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23 September 2016

Dear Paul,

Managing freight vehicles through Kent: A consultation on proposals for a lorry area at Stanford West

Response from Kent County Council

This is Kent County Council's (KCC) response to the consultation by Highways England (HE) on proposals for a lorry area at Stanford West. The principles of this response were noted at Environment and Transport Cabinet Committee on 7th September 2016.

KCC welcomed the Government's announcement in early July of its preferred site for the lorry area at Stanford West near Junction 11 of the M20. Residents and businesses in Kent have suffered long enough with the unacceptable consequences of Operation Stack in which freight traffic is queued on the M20, which not only has a negative impact on the Southeast and the local economy including the local visitor economy, but also fundamentally disrupts the national freight network.

Whilst there are specific concerns with the proposals as currently set out in the consultation documents; we believe these can be addressed. Our response to the consultation questions sets out these concerns and suggests mitigation, and I have summarised the key points below. Ultimately, I would want us to continue to work together to overcome these issues and deliver a long-term solution that enables residents and businesses to operate as normal in times of cross-Channel disruption.

- **The importance of delivering the lorry area to the Kent and Medway economy** (Operation Stack is estimated to cost £1.45 million per day to the

local economy due to delays and disruption from the closure of the motorway).

- **The need to deliver ‘at pace’** (the original promise by the Government was for spaces to be available from April 2016; this is now estimated as summer 2017).
- **Access to the lorry area must include effective traffic management**, acknowledging that temporary traffic management might be needed initially to enable delivery ‘at pace’ but a permanent solution involving gantry signing and variable speed limits is essential to ensure safety and minimise the staffing resources required for its implementation. The current consultation states that proposals for gantries with variable speed limits will be brought forward later but it is critical that these measures are accelerated. Furthermore, Kent Police and Kent County Council should not be liable for any of the costs of traffic management for when the lorry area is in operation.
- **The need to ensure that lorries are directed to use the new lorry area rather than remaining on the M20.** The issue of powers to the Highway Authority (Highways England) to direct lorries off-highway into the lorry area needs to be resolved urgently. KCC also expects the Government to encourage Eurotunnel and the Port of Dover to help to enforce compliance so that lorries use the lorry area when there is disruption to cross-Channel services. It would be unacceptable that due to a lack of clarity about respective powers and responsibilities for dealing with non-compliance that lorries still queued on the M20.
- **Operation of the lorry area must ensure fluidity of freight movement to Eurotunnel and the Port of Dover during times of disruption to cross-Channel services.** Firstly, this means that the design and operation of the site must be agreed in collaboration with Eurotunnel and the Port of Dover so that freight is released to the ports efficiently and the backlog is cleared quickly. Secondly, the consultation design includes control booths to receive and despatch the lorries but is silent on how they will operate and who will operate them.
- **The lorry area’s access slip roads should not require permanent closure of the Junction 11 coast-bound off-slip nor impact on the long term potential for growth in the Shepway district**, including the proposed Garden Town at Otterpool Park. The current proposals have indicated that there will be a need to close the off-slip when the lorry area is operational until the gantry signs and permanent traffic management are in place. The consultation states that proposals for the lorry area’s slip roads will be brought forward later, but it is essential that this permanent solution is implemented as soon as possible.
- **Highways England must also implement a permanent scheme for the Dover Traffic Assessment Project (TAP).** This requires variable speed limits to ensure the efficient movement of traffic along the A20 while also

providing a rolling road to queue port bound freight vehicles and minimise disruption within Dover. The 'end' of TAP should also be moved further away from Dover to reduce the nuisance to local communities there.

- **The lorry area must also be used to help alleviate the problem of a lack of capacity for overnight lorry parking.** Kent's connectivity to continental Europe and the high volumes of freight vehicles that cross the county leads to hundreds of lorries parked inappropriately and, in many instances, illegally, which causes considerable distress in many communities. The number of spaces allocated for daily parking should reflect a robust assessment of current and future demand. KCC undertook a count of lorries parked overnight on the local road network in June 2016 and this was followed up with a count of lorries parked on the strategic road network in mid-September. The June survey found a weeknight average of around 600 lorries parked in unofficial locations across Kent, not including those on the Strategic Road Network. The overnight parking provision should be located on land to the south of the M20 adjacent to the existing Stop 24 services with appropriate environmental mitigation measures and steps to minimise the impact on Westenhanger Castle.
- **However, commercial lorry parking operators should not be disadvantaged by the addition of overnight parking spaces in the lorry area.** The private sector should operate the part of the site used for overnight lorry parking and this should be awarded by competitive tender. Further, existing commercial lorry parking facilities should also be encouraged to expand to meet the demand, which is currently outstripping supply.
- **We also request from Government that Local Authorities are given powers to ban inappropriate lorry parking countywide without the need for individual Traffic Regulation Orders on every road.** This will then allow us to move vehicles into designated overnight lorry parks and reduce the nuisance that this causes our residents. Delivery of more capacity for overnight lorry parking countywide will then complement the enforcement work of KCC, the Districts and the Police.
- **The most effective environmental mitigation measures must be incorporated into the design of the lorry area to reduce the impact on the AONB, designated heritage assets and on local communities,** including from noise and vibration both during construction and operation. Early engagement with the AONB Unit and local partners should be sought in designing the landscaping and other environmental mitigation measures.
- **Of utmost importance, property owners who have already been blighted by the proposal must be fully compensated for the loss of property value and inability to now sell if they need or want to move, and for the loss of economic viability of businesses;** where such viability affects the long-term care of a designated heritage asset an alternative viable use should be identified. KCC understands that discussions have started between Highways England and property owners

bordering the proposed site; however, we urge that those affected by the lorry area proposal should have the benefit of a scheme similar to that which was put in place to compensate property owners affected by the building of the Channel Tunnel. Government must commit to such a compensation scheme as a matter of urgency.

Kent has a critical position in the country's transport network as a key international corridor for freight and other transport, and we are willing to do all we can to support the Department for Transport and HE in the delivery of the lorry area. It is critical that the Government now proceeds with confidence in investing in critical national infrastructure to unlock growth. Such investment will give business and communities the confidence to continue to invest and grow at a time of potential economic uncertainty.

Yours sincerely,

Barbara Cooper

Corporate Director – Growth, Environment and Transport
Kent County Council

Kent County Council's response to the consultation questions

Q1: Do you have any comments on the indicative layout of the lorry area?

It is imperative that the design and operation of the site is planned in collaboration with Eurotunnel and the Port of Dover so that freight is released to the ports efficiently and the backlog is cleared quickly. One possible means of operation that should be discussed is the control of the lorry area by Eurotunnel and the Port of Dover so that they are responsible for its operation during periods of cross-Channel disruption.

Lorry parking configuration and overall site operation should facilitate efficient, rapid and responsive lorry traffic departures towards the Port of Dover and Eurotunnel. Crucially it should seek to design-out queue-jumping.

Spacing between parked lorries should be sufficient to minimise the risk of fire spread, with effective procedures in place to ensure separation of hazardous loads and any vehicles carrying livestock.

Structural native tree and shrub planting specifications and moulding of the landform in and around the physically exposed lorry area site should seek to naturally mitigate against severe weather risks such as high winds, intensive rain or snow fall, and high temperatures.

Mitigation of potential negative impacts for both people and wildlife arising from light pollution, noise (from vehicle engines, horns, generators, refrigeration units, music and voices) and the range of harmful emissions into the environment should inform the detailed layout and site infrastructure and technology choices.

Surface materials

Concrete is proposed for the lorry area. However, alternative materials should be investigated that can lessen the visual impact of the site, such as grasscrete.

Q2: Do you have any comments on the environmental impact of the proposals?

KCC strongly encourages Highways England to ensure that the best possible environmental mitigation measures are incorporated into the design of the lorry area. This is to both reduce the impact of the proposals on the Kent Downs Area of Outstanding Natural Beauty (AONB), the Gibbin's Brook Site of Special Scientific Interest (SSSI), designated heritage assets and on local communities. The AONB Unit and other local partners should be engaged as early as possible in the design of landscaping and other environmental mitigation measures.

Drainage

KCC's Sustainable Drainage and Flood Risk Teams, alongside the Environment Agency, are liaising with Highways England's consultants regarding Land Drainage Consents and Sustainable Drainage Systems (SuDS) requirements for the lorry area proposals. KCC has concerns regarding the impact of the lorry park's drainage on the overall catchment hydrology and its implications for the operations at Addington Reservoir, which may lead to an increased risk of flooding to Ashford. Discussions regarding the drainage design for the site are ongoing. KCC welcomes the continued dialogue around the detailed design and the opportunity to provide formal comment on the drainage provisions in due course.

Spill kits should be maintained on site in the event of diesel or other leaks from vehicles.

Biodiversity

The inclusion of waterbodies in the development site is welcomed; however, these should be appropriately safe-guarded to prevent vandalism and other forms of damage both when the site is in operation and vacant. The waterbodies closest to the lorry area should be protected with fencing with additional interpretation/information panels to educate visitors on their importance.

Any planting of the ponds should be of native, local provenance and biosecurity measures should be implemented to prevent the establishment of invasive plants.

There is a distinction made between 'wildlife ponds' and 'balancing lakes' – whilst SuDS schemes have practical uses they can also easily provide biodiversity benefits if designed appropriately. The drainage engineers should work closely with the ecologist to ensure that ecological features can be incorporated into the site.

The proposed ponds are currently quite large and, whilst the ecological benefits will still be high, the site could benefit from the inclusion of smaller water bodies that are especially fish free. This would be of great benefit to a different set of species, in particular the great crested newt. No ecological features are proposed on the south eastern part of the site; however, there is scope to provide extra smaller fish-free ponds with added hibernacula (places for wildlife to overwinter) to provide even greater enhancements around the periphery of the site.

The current waterbody through the centre of the site is being lost for the development. This area appears to be the area of greatest ecological interest and effort should be taken to retain this feature on site.

The inclusion of the mammal underpass to provide greater connectivity between the large water bodies is welcomed. However, it is important to allow connectivity throughout the rest of the site. No tunnels are provided underneath the slip road of the proposed bridge over the M20. KCC advises

that tunnels are provided on both sides of the M20 to allow mammals/amphibians/reptiles to be able to travel around the periphery of the site and allow connectivity along the M20.

The site layout indicates that a mammal ledge is proposed on the eastern end of the M20. Further details need to be provided before comments can be made as it is unclear what this feature is, and what benefits it provides.

Consideration should be given to how to provide greater biodiversity enhancements to the wider area and a suitable opportunity is provided by the possible construction of a green bridge across the M20 alongside the proposed bridge construction. This could include wider vegetated corridors either side of the bridge that link up with the margins of the lorry area. This would provide greater connectivity not just for the site but also for the wider landscape.

The inclusion of hibernaculas across the site will provide enhanced biodiversity benefits and these should be of a large size (4m by 2m) and include a mixture of logs, rubble and soil to provide benefits for amphibians, reptiles and invertebrates. The upkeep of the hibernaculas should be included in any future management plan where materials are replenished when necessary.

KCC supports the recommendations for a habitat buffer to be incorporated between the development area and the surrounding area, and this provides ample opportunity for ecological enhancement. The inclusion of a variety of bat boxes and bird boxes would be a big improvement, especially around the periphery of the lorry area by providing enhanced breeding opportunities. KCC especially welcomes the inclusion of the green corridors on the centre of the lorry area and recommends that these include native trees/shrubs with local provenance.

It is difficult to provide targeted comments in relation to specific species as no details have been provided in relation to the findings of the protected species reports. The consultation does not provide a list of what surveys have been carried out so it is unclear if all ecological aspects have been taken into consideration.

Addressing the inevitable litter and fly-tipping issues that will accompany operation of the lorry area requires detailed consideration to ameliorate potential negative impacts upon the landscape, wildlife, drainage infrastructure, and local public opinion. Site and site-approach cleansing, waste collection/disposal and enforcement will all require attention, as will measures to tackle litter blown off-site into neighbouring land.

Public Rights of Way

The Interim Environmental Assessment Report identifies that there will be very large adverse, and large adverse, impacts on recreational users during the construction phases of the site. The impacts are mitigated to some extent by the distance from the site, but even then the report identifies moderate adverse impacts. It is KCC's view that closures will be necessary to Public

Rights of Way (PROW) during the construction phase, and therefore that the construction should be phased where possible to maintain links within the PROW network to minimise inconvenience to users.

The impacts on recreational users are identified as experiencing “significant adverse effects during operation;” however, the very significant change to the local landscape, the creation of a large area of hardstanding (notwithstanding the mitigation planting) will cause lasting and substantial detriment to the amenity of the PROW. Further mitigation should be introduced, as is explained in the answer to question 3.

Chapter 12 of the report accurately concludes a permanent severe loss of amenity for non-motorised vehicle users. Section 12.1.4 links the benefit of reduced driver stress during Operation Stack and local communities but this statement is not appropriate for this chapter, which summarises the impacts on, and mitigation for, PROW.

The sensitivity criteria used for the assessment is flawed. The greatest adverse impact is likely to be on recreational users and not on those making utilitarian journeys on lit, metalled paths. There is likely to be inelastic demand in terms of utility routes. Further, a survey of users on one day is seldom appropriate for PROW. A focus group or targeted engagement with local users would provide a more comprehensive understanding of use, demand and potential impact. The sensitivity criteria and assessment of the magnitude of change as provided then informs the assessment of impact. Therefore, the nature of the adverse impacts is understated in the interim Environmental Assessment Report.

The chapter on noise and vibration overlooks the adverse impact that noise can have on PROW users, most specifically equestrians.

In the event that the opportunity to realign the PROW is not taken at this point then longer term consideration should be given to permanent realignment of the PROW to improve amenity and convenience.

Historic Environment

KCC’s Heritage Conservation team have assessed the lorry area proposals; however, further information and assessment is requested so as to ensure that impacts on the historic environment are properly understood and taken account of.

The proposal as outlined within this consultation has the potential to result in a very great harm to a number of heritage assets, including assets designated at the highest level. KCC has concerns about the information currently presented in the Environmental Assessment Report, and also about information that is presently absent but which has previously been indicated to HE as essential in order to properly consider the scheme’s impacts.

As a Government supported project (delivered through HE) the scheme should be expected to comply with national policy for the historic environment, which is set out in the National Planning Policy Framework (NPPF) as well as

the requirements of the 1990 Planning (Listed Buildings and Conservation Areas) Act and the Ancient Monuments and Archaeological Areas Act 1979. It is essential that the assessment process, whether statutory or non-statutory, is rigorous and robust. As such, there are a number of issues and concerns relating to the assessment of the scheme and its impact on the historic environment that should be addressed as a matter of urgency:

1. Impact on Westenhanger Castle

Westenhanger Castle is a site of great significance, and includes heritage assets designated at the highest level. Westenhanger was once at the centre of a great estate, which included landscaped gardens, a deer park, and a large agricultural hinterland. This estate would have included lands to the north, where the lorry park is now proposed. In broad terms it is still possible to appreciate Westenhanger as being located in an open agricultural landscape. Major change within this open agricultural landscape would be harmful to the significance of this high grade designated asset and would diminish the ability to understand Westenhanger as a major estate centre.

The proposed lorry park lies in a prominent position to the north of Westenhanger and will be clearly visible in views to, from, and across this nationally important site. The NPPF explains that the significance of a heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The Environmental Assessment Report acknowledges that the scheme will result in a permanent and very large adverse effect on Westenhanger Castle (EAR Volume 1, paragraph 6.9.2). Government advice in the NPPF is clear – where harm is to be caused to a designated heritage asset this requires clear and convincing justification. The more significant the asset and the greater the harm, the greater the public benefits would need to be.

The information within the EAR is significantly lacking in three respects: a) in terms of justifying the very great harm to Westenhanger Castle, b) in terms of providing enough detail to understand fully how great this harm would be, and c) in demonstrating that alternative solutions are not available.

For example, from the historic environment perspective, the most harmful element of the scheme would appear to be the area of permanent lorry parking and this has been located closest to Westenhanger Castle. To be considered robust, the present assessment must fully explain how the site was selected and then how the layout presented has been arrived at. Without such information the EAR could be argued to lack the clear and convincing justification that is required by the NPPF.

The EAR acknowledges that fully detailed proposals were not available at the time of assessment – in effect the scheme detail is akin to an ‘outline application’ and assessment is based on an illustrative design (EAR Vol 1, sect 4.3). The EAR notes that the general principals of the ‘Rochdale Envelope’ have been followed, and that guidance for this approach has been prepared by the Planning Inspectorate (Advice Note 9). Advice Note 9 however highlights the need for ‘clearly defined parameters’ and that ‘the level

of detail of the proposals must be such as to enable a proper assessment of the likely environmental effects’.

There are a number of major uncertainties as to what the final scheme will look like; there are no drawings illustrating the major structures (new M20 bridge crossing and retaining walls, facilities buildings, control booths and gantries, etc.), nor are parameters set for these structures. I would suggest that parameters for these major built elements should be defined; they should represent the worst case scenario, which set a framework within which the development must take place. The detailed assessment that is required to fully understand the impacts of the proposals on Westenhanger Castle should be measured against these parameters. This would enable information, such as the production of illustrated sections through the development and the production of photomontages (Accurate Visual Representations) to be prepared which are essential if the full impact of the proposed lorry park on Westenhanger is to be properly understood and taken account of.

The impact on the setting of Westenhanger Castle will not be confined to just visual effects, although these are clearly a major concern. The setting of the castle may also be impacted upon in other ways, such as through noise, increased flooding, smells, light spillage and reduced air quality. The need to consider the overall cumulative impact has been previously identified, but is not adequately addressed in the EAR. These combined impacts should be clearly set out in a manner that is easily understood and with minimal use of technical terms, so that the overall impact on Westenhanger Castle and on the long-term viability of the site is described and fully understood.

It is essential that the EAR includes sufficient detail to fully understand the very great harm that the scheme appears likely to cause to Westenhanger Castle. Such detail is not presently included and therefore it could be argued that the EAR does not demonstrate that the special regard or great weight that is required for designated heritage assets has been given.

2. Impact on other designated heritage assets

There are a number of other listed buildings within the area whose setting will be harmed by the proposals. These include Stanford Windmill (Grade II* - being a ‘particularly important building’), Gibbons Brook Farm and Hayton Manor and Barn (all Grade II – buildings of ‘special interest’).

The open agricultural landscape that benefits Westenhanger Castle is important also to the setting of these designated assets. The windmill, farms and barn are all clearly agricultural in origin and can be readily understood as agricultural buildings. As such, they have a clear and functional link to the open land (on which the lorry park is proposed), and this open agricultural setting contributes to their significance. Many of the shortcomings in the EAR identified for Westenhanger are equally applicable to these buildings.

The EAR sets out the predicted temporary and permanent effects of the lorry park on these designated assets (EAR Vol 1, Tables 6.5, 6.6 & 6.7). However it seems that the assessment has taken a very limited reading of how

development might affect setting. The EAR has largely restricted its assessment to considering how visible the lorry park would be from a heritage asset. For example at Hayton Manor the EAR notes “*Hayton Manor is concealed in a dip in the landscape and sits behind its own hedges and trees*”. It goes on to suggest that there “*may be glimpses of the Project Site from the upper floors of the buildings*” but concludes that the construction of the lorry park would result in only a “*minor change*” in setting (EAR Vol 1, Table 6.6).

Such an assessment is too simplistic. The NPPF defines the setting of a heritage asset as “*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve*”. Therefore, setting is more dynamic than the limited interpretation used in the EAR, which relies largely on there being a direct line of sight.

The Government’s Planning Practice Guidance notes that setting is not limited to views, but might also be influenced through other factors, including “*our understanding of the historic relationship between places*”. There is a clear historic relationship between a farm and its surrounding agricultural land, even if modern planting has introduced some screening (which is not fixed and may change). This has led the EAR to downplay the significance of the effects of the scheme on the setting of some assets.

If the setting of a heritage asset was previously agricultural land (and this land is functionally related to and helps understand the significance of the asset) then the construction of a lorry park on this land will result in the addition of new features that would substantially alter the setting of the heritage asset. This must therefore surely result in a Major (or at least Moderate) magnitude of impact using the criteria set out elsewhere in the EAR (Vol 1, Table 6.2). If this argument is accepted then this would mean that at Hayton Manor, for example, the significance of effect should be upgraded from Slight (adverse) to Large/Moderate (adverse).

3. Impact on buried archaeological remains

The proposed lorry park covers a substantial tranche of land where buried archaeological remains should be expected. Some such remains are known as a result of recent geophysical survey, but it is acknowledged that where geophysical survey produces negative results this does not, in turn, confirm an absence of archaeological remains. There are numerous reasons why archaeological remains may not be apparent through geophysical survey, including (not only) the nature of the archaeology, character and depth of overlying soils, and underlying natural geology.

KCC has previously advised that field evaluation through targeted trial trenching is essential so that buried archaeological remains can be characterised, their significance understood and their presence taken account of in the decision making process. It is disappointing that such trial trenching has yet to take place, and that the results are not available to support the present EAR.

The EAR notes that the site has the potential for previously unknown archaeological remains (EAR Vol 1, para 6.7.33), but suggests that any such remains are likely to be of medium value. However, by their very nature, the value of these presently unknown archaeological remains cannot be ascertained. Whilst remains of medium value should be expected, the discovery of high value buried archaeological remains cannot (and should not) be ruled out. Trial trenching would clarify this uncertainty.

The EAR includes suggested mitigation measures, but until the requested trial trenching has been completed it is not appropriate to say whether these mitigation measures will be sufficient. The measures set out in the EAR assume that archaeological mitigation can be deferred until the construction phase and that this will involve excavation of the remains. Such an approach may not be appropriate for all classes of archaeological remains and such an approach does not allow for mitigation through design (i.e. preservation).

Paragraph 141 of the NPPF acknowledges that investigation of archaeological remains to record them and advance understanding may be an acceptable mitigation response. However the EAR fails to fully take account of paragraph 139 of the NPPF which acknowledges that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be subject to the same policies as for designated heritage assets. Not all high value heritage assets will be known and not all will be designated. Until the trial trenching has been undertaken and the potential for non-designated but nationally important archaeological remains has been adequately assessed then the suitability, or otherwise, of the suggested mitigation measures cannot be determined.

4. Further information required

Further information and assessment is required so that the scheme's impacts on the historic environment can be fully understood and properly taken account of. As a matter of priority, the following is sought from HE:

- Justification for selecting Stanford West should be clearly set out in the EAR. It should explain why this is the favoured site and why other alternative sites or solutions have been discounted.
- More information is needed on how the present illustrative design has been arrived at. For example why has the permanent lorry park been located closest to Westenhanger Castle?
- Defined parameters should be set for major built elements, so as to provide a framework within which the development must take place.
- More detailed assessment of the impact on the setting of designated heritage assets and in particular Westenhanger Castle is required. This should include the use of illustrative cross sections and photomontages (based on defined 'worst case' parameters), so that the harm to the asset(s) can be properly understood and informed decisions made.
- A better description is needed of the cumulative effects that will result from the scheme – for example at Westenhanger the combined impacts from visual intrusion, noise, smells, light spillage, reduced air quality need to be clearly set out in a manner that is easily understood and with minimal use of technical terms. The report should also set out what the cumulative

effect of these impacts will be on the long-term economic viability of Westenhanger Castle.

- Once the impact of the proposal on the heritage assets, particularly Westenhanger Castle, has been fully assessed the possibility of mitigation of the impact through changes to the design can be considered.
- Trial trenching within the area of proposed development should be undertaken as a matter of priority, so that the potential for significant buried archaeological remains can be properly taken account of and mitigation proposals developed on an informed basis.

Without the further information noted above, the extent of harm which would be caused to the heritage assets, and Westenhanger Castle in particular, cannot be assessed adequately. It should be noted however that as Westenhanger Castle is designated as a scheduled monument and includes a Grade 1 listed building it would be expected that Historic England would take the lead in providing advice to the Government on this aspect; the views of Historic England may not be known until 22nd September.

Q3: Do you have any comments on additional measures we could take to further mitigate the environmental impact of the proposals?

Public Rights of Way

Whilst advice has been provided to HE on how to retain the PROW on existing alignments if a Side Roads Order is to be made, to facilitate construction of the site then it is the strong preference of KCC PROW and Access Service that the opportunity is taken to permanently realign the bridleway to the west of the site. This should be done within a landscaped corridor, and public footpaths should be realigned to run along the identified green corridors.

If this is not achievable, it is requested that a further bridleway is created (by agreement) within a landscaped corridor along the western perimeter of the site. This should be done in advance of the development to further mitigate adverse construction phase impacts. The reasons for this are:

- To provide an alternative means of access for users that mitigates the long term adverse impacts to the amenity of users of the PROW.
- To maintain network connectivity during the construction phases.
- To mitigate the adverse impacts to equestrians – particularly noise as reversing sirens, loud bangs, etc., can startle horse, and the provision of a resilient non-metalled surface that is more suitable for equestrian use.

Whilst it is accepted that efforts have been made to retain PROW on their existing alignments, more is requested in terms of mitigation. Concrete provides a resilient and all-weather surface for walkers and cyclists but is more problematic for equestrians, who could justifiably argue that the provision of a concrete surface for the bridleway adversely impacts on their amenity and extends beyond the Highway Authority's powers of improvement.

Alternative provision should be considered for the bridleway, including that it should be a non-slip surface with some degree of give.

Green corridors should be realigned to incorporate PROW and mitigate some of the worst visual impacts, if feasible.

Biodiversity

In answering question 2 on environmental impacts, KCC have provided extensive comments on further measures that should be taken to improve the outcome of the development in terms of biodiversity. In addition to that, the following must also be considered.

The site is directly adjacent to Gibbin's Brook Site of Special Scientific Interest (SSSI) and HE must consider the potential indirect impacts (for example nitrogen deposition). One issue is that greater visitor pressure and the risk of unauthorised access from visitors. The north-western section of the lorry area is around 500m from the welfare facilities and concerns are raised regarding the unsociable activities that may occur and have detrimental effects on the SSSI. It is recommended that a buffer zone should be incorporated between the development site and the SSSI to mitigate any effects as well as consideration of protective fencing along the boundary.

The area contains important areas of marshy/wet grassland and any forms of drainage on the development site must ensure that it has no effects on the SSSI's water table.

Issues such as surface run-off need to be addressed to ensure that no added nutrients or harmful chemicals are deposited on the SSSI. It is essential that the site layout is designed in full consultation with the relevant statutory body to ensure that the development has no detrimental effects on the SSSI.

Consistent with paragraph 118 of the NPPF proposed buildings on the site should design-in integral nesting and roosting niches for wildlife. Landscaping should seek to deliver structural diversity thus enhancing natural ecological resilience and maximising opportunities for the range of wildlife i.e. tree and shrub planting should incorporate open spaces such as rides, clearings and existing and proposed water bodies should enjoy the range of aspects from open to shade.

Increased lighting can have detrimental effects on a range of species (in particular bats). KCC advises that any lighting regimes should adhere to the Bat Conservation Trust's *Bats and Lighting in the UK* (Appendix A, attached at end of response).

Any mitigation/enhancement areas need to be protected from visitor pressure and from vehicle disturbance. Protective measures will need to be implemented to ensure that any ecological areas do not get destroyed through being used as additional parking or through reckless driving.

Air Quality

To properly monitor the effect of the lorry area on local air quality, two air quality monitoring stations should be installed on the site – one in the Operation Stack holding area and one in the overnight parking area.

Historic Environment

Further assessment of the impact on the historic environment, particularly at Westenhanger Castle, is required (see above request) before appropriate mitigation measures can be identified. A range of mitigation measures should be considered such as lowering of the proposed permanent lorry park area, placement of bunds, and redesign of lighting and bridge structures.

Q4: Regarding the management of the site, do you have any comments on:

a) Traffic management

A permanent solution for traffic management in accessing the new lorry area will not be in place in time for its opening but effective traffic management is essential for the operation of the site. KCC asks to be involved in the design and planning of the permanent solution, for example details of the overall length of managed motorway. However, the details of this do not form part of the current consultation. The permanent traffic management should be designed so that the mobilisation and operation of the lorry area minimises any requirement for local resilience partner logistical, welfare and other routing support interventions.

KCC acknowledges that initially temporary traffic management is needed to enable delivery 'at pace' but the permanent solution comprising gantry signing and variable speed limits is needed to ensure safety and minimise the volume of human resources required when there is cross-Channel disruption. Care will be needed to ensure that the design and location of gantries do not adversely affect the setting of designated heritage assets and the AONB. Furthermore, there should be no financial implications for either Kent Police or KCC for the cost of traffic management when the lorry area is in operation. Access and egress to and from the M20 should prioritise safety of all road users and be intuitive so as to minimise set-up time and stewarding resource requirements.

With the temporary traffic management in place, HE has indicated that the Junction 11 coast-bound off-slip will require closure. This will have a significant negative impact on the long-term potential for growth in the Shepway district, which has an aspiration to accommodate substantial housing growth with a proposed Garden Town at Otterpool Park. This is a further reason for the urgent implementation of the gantry signs and variable speed limits.

The trunking of Junction 11 is essential and must not be forgotten. This will enable HE to manage the expected traffic congestion on the roundabout when the lorry area is in operation.

Respective powers and responsibilities for the operation of the site is still a disputed subject between Kent Police and Highways England with regard to how best to direct lorries off the motorway and into the lorry area. This needs an urgent resolution, and it would be completely unacceptable for lorries to still queue on the M20 despite the lorry area due to a lack of clarity over powers particularly in relation to dealing with non-compliance. The Port of Dover and Eurotunnel should be encouraged to help enforce compliance so that lorries are made to use the lorry area when there is disruption to cross-Channel services.

Lessons learnt from the operation of off-line lorry parks across Kent, Operation Stack and congestion on the approaches to the Port of Dover should inform detailed planning for and operation of the lorry area. Planning for operation of the lorry area must be effectively and robustly integrated into the local planning and traffic management for Operation Fennel/Stack, i.e. the 3,600 vehicles that could be parked within this facility must be released in a fair and timely fashion for their onward journey to the Port of Dover. Any suggestion that use of the lorry area slows progress towards the Port or of communication breakdowns will undermine confidence amongst the freight industry and potentially exacerbate congestion problems on the M20, M2/A2 and elsewhere on the wider Local and Strategic Road Networks.

b) Security

When the lorry area is not in operation the site must remain secure so that alternative uses are prevented from entering the site and delaying its implementation when cross-Channel services are disrupted.

c) Operation of overnight parking

We strongly encourage the Government to confirm the proposed use of part of the lorry area to help alleviate the problem of a lack of capacity for overnight lorry parking. Kent's connectivity to continental Europe and the high volumes of freight vehicles that cross the county leads to hundreds of lorries parked inappropriately and in many instances, illegally, which causes considerable distress in many communities. The number of spaces allocated for daily parking should reflect a robust assessment of current and future demand.

However, HE and the Government must ensure that commercial lorry parking operators are not disadvantaged by the addition of overnight parking spaces in the lorry area. The private sector should operate the part of the site used for overnight lorry parking and this should be awarded by competitive tender. Existing commercial lorry parking facilities should also be encouraged to expand to meet the demand, which is currently outstripping supply. Other

parts of the county where there is a problem with inappropriate lorry parking should also see investment to create new facilities as part of a network of lorry parks.

For the lorry area to be successful as an overnight lorry park, there must be powers in place to move-on those HGVs that currently litter Kent and Medway's towns and countryside to use either this facility or other commercial facilities in the county. KCC requests that Local Authorities are given powers to ban inappropriate lorry parking countywide without the need for individual Traffic Regulation Orders on every road. This will then allow vehicles to be moved onto designated overnight lorry parks and reduce the nuisance that this causes Kent's residents.

d) Management in general?

Resilience and Emergency Planning

A multi-disciplinary risk assessment should be undertaken to inform the drafting and subsequent operation of a site emergency plan, which should include warning and informing, muster points, evacuation procedures, emergency service rendezvous points, pollution control and recovery.

Biodiversity

A long-term plan of the area should be created to ensure appropriate management of all ecological features. Specific ecological management regimes will be determined by the results of the species surveys when provided, taking into consideration any mitigation requirements. Furthermore, future surveys should be established to monitor the success of the management regimes and the species present. The results of these surveys should influence the ongoing future management and provide details of the success of any mitigation measures. The works should be carried out by a suitably experienced ecological management company.

Q5: Do you have any comments on the facilities that should be provided at the site?

The site should be designed in conjunction with the Port of Dover and Eurotunnel. Facilities such as control booths are shown in the outline design but it is not yet clear how they are proposed to operate, but it is important that vehicles are managed efficiently and dispatched to the ports effectively.

The proposals indicate that permanent welfare facilities will be on site, including toilets, washing facilities, fresh water and waste disposal facilities, for the overnight lorry parking element of the site. It is also stated that these would be supplemented by temporary facilities in the holding area when there is cross-Channel disruption. This is considered to be a sensible approach.

Operational lorry parks across the country should be looked at to determine if any additional facilities are required, such as a café or communal food

preparation area. The Minister of State for Transport, John Hayes MP, recently committed to carrying out a survey of parking demand and facilities for overnight lorry parking and the results of that study may help inform the final design of the site (Westminster Hall debate on Fly Parking in Kent, 7th September 2016).

Q6: Do you have any comments on how the operation of the site should be kept under review?

The current Operation Stack Planning Sub Group has proven a valuable tool to discuss and make progress on the design for the lorry area. KCC believes this should be continued until the lorry area is operational. The membership currently includes Highways England, KCC, Shepway District Council, the Department for Transport and the Environment Agency; and the group is able to feedback communities issues.

Once the lorry area is operational, the Planning Sub Group should be converted into an appropriately resourced standing 'Monitoring Committee' to address day-to-day operational matters, emergency planning, environmental and other considerations. An expanded membership could incorporate Kent Police and Kent Fire and Rescue Service, amongst other appropriate bodies.

A local liaison group including the local Parish Councils should be formed before construction starts and continue for the life of the project.

Q7: Do you have any comments on our equality and diversity proposals?

No comments.

Q8: Do you have any other comments?

Compensation

Of utmost importance, property owners who have already been blighted by the proposal must be fully compensated for the loss of property value and/or inability to now sell if they need or want to move. Compensation should also take account of the economic viability of business, particularly where those businesses provide the means for maintaining and caring for designated heritage assets. If the current use of Westenhanger Castle is no longer viable an alternative should be found, especially given the use public funds to repair and conserve the asset.

The boundaries of the lorry area affect properties in Stanford, Westenhanger and parts of Sellindge. There are also a small number of properties surrounded on three sides by the lorry area. It is understood that discussions are underway with property owners bordering the proposed site; however, statutory blight provisions are inadequate for this situation and only come into

effect after the lorry area is built. Therefore, a policy commensurate with that in place during the building of the Channel Tunnel would be appropriate whereby impacted property owners benefit from a scheme to buy them out in advance of construction. Government must commit to a compensation scheme as a matter of urgency.

Public Rights of Way

In terms of the regulatory and policy framework, the assessment fails to identify the Highways Act 1980 section 130, the duty to assert and protect the rights of the user to the use and enjoyment of any highway for which they are highway authority, including as far as possible their stopping up.

Temporary closure of the routes across the site during operation – it is the preference of the PROW and Access Service that this is achieved through the introduction of a permanent traffic regulation order to facilitate closure to non-motorised users during site operation. The use of temporary orders is not considered appropriate given the nature and maximum duration of such orders, and the ongoing resource impacts.

The cost of work undertaken by KCC in making orders to regulate traffic and/or divert PROW must be met by HE as part of the project costs.

Decommissioning

If it is determined that there is no longer a need for the lorry area in future, then the site should be decommissioned and returned to agricultural use. To facilitate this, facilities and infrastructure (such as lighting and welfare areas) should be removable.

Dover Traffic Assessment Project

In addition, the permanent scheme for the Dover Traffic Assessment Project (TAP) should be enacted. This requires variable speed limits to ensure the efficient movement of traffic along the A20 whilst also providing a rolling road to queue Port-bound freight vehicles and minimise disruption within Dover town. The 'end' should also be moved further away from Dover so that communities there are not adversely affected, for example by noise from refrigeration units.

Barbara Cooper; Corporate Director – Growth, Environment and Transport
Kent County Council
23 September 2016

Appendix A

Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. **The UV component.** Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. **Restriction of the area illuminated.** Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.