheme would be viewed. During my site visits I have visited all of the viewpoints and I bear in mind that visual receptors have a dynamic experience walking between viewpoints. I have therefore walked key routes to viewpoints and beyond, in both directions to gain an impression of the effects of the Scheme.

10.158 On behalf of the Kent Downs AONB Unit Ms Miller raised issues with assessments in relation to viewpoints 3, 6, 11, 14 and 15 and I shall look at each of those matters. In addition, I shall examine viewpoints 7 and 9 given the impacts. Before doing it, it is useful to set out the LVIA¹⁶¹ year 1 effects assessed 'with committed/design mitigation'. They include:

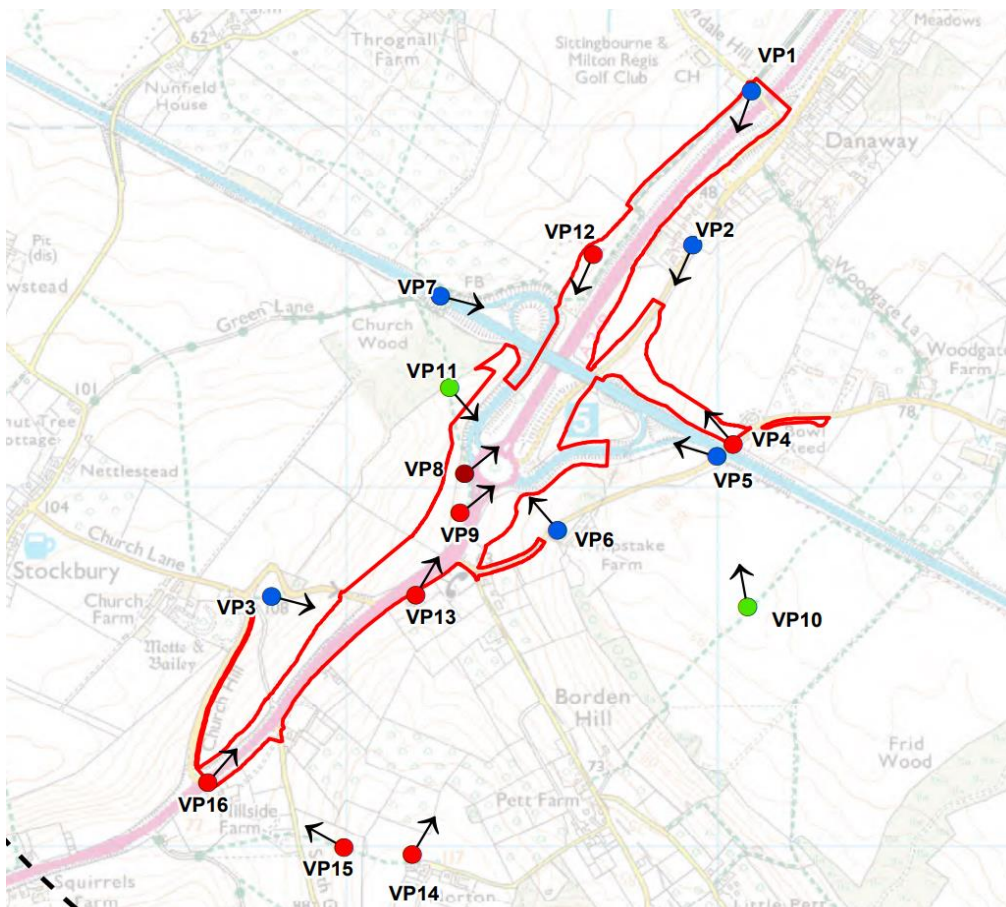
- Limited vegetation cover on cutting, verges and embankments locally adjoining the mainline.
- Height of proposed A249 Flyover is to be at a maximum of 7.4 metres above ground level and appearance of elevated traffic using the new bridge, particularly high-sided vehicles, which would add a further 4.5 metres to the overall visible height.
- Depth of cuttings through and the changes in scale of the earthworks' footprint from existing to new.
- Proposed traffic signs and safety barriers.
- 68 No. lighting columns ranging in height from 5 – 12 metres, 52 of which are 10 metres high and 70 luminaires.
- Night-time effects of vehicle headlights and any new lighting / signage forming part of the Scheme.

¹⁶⁰ Table F.9 at Volume 2 Appendix F ES CD B2.17

¹⁶¹ Appendix F Volume 2 ES Year 1 B2.17

10.159 At year 15 the LVIA assessed visual effects 'with committed/design mitigation' include:

- Effects of the new section of motorway once the design intention of the landscape mitigation has become effective.
- Potential ongoing views of signage and safety barriers.
- Visual impacts of the 7.4 m high (maximum height) A249 Flyover and ongoing views of moving traffic.
- Residual lighting impacts.



Key Photographic Viewpoint Locations Figure 9.6 Volume 2 ES

Effects on Visual Receptors at Years 1 and 15

10.160 Viewpoint 3: is the view from PRoW KH81 looking out across the valley with the A249 sitting on the valley floor in the middle distance. The footpath is accessed from the road opposite the grade 1 listed St Mary Magdalene Church, judged to be of high sensitivity. The viewpoint affords expansive and attractive long views across the valley slopes over agricultural land. Whilst the A249 is seen in glimpsed views, the roundabout and much of Oad Street on the opposite side of the valley is generally filtered out by vegetation.

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- 10.161 The Scheme would result in widening of the A249 corridor bringing it closer to this viewpoint and the vegetation clearance and earthworks along the valley slopes. At year 1 there would be a large adverse impact on recreational footpath users. Some advance planting has already taken place along the proposed A249 realigned carriageway, amongst elsewhere¹⁶². At year 1, the large-scale clearance of roadside vegetation and the construction activities and new carriageway would be a dominant feature in these views. I consider that the effects would be major and significant.
- 10.162 At year 15, due to the topography and the proposed replacement planting much of the A249 carriageway would be obscured as now. However, I agree with Ms Miller's assessment as to the visibility of the widened Oad Street seen in longer distance views on the opposite side of the valley. This is currently a rural winding road, tightly framed by mature hedgerow. In year 15¹⁶³ the widened Oad Street carriageway and dotted white centreline would be clearly visible across the valley and this road draws the eye in both summer and winter views. I therefore prefer Ms Miller's assessment as to the effect representing a moderate to large residual adverse impact which would be significant.
- 10.163 Viewpoint 6: is the view from Oad Street, taken outside Whipstakes Farm looking towards Stockbury roundabout with the opposing valley side seen in a panoramic view. The road is an attractive rural road within the AONB ascribed a medium value in the LVIA. The residential occupiers at Whipstakes Farm would be affected by views of the new roundabout and flyover and are assessed as having high sensitivity. Similarly, other recreational users such as cyclists and equestrians who have chosen to travel down this attractive road with scenic views and as such, they have high sensitivity.
- 10.164 Drivers of vehicles are generally focussed on the road ahead, although passengers would have wider ranging views of the flyover and associated infrastructure when travelling up and down Oad Street. Vehicle occupants are also passing through the landscape more quickly and therefore I accept the LVIA of such receptors having moderate visual sensitivity.
- 10.165 Changes from this viewpoint would include the construction activities associated with widening Oad Street, vegetation clearance and the construction of drainage channels in the foreground, as well as views of the flyover in the middle distance. During construction I conclude that there would be a major adverse impact for residential receptors and recreational users with a moderate impact for transport receptors. The works and the removal/translocation of hedgerow would result in hedgerows being cut down significantly.
- 10.166 Modification 1 reduces the extent of the Oad Street works by a length of some 20 metres which would reduce the impacts somewhat, but the impression would still be of a construction project at close quarters with
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¹⁶² Inquiry Document 008

¹⁶³ See Figure 9.101 ES Addendum Volume 3, Part 6 at page 14 of CD B5.10

limited screening initially. The flyover would also draw the eye as a substantial piece of infrastructure rising up above the valley bottom.

- 10.167 By year 15 the mitigation planting along Oad Street would be established but the character of the road would have changed from a smaller rural road to a wider, more urban road. The flyover supports would be largely screened by intervening planting and planting on the roundabout, but its height coupled with high sided vehicles would mean that it remained a focal point in middle distance views. During the winter months the filtered views would become more open and during night-time hours vehicle lighting and lighting on the roundabout would draw the viewer's eye¹⁶⁴. I conclude that there would be a moderate impact.
- 10.168 Viewpoint 7: is from the footbridge over the M2 which connects PRoW ZR70 on the northern side of the M2 with KH85 on its eastern side within the AONB. An ancient woodland bounds the AONB on its boundary with the M2 resulting in the AONB being well-contained in views from the footbridge. Crossing the footbridge over the motorway corridor is a relatively brief but noisy experience which quickly gives way to the tranquil interior of the woodland. I accept the assessment of medium visual susceptibility and moderate visual sensitivity.
- 10.169 During construction there would be vegetation clearance and construction activities, with the new Maidstone Road Link appearing in the longer distance views resulting in a moderate adverse impact on recreational receptors. By year 15 the mitigation planting of woodland belts adjacent to the M2 would provide some screening of the link road, which together with hedgerow planting would soften the earlier impacts. The residual impact at year 15 would be slight adverse from this viewpoint.
- 10.170 Viewpoint 9: is the view from PRoW KH85 immediately adjacent to the A249 looking northeast towards the Scheme. There are currently filtered and direct views of the A249 and lighting, barriers and signage associated with a busy roundabout. I agree with the LVIA of this viewpoint as one of moderate visual sensitivity.
- 10.171 The footpath would be re-routed due to the realignment of the A249 carriageway which would represent an incursion into the valley slope. The proximity of large-scale construction activities at such close quarters would result in a large adverse effect during year 1. The re-routed footpath would be more separated from the A249 with mature boundary planting at year 15, but even so, the flyover would be a dominant feature at relatively close quarters rising up. I conclude that the effects would be slight to moderate adverse for these visual receptors.
- 10.172 Viewpoint 11: is the viewpoint from higher ground on PRoW KH85 on exiting Church Wood and looking south-east directly towards the roundabout. The mature tree belt wrapping round the roundabout results in filtered views of

¹⁶⁴ To be contrasted with current night-time views shown at CD B5.10 pages 6 and 7

the traffic but there remains an awareness of the roundabout due to traffic noise.

- 10.173 KH85 walkers emerge from Church Wood and are rewarded with a panoramic view which reveals itself. The walker then traverses the field diagonally with views focussed down the valley and the opposite valley side. In these views the roundabout is off to the side and in peripheral vision. Further down the valley slope those same recreational receptors would experience the footpath in a noisy traffic environment adjacent to the A249 which detracts somewhat from the experience. The view on emerging from Church Wood is of high scenic value, showcasing the AONB and its valley sides¹⁶⁵. For these reasons I agree that visual sensitivity of receptors is high.
- 10.174 In year 1 changes from this viewpoint would be some of the most dramatic across the Scheme. The flyover and associated roundabout and lighting columns would be on full view in the middle distance. It would essentially bisect the valley in these views, dramatically curtailing the sense of rolling valley sides. The impacts would be major and are assessed as large adverse resulting in significant effects.
- 10.175 In year 15 the LVIA contends that the mitigation planting in the form of woodland belts and hedgerow planting would lead to a dense physical barrier and therefore the effects would be reduced to slight adverse. Figure 9.104¹⁶⁶ tells a different story. In this 15-year winter viewpoint the flyover is prominent and the roundabout still largely visible. They are intrusive elements within the view. I accept that in the summer months screening would be greater and that as one progresses down the slope the planting would provide more screening due to the topography. I also bear in mind that the mitigation planting would continue to mature beyond year 15 and provide further screening. For the reasons stated I conclude that the residual impact at year 15 would be somewhere between moderate and large given summer and winter variations.
- 10.176 Viewpoint 14: is taken from PRoW KH80 looking towards the M2 viaduct. However, it is also important to note that this footpath runs from this viewpoint down the valley slope, with the viewer's attention directed across the valley towards panoramic views, rather than being focussed on the viaduct in the periphery of the view. The footpath is far removed from the transport corridors and there is a high degree of tranquillity associated with it. Visual receptors would have a high sensitivity.
- 10.177 During construction, activity would be visible in the middle ground and background and the Oad Street widening works would also come into view. The effects would be moderate adverse and significant for recreational and residential receptors. At year 15 the mitigation planting around the flyover would reduce but not eliminate views of the flyover. The planting would considerably soften views of the works given the orientation of the viewer diagonally across the valley slope towards the flyover. Hedgerows framing

¹⁶⁵ Figures 9.35 and 9.36 at CD B3.7

¹⁶⁶ Page 17 CD B5.10 ES Addendum Volume 3 Figures Chapter 9.

Oad Street on the same side of the valley would be even more effective in screening this widened road. I conclude that the visual effects would be minor adverse resulting in a slight/moderate effect.

- 10.178 Viewpoint 15: is located on PRoW KH80 looking north-west towards the Scheme. From this elevated position there are long-distance views across the valley of a rural landscape and roadside hedgerows and trees largely obscuring the A249 in the valley bottom. The residential receptors at Hillside Farm and recreational users would have a high visual sensitivity due to the quality of the landscape and the views.
- 10.179 At year 1 construction activities and vegetation removal would be apparent in middle distance views. The loss of mature tree belts along the boundary of Hillside Farm would result in additional oblique views of the works. During construction the visual effects would be moderate adverse and significant. At year 15 the mitigation planting would be established but around the farm the replacement planting would not be of the same scale as the vegetation removed. In addition, the A249 corridor would be wider in these views and would include the 6 lanes of highway on the A249 approach to Honeycrock Hill. I conclude that the visual effects would be minor to moderate adverse and magnitude of change would be moderate.

Conclusions on Visual Effects

- 10.180 My conclusions in relation to the disputed viewpoints are set out above. Most of the significant effects are found at those viewpoints closer to the Scheme or on higher ground with longer distance views. The Scheme would undoubtedly bring significant visual changes in some instances. Perhaps the most significant elements would entail the re-alignment of the carriageway which would result in cutting into the valley side and the introduction of the flyover. At present the A249 is a dual carriageway and roundabout confined to the valley bottom, the flyover would introduce more vertical elements and it would be seen, in some views, passing under the higher level M2 viaduct.
- 10.181 The mitigation planting has been the subject of much discussion and agreement, with the AONB Unit and such discussions continued throughout the Inquiry process. Those discussions resulted in an agreement in relation to vegetating traffic islands and agreement regarding consultation on the flyover materials. Much of the mitigation is embedded in the Scheme design and has been considered in my assessment of the significance of effects. Some of the advance planting has already taken place. At year 15 the mitigation planting would ameliorate many of the effects but there still would remain some residual effects and which, in some instances, would remain significant.
- 10.182 Swale LP policy DM26 provides that planning permission will not be granted for development which would significantly harm the character of rural lanes. For the reasons set out I conclude that the changes to Oad Street would result in significant harm to its character as a rural lane and in this limited respect the proposal is contrary to policy DM26. The Scheme would also be contrary to those LP policy objectives which seek to safeguard the character and appearance of the natural environment.

The AONB

- 10.183 The Kent Downs AONB comprises the eastern half of the North Downs chalk ridge stretching from Farnham in Surrey to the English Channel. This AONB covers some 326 square miles and lies mostly within Kent, covering almost a quarter of the county. Designation is largely attributable to the fine scarp slopes and dry valleys, with associated woodlands on the scarp slopes and valley sides. Special characteristics of the Kent Downs AONB include the dramatic landform and views; biodiversity-rich habitats; farmed landscapes; woodland and trees and tranquillity and remoteness, amongst other things.
- 10.184 Some 60% of the Scheme¹⁶⁷ sits within the AONB boundary and this would include the flyover and new roundabout and the new slip roads, as well as Oad Street link road. The flyover and its embankments would be within the AONB and the re-alignment of the A249 carriageway would result in a 70metre incursion into the valley sides just before the roundabout. The Oad Street link involves the creation of a new length of road in the AONB, with increased traffic and the translocation of hedgerows. The proposal would also bring with it increased signage and road lighting. I have set out the impacts of traffic headlights on the flyover at night-time
- 10.185 I have set out other effects of the infrastructure on landscape character and visual receptors and many of those observations remain pertinent to an assessment as to the effects of the Scheme on the AONB. I need not repeat them here
- 10.186 All parties agree that the proposal comprises major development within the AONB and its setting. It would result in an increase in both land take, carriageways and built form together with the introduction of engineering features including the flyover and infiltration ponds. I have already commented upon the introduction of this vertical infrastructure compared to the existing at grade junction. Ms Miller estimates that the project would result in an intrusion into some 18 hectares of currently undeveloped AONB land. At its widest the A249 carriageway would be 100 metres, with 6 running lanes.

AONB Policy Considerations and Conclusions

- 10.187 Great weight is to be given to conserving and enhancing landscape and scenic beauty in the AONB. For the reasons set out above I conclude that the Scheme would not conserve and enhance the landscape and scenic beauty of this part of the AONB. As such it would be contrary to policies SD1, SD3, SD8 and LLC1 of the Kent Downs Management Plan. [4.19]
- 10.188 Failure to conserve and enhance the AONB would also be contrary to policy SP17 of the Maidstone LP which provides that proposals should not have a significant impact on the AONB, although this plan pre-dates the NPPF and

¹⁶⁷ Depicted on figure 9.1 of this Report at page 77 and confirmed in INQ/032.

the policy is not in full conformity with the national policy tests in relation to AONBs.

- 10.189 The same policy test in relation to AONBs is set out in national and local policy¹⁶⁸. It provides that planning permission should be refused for major development in the AONB other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. In determining this I must have regard to the accepted need for the development as set out earlier and the impact of allowing it, including the benefits in terms of highway safety and other considerations; the impact of refusing it on the local economy which would potentially involve comprising the ability to deliver housing and employment commitments in local plans. The second consideration is not relevant in these circumstances given that the proposal represents an improvement to an existing junction, and it cannot be located outside the designated area. Finally, I must have regard to the detrimental effect upon the environment, the landscape, and the extent to which it could be moderated, and I have set out those matters above.
- 10.190 When all the relevant factors are taken into account, I am satisfied that exceptional circumstances have been established and development should not be precluded having regard to AONB policy considerations. I note that the AONB Unit accepted the need for development and further accepted that there is little scope for developing outside the AONB.

Mitigation and Compensation

- 10.191 Ms Miller asserts that the lack of sufficient mitigation and environmental conservation conflicts with policies SD11 and SD12 of the Kent Downs Management Plan¹⁶⁹. In the case of development which has a negative impact SD11 requires mitigation measures appropriate to the national importance of the Kent Downs AONB. Policy SD12 requires developments which are essential in the AONB to be mitigated and to provide environmental compensation by benefits to natural beauty elsewhere in the AONB.
- 10.192 One of Ms Miller's arguments in relation to inadequate compensation related to the surfacing of the traffic islands around the roundabout with Kentish ragstone. During the roundtable session this matter was raised, and it was agreed that, subject to highway safety considerations, the request to vegetate traffic islands would be accommodated. The agreement reached has been recorded in a joint statement produced to the Inquiry¹⁷⁰. Similarly, Ms Miller's objections to the existing fencing and a request for replacement with traditional cleft chestnut post and rail fencing was also acceded to.
- 10.193 The AONB Unit's position is that, even with the agreed mitigation changes above, they do not consider it possible to satisfactorily mitigate for the Scheme impacts and therefore compensation should be made. Firstly, I am satisfied, subject to the above changes, that the mitigation measures are appropriate to the AONB and are provided in accordance with policy SD11. I

¹⁶⁸ ¶172 of The NPPF, ¶5.151 NPS-NN and policy DM34 of the Swale LP.

¹⁶⁹ ¶5.5 PoE

¹⁷⁰ Inquiry document 37

have concluded that there would be residual harm with the mitigation measures and a failure to conserve and enhance the AONB, so I shall turn to consider Ms Miller's request for compensation on behalf of the AONB Unit.

- 10.194 Ms Miller's contention that compensation should be paid to enable off-site compensatory measures to be achieved elsewhere is rooted in policy SD11. She also points to The NPPF's plan-making section which advocates the consideration of compensatory measures when significant adverse impacts are unavoidable and mitigation measures are not suitable. Examples of other large-scale developments where compensation has been provided in AONBs are set out in her proof¹⁷¹.
- 10.195 On behalf of HE, Mr Jones reminds me that planning policy is a consideration within the context of these proceedings when ascertaining whether the Scheme is expedient in the public interest. Even in the case of planning applications, he points out that paragraph 172 sets out the test of exceptional circumstances which implicitly allows for a degree of net harm. He goes on to state that the test in paragraph 172 requires moderation of adverse impacts but makes no mention of compensatory payments or measures. I accept all these points as an accurate precis of national policy. [9.25-9.30]
- 10.196 The arguments regarding compensation were ventilated at the roundtable session and are set out in Inquiry documents 33, 39, 42, 47 and 48. There are a number of matters arising from the discussions: is there a policy basis or basis in law to request or require the payment of compensation? If so, what part does that play in any final recommendation? And what are the appropriate levels of compensation? And what is the appropriate mechanism to secure payment?
- 10.197 It is acknowledged that the mitigation measures associated with the Scheme results in a small net increase in replacement habitat¹⁷². I have concluded that the Scheme would cause residual harm to landscape character and to visual receptors and it would fail to conserve and enhance the AONB.
- 10.198 Basis for payment in policy or law: I am satisfied, given the conclusions on residual harm, that there is a basis in policy SD12 to request compensatory measures. I am therefore satisfied that a request for such a payment in these circumstances is justified in policy terms.
- 10.199 This Inquiry is concerned with the making of a Line Order, SRO and CPO and I have set out the relevant statutory tests in section 4. In addition, there is the duty under the Countryside and Rights of Way Act 2000 to have due regard to the conservation and enhancement of the AONB. I can see no basis in law to require the payment of compensation given the statutory tests and considerations which must be applied in the final determination. In other words, I can see no basis on which to recommend that the Orders should not be made unless and until provision for compensation has been made.

¹⁷¹ ¶8.8 to ¶8.12

¹⁷² CD B.1 ES Volume 1 ¶9.9.11 and ¶9.9.12

- 10.200 If the SoS disagrees with this conclusion, then I make the following comments in relation to the remaining issues of quantum and the mechanics.
- 10.201 Quantum of Compensation: I have largely agreed with the AONB Units assessments regarding impacts on landscape character, visual amenity and the AONB. Inquiry document 33 explains the theoretical zone of visibility affected by the Scheme in winter and summer months. Inquiry document 39 details suggested compensatory measures and the cost of provision of such measures. The costs are calculated using the Countryside Stewardship Grants Scheme and appear reasonable and proportionate. They amount to some £400,000 in compensatory measures. HE has disputed these amounts¹⁷³ but this is predicated on the LVIA of no significant residual affects which I have rejected. For the reasons stated I prefer the costings of Ms Miller.
- 10.202 Appropriate Mechanism: Mr Jones has helpfully provided a note¹⁷⁴ on the possible mechanisms for securing compensation and Ms Miller has provided her views¹⁷⁵. The simplest and most attractive mechanism is a commitment in the REAC to make provision of a compensation sum to the AONB with conditions attached. I would endorse this approach if the SoS requires compensatory measures before the Orders are confirmed.

Biodiversity

- 10.203 The relevant documents on biodiversity are found in chapter 7 of the ES Volume 1, the ES Addendum, and the Statement to Inform Appropriate Assessment (SIAA)¹⁷⁶. The consultation response of Natural England is also relevant, as is its response in relation to SIAA¹⁷⁷. Concerns about the effects on wildlife and habitats were raised by Mrs Evans and Mrs Corbishley. Dr Cook gave evidence¹⁷⁸ to the Inquiry on behalf of HE.
- 10.204 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to, and enhance, the natural and local environment by, amongst other matters protecting sites of biodiversity or geological value and soils and also by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 10.205 Paragraph 175 advises that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It also advises that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be

¹⁷³ INQ/0-47

¹⁷⁴ INQ/0-48

¹⁷⁵ INQ/0-49

¹⁷⁶ At CD B.1, B5.2 and B.7

¹⁷⁷ CD M22 and INQ/0-11

¹⁷⁸ Proof of Evidence HE/7/2

refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 10.206 The PPG provides further guidance in relation to biodiversity and veteran trees. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. The PPG explains that biodiversity net gain complements and works with the biodiversity mitigation hierarchy set out in NPPF paragraph 175a. Habitat improvement should be a genuine additional benefit and go further than measures already required to implement a compensation strategy¹⁷⁹.
- 10.207 NPS-NN¹⁸⁰ reiterates that development should avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. As with the NPPF it adopts a hierarchy of avoidance, mitigation, and compensation.
- 10.208 NPS-NN resists development that would result in the loss or deterioration of irreplaceable habitats unless the national need for and benefits of the development, in that location, clearly outweigh the loss. The ES confirms that the Scheme has been designed to avoid the loss of ancient woodland at Chestnut Wood and Church Wood.
- 10.209 The Applicant has had regard to the potential biodiversity impacts of the Scheme and has sought to avoid or minimise such impacts during the design process. The Applicant's approach is underpinned by the principles within paragraph 175 of the NPPF and other guidance. In addition, the terms of HE's licence requires it to minimise the environmental impacts of operating, maintaining, and improving its network and to seek to protect and enhance the quality of the surrounding environment.
- 10.210 As set out in the Applicant's evidence, the Scheme has the potential to have direct and indirect effects on biodiversity during construction and operation after proposed mitigation measures. Residual effects have been identified for the following receptors:
- Honeycrook Hill and Church Hill, Stockbury RNRs – permanent slight adverse effect.
 - Habitats – short-term slight adverse effect followed by a long-term slight beneficial effect.
 - Hazel dormouse – short-term moderate adverse effect followed by a long-term slight beneficial effect.
 - Breeding and wintering birds – long-term slight beneficial effect.
- 10.211 The proposed modifications do not make any difference to these conclusions¹⁸¹. No cumulative effects have been identified. Habitat losses and

¹⁷⁹ ID: 8-024-20190721

¹⁸⁰ ¶5.25

¹⁸¹ ES Addendum CD B5.1

gains associated with construction of the Scheme are detailed in the ES¹⁸² and updated in the ES Addendum. Measures are proposed to mitigate the short-term impacts of the temporary habitat losses. The temporary habitat losses would contribute to a residual short-term moderate adverse effect on dormouse and a residual short-term slight adverse effect on habitats. Both effects would change to slight beneficial in the long-term. There would also be a long-term slight beneficial effect on breeding/wintering birds. The assessment was undertaken in consultation with Natural England and KCC, neither of which has raised an objection.

- 10.212 Habitats: The Scheme would result in direct loss of approximately 23 ha of habitat, just over half of which is arable land. The loss of this arable land would be permanent. The remaining habitats include 5.44 ha of woodland, 4.9 ha of poor semi-improved/amenity grassland/tall ruderal, 0.75 ha of scrub, 0.28 ha of semi-improved calcareous grassland and 1.12 km of hedgerow, would be lost temporarily, but increased in the long-term, once habitat creation associated with the Scheme has established. One pond would also be lost during construction but would be replaced with a smaller pond of higher nature conservation value.
- 10.213 There would also be direct losses of habitat from Honeycrock Hill RNR¹⁸³ and Church Hill, Stockbury RNR¹⁸⁴ during construction of the Scheme and this includes the changes incorporated in the Modifications and assessed in the Addendum ES.
- 10.214 Woodland: The Scheme has been designed to avoid any direct losses of ancient woodland. The two closest areas of ancient woodland, Chestnut Wood and Church Wood, are located 30 m and 50 m from the Scheme respectively. Mr Cook points out that both are uphill of the Scheme. No significant effects are predicted.
- 10.215 Bats: The Scheme would result in a temporary loss of foraging and commuting habitats used primarily by low numbers of common and widespread species, such as common pipistrelle and soprano pipistrelle. There is also potential for disturbance of adjacent retained habitats during construction. In the long-term, the Scheme would result in a net increase in the quantity and connectivity of bat foraging and commuting habitats, including a linear belt of woodland parallel to the A249.
- 10.216 Hazel Dormouse: The Scheme would result in a temporary loss of woodland, hedgerow and scrub habitats, all of which are assumed to support hazel dormouse (dormouse). The ES reports that these dormice are likely to be temporarily displaced to suitable alternative habitats such as Chestnut Wood and Church Wood. In the long-term, the Scheme would result in a net increase¹⁸⁵ in the quantity and connectivity of suitable dormouse habitat.

¹⁸² CD B.1 in Table 7.8 of Chapter 7

¹⁸³ 0.08 ha equating to some 33% lost habitat based on total site area of 0.23ha

¹⁸⁴ 0.2 ha equating to some 40% lost habitat based on total site area of 0.5ha

¹⁸⁵ 0.65 ha of additional woodland and 1.88 ha of additional scrub

- 10.217 Breeding and wintering birds: The 12 ha of arable habitat that would be permanently lost during construction of the Scheme was found to support very low numbers of notable breeding and wintering birds. The habitats found to support the most notable breeding and wintering bird species would be subject to temporary losses, with permanent increases in area and connectivity in the long term.
- 10.218 Reptiles: The Scheme would result in temporary loss of habitats that are likely to support low populations of common lizard, slow worm and adder. These reptiles are likely to be temporarily displaced to suitable alternative habitats in the adjacent landscape. In the long-term, the Scheme would result in a net increase in the quantity and connectivity of suitable reptile habitats, including an additional 5.22 ha of grassland and an additional 1.88 ha of scrub.
- 10.219 Mitigation: A range of mitigation measures are proposed to avoid, reduce and compensate for adverse effects on ecological receptors. These measures have been agreed with Natural England and include the following:
- Avoidance of loss of ancient woodland and veteran trees;
 - Habitat creation and translocation to offset unavoidable losses, including:
 - Creation of 6.09 ha of native woodland; Creation of 2.86 ha of calcareous grassland (and 7.31 ha of other grassland and tall ruderal habitats);
 - Creation of 2.62 ha of scrub;
 - Creation of 3.75 km of native hedgerow;
 - Creation of a 50 m² pond;
 - Translocation of orchid colonies from the RNRs; and
 - Translocation of 'important' hedgerows along Oad Street (approx. 170 m), Honeycrook Hill (approx. 137 m) and Amel's Hill (approx. 52 m).
- 10.220 As previously indicated, some of the woodland planting and hedgerow planting has already been undertaken and other works would be done in advance of construction¹⁸⁶. The OEMP and REAC were considered at a roundtable session. During this session all matters were discussed fully and interested parties commented upon some of the provisions. I also requested certain revisions and I am grateful to HE for being responsive and accepting all suggested changes. Inquiry document 41.1 contains the final OEMP and REAC complete with revisions. My conclusions in relation to all connected matters are predicated upon the implementation of the OEMP and the REAC and I commend these documents to the SoS.

¹⁸⁶ INQ/0-08

- 10.221 The OEMP and REAC contain a series of measures and commitments to ensure good practice in relation to construction measures; the protection of retained habitats and implementation of protection zones; a commitment on construction hours and to avoid night working wherever possible; the installation of bat boxes and dormouse nest boxes and the timing of vegetation clearance, pre-construction surveys and post-construction monitoring, amongst other matters.
- 10.222 After the mitigation measures contained in the OEMP and the REAC are taken into account there would remain the following 'residual effects' on biodiversity:
- Honeycrook Hill and Church Hill, Stockbury RNRs – permanent slight adverse effect due to habitat loss;
 - Habitats – short-term slight adverse effect due to habitat loss, followed by a long-term slight beneficial effect due to a net increase in the extent and quality of woodland, scrub, grassland and pond habitats once newly created and translocated habitats become established;
 - Hazel dormouse – short-term moderate adverse effect due to temporary habitat loss and displacement of individuals, followed by a long-term slight beneficial effect due to a net increase in the extent and connectivity of suitable habitats once newly created woodland, scrub and hedgerows have established; and
 - Breeding and wintering birds – long-term slight beneficial effect due to net increase in extent of grassland, scrub and woodland habitats, once established. In this case, short-term adverse effects are not anticipated, due to the availability of alternative suitable habitats that can be accessed by the breeding and wintering bird assemblages.
- 10.223 The ES identifies four other large-scale development which could potentially result in combined effects with the Scheme, but they are each some distance away from the Scheme and do not share connecting habitats. I am therefore satisfied with the conclusion that there would be no cumulative effects.

Air Quality

- 10.224 The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.¹⁸⁷
- 10.225 NPS-NN explains that it is government policy to bring forward targeted works to address existing environmental problems on the Strategic Road Network including air quality.¹⁸⁸ It acknowledges that increases in emissions of pollutants during the construction or operation phases of projects on the national networks can result in the worsening of local air quality.¹⁸⁹

¹⁸⁷ NPPF paragraph 181

¹⁸⁸ NPS-NN paragraph 3.5

¹⁸⁹ NPS-NN paragraph 5.3

- 10.226 Mr Cook explains that air quality changes represent the only impact pathway via which three of the designated sites could be affected by the Scheme. The three designated sites are North Downs Woodland Special Area of Conservation (SAC), Wouldham to Detling Escarpment Site of Special Scientific Interest (SSSI) and Queendown Warren SSSI. The Scheme is predicted to make a contribution to airborne nitrogen oxides (NO_x). This predicted contribution is greater than 1% of the Critical Level within a small area of North Downs Woodlands SAC and which overlaps with Wouldham to Detling Escarpment SSSI. Due to the limited area that would be affected¹⁹⁰, no significant NO_x effects are predicted for these sites.
- 10.227 Notwithstanding the conclusions on NO_x Natural England recommended that due to the predicted exceedance of the 1% of Critical Level screening NO_x threshold, that an Appropriate Assessment is undertaken for North Downs Woodlands SAC. Accordingly, the Habitats Regulations Assessment Screening Report¹⁹¹ was updated in the ES Addendum¹⁹² and a Statement to Inform Appropriate Assessment (SIAA) was prepared¹⁹³.
- 10.228 The SIAA concluded that there would be no adverse effects on site integrity for North Downs Woodlands SAC because only 0.34% of the SAC would be affected by the Critical Level exceedance and the SAC qualifying features do not appear to have been adversely affected by exposure to past exceedances of the NO_x Critical Level, which are greater than those predicted for when the Scheme is operational (due to a background trend of decreasing NO_x levels). Natural England has seen the SIAA and concurs with it¹⁹⁴. There is no substantive evidence before me to conclude otherwise.

Noise

- 10.229 NPS-NN confirms that Government policy is set out in the Noise Policy Statement for England (NPSE). The NPSE recognises that noise exposure can impact on quality of life. It refers to emerging evidence that long-term exposure to some types of transport noise can additionally cause an increased risk of direct health effects. It sets out three aims. These are to avoid significant adverse impacts on health and quality of life; to mitigate and minimise adverse impacts on health and quality of life; and where possible contribute to the improvement of health and quality of life.
- 10.230 The NPSE refers to the World Health Organisation (WHO) concepts for establishing noise effects. LOAEL (Lowest Observed Adverse Effect Level) is the level above which adverse effects on health and quality of life can be detected. It adds the concept of SOAEL (Significant Observed Adverse Effect Level) and defines this as the level above which significant adverse effects on health and quality of life occur.

¹⁹⁰ 0.99 ha, equivalent to 0.34% of the total SAC

¹⁹¹ CD B2.10- ES Volume 2, Appendix D.6

¹⁹² CD B5.2

¹⁹³ CD B.7

¹⁹⁴ INQ/011

- 10.231 Paragraph 170 of the NPPF, provides that new and existing development should be prevented from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. The NPPF further states¹⁹⁵ that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health. In doing so decisions "*should mitigate and reduce to a minimum, potential adverse impacts resulting from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life*", referencing the NPSE.
- 10.232 Planning Practice Guidance (PPG) provides further guidance in relation to the Government's approach to noise. It explains that it is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings, as these can have an important effect on whether noise is likely to pose a concern¹⁹⁶.
- 10.233 Mr Lawrence gave evidence¹⁹⁷ in relation to noise and vibration issues. The noise and vibration impacts of the Scheme are set out in Chapter 6 of the ES¹⁹⁸ and the Annex to the ES Addendum¹⁹⁹. Some 119 residential and 3 non-residential receptors were identified in the study area²⁰⁰, including the Kent Downs AONB. The noise environment at the properties close to the Scheme is currently dominated by traffic on the M2 and the A249, as confirmed by noise surveys undertaken in 2016. This is particularly so in the case of those properties at Vale Cottages fronting onto the A249 carriageway.
- 10.234 The Applicant's assessment considers the magnitude of change at sensitive receptors and the absolute noise levels predicted in the opening year and future assessment year of the Scheme. It includes any existing noise mitigation measures that would be retained or replaced by the Scheme, as well as new measures included in the Scheme design.
- 10.235 Construction: Noise levels from each stage of construction have been determined at seven assessment locations that are considered representative of all dwellings and other sensitive receptors with a direct line of sight to the construction activities. Before mitigation, potentially significant impacts are predicted at areas represented by Threeways, Vale Cottages, The Studios and Sandina (including Hillside Farm). Where significant effects are shown, temporary noise barriers installed adjacent to the works would bring construction noise levels below the daytime significance threshold, and significant noise impacts would not be expected.

¹⁹⁵ ¶180

¹⁹⁶ PPG ID: 30-002-20190722

¹⁹⁷ PoE HE/4/2

¹⁹⁸ CD B.1

¹⁹⁹ CD B.6

²⁰⁰ 300 metres from the anticipated boundaries of the physical works

- 10.236 Night-time works are to be limited to resurfacing activities and are not predicted to produce significant effects. Vibration levels resulting from the anticipated construction activities are generally imperceptible at 20 metres from the source.
- 10.237 During operation: Noise modelling has been undertaken to predict noise levels with and without the Scheme in its projected opening year (2022) and future assessment year (2037), and a detailed assessment has been undertaken. The Scheme includes low noise surfacing inherent in the design of the A249 to minimise the potential for adverse effects occurring
- 10.238 There are six designated road traffic noise 'Important Areas' for noise (NIAs) near the Scheme, five of which are in the noise calculation area. Noise Important Areas are the locations in England where the 1% of the population most affected by noise from major roads lives. Three NIAs are on the A249 between Oad Street and Church Hill. Two are on the A249 south of Church Hill, one of which is outside the noise calculation area, and one is at properties on Maidstone Road to the north of Wormdale Hill²⁰¹.
- 10.239 Most properties would be subject to a negligible adverse increase in noise levels in the opening year of the Scheme; 7 properties would be subject to a moderate decrease in noise level; 4 properties would have a minor decrease in noise and 3 properties would suffer a minor increase in noise. In the longer-term the general pattern of long-term changes in road traffic noise levels with and without the Scheme is similar, with most receptors being subject to negligible changes in noise.
- 10.240 Six properties in NIAs would experience minor beneficial decreases in noise levels related to the realignment of the carriageway. No long-term noise increases greater than 1 dB LA10,18h were predicted at any of the NIAs in the study area and no significant adverse effects were identified.
- 10.241 The ES was reviewed in light of the new Road Traffic Forecasts 2018. The two short-term major reductions were no longer present. Eight fewer properties experienced minor decreases in noise and two more properties experienced minor increases. The results were not materially different, therefore. Similarly, the updates following the ES Addendum where the extent of works varied from the earlier ES, identified no material changes and no change to the significance.

Other Matters

- 10.242 Surveys: Mrs Corbishley raised concerns about the quality of surveys undertaken in relation to the ES. These surveys each provide an evidence base for the ES. Mrs Evans' complaints about the surveys relate largely to the communications received from HE about access to her land²⁰². Other issues related to incorrect mapping of her land which have taken time and

²⁰¹ CD B3.4 See Figure 6.1 in Volume 3 ES

²⁰² INQ/027

additional costs to resolve. I am satisfied that any anomalies in mapping have been corrected. [7.62-7.66]

- 10.243 Mrs Evans has also submitted to the Inquiry a letter to the SoS confirming that she has not had any negotiations with HE regarding the purchase of her land²⁰³. The response of HE is at Inquiry documents 45 and 51 details the contacts which have taken place. I am satisfied that Mrs Evans has had notice of these proceedings and there has been engagement between HE and Mrs Evans and/or her agent on a number of occasions.
- 10.244 Mrs Evans raised issues about the survey of a historic well on her land being undertaken at night and without permission. HE has confirmed that this survey took place at 2000hours and that the design intention is that the well would fall into soft verge on highways land and would be capped with a manhole²⁰⁴.
- 10.245 Mrs Corbishley raised generalised concerns about the collection and use of survey data. She advocates that the data should be reported to the National Data Base to enable protected species to be tracked and protected. It is evident that she has a keen interest in such matters and feels strongly about the protection of natural habitats of such species. In response HE contends that the ES, overseen by statutory bodies including Natural England and the Environment Agency is robust.
- 10.246 In relation to the particularised concerns about bat colonies and foraging opportunities in Borden Hill woodland, I accept Dr Cook's point that the woodland is some 130 metres south of the Scheme and therefore outside the 100m zone of influence for bats²⁰⁵. Dr Cook further explains that limitations in the dormouse surveys were acknowledged and factored into the assessments. Dr Cook has acknowledged Mrs Corbishley's concerns about bat surveys, he accepts certain points but explains and justifies the approach taken in relation to the surveys. I am satisfied, given the scale of the project that the approach was proportionate, and the methodology is robust²⁰⁶.
- 10.247 Oad Street: Mrs Evans also expressed concerns about the use of a French drain along Oad Street since she believed this would result in road pollutants leaking onto her field and into the groundwater. However, there is no evidence to suggest that such a drain would be ineffective. In any event I am satisfied that there would be no risk to groundwater reserves as a result of highways surface water run-off. [7.68]
- 10.248 Mrs Corbishly also expressed concerns about the removal of the species-rich hedgerow along Oad Street which she says was not surveyed for dormouse. The Oad Street hedgerow is acknowledged as an "important hedgerow"²⁰⁷ due to the presence of 7 woody species in a 30m section. Dr Cook confirmed that

²⁰³ INQ/043

²⁰⁴ INQ/ 034

²⁰⁵ PoE ¶3.3.16

²⁰⁶ INQ/ 053 Bat Survey Report

²⁰⁷ In terms of the Hedgerow Regulations 1997

the assessment has assumed that the hedgerow provides habitat for populations of bats, dormouse and breeding and wintering birds.

- 10.249 Modification-1 reduces the length of hedgerow affected by some 24metres. The Scheme proposes translocation of the hedgerow which would use best practice to cut it down significantly before replanting it in a new position. Translocation would result in disturbance and loss of habitat on a temporary basis, but it would enable retention of the woody species and ground flora.

Conclusions on Biodiversity

- 10.250 Having regard to all of the evidence I conclude that the Scheme, together with mitigation measures, would not cause significant harm to biodiversity interests. There would not be any loss of irreplaceable habitats and a small element of net gain in biodiversity in terms of an overall gain in habitat quantum and connectivity over the longer term. The Statement to Inform Appropriate Assessment (SIAA) concludes that there would be no adverse effects on the site integrity of designated sites and that conclusion is accepted by Natural England. There would be no unacceptable risk of receptors being adversely affected by noise.
- 10.251 I am satisfied that the conclusions in the ES and its Addendum, the Habitats Regulation Assessment and the SIAA are robust. The mitigation measures are secured in the OEMP and the REAC and I commend these. I therefore conclude that the Scheme is in conformity with national and local policy objectives in relation to biodiversity.

Climate Change

- 10.252 The ES²⁰⁸ contains an assessment of the effects of the Scheme on climate change at section 14.
- 10.253 Mr Jeffery of the Maidstone Green Party submitted a proof of evidence²⁰⁹ to the Inquiry and made oral representations. Mr Jeffery confirmed under cross-examination that he would prefer the trajectory to net zero emissions to be steeper and to occur by 2030, not 2050. He accepted that he was advocating swifter progress than that recommended by the Committee on Climate Change. The main focus of his concerns relates to the Government policy not being consistent with the Paris Agreement. In relation to this Scheme he expressed his objections to the level of CO₂ emissions and the focus on increasing capacity as opposed to modal shift. [7.104-7.107]
- 10.254 On behalf of HE, Mr Jones points out that the merits and foundations of policies, including those in relation to climate change, are not matters for argument at a public inquiry. In addition, the Roads Investment Strategy 2 document which re-committed funding for the Scheme was published on 11 March 2020, after the Climate Change Act 2008. [9.41-9.42]
- 10.255 I have noted that the projected CO₂ emissions from the Scheme: emissions from the construction phase total 44,488 tCO₂e; operation stage emissions

²⁰⁸ CD B2.1

²⁰⁹ GP1/1/1

for 2037 are in the order of 751,000 tCO₂e which would represent an increase of 3,552 tCO₂e over the 'Do Minimum' scenario.

10.256 It is settled policy and law²¹⁰ that an individual Inspector should not seek to conduct an examination of Government policies in an inquiry into a particular Scheme. Whilst Mr Jeffery is entitled to express his dissatisfaction with Government policy, my duty is confined to noting and reporting his objection but not to adjudicate on it. In making my recommendation I must have regard to relevant current national and local policies and the relevant statutory tests.

Proposed Modifications

10.257 My task in relation to modifications in this Scheme is straightforward. Modification 1 are the changes to an access and a reduction in works on Oad Street which would reduce land-take. The changes were done at the behest of Mrs Evans, who again confirmed during the Inquiry that she consented to them. Modifications 2 through to 5 are administrative matters designed to deal with changes of landownership and address. Similarly, they are not controversial, and they make no difference to the Scheme.

10.258 Modification 6 would result in a removal of the U-turning facility at Church Hill and reconfiguration of the junction to meet DMRB standards. Irrespective of any of my other findings regarding the Church Hill junction, modification 6 represents an improvement on the published Scheme in that it would deliver material benefits in highways safety terms by virtue of the closure of the U-turn.^[2.10]

10.259 None of the changes have any material effect upon the assessments undertaken. None are controversial and I have proceeded on the basis that the Promoted Scheme is the one under examination in this Report. All of the findings made relate to the Promoted Scheme unless otherwise stated.

Alternative Schemes

10.260 Two objectors, both with engineering backgrounds, have put forward alternative designs for improving the junction. Stockbury Parish Council (SPC) and others, whilst accepting that the Scheme is needed, have suggested what amount to additional elements which they contend are necessary to ensure safe access and egress to and from the village. These include the provision of an overbridge; an underpass; and traffic lights or a roundabout at the A249/Church Hill junction.

10.261 All of the alternatives were discussed during the roundtable session and at other points throughout the Inquiry. I was impressed by the industriousness and degree of engagement of local residents, and grateful to Mr Roberts of HE for the way in which he worked up proposals and gave them due consideration. I shall examine the two alternative schemes first before looking at the additional options in relation to Church Hill.

²¹⁰ Ministerial Statement made on 25 February 1976 and *Bushell and Another v SoS for Environment* [1980] 2 All ER 608.

Mr Bowman's Alternative

10.262 Mr Bowman is a retired chartered civil and highways engineer. His evidence is contained within his proof of evidence and two submissions to the Inquiry²¹¹. On behalf of HE, Mr Roberts submitted a rebuttal proof²¹² dealing specifically with Mr Bowman's scheme. Mr Bowman's rationale for developing an alternative is based on a consideration of cost and effectiveness and the balance which needs to be struck between those two. His argument is that the proposed Scheme comes in at a cost of around £90million and that his innovative solution would address 80% of the problems addressed by the proposed Scheme at around 20% of the cost. Mr Bowman further contends that his suggestion would reduce carbon emissions on construction to approximately one fifth of those of the proposed Scheme and that a primary principle of construction should be to re-use existing infrastructure. [7.108-7.111]

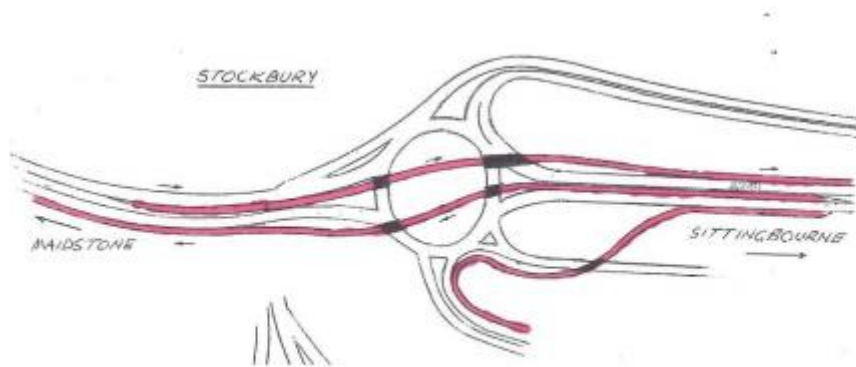
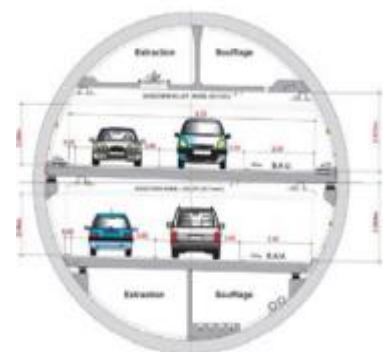


Figure 1: KG/1/3 Alternative Proposal for scheme

10.263 Mr Bowman identifies the flyover as a key feature of the promoted Scheme—designed to abstract the through traffic from the roundabout and thus alleviate congestion. All other design considerations flow from this starting premise. Mr Bowman posits that the requirement for the flyover is derived from the maximum hourly through flow during the evening peak.

10.264 His alternative suggestion is to separate the through traffic into its two component parts—namely cars and all other heavier vehicles. A continuous through route could be created under the existing roundabout for the cars and small vans and the lorries would utilise the roundabout as now. Mr Bowman's sketch reproduced here provides an illustration. This shows the light traffic on single lane carriageways through a box shaped underpass. There would be a total of 5 underpasses: two on the NB A249 lane, two on the SB A249 lane



²¹¹ POE KG/1/1, KG/1/2 and KG/1/3 and INQ/-006 and INQ/031.

²¹² HE/1/4

and one under Maidstone Road. In Mr Bowman's later iteration of his design he conceded that an overbridge on Maidstone Road would provide a more convenient alignment

- 10.265 The design is bold and, as Mr Bowman freely acknowledges, the concept has never been used in this country²¹³. Mr Bowman points out that there is an example of such a design on the A86 Duplex Tunnel in the Paris suburbs. He contends that, not only would there be savings in terms of costs and carbon emissions, but that it would also have obvious environmental benefits in terms of its effect on the AONB.
- 10.266 Mr Roberts identified a number of physical and safety challenges. Firstly, the underpass would have restricted headroom and significant advance signage and a traffic management system would be needed to alert drivers to the division. I accept that the signage and gantry signs would be over and above those required for the promoted Scheme. There would be operational constraints in terms of the need to extract non-compliant vehicles from the underpass, the need to monitor traffic through the underpass and the need to close it in the event of an emergency or other problem. I further accept that this arrangement would result in a requirement for an operational control facility staffed on a 24-hour basis. However, I also note Mr Bowman's rather neat solution of height barriers and an escape lane in his last iteration of his design²¹⁴. [9.45-9.49]
- 10.267 Mr Roberts prime concern related to safety. Cars and lighter vehicles would have to diverge from the offside lane to enter the tunnel and would then have to merge back into the A249 mainline nearside lane which would contain a high volume of HGVs. This arrangement would be contrary to DMRB standards²¹⁵. If the route was re-designed to allow for nearside diverges, Mr Roberts points out that this would result in the through lanes having to be extended, again resulting in additional cost.
- 10.268 In addition, HGVs travelling along the A249 would have their journeys interrupted by the roundabout which could impact traffic flows and the operation of the roundabout.
- 10.269 To ensure that Mr Bowman's design caters for forecast traffic increases there would have to be two lanes in each direction on the underpasses. When DMRB standards are applied to the geometric construction of the underpass, its width would be substantially increased from 4m in width which would add substantially to the costs and engineering. Mr Roberts asserts that this would be 14.3m in accordance with DMRB standards²¹⁶ but that includes some 7.30m for the two lanes, with the rest of the increase attributable to a verge and hard strip on either side of the carriageway and the addition of a hard shoulder as depicted in the DMRB illustration. I do not accept that the width would have to be increased to this extent, although I acknowledge that there

²¹³ Although Mr Roberts did point to the northbound A249 flow through the Dartford Tunnels as a similar example.

²¹⁴ INQ/0-31

²¹⁵ CD H.1 document reference input CD 122 ¶3.1

²¹⁶ CD H.1 and input reference CD 127 figure 2.1.1N1f

would have to be some allowance either side of the lanes to cater for drainage, emergencies etc. Based on the provision of two lanes, I accept that the increased width would have to be a minimum of 8.5 metres which is almost double the width of Mr Bowman's solution.

- 10.270 I do not accept Mr Bowman's proposition that a single dedicated connector lane in conjunction with surplus capacity at the roundabout would be sufficient to meet demand. Mr Roberts' Table 2²¹⁷ in the 2037 AM peak hour records some 1,781 vehicles travelling southbound through the junction, of which 7% would be HGVs. That means that some 125 HGVs would use the roundabout with 1,656 cars and lighter vehicles using the underpass. This would exceed the maximum 1,200 flow rate for a single carriageway. Any congestion in the underpass and on its approaches would also raise issues of highway safety. Other design issues such as drainage would also have to be addressed which would require an engineered solution.
- 10.271 Mr Bowman concludes by accepting that his proposal is not fully developed, he does not assert that it would be wise to adopt his proposal, but he strongly advocates that it merits further consideration and development due to the possibility that it could provide a cheaper, more cost effective alternative. Mr Roberts accepted that an underpass arrangement is feasible and stated that it was considered during the Stage 1 consultation exercise²¹⁸. Tellingly it was discounted at Stage 2 due to the cost attributed to top down construction requiring pumping, piling and removal of excess spoil. Mr Bowman accepted that he had taken a broad-brush approach to costing during cross-examination and that his initial costings for some elements was underestimated.
- 10.272 Finally, Mr Jones made the point that Mr Bowman's design relies heavily on many departures from DMRB standards. Applying the Bushell principle he correctly reminds me that it is no part of a local public inquiry into a road scheme to review existing adopted DMRB standards. Principally for these reasons, but also because the proposed alternative is a concept which has already been discounted and further investigation would result in delay to the Scheme, I do not recommend this alternative is worthy of further investigation. [9.45-9.49]

Mr MacDonald

- 10.273 Mr MacDonald is a Councillor for Minster-on-Sea Parish Council, Sheerness Town Council and Swale Borough Council. He is a Chartered Member of The Chartered Institute of Logistics and Transport with nearly 60 years' experience. Mr MacDonald's amended statement²¹⁹ sets out his position and

²¹⁷ PoE HE/1/3

²¹⁸ Option 4

²¹⁹ PoE MAC/1/1.2

is supported by his plan²²⁰ and oral submissions to the Inquiry. Mr Roberts has responded to these submissions in his rebuttal proof²²¹.

- 10.274 Essentially Mr MacDonald spoke in favour of the Scheme and his statement explains the context in which he says improvements are needed. He provides useful information in terms of the latest unemployment figures for Sittingbourne and Sheppey, 7.1% and 8.5% respectively, and he provides details of the main employers in the region.
- 10.275 Mr MacDonald further highlights that the waste to energy power station at Kemsley in Sittingbourne is due to go fully live and will generate many thousands of HGV movements. Mr MacDonald advocates a more 'free-flowing' approach to the design solution with the addition of (1) dedicated slip roads for NB traffic from the M20 to the M2 NW; (2) a dedicated slip road for traffic from the SB M2 wanting to join the NB A249 and finally (3) a dedicated slip road for vehicles travelling SB on the A249 to join the M2 EB towards Canterbury and Dover.
- 10.276 The Scheme includes free-flow dedicated lanes at the proposed enlarged Stockbury Roundabout for the following movements: M2 EB to A249 NB; A249 NB to M2 EB; and A249 SB to M2 WB. During the initial stages of the project some 57 options and variants for improvement were considered. Two options involved full free flow interchanges suggested by Mr MacDonald. The two options were discounted on the basis of high costs, significant land-take and lack of local road connectivity.
- 10.277 Mr Roberts has conducted a high level assessment of Mr MacDonald's proposal and suggests that there would be a number of issues: increased land-take, potential demolition of the Oad Street overbridge, significant additional earthworks due to the topography of surrounding land, increased costs and further woodland loss. I also accept that the proposals are so different to the promoted Scheme that a new ES would have to be prepared and the orders re-published which would result in delay to implementation.
- 10.278 The high-level economic and traffic assessment of Mr MacDonald's additional links came to the following conclusions. With regard to dedicated slip road (1), for NB traffic from the M20 to the M2 NW, the Traffic Model Package records the level of demand for this movement which peaks at 106 movements in the PM peak. The Scheme improvements would reduce congestion which would reduce the potential economic benefit of this free-flow link such that its inclusion would not be justified.
- 10.279 In relation to (2), a dedicated slip road for traffic from the SB M2 wanting to join the NB A249, Mr MacDonald's proposal would provide shorter overall distance to travel and reduce the need to slow down when compared with the free-flow left turn already provided in the promoted Scheme. The decision to

²²⁰ INQ/0-35

²²¹ PoE HE/1/5

include the flyover resulted in other elements of the Scheme being removed to reduce costs and this appears to have been one of them.

10.280 In relation to (3), a dedicated slip road for vehicles travelling SB on the A249 to join the M2 EB towards Canterbury and Dover, the effect of the Scheme is forecast to reduce extensive queuing at the A249 SB arm to the roundabout. This in turn would reduce the benefits of the inclusion of this element rendering it unattractive in cost-benefit terms.

10.281 For all of the above reasons I conclude that the additional free-flow links proposed by Mr MacDonald would have some benefits in terms of traffic flow and economics compared to the Scheme. However, it would come at a significantly higher cost, have significantly increased environmental and land impacts, and delay the implementation of the Scheme by the need to amend and re-publish the Statutory Orders and Environmental Statement.

SPC Church Hill Alternatives

10.282 In essence SPC's case about alternatives is really about the inclusion of an additional element to the Scheme which, it contends, is necessary to enable safe access and egress to the village. I can do no better than repeat Mr Woods' closing submission to the Inquiry "...*The cost of measures necessary to secure the viability of Stockbury village should not be considered as additional and avoidable expenditure but something that is an unavoidable consequence of the scheme itself that should have been included in the original plans by the designers of the scheme*". [7.21]

10.283 SPC acknowledges that the Promoted Scheme is necessary but says that it is deficient in terms of its effect upon the Church Hill junction and that that deficiency could be remedied by the inclusion of an overbridge, underpass, traffic lights or a roundabout at Church Hill. Whilst SPC did not promote one solution over another, the provision of an overbridge emerged as a clear favourite over other options. All options were fully discussed at the roundtable session.

An Overbridge

10.284 HE's assessment of an overbridge alternative is provided at CD H.24 and it incorporates all of the contributions from HE specialist witnesses in terms of the effects of an overbridge on biodiversity, air quality, noise and vibration and landscape and visual effects. Impacts on traffic and an economic assessment are also included. HE's case in relation to the overbridge rests on two principle objections. Firstly, the overbridge would not represent good value for money and secondly the effects of including an overbridge would be to defer the accident savings of the promoted Scheme for 3 years which cannot be justified. There were other points in terms of the additional landscape effects of a bridge.

10.285 The impact of the addition of an overbridge was factored into the existing strategic transport model to look at the effects upon local journey times. The implications of the overbridge would be felt by those travelling NB on the A249 having to travel an extra 3 minutes (3 kilometres) via the roundabout and the new access road to get on to the overbridge. Southbound journey times would be similar to those in the Promoted Scheme due to the

alternative removing right turning delays, but journeys would be on a 30mph stretch rather than a 70mph stretch. These figures are not contested.

- 10.286 **Economics:** the cost of an overbridge was put at £8.8million²²² and again this is not disputed. The alternative assessment report includes a Transport User Benefit Appraisal (TUBA) analysis focused on user benefits and a comparison of the promoted Scheme with the alternative Scheme (promoted Scheme and overbridge). I shall reproduce the figures²²³ for ease of reference.

Table 5.2: Alternative Scheme Benefits

	Alternative Option
User Benefits (TUBA) (£m)	-£2.9m
Accident Benefits (£m)	£1.8m
Other Benefits (£m)	£0.0m
Present Value Benefits (PVB) (£m)	-£1.1m
Present Value Costs (PVC) (£m)	£8.8m
Net Present Value (NPV) (£m)	-£9.9m
Benefit to Cost Ratio (BCR)	-0.12

- 10.287 The accident benefits have been calculated using the COBALT software but of course they are dependent on the risk analysis figures inputted. I have already expressed my disagreement with some of those assessments in relation to the Church Hill junction. I therefore consider that the accident benefits are likely to be understated here given my earlier conclusions. In coming to this conclusion, I have taken into account the inherent safety risks associated with the provision of an overbridge and the extent to which these additional risks could be mitigated.

- 10.288 I note that the BCR is a negative value (-0.12), but I make two points. Firstly, the BCR has been calculated using the overbridge in isolation. This is an exercise which could be done for each element of the promoted Scheme and I suspect that if the same exercise was done for some elements, such as the new link roads, there would be a similar negative value. Given that I had some reservations about the usefulness of this exercise I asked HE to do a cost benefit analysis of the Scheme and the overbridge combined²²⁴. When the costs of the overbridge are added to the Scheme, together with its other costs and benefits, the BCR is 3.30 for the Alternative Scheme (Scheme and overbridge), as opposed to 3.79 for the Scheme only. I note that the values

²²² Costs are expressed in 2010 prices and discounted to 2010 in line with the TAG guidance to enable all schemes to be compared on a like for like basis

²²³ Table 5.2 CD H.24

²²⁴ Inquiry document 24

are not far apart and that the promoted Scheme with the inclusion of an overbridge would represent good value for money in BCR terms.

- 10.289 My second point relates to the limitations of a methodology which relies on monetising time and risk. I accept that this is a standardised methodology necessary to ensure that public projects can be compared over different time periods to ensure value for money. The accident benefits relate to some 37 accidents over a 60-year time frame and I have already alluded to this being an underestimate in my view. The disbenefits of -£2.9million relate to the additional 3 minutes of journey time on some journeys. The Stockbury villagers would contend that this is a disbenefit well worth enduring for the safety benefits which would accrue.
- 10.290 The Alternative Assessment Report also included a high-level environmental assessment. In terms of air quality, I accept the report's conclusion that the changes in air quality would be similar in magnitude to those of the promoted Scheme. In terms of noise, the noise benefits would remain as with the promoted Scheme but there would be the potential for significant noise impacts on Hillside Farm due to its proximity to the overbridge. There would not be any additional likely significant effects in terms of biodiversity and no material residual effects on the water environment.
- 10.291 The most significant effects would be felt in terms of the impact on landscape and visual receptors. The overbridge would straddle the valley and, in dynamic views travelling north and south along the A249, it would be experienced in the context of the M2 viaduct and the flyover. I further acknowledge that the overbridge would be located in a more characterful part of the AONB and landscape character areas. The effects on landscape character and the AONB would be detrimental. Significant effects would be experienced by visual receptors at Hillside Farm and walkers in the vicinity of the overbridge.
- 10.292 The above assessments are based on the assumed alignment of an overbridge as depicted in the HE report. SPC put forward another sketch depicting an alternative route for the overbridge. I bear in mind that all assessments at this level can only, of necessity, be high-level.
- 10.293 Effects of the Inclusion of an Overbridge into the Promoted Scheme: the alternative assessment report²²⁵ states that should the SoS conclude that the alternative design of the Scheme with an overbridge, was of sufficient merit to justify refusal of the proposed Orders, the necessary work to bring the alternative design to implementation stage would take some two years. The first point is that the delivery programme for the promoted Scheme and overbridge would be longer than that for the promoted Scheme alone due to the scale of the works.
- 10.294 Inquiry document 46 sets out the stages necessary to arrive at the implementation stage for a combined Scheme with overbridge. The impact on the programme is explained and the overall conclusion is that the delay to

²²⁵ CD H.47

the Scheme would be nearer 3 years, with a delay to Scheme opening from 2024 to 2027. There are also risks in terms of objections to the inclusion of an overbridge and landowners objecting to CPO with a new Public Inquiry being required. Table 1 in the document sets out likely durations for delivery. All of the assumptions are well-founded and evidenced and I accept them without demur.

- 10.295 That brings me to the question of the consequences of a 3-year delay to implementation of the Scheme. The principle objectives of the Scheme are to reduce congestion and to reduce accidents. The Scheme would achieve both of these objectives. In the TUBA cost-benefit assessment, the benefits of the Scheme over the do-nothing scenario are estimated at £24million over the 60-year period. Since all values are in 2010 market prices and discounted to 2010, the benefits in the later stages of the 60-year period are less than those in the earlier stages. Be that as it may, even on a rudimentary statistical analysis, a three-year delay would equate to the loss of £1.2million in terms of accident savings²²⁶.
- 10.296 The concept of an overbridge across the A249 to facilitate access to Stockbury village is not a new one. It is evident that this is a matter which KCC has explored and continues to explore. I am informed that KCC has submitted an application to the Government's Major Road Network ("MRN") programme. The purpose of the application is to meet the additional costs associated with the inclusion of the flyover and to secure funding for an overbridge from Stockbury over the A249. The application is for £27.5 million, comprising of £17.5 million for the additional costs for the flyover design change and £10 million for an overbridge. It is anticipated that the application will be determined in late 2020/early 2021.
- 10.297 In these circumstances the inclusion of an overbridge in the Scheme does not represent a true alternative to the Scheme in the sense that it would really be an addition to the promoted Scheme. It is not my role to make a recommendation in favour of an alternative proposal but merely to indicate whether the inclusion of an overbridge is worthy of further investigation. On the basis of my conclusions in terms of the effects on highway safety and in terms of the economics of the inclusion of an overbridge, I consider that the overbridge is indeed worthy of further investigation. This is a matter which appears to be before the SoS in the form of the MRN application and he may wish to investigate the progress of that application in considering this Report.
- 10.298 However, that is not the end of the matter, I must also consider whether the overbridge warrants further investigation at the expense of delaying the promoted Scheme. A 3-year delay would result in the loss of £1.2million in terms of accident savings, more importantly this represents the very real reduction in accidents at this junction which is in the top 50 of accident hotspots. Even without taking into account the need for the Scheme in terms of improving congestion and facilitating development, this matter alone leads me to conclude that the inclusion of an overbridge as part of this Scheme

²²⁶ £24million ÷ 60 = £400K per annum x 3 = £1.2million

should not be considered due to the consequences of a 3-year delay. This is because the benefits of the inclusion of an overbridge in highway safety terms are outweighed by the delay of the introduction of highway safety benefits which would result across the whole Scheme. This does not detract from the conclusions made in the preceding paragraph.

Other Alternative Options at Church Hill

- 10.299 The remaining three other alternatives were an underpass, signalised junction and roundabout at Church Hill, and they were assessed in a single report²²⁷.
- 10.300 The underpass would require a significant piece of engineering given that the A249 sits on the valley floor with the two sides of the valley rising steeply on each side. This would necessitate the excavation of significant volumes of material and the erection of substantial retaining walls on each approach to the underpass at a cost of around £30million. The inclusion of an underpass would have a consistent impact on traffic modelling when compared with the promoted Scheme.
- 10.301 A roundabout design was developed. It would be located within the existing Church Hill junction at a forecast cost of around £4.7million. A roundabout would result in all traffic having to slow down to travel through it, resulting in a reduced road capacity and increased delays and queues on the A249 mainline.
- 10.302 A signalised junction design was developed based on signalisation of the existing A249 SB right turn lane, the NB A249 and Church Hill. The impact on traffic signals would be to cause some queuing on the mainline NB carriageway in the PM peak. It would cost in the region of £850,000.
- 10.303 All schemes were assessed as having negative BCR when assessed on their own. I have already expressed my reservations about the utility of this exercise. Having regard to the exercises undertaken I conclude that the underpass is not worthy of further investigation given the prohibitively high costs. The roundabout and signalised junctions would result in delays and the introduction of congestion, contrary to one of the key objectives of the promoted Scheme. I do not consider these options to be worth further investigation for these reasons. I shall now turn to consider the statutory tests in relation to each of the orders.

Conclusions on the Line Order

- 10.304 The draft Trunk Road (Line) Order is drafted under Sections 10 and 41 of the HA 1980. It would authorise the construction of a new section of trunk road or trunk road slip roads. The roads described in the draft Trunk Road Order would become trunk roads from the date when the Trunk Road Order comes into force.

²²⁷ CD H.25

- 10.305 The requirements of local and national planning policies and the requirements of agriculture must be borne in mind when making changes to the trunk road network.
- 10.306 In terms of the Improvement and Slip Road Order, I consider that the benefits of the Scheme in terms of journey time and network capacity, and the facilitation of new housing and jobs would outweigh any residual environmental impacts once the mitigation measures proposed are taken into account. In reaching this conclusion I have looked at highway safety across the Scheme as a whole.
- 10.307 The Scheme forms part of the DfT and HE Regional Investment Programme and is needed to address capacity and performance deficiencies of the junction, including highway safety concerns. I conclude that the changes are expedient for the purpose of extending, improving or reorganising the national system of routes in England and Wales.
- 10.308 I conclude that having regard to local and national planning policy, including the requirements of agriculture, the scheme would be in the public interest. I also consider that the adverse environmental impact would be proportionate, having regard to the mitigation proposed.

Conclusions on the Side Roads Order

- 10.309 It is a requirement that provision be made for the preservation of any rights of statutory undertakers in respect of their apparatus. Moreover, no stopping up order shall be made unless either another reasonably convenient route is available or will be provided before the highway is stopped up. Furthermore, the stopping up of a PMA shall only be authorised if the SoS is satisfied that no access to the premises is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided.
- 10.310 With regard to the statutory criteria to be satisfied, I am mindful that provision is being made for statutory undertakers' apparatus within the proposal, and that liaison between the Applicant and the companies affected is on-going.
- 10.311 Amendments to the SRO are necessary to accommodate MOD-1, MOD-2 and MOD-6. These are set out at Detailed Modification MOD 1, Detailed Modification MOD 2 and Detailed Modification MOD 6. For the reasons I have previously explained they are not controversial, and I have considered them in my assessment of the promoted Scheme.
- 10.312 I conclude that, where a highway or PMA is to be stopped up, the SRO as modified would provide a reasonably convenient alternative route or access for roadusers, as described in the schedules and plans of the SRO.

Conclusions on the Compulsory Purchase Order

- 10.313 In order to confirm a CPO, the decision maker has to be satisfied that:
- There is a compelling case in the public interest;
 - The acquiring authority has taken reasonable steps to acquire all of the land and rights in the Order by agreement;

- The purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected;
- The acquiring authority has a clear idea of how it intends to use the land which it is proposing to acquire;
- That the necessary resources required to achieve the end justifying acquisition are likely to be available within a reasonable time-scale;
- That there are no physical or legal impediments which are likely to block the scheme.

10.314 The CPO includes a schedule and plan of the land the Applicant seeks to acquire outright and that land over which it seeks to acquire rights. In accordance with the Guidance the CPO is accompanied by a Statement of Reasons²²⁸. The Applicant's case in relation to the CPO is set out within that document²²⁹.

10.315 The overall benefits in terms of journey time and improvements to highway safety over the whole Scheme, together with the need to improve capacity to address future growth and facilitate additional necessary development in the area, when taken together represent a compelling case in the public interest for acquisition of the land. I am satisfied that the Applicant has taken reasonable steps to acquire the land and rights as set out in the Statement of Reasons by agreement. Negotiations with landowners have continued and a number of objections were withdrawn before the commencement of the Inquiry

10.316 The acquisition of the land represents an interference with the human rights of those affected but when balanced against the need for the land to facilitate the overall benefits of the Scheme, I conclude that the interference is proportionate and justified. The landowners will be able to claim compensation.

10.317 There is a clear purpose for the acquisition of the land and the necessary resources are available. The Applicant has submitted a Funding Statement²³⁰ and there are committed funds in the RIS 2. I am further satisfied that there are no physical or legal impediments which are likely to block the Scheme.

10.318 The Applicant requests the CPO be modified to take account of MOD-1, MOD-2, MOD-3, MOD-4, MOD-5 and MOD-6. The amendments in respect of all of these modifications are set out in Detailed Modification MOD 1, Detailed Modification MOD 2, Detailed Modification MOD 3, Detailed Modification MOD 4, Detailed Modification MOD 5, and Detailed Modification MOD 6. These modifications are not controversial, and I have considered them in my assessment.

²²⁸ CD A.8

²²⁹ Ibid ¶3.1.3

²³⁰ INQ/014

- 10.319 Subject to the amendments above, and the SoS being satisfied on the other matters, I consider that the purposes for which the CPO is promoted justifies interfering with the human rights of those with an interest in the land affected, having regard to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and the Human Rights Act 1998.
- 10.320 I have found above that the Applicant has a clear idea of how the land to be acquired would be used and a reasonable expectation that the necessary resources would be available to carry out its plans within a reasonable timescale. I conclude that there is a compelling case in the public interest for the CPO.

11.0 RECOMMENDATIONS

- 11.1 I recommend that the A249 Trunk Road (A249 Trunk Road Stockbury Roundabout Improvements) Order 20.. should be made.
- 11.2 I recommend that The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) (Side Roads) Order 2019 should be modified as indicated in paragraph 10.311, and that the Order so modified should be made.
- 11.3 I recommend The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) Compulsory Purchase Order 2019 be modified in accordance with paragraph 10.318 above, and that the Order so modified should be made.

Karen L Ridge

INSPECTOR

Appendix A-APPEARANCES AT THE INQUIRY

For Highways England:

Mr Emyr Jones of Counsel

He called:

Mr Christopher Roberts	Highways Engineering
Ms Camelia Lichtl	Project Overview
Mr Adam Lawrence	Noise and Air Quality
Mr Jim Ball	Construction
Mr Craig Shipley	Traffic and Economics
Dr James Cook	Biodiversity
Mr Graham Woodward	Landscape
Mr Neil Carpenter	Planning

For Stockbury Parish Council

Mr Phil Woods, Chair of Stockbury Parish Council

Mr Alan Cooke

Ms Sara Kemsley

Mrs Penny Spearman

For Kent Downs AONB

Ms Katherine Miller

For Mrs Mary Evans

Mrs Mary Evans

Mrs Tracey Corbishley

Interested Persons

Ms Helen Whately MP

Mr Stuart Jeffery of Maidstone Green Party

Cllr Patrik Garten

Cllr MacDonald

Cllr Shellina Prendergast representing Maidstone East

Mr Ken Bowman

Mr Brendan Ferrill, a Stockbury resident

Supporters

Cllr Mike Whiting representing Kent Swale West

Ms Sharon Dosanjh

Roundtable Session 1 – Landscape and Visual Impact

Mr Woodward- HE

Ms Katherine Miller representing Kent Downs AONB Unit

Roundtable Session 2 - Alternatives

Mr Woods- SPC

Ms Kemsley- SPC

Mr Cooke- Stockbury resident

Mr Bowman- Stockbury resident

Mr MacDonald- Stockbury resident

Representatives from Highways England

Roundtable Session 3 – Non-motorised road users

Mrs Sarah Rayfield- British Horse Society

Mrs Rillie- Local resident

Representatives from Highways England

Appendix B- Core Documents List

The following is a list of core documents for ease of reference. The Core Documents are maintained on the Programme Officer's website and can also be viewed at programmeofficers.co.uk/m2j5/

Ref	Documents
A	DRAFT AND MADE ORDERS
A.1	The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) Compulsory Purchase Order 2019 Public Notice
A.2	The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) Compulsory Purchase Order 2019 – Orders Booklet (Order & Schedule)
A.3	The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) Compulsory Purchase Order 2019 – Orders Booklet (Plans)
A.4	The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) (Side Roads) Order 2019 – Public Notice
A.5	The Highways England (A249 Trunk Road Stockbury Roundabout Improvements) (Side Roads) Order 2019 – Orders Booklet
A.6	The A249 Trunk Road (Stockbury Roundabout Improvements) Order 20[.] - Public Notice
A.7	The A249 Trunk Road (Stockbury Roundabout Improvements) Order 20[.] – Orders Booklet
A.8	Statement of Reasons - for the three Orders (Compulsory Purchase, Side Roads and draft Line)
A.9	Preliminary Design Drawing - General Arrangement - NOTES & KEYS
A.10	Preliminary Design Drawing - General Arrangement (Sheet 01 of 06)
A.11	Preliminary Design Drawing - General Arrangement (Sheet 02 of 06)
A.12	Preliminary Design Drawing - General Arrangement (Sheet 03 of 06)
A.13	Preliminary Design Drawing - General Arrangement (Sheet 04 of 06)
A.14	Preliminary Design Drawing - General Arrangement (Sheet 05 of 06)
A.15	Preliminary Design Drawing - General Arrangement (Sheet 06 of 06)
A.16	Detailed Modification MOD 1
A.17	Detailed Modification MOD 2
A.18	Detailed Modification MOD 3
A.19	Detailed Modification MOD 4
A.20	Detailed Modification MOD 5
A.21	Detailed Modification MOD 6
B	ENVIRONMENTAL STATEMENT
B2	M2 Junction 5 Improvements Environmental Statement Volume 2- Appendices. June 2019
B.1	M2 Junction 5 Improvements Environmental Statement Volume 1 - Main Report, June 2019
B2.1	Volume 2 Appendix A Outline Environmental Management Plan
B2.2	Volume 2 Appendix B Air Quality
B2.3	Volume 2 Appendix C Noise and Vibration
B2.4	Volume 2 Appendix D Biodiversity
B2.5	Volume 2 Appendix D.1 Hazel Dormouse Survey
B2.6	Volume 2 Appendix D.2 Reptile Survey

Ref	Documents
B2.7	Volume 2 Appendix D.3 Breeding Birds Survey
B2.8	Volume 2 Appendix D.4 Great Crested Newt Survey
B2.9	Volume 2 Appendix D.5 Bat Survey
B2.10	Volume 2 Appendix D.6 Habitats Regulations Assessment Screening
B2.11	Volume 2 Appendix D.7 Hedgerow Assessment
B2.12	Volume 2 Appendix D.8 Wintering Bird Survey
B2.13	Volume 2 Appendix D.9 Badger Survey
B2.14	Volume 2 Appendix E.1 Road Drainage and the Water Environment
B2.15	Volume 2 Appendix E.2 Flood Risk Assessment
B2.16	Volume 2 Appendix E.3 Water Framework Directive
B2.17	Volume 2 Appendix F Landscape and Visual
B2.18	Volume 2 Appendix G.1 Geology and Soils
B2.19	Volume 2 Appendix G.2 Geology and Soils Envirocheck Report Part 1
B2.20	Volume 2 Appendix G.2 Geology and Soils Envirocheck Report Part 2
B2.21	Volume 2 Appendix G.2 Geology and Soils Envirocheck Report Part 3
B2.22	Volume 2 Appendix H.1 Archaeological Evaluation Report Part 1
B2.23	Volume 2 Appendix H.1 Archaeological Evaluation Report Part 2
B2.24	Volume 2 Appendix H.2 Further Archaeological Evaluation Report
B2.25	Volume 2 Appendix H.3 Cultural Heritage
B2.26	Volume 2 Appendix I Population and Human Health
B2.27	Volume 2 Appendix J Assessment of Cumulative Effects
B2.28	Volume 2 Appendix K Climate
B2.29	Volume 2 Appendix L Major Accidents & Disasters
B2.30	Volume 2 Appendix M Arboricultural Impact Assessment
B3	M2 Junction 5 Improvements Environmental Statement Volume 3- Figures, June 2019
B3.1	Volume 3 Figures Chapter 1 and 2 (Part 1)
B3.2	Volume 3 Figures Chapter 1 and 2 (Part 2)
B3.3	Volume 3 Figures Chapter 5
B3.4	Volume 3 Figures Chapter 6
B3.5	Volume 3 Figures Chapter 7
B3.6	Volume 3 Figures Chapter 8
B3.7	Volume 3 Figures Chapter 9 (Part 1)
B3.8	Volume 3 Figures Chapter 9 (Part 2)
B3.9	Volume 3 Figures Chapter 10
B3.10	Volume 3 Figures Chapter 11
B3.11	Volume 3 Figures Chapter 15
B4	M2 Junction 5 Improvements Environmental Statement Volume 4 - NonTechnical Summary, June 2019
B5	Environmental Statement Addendum (Volumes 1-3)
B5.1	Volume One - Main Text

Ref	Documents
B5.2	Volume 2 - Appendices - Appendix D.6 Amended Habitat Regulations Assessment Stage 1 Screening
B5.3	M2 J5 ES Addendum Volume 3 Figures - Chapter 2
B5.4	M2 J5 ES Addendum - Volume 3 Figures - Chapter 7
B5.5	M2 J5 ES Addendum - Volume 3 Figures - Chapter 9 Part 1
B5.6	M2 J5 ES Addendum - Volume 3 Figures - Chapter 9 Part 2
B5.7	M2 J5 Environmental Statement Addendum - Volume 3 Figures - Chapter 9 Part 3
B5.8	M2 J5 ES Addendum - Volume 3 Figures - Chapter 9 Part 4
B5.9	M2 J5 ES Addendum - Volume 3 Figures - Chapter 9 Part 5
B5.10	M2 J5 ES Addendum - Volume 3 Figures - Chapter 9 Part 6
B6	Environmental Statement Addendum
B6	Environmental Statement Addendum Annex 1
B.7	M2 J5 Habitats Regulations Assessment Stage 2 - SIAA
B.8	Draft Soil Handling Management Plan
C	CONSULTATION DOCUMENTS
C.1	Consultation Brochure – M2 Junction 5 improvements scheme (2017)
C.2	Report on Public Consultation (May 2018)
C.3	Scheme Assessment Report (May 2018)
C.3.1	Scheme Assessment Report – Appendices
C.4	The Preferred Route Announcement Brochure (May 2018)
C.5	Technical Appraisal Report
D	CORE LEGISLATION
D.1	Highways Act 1980
D.2	Town and Country Planning Act 1990
D.3	The Acquisition of Land Act 1981
D.4	The European Convention on Human Rights (as amended)
D.5	Human Rights Act 1998
D.6	New Roads and Street Works Act 1991
D.7	National Parks & Access to the Countryside Act 1949
D.8	Countryside and Rights of Way Act 2000
D.9	Natural Environment and Rural Communities Act 2006
D.10	Protection of Badgers Act 1992
D.11	Wildlife and Countryside Act 1981
D.12	Land Compensation Act 1973
D.13	Control of Pollution Act 1974
E	REGULATIONS
E.1	The Highways (Inquiries Procedure) Rules 1994
E.2	The Compulsory Purchase (Inquiries Procedure) Rules 2007
E.3	Guidance on compulsory purchase process and the Crichel Down Rules
E.4	The Town and Country Planning (General Permitted Development) (England) Order 2015
E.5	Town and Country Planning (Environmental Impact Assessment) Regulations 2017
E.6	Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017

E.7	The Conservation of Habitats and Species Regulations 2017
E.8	The Hedgerows Regulations 1997
E9	Schedule 4 of the Town and Country Planning (General Development Procedure Order) 2015
F	NATIONAL PLANNING POLICY AND GUIDANCE
F1	National Planning Policy Framework (NPPF) (2019) DCLG Department for Communities and Local Government
F.2	National Networks National Policy Statement (NN NPS) (2014)
F.3	Department for Transport (DfT) Road Investment Strategy (2014)
F.4	Highways England Strategic Business Plan 2015-2020 (2014)
F.4a	Highways England Strategic Business Plan 2020-2025, August 2020
F.5	Road to Good Design published by Highways England in 2018
F.6	Autumn Statement 2014, HM Treasury, December 2014
F.7	Highways England Delivery Plan 2015 – 2020, Highways England, 2015
F.7a	Highways England Delivery Plan 2020-2025, August 2020
F.8	English National Parks and the Broads: UK Government Vision and Circular 2010
F.9	Road Investment Strategy: for the 2015/16 – 2019/20 Road Period, Department for Transport, March 2015
F.10	The Transport Orders Guidance
F.11	Paragraph 040 of the Natural Environment national Planning Practice Guidance
F.12	The Road Investment Strategy 2 (RIS2) 2020 to 2025, Department for Transport, March 2020
F.13	Value for Money Framework, Department for Transport, July 2017
G	LOCAL AND REGIONAL PLANNING AND POLICY DOCUMENTS
G1	Draft London Plan – Consultation and Minor Suggested Changes (July 2018)
G2	Draft London Plan – Consolidated Suggested Changes Version (July 2019)
G3	Kent Local Transport Plan 4: Delivering. Growth without Gridlock 2016–2031
G4	Swale Borough Council Local Plan (2017)
G5	Medway Council Local Plan (2003)
G6	Medway Local Plan (2012-2035) Draft Development Strategy (March 2018)
G7	Medway Council Plan 2016/17-2020/21 (2017/18 Update)
G8	Maidstone Borough Council Local Plan (2017)
G9	Kent Downs AONB Management Plan 2014-2019
G10	Swale Borough Council's Draft Transportation Strategy (2014-2032)
G11	South East Local Enterprise Partnership Strategic Economic Plan, 2014
G12	P.458- 459 of the 'Intend to Publish Version' of the London Plan (9th December 2019)
H	TRANSPORT AND TRAFFIC
H.1	The Design Manual for Roads and Bridges (DMRB) – Volumes 1-15
H.2	Transport Analysis Guidance (Department for Transport) DfT 2018
H.3	M2 Junction 5 Improvement – Appraisal Specification Report
H.4	M2 Junction 5 Improvement – Transport Data Package
H.5	M2 Junction 5 Improvement – Transport Modelling Package
H.6	M2 Junction 5 Improvement – Transport Forecasting Package
H.7	M2 Junction 5 Improvement – Transport Economics Package
H.7a	M2 Junction 5 Improvement – Transport Economics Package (updated July 2020)

H.8	M2 Junction 5 Improvement – Combined Modelling and Appraisal Report
H.8a	M2 Junction 5 Improvement – Combined Modelling and Appraisal Report (updated July 2020)
H.9	M2 Junction 5 Improvement – Operational Model Forecasting Assessment
H.10	Kent Corridors to M25 Route Strategy Evidence Report, Highways Agency, April 2014
H.11	M2 Junction 5 Improvement – Road Safety Audit
H.12	M2 Junction 5 Improvement – Certificate of Compliance with Operations Technical Leadership Group (Ops TLG)
H.13	Combined Safety and Hazard Log
H.14	Kent Corridors to M25 Route Study Evidence Report, Highways England, 2017
H.15	RTF18 Sensitivity Test Technical Note
H.15a	RTF18 Sensitivity Test Technical Note (updated July 2020)
H.16	Application for Departure from Standards – M2 J5 Improvements Southbound Merge to Church Hill Junction Weaving and Spacing
H.17	Walking, Cycling and Horse-riding Review Report (February 2019)
H.18	NMU Context Report (October 2016)
H.19	Structures Options Report – Stockbury Roundabout Bridges
H.20	Structures Options Report – Stockbury Southbound Diverge Bridge
H.21	Structures Options Report – Retaining Walls
H.22	Collision Data 1st July 2014 to 30th June 2019 – Plan
H.23	Collision Data 1st July 2014 to 30th June 2019 – Data
H.24	Church Hill Overbridge Alternative – Assessment Report
H.25	Additional Alternative Options at Church Hill Junction – Assessment Report
H.26	Department for Transport Circular 01/2013 – Setting Local Speed Limits
H.27	Traffic Signs Manual
H.28	TAG – Guidance for Senior Responsible Officers
H.29	TAG – A1-1 Cost Benefit Analysis
H.30	TAG – A1-2 Scheme Costs
H.31	TAG – A2-1 Wider Economic Impact Appraisal
H.32	TAG – M3-1 Highways Assignment Modelling
H.33	TAG – M4 Forecasting and Uncertainty
H.34	TAG – A3 Environmental Impact Appraisal
H.35	(A249/Church Hill) Interim Stage 1 Road Safety Audit
H.36	DMRB – CD 109 Highway Link Design
H.37	DMRB – CD 127 Cross-Sections and Headrooms
H.38	DMRB – CD 122 Geometric design of grade separated junctions
H.39	DMRB – CD 116 Geometric design of roundabouts
H.40	DMRB – CD 123 Geometric design of at-grade priority and signal signal-controlled junctions
H.41	DMRB – HD 24/06 Traffic Assessment
H.42	Traffic Signs Regulations and General Directions 2016
H.43	DMRB – CD 195 Designing for Cycle Traffic
H.44	DMRB – GG 142 Walking, cycling and horse-riding assessment and review
H.45	The Department for Transport Traffic Advisory leaflet 2/03 – Signal-control at Junctions on High-Speed Roads
H.46	DMRB – CD 143 Designing for walking, cycling and horse-riding

H.47	Application for Departure from Standards Supporting Information – Safety Risk Assessment
H.48	Application for Departure from Standards Supporting Information – M2 J5 Interpreted Listings
H.49	Application for Departure from Standards Supporting Information – M2 J5 Collision Plot
H.50	Economic Sensitivity Test Technical Note
H.51	Office of Budget Responsibility Fiscal Sustainability Report (July 2020)
H.52	Office of Budget Responsibility Economic and Fiscal Outlook Projections (March 2020)
H.53	Forthcoming Change: TAG Databook, Appraisal Software and TAG appraisal Worksheets (July 2020)
I	LANDSCAPE AND VISUAL
I.1	Design Manual for Roads and Bridges (DMRB), Volume 11, Section 3, Part 5 Landscape Effects
I.2	Interim Advice Note (IAN) 135/10
I.3	DMRB, Volume 11, Section 2, Part 2 – Environmental Impact Assessment
I.4	Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3)
I.5	Photography and Photomontage in Landscape and Visual Impact Assessment, Landscape Institute Advice Note 01/11
I.6	Council of Europe: European Landscape Convention (ELC), Florence, 2000
I.7	DEFRA (2009) Construction Code of Practice
I.8	Forestry Commission Practice Note on Using Local Stock for Planting Native Trees and Shrubs
I.9	LA107 Landscape and Visual Effects
I.10	Kent Downs AONB Landscape Design Handbook, 2004
J	MISCELLANEOUS DOCUMENTS
J.1	Plan – M2 Junction 5 Improvements Compulsory Purchase Order 2019 – Sheet 1
J.2	Plan – M2 Junction 5 Improvements Compulsory Purchase Order 2019 – Sheet 2
J.3	Statement of Case - 11 October 2019
J.4	Relevant date letter from the Department for Transport announcing the intention to hold a Public Inquiry
J.5	House of Commons - Transport Committee Oral evidence: The work of Highways England, HC 60
K	ECOLOGY
K.1	Natural England (2015). NE357 National Character Area Profile: 113 North Kent Plain.
K.2	Natural England (2013). NE431 National Character Area Profile: 119 North Downs.
K.3	Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. CIEEM, Winchester.
K.4	Design Manual for Roads and Bridges (DMRB): LA 108 Biodiversity. Revision 0, November 2019.
K.5	Natural England Internal Guidance - Approach to advising competent authorities on the assessment of road traffic emissions and HRAs. Version 1.4 Final, June 2018

K.6	Natural England and Forestry Commission Online Guidance - Ancient woodland, ancient trees and veteran trees: protecting them from development. November 2018.
K.7	Interim Advice Note (IAN) 130/10 – Ecology and Nature Conservation: Criteria for Impact Assessment
L	NOISE AND VIBRATION
L.1	British Standards Institution (2014). BS 5228:2009 + A1:2014 Code of practice for noise and vibration control on construction and open sites, Part 1: Noise. London: BSI
L.2	Department of Transport (1988), Calculation of Road Traffic Noise, London, DoT
L.3	Department for Environment and Rural Affairs (2010), Noise Policy Statement for England. London: Defra
L.4	British Standards Institution (2014). BS 5228:2009 + A1:2014 Code of practice for noise and vibration control on construction and open sites, Part 2: Vibration. London: BSI
M	REPRESENTATIONS
M.1	Mr Gary Outram (DfT Ref:001)
M.2	Mr Russell Chidwick (DfT Ref:004)
M.3	Mr Kevin Attwood (DfT Ref:006)
M.4	Kent County Council (DfT Ref:007)
M.5	Mrs Mary Evans (DfT Ref:008)
M.6	Ms Nanda Joree (DfT Ref:009a)
M.7	Mr Mick Walker (DfT Ref:035)
M.8	Environment Agency (DfT Ref:067)
M.9	Stockbury Parish Council (DfT Ref:071)
M.10	Ms Tracy Corbishley (DfT Ref:092)
M.11	Kent Downs AONB Unit (DfT Ref:094)
M.12	Mrs Lillian Attwood & Miss Stella Attwood (DfT Ref:102)
M.13	Mr Frank Day (DfT Ref:103)
M.14	British Horse Society (DfT Ref:105)
M.15	Mr Anilkumar Patel (DfT Ref:118)
M.16	Maidstone Green Party (DfT Ref:148)
M.17	Mrs Mary Susan Deeprise (DfT Ref:149)
M.18	Stockbury Residents and Visitors (DfT Ref:149)
M.19	Mr Gordon Henderson MP (DfT Ref: S-14)
M.20	Swale Borough Council (DfT Ref: R-1)
M.21	Maidstone Borough Council (DfT Ref: R-2)
M.22	Natural England (DfT Ref: R-3)
M.23	Bredgar Parish Council (DfT Ref: R-4)
M.24	UK Power Networks (UKPN) (DfT Ref: R-5)
M.25	Mr Ian Kemsley (DfT Ref: 146)
M.26	Bobbing Parish Council (DfT Ref. S-21)
M.27	Jeremy Bolas (DfT Ref: 151)
M.28	John Wright (DfT Ref S-01)
M.29	Judith Sanford (DfT Ref. S-18)
M.30	Helen Whately MP (DfT Ref. S-20)
M.31	Matthew Barnes (DfT Ref. S -17)

M.32	Minster-on-Sea Parish Council (DfT Ref. S-21)
M.33	Adam Morris (DfT Ref. S-08)
M.34	Nick Link (DfT Ref S-13)
M.35	Oliver Doubleday (DfT Ref S-12)
M.36	Mr and Mrs Duffy (DfT Ref S-02)
M.37	Mr and Mrs Crockford (DfT Ref S-04)
M.38	Mr Sherlock (DfT Ref S-07)
M.39	Mr Addicott OBE (DfT Ref S- 11)
N	STATEMENTS OF COMMON GROUND
N.1	Kent Downs AONB Unit
N.2	Mrs Lilian Attwood and Ms Stella Attwood
N.3	Mr Kevin Attwood
Y	AREA OF OUTSTANDING NATURAL BEAUTY (AONB)
Y.1	The Planning Practice Guidance, Natural Environment – Full document Extract: Planning Practice Guidance Natural Environment
Y.2	Kent Downs AONB Unit Position Statement on Setting
Y.3	The 25 Year Environment Plan – full document Extract: The 25 Year Environment Plan - Pages 32-34 only
Y.4	The Landscape Assessment of the Kent Downs, Countryside Commission 1995, Mid Kent Downs Section only.
Y.5	The draft Kent Downs AONB Landscape Character Assessment Review 2020 for LCA 1B Mid Kent Downs.
X	MISCELLANEOUS CORRESPONDENCE SINCE SEPTEMBER 2020
X.1	Letter from Programme Officer with Agenda, privacy notice and Guide to participating in a virtual Inquiry.
X.2	Inspector PIM notes, Directions for submission of documents and guidance for Proofs of evidence
X.3	Site Visit Schedule

Appendix C- PROOFS OF EVIDENCE

Reference	Name of Document
HIGHWAYS ENGLAND	
HE/1/1	Summary Proof of Evidence by Christopher Roberts. Highways Engineering
HE/1/2	Proof of Evidence by Christopher Roberts. Highways Engineering
HE/1/3	Rebuttal Proof of Evidence of Proof of Evidence by Christopher Roberts in response to KG/1 Highways Engineering
HE/1/4	Rebuttal Proof of Evidence of Proof of Evidence by Christopher Roberts in response to SPC/2/3 Highways Engineering
HE/1/5	Rebuttal Proof of Evidence of Proof of Evidence by Christopher Roberts in response to MAC/1/1/2 Highways Engineering
HE/2/1	Proof of Evidence by Camelia Lichtl Highways England Overview
HE/2/2	Appendices to Proof of Evidence by Camelia Lichtl Highways England Overview
HE/3/1	Summary Proof of Evidence by Craig Shipley Traffic & Economics
HE/3/2	Proof of Evidence from Craig Shipley Traffic & Economics
HE/4/1	Summary Proof of Evidence by Adam Lawrence Noise & Vibration
HE/4/2	Proof of Evidence by Adam Lawrence Noise & Vibration
HE/5/1	Summary Proof of Evidence by Graham Woodward Landscape & Visual
HE/5/2	Proof of Evidence by Graham Woodward Landscape & Visual
HE/6/1	Summary Proof of Evidence by Neil Carpenter Planning
HE/6/2	Proof of Evidence by Neil Carpenter Planning
HE/7/1	Summary Proof of Evidence by James Cook Biodiversity
HE/7/2	Proof of Evidence by James Cook Biodiversity
HE/8/1	Summary Proof of Evidence by Jim Ball Construction
HE/8/2	Proof of Evidence by Jim Ball Construction
KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY UNIT	

KD/1/1	Summary Written Statement from Kent Downs Area of Outstanding Beauty by Katherine Miller
KD/1/2	Written Statement from Kent Downs Area of Outstanding Beauty by Katherine Miller
KD/1/3	Appendix to the Written Statement from Kent Downs Area of Outstanding Beauty by Katherine Miller
STOCKBURY PARISH COUNCIL (SPC)	
SPC/1	Statement by Phil Wood, Chair on behalf of Stockbury PC
SPC 2/1	Statement by Alan Cooke
SPC 2/2	Photo (ref 2)
SPC 2/3	Road Safety Answers Report commissioned by Kent County Council. (Ref 4)
SPC 3/1	Alan Cooke & Sara Kemsley & community members
SPC 3/2	Public Health England Report – Health & Wellbeing in rural areas
SPC 4/1	Proof of evidence by Penny Spearman and Jackie Smith
SPC 5/1	Proof of evidence by Chris Porter
SPC 6/1	Proof of evidence by Sue Porter
SPC 6/2	Stockbury Observer - April 2020
SPC 6/3	Stockbury Observer - March 2020
SPC 6/4	Stockbury Observer – February 2020
MARY EVANS (EV)	
EV/1/1	Statement by Mary Evans
EV/1/2	Appendix 1 (EV) part one
EV/1/2.1	Appendix 1 (EV) part two
EV/1/3	Appendix 2 (ME)
EV/1/4	Appendix 3 (TC)
EV/1/4.1	TC4 which was unreadable in EV/1/4
EV/1/5	Appendix 4 (Photos)
EV/1/6	Appendix 5 – spreadsheet - timeline
TRACEY CORBISHLEY (COR)	
COR/1/1	Statement by Tracey Corbishley
THE GREEN PARTY (GP)	
GP/1/1	Proof of Evidence by Stuart Jeffery on behalf of the Green Party
BRITISH HORSE SOCIETY (BHS)	
BHS/1/1	Proof of Evidence by Sarah Rayfield on behalf of the British Horse Society
BHS/1/2	Appendices to the Proof of Evidence by Sarah Rayfield on behalf of the British Horse Society
KEN BOWMAN (KG)	
KG/1/1	Proof of Evidence from Mr Bowman
KG/1/2	Proposed Modification from Mr Bowman
KG/1/3	Plan for the Proposed Modification
COUNCILLOR PATRIK GARTEN (PG)	
PG/1/1	Statement by Councillor Patrik Garten
PG/1/2	Appendix for Proof of Evidence by Councillor Patrik Garten
BRENDAN FERRILL (FER)	
FER/1/1	Written Statement by Brendan Ferrill
PENNY ARUNDEL (AR)	
AR/1/1	Written Statement by Penny Arundel
TOMSETT KENT MOT CENTRE (TOM)	
TOM/1/1	Statement by Mr Tomsett
ELECTED OFFICIALS	

PRE/1/1	Statement by Councillor Shellina Prendergast (Kent County Council)
WH/1/1	Statement by Councillor Mike Whiting (Kent County Council)
MACDONALD (MAC)	
MAC/1/1	Statement by Councillor MacDonald on Minster-on-Sea Parish Council, Sheerness Town Council, & Swale Borough Council.
MAC/1/1.2	Amended Statement by Councillor MacDonald on Minster-on-Sea Parish Council, Sheerness Town Council, & Swale Borough Council.

APPENDIX D- INQUIRY DOCUMENTS

Documents Reference	Name of Document
INQ/001	INQ 001 is to support Modification 6 and the narrative noted in HE/1/2 section 3.2.17. This sketch shows the details of section 3.2.17 and the proposed changes in a clear manner. The sketch supports this narrative
INQ/002	INQ 002 is to support the narrative noted in HE/3/2 regarding delays at Church Hill Junction. The table provided in INQ 002 provides actual numbers for these delays.
INQ/003	Opening Statement by Highways England
INQ/004	Note on why A249 is a rural road
INQ/005	Document extracted from H.1 providing guidance to undertaking a risk assessment.
INQ/006	Rebuttal Proof from Mr Bowman
INQ/007	Updated drawing to show the correct Pavement surfacing. This replaces the drawing in HE/1/2Appendix A- Pavement surface type.
INQ/008	Mitigation Planting Plan
INQ/009	Witnesses and qualifications
INQ/010	Summary extracts from the presentation made to AONB and Natural England
INQ/011	Response from Natural England on SIAA
INQ/012	Clarifications on Church Hill
INQ/013	A249 Alignment Shift into AONB
INQ/014	M2 J5 Funding Statement'
INQ/015	Note on the most recent ES plans'
INQ/016	Alternative Plan from SPC
INQ/017	Email from Kent County Council (Mr Kennedy) regarding PROWs and bridleways
INQ/018	Note on Portfolio Risk'
INQ/019	Document from Mr Cooke - BBC article on Sheppey Crossing Crash'
INQ/020	Note on ZR70_ZR71 land ownership
INQ/021	Note about utilities diversions
INQ/022	Note on Church Hill Risk Assessment from H.47' from session on 12/11/20.
INQ/023	Note on NMU Connectivity at Maidstone Road and Oad St' from session on 12/11/20.

Documents Reference	Name of Document
INQ/024	Note on Church Hill Overbridge Benefits and Accidents from 12/11/20
INQ/025	Note on At-grade crossing on A249' in response to AONB objection on severance from 11/11/20.
INQ/026	Emails between The Programme Officer & Thomas Kennedy Countryside Access Improvement Plan Officer
INQ/027	Documents from Mrs Evans regarding communication 5 November 2020
INQ/028	Bus Stop and Route Plans
INQ/029	A249 Alignment shift plan (simplified)
INQ/030	CCC Net Zero Report
INQ/031	Submission by Mr Ken Bowman
INQ/032	Note on Land within AONB is confirmation of the proportion of land within the scheme boundaries that is within the AONB as requested by the Inspector on 16/11/20.
INQ/033	Note on Zone of Visual Influence' relates to information that has been provided to Katie Miller at AONB at their request in support of her note on mitigation and compensation
INQ/034	Note on Well Survey' is confirmation of a survey of a Well at Whipstakes Farm as requested by the Inspector on 17/11/20
INQ/035	Plan from Councillor Peter MacDonald.

INQ/036	Statutory Objector List' was requested by the Inspector on 18/11/20 and provides a list of the statutory objectors and understanding of their current status.
INQ/037	Joint Statement between HE and AONB' was requested by the Inspector on 11/11/20 relating to changes around Traffic Islands and Fencing.
INQ/038	Carbon report from Tyndall
INQ/039	Additional Note on compensation submitted by Katie Miller Kent AONB
INQ/040	Note on changes to Figure 2.3 and environmental assessment of the changes

INQ/041	Updated Core Document B2.1 Volume 2 (Environmental Statement) Appendix A Outline Environmental Management Plan
INQ/041.1	Final Updated Environmental Statement Appendix A Outline Environmental Management Plan and REAC
INQ/042	Note on Kent Downs AONB Compensation Note in response to Inquiry Document No.039
INQ/043	Letter to Department for Transport from Mrs Evans
INQ/044	Update of document INQ.010 - Flyover Presentation - AONB & Natural England Follow Up
INQ/045	Response by Highways England to Letter from Mrs Evans 261120
INQ/046	Note on Impact on Programme of Overbridge
INQ/047	Note on AONB Potential compensation measures' is in response to the note provided by Katie Miller.
INQ/048	Note on AONB compensation mechanism'
INQ/049	AONB Unit's response to Highways England's note on compensation mechanisms

INQ/050	Start of boundary disputes
INQ/051	Reply to HE list of Summary of Engagements related to Land Purchases – Mrs Evans
INQ/052	AONB Unit's response to Highway England's Additional Note on AONB Compensation (INQ 047).
INQ/053	Bat report that includes the separate survey results from 2019 undertaken by Grahams/Sweco. The locations of the static detectors are indicated by the triangles on the figures in the Appendix A. The transects and static detectors on Whipstakes are shown in green (Transect 3). The results of the survey for Transect 3 are summarised in paragraphs 4.1.6 to 4.1.7, with the number of bat pulses per night shown in Table B2 in Appendix B
INQ/054	Closing submissions from Stockbury Parish Council
INQ/055	Closing submissions from Alan Cooke
INQ/056	Closing submissions Sara Kemsley

INQ/057	Closing submissions from Miss P Spearman and Ms J Smith
INQ/058	Closing submissions from Mrs Evans
INQ/059	Closing submissions from Mrs Corbishley
INQ/060	Closing submissions from Highways England

Appendix E- Abbreviations

AONB	Area of Outstanding Natural Beauty
BCR	Benefit Cost Ratio
BHS	British Horse Society
CD	Core Documents
CEMP	Construction Environmental Management Plan
CPO	Compulsory Purchase Order
DMRB	Design Manual for Roads and Bridges
DfT	Department for Transport
ES	Environmental Statement
HA 1980	Highways Act 1980
HE	Highways England
HE SES	Highways England's Safety and Engineering Standards
KCC	Kent County Council
LCA	Landscape Character Area
LEMP	Landscape Environmental Management Plan
LLCA	Local Landscape Character Area
LOAEL	Lowest Observable Adverse Effect Level
LP	Local Plan
LTC	Lower Thames Crossing
LVIA	Landscape and Visual Impact Assessment
NCA	National Character Area
NIA	Noise Important Area
NMU	Non-Motorised User
NOx	Nitrogen oxides
NPSE	Noise Policy Statement for England
NPS-NN	National Policy Statement for National Networks
OEMP	Outline Environmental Management Plan
PMA	Private Means of Access
PPG	Planning Practice Guidance
PRoW	Public Rights of Way
REAC	Register of Environmental Actions and Commitments
RIS	Road Investments Strategy
RNR	Roadside Nature Reserve
SAC	Special Area of Conservation
SOAEL	Significant Observable Adverse Effect Level
SoS	Secretary of State for Transport
SPC	Stockbury Parish Council
SRO	Side Roads Order
SSSI	Site of Special Scientific Interest
The NPPF	The National Planning Policy Framework
WCHAR	HE's Walking, Cycling and horse-riding assessment and review

MODIFICATIONS

THE HIGHWAYS ENGLAND (A249 TRUNK ROAD STOCKBURY ROUNDABOUT IMPROVEMENTS) (SIDE ROADS) ORDER 2019

Under “Highways to be improved”, “Church Hill” is added.

Under “Reference letters of new highways”, after 2/B, “(shown on Site Plan 2)” is added.

Under “Reference number of new access”, 1/4a is added.

Under “Reference number of new access”, 2/2b is added.

The plans, Site Plans 1 and 2, within the SRO are replaced to incorporate these modifications.

THE HIGHWAYS ENGLAND (A249 TRUNK ROAD STOCKBURY ROUNDABOUT IMPROVEMENTS) COMPULSORY PURCHASE ORDER 2019

In Article 1 Section 250 is deleted and Section 260 added.

Plot 1/2 is increased from 52 square metres to 1313 square metres.

Plot 1/2a is increased from 5689 metres to 7515 square metres.

Plot 1/2b is increased from 3015 square metres to 4588 square metres.

Plot 1/2z is a new plot added.

Plot 1/2aa is a new plot added.

Plot 1/3k is a new plot added.

Plot 1/4 is increased from 3098 square metres to 3263 square metres.

Plot 1/8 “Mr Daniel Bryan Sharp and Mrs Seren Sheffika Sharp” is amended to “Mr William Robert Parish and Mrs Kelly Jane Parish”.

Plot 1/14 “Mr Mark Raven and Mrs Jeanette Christine Raven” is amended to “Mr Gary Layton and Mrs Joan Layton”.

Plot 1/19 is reduced from 1484 square metres to 1301 square metres.

Plot 1/19c is reduced from 1462 square metres to 1402 square metres.

Plot 1/19d is reduced from 9826 metres to 9173 square metres.

Plot 1/19e is increased from 1342 square metres to 1691 square metres.

Plot 1/19f is increased from 1798 square metres to 2617 square metres and the description is amended from “south west of Whipstakes Farm” to “west of Whipstakes Farm”.

Plot 1/19g is a new plot added.

Plot 1/19h is a new plot added.

Plot 1/21 the address of Mr Anilkumar Ramanbhai Patel is amended.

Plot 2/2e is increased from 1661 square metres to 2307 square metres.

Plot 2/2f is increased from 1661 square metres to 2312 square metres.

Plot 2/2h is increased from 339 square metres to 1113 square metres.

Plot 2/2j is deleted.

Plot 2/5d the description of Plot 2/5d is amended from “north west of Applegate Farm” to “west of Applegate Farm”.

Plot 2/5e is added.

Highways England and Kent County Council are added at the end of the Schedule as special category section 17(2) interests.

The maps, Sheets 1 and 2, within the CPO are replaced to incorporate these modifications.