

THE KENT COUNTY COUNCIL (A28 STURRY LINK ROAD) (COMPULSORY PURCHASE) ORDER 2023

THE KENT COUNTY COUNCIL (A28 STURRY LINK ROAD) (SIDE ROADS) ORDER 2023

STATEMENT OF CASE FOR MAKING THE COMPULSORY PURCHASE ORDER

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1. INTRODUCTION

- 1.1 This is the Statement of Case of the Kent County Council (“the Council”) for making the Kent County Council (A28 Sturry Link Road) (Compulsory Purchase) Order 2023 (“the Order”).
- 1.2 In preparing this statement, the Council has endeavoured to provide enough information so that the case for making the Order can be properly understood.
- 1.3 This statement in particular:
 - (i) identifies the powers under which the Order is made (Section 2);
 - (ii) sets out the background to the Order (Section 3);
 - (iii) provides a general description of the Link Road scheme and details of the proposed Order (Sections 4 & 7);
 - (iv) sets out the Council's reasons and justification for making the Order (Sections 9 & 10);
 - (v) sets out the arrangements for the inspection of documents (Section 27);
 - (vi) sets out contact details for further information (Section 28); and
 - (vii) explains the resolution of withdrawn objections and gives the Council’s response to currently extant objections (Sections 12 & 13).

2. POWERS

- 2.1 The Order is made under Sections 239, 240, and 250 of the Highways Act 1980. Section 239 provides powers to acquire land in order to improve the highway and is the underlying basis for securing the land for the scheme. Section 240 allows further land to be taken that is required for use in connection with the improvement of the highway and Section 250

provides for the creation of rights such as rights of access to inspect and maintain the scheme.

3. BACKGROUND TO THE ORDERS

Local Area

- 3.1 Canterbury District is in East Kent. It includes the historic City of Canterbury and the coastal towns of Herne Bay and Whitstable. The District is an important sub-regional centre in East Kent. Canterbury has a strong service and education sector. The District is an important tourist destination.
- 3.2 Sturry is a village 2km to the north east of Canterbury that sits astride the A28 which is the principal route between Canterbury and the east Kent coastal area of Thanet. Commercial expansion of Canterbury has, over recent years, progressed outwards along the A28 corridor. In the centre of the village there is a junction between the A291 Sturry Hill, which heads north to serve the Herne Bay area and the A28 which continues eastwards as Island Road. Immediately to the south of this junction is a level crossing on the A28 of the Ashford to Ramsgate railway line. Sturry railway station is immediately to the east of the level crossing with platforms on either side of the A28. Carriages of trains, stopping at the station, regularly extend over the level crossing.

Local Plan

- 3.3 Canterbury City Council's Local Plan "People, Places, Prosperity" covering the period from 2011 – 2031 was adopted by the City Council in July 2017. The Local Plan identifies the need for 16,000 new homes over the Plan period. Three strategic housing sites at Sturry are identified under Policy SP3 "Strategic Site Allocations" to provide over 1,900 homes; (Land at Sturry 650, Land at Broad Oak Farm 456, and Land North of Hersden 800, together totalling 1,906 homes). Further sites in the Herne Bay area are identified to provide over 3,200 homes (Strode Farm 800, Thornden Wood 450, Herne Bay Golf Club 680 and Hilborough 1,300, totalling 3,230 homes). In addition, Policy SP4 "Strategic approach to location of development" identifies other sites for appropriate development that include Hoplands Farm and the former Chislet Colliery.
- 3.4 The Local Plan indicates that "*One of the main issues facing the District is traffic congestion and the delivery of key infrastructure to help relieve this. For many years there have been severe traffic congestion and other highway problems associated with traffic movements north south from Herne Bay to Canterbury, passing through the villages of Herne and*

Sturry. Previous plans have sought to provide publicly funded road schemes to alleviate these pinch-points and unfortunately these schemes were dropped in the late 1990's. However, with the continued squeeze on public funds this is no longer an option and these schemes will need to be funded by alternative means, primarily through development." "The Local Plan is therefore proposing (inter alia) new relief roads for Herne (A291) and Sturry (A28).....to be provided as development of strategic sites ..."

Existing Highways and Traffic

- 3.5 The existing A28 Sturry Road/A291 Sturry Hill is a single carriageway that passes through the mainly historic urban centre of Sturry village. While there is continuity of footway within the village, most of the older properties are close to the road and there is on-street parking. The overriding features that define the village and the traffic issues are the priority junction of the A291 on the bend with the A28 – Sturry Hill/Island Road junction - and the adjacent Sturry railway level crossing.
- 3.6 The road suffers severe congestion at peak periods and when the level crossing is in operation because of inadequate road and junction capacity, and the impact of the level crossing. These issues also lead to “rat running” through Broad Oak village as traffic seeks to avoid the level crossing and use Shalloak Road and Broad Oak Road as an alternative route to the A28. In the absence of action, congestion will increase with general background traffic growth and new development traffic.
- 3.7 The Sturry railway level crossing is in the UK top twenty of those with the highest vehicle flows in Network Rail’s national database. On average there are two trains per hour in each direction with level crossing activations of up to 5 minutes. Surveys have shown that on average, the barriers are down for a total of 4 hrs in any 24-hr period. Longer trains overhang the level crossing.
- 3.8 A nine-day survey by the County Council’s consultants in March 2017, indicated an average of 21,380 vehicles per day passing over the level crossing, an average of 735 pedestrians per day using the crossing and an average of 95 trains per day.
- 3.9 A “Blocking Back and Barrier Activity Survey” video produced by the Council’s consultants in October 2017 also revealed 14 instances of ambulances being held up and blocking back incidents involving vehicles stopping on the level crossing, totalling 1hr 40mins.

Proposed Scheme

- 3.10 The Relief Road will provide a new high standard single carriageway with junction improvements to improve traffic flow, and footways and shared footway/cycleways for pedestrians and cyclists, and crossing facilities.
- 3.11 The section of the Relief Road heading north wards from the A28 Link Road over the River Great Stour and railway line will include a bus lane in the Canterbury south bound direction.
- 3.12 With the Relief Road in place, no traffic using the A28 or A291, or traffic from within the Land at Sturry, Land at Broad Oak Farm or Land North of Hersden developments and other developments at Hoplands Farm and the former Chislet Colliery site south of the A28 will need to use the Sturry railway level crossing. Some through traffic, despite signage, will inevitably continue to use the level crossing, but the expectation is that usage will primarily be by local movements within the village and reduced by about 50% over current levels.
- 3.13 The Relief Road will be provided to a single carriageway standard with roundabouts at key junctions and protected right turn lanes at secondary development priority junction locations.
- 3.14 The proposed Land at Sturry, and Land at Broad Oak Farm developments are located north of the Ashford to Ramsgate railway line. The overall Relief Road will run from a new roundabout on the A28 Sturry Road, taking advantage of a frontage gap in the built development, and run northwards across both arms of the River Great Stour and the Ashford to Ramsgate railway line to a new roundabout within the Land at Sturry development site. From this roundabout, the Relief Road will run eastwards to connect to a new roundabout on A291 Sturry Hill. A new link will also run westwards from the roundabout to connect to Shalloak Road.

Relief Road and Link Road Definition

- 3.15 For ease of reference in this Statement of Case, “Relief Road” refers to the full scheme between the A28 Sturry Road and A291 Sturry Hill. “Link Road” refers to the southern section of the Relief Road between the A28 Sturry Road and over the River Great Stour and the Ashford to Ramsgate railway (sometimes referred to in documents as the Canterbury to Ramsgate railway) line into the Land at Sturry development site (CA/20/02826) and is the subject of the Order. The Order includes land for the local widening of Shalloak Road on the north east side of the Broad Oak railway level crossing to improve safety.

Link Road Delivery

- 3.16 The Council is taking responsibility for the delivery of the section of the Relief Road between the A28 Sturry Road and the crossing of the railway line and approach to the proposed roundabout that will be constructed as part of the east-west link within the Land at Sturry development. The scheme also includes a local improvement of Shalloak Road adjacent to the Broad Oak level crossing. Both elements of the overall scheme are the subject of this Order and as noted above are referred to as the A28 Sturry Link Road.
- 3.17 As an integral part of the scheme, the Council will also be carrying out an improvement of the A28/A291 Island Road junction, within the existing highway boundaries, to reflect the changed distribution of traffic, and to encourage use of the Relief Road, and deter traffic from using the existing level crossing. These works will take place after the full Relief Road has been opened and traffic flows monitored over a period to confirm that the proposed junction scheme will achieves the required objectives.
- 3.18 The outline design of the scheme has been developed and following public engagement, a preferred scheme was identified. The key objective was to achieve an equitable balance of land take from the land owners that would be affected. A planning application under regulation 3 of the Town & Country Planning Act General Regulations 1992 was submitted to the Council's Planning Applications Group and the Link Road scheme received planning permission on 7 September 2021.
- 3.19 The detailed design has been developed to a stage where the extent of land acquisition and the need for rights over land has been identified. Discussions have been undertaken with landowners for the voluntary acquisition of the necessary land and rights. These negotiations have not been concluded and a compulsory purchase order needs to be progressed to ensure all land and rights can be secured to give funding and delivery programme certainty for the Link Road.

Link Road Land Aspects

- 3.20 Along the A28 frontage there is a gap in development that is the natural starting point for the Link Road. The main land holding is a vacant site allocated for employment development (EMP1) in the Local Plan. Behind this and extending to the River Great Stour is unused land forming part of the Canterbury Water Wastewater Treatment Works. To the east is a residential property situated on a large plot known as Perryfield Farm.

- 3.21 Beyond and between the two arms of the River Great Stour, the Link Road is able to cross the western end of the Junior King's School land holding and in particular to be clear of their playing fields.

Link Road Funding

- 3.22 The Link Road section is estimated to cost £41.6m and will be funded by £5.9m Local Growth Funding allocated by the South East Local Enterprise Partnership and £35.7m of Section 106 planning obligation funding from the Land at Sturry, Land at Broad Oak Farm, and Land North of Hersden, Hoplands Farm, the former Chislet Colliery, and the former Herne Bay Golf Club developments.
- 3.23 Value engineering and risk management reviews will be undertaken during the detailed design phase to close any funding gap. Additional developer contributions from developments identified in the emerging local plan and other grant funding streams will also be pursued, if necessary.

Remainder of Relief Road Delivery

- 3.24 The Land at Sturry development will be responsible for the delivery of those elements of the Relief Road within its proposed development site. The Council will co-ordinate its construction programme with that of the Sturry development so that the full Relief Road will become available in a comparable time period.
- 3.25 The east- west link between Shalloak Road and A291 Sturry Hill received planning permission as part of the Land at Sturry development on 8 March 2021. The planning permission gave detailed consent for the road and outline consent for the development.

4. A28 STURRY LINK ROAD DETAILS

Link Road

- 4.1 The Link Road element of the Relief Road will provide a three-lane single carriageway from the A28 Sturry Road, northwards, over both arms of the River Great Stour and the Ashford to Ramsgate railway line, into the Land at Sturry development site so that it can connect into a roundabout. One lane will be reserved for use by buses only travelling southwards towards Canterbury.
- 4.2 The Link Road will be carried on a low viaduct over both arms of the River Great Stour and then rising to cross over the Ashford to Ramsgate railway line and the adjacent public right of way (CB64). Ground conditions are

not suitable for three separate bridges linked by two short intervening sections of road on embankment. A viaduct avoids the risk of uneven ground settlement, is easier to construct and, is the most economical engineering solution. Visually, it provides a lighter, more open and aesthetic solution. The primary benefit of the viaduct design is that it does not prejudice the flood plain as it avoids sections of embankment where there is no suitable flood storage compensation available.

- 4.3 A new roundabout on the A28 Sturry Road will provide a connection to the new Link Road. It will also provide an access to the potential employment development site to the west, as well as a replacement access to Perryfield Farm to the east.
- 4.4 A shared footway and cycleway will be provided along the east side of the Link Road. A signal controlled "Toucan" crossing just to the north of the A28 roundabout will provide a connection to, and continuity for, the existing footway along the north side of A28 Sturry Road.
- 4.5 The new roundabouts, at the A28 and within the Land at Sturry development site, and their approaches, will be lit with light emitting diodes (LEDs) with shielded lanterns. The River Great Stour is in a Conservation Area and the viaduct will not be lit for environmental reasons in order to provide a dark corridor to protect nocturnal species.
- 4.6 The Relief Road will be classified as the "A28" with the existing bypassed section of A28 through Sturry downgraded to "Unclassified". The Link Road will have a 40mph speed limit consistent with that along A28 Canterbury Road westwards towards the City Centre. The remainder of the Relief Road through the Land at Sturry development site will have a 30mph speed limit.
- 4.7 The vertical alignment of the Link Road is dictated by the clearance requirements of the viaduct over the railway line of 5.1m. The Link Road will be generally on a rising gradient of 1.7% starting from the A28 Sturry Road roundabout. The lowest clearance of the viaduct will be about 2.5metres over the River Great Stour river bank at its southern end and this gives sufficient headroom for future maintenance.
- 4.8 Surface water from the viaduct roadway and from the embankment section and A28 roundabout will be taken to a new holding lagoon before a controlled moderated discharge is made into an existing ditch known as Sturry Dyke that runs along the north side of A28 Sturry Road.
- 4.9 Surface water from the roundabout and approaches north of the railway will be taken to a new holding lagoon before being pumped back into the new highway drainage system being provided through the Land at Sturry

development that in turn discharges into wetlands provided as part of the development to avoid impact on the Desmoulins whorl snails through changes in water quality.

- 4.10 All surface water will be taken through pollution interceptors before being discharged into the lagoons, which will be planted to assist in the management of contaminates.
- 4.11 The embankment section of the scheme and other available areas near the lagoon will be landscaped with native trees, hedges and bushes.

Shalloak Road

- 4.12 Shalloak Road, from just east of the Broad Oak railway level crossing, will be diverted eastwards to connect into the Relief Road. This element of the Relief Road will be provided by the Land at Sturry development site. The northern section of Shalloak Road will be connected in as a priority “T” junction.
- 4.13 The northern side of Shalloak Road, immediately after the railway level crossing will be widened. The objective is to provide increased width to allow all vehicles to pass easily, and not cause traffic to back up over the level crossing, as is frequently experienced at present.
- 4.14 Existing two-way traffic flows on Shalloak Road are about 14,000 vehicles per day and many of these are drivers “rat running” to avoid the A28 Sturry level crossing. The Relief Road will help to reduce this and also improve accessibility to the commercial developments along Broad Oak Road. Overall, the traffic implications at the level crossing are regarded as neutral with the additional benefit that the local widening of Shalloak Road will help stop traffic backing up on the narrow section of road north of the Broad Oak railway level crossing.
- 4.15 Level crossing barrier “down times” are typically 1 minute. There is a relatively high level of incidents for this “Automatic Half Barrier” type of crossing. There has been a history of misuse and Network Rail has installed “misuse cameras”. Network Rail has assessed the level crossing as having a “high collective” risk score. Network Rail are considering the implications of raising the line speed from 70mph to 85mph. The risk rating is likely to increase and it is likely that if they proceed, Network Rail will require mitigating measures and upgrades to the level crossing.

A291 Sturry Hill/A28 Island Road Junction

- 4.16 The A291 Sturry Hill/A28 Island Road junction will be modified and put under traffic signal control. The main objective is to direct traffic to the Relief Road to maximise the reduction in use of the railway level crossing.

The local community were concerned that physical constraints that would effectively force use of the Relief Road by preventing the ability of A28 traffic coming from the Thanet direction to turn left over the level crossing would impact freedom of movement within the village. There were also concerns that some traffic might “rat run” through roads within the village north of the A28. As a consequence, all movements at the junction will remain possible, but traffic calming measures and/or signing for the purposes of encouraging “Local traffic Only” on the A28 south of the level crossing will be implemented after completion of the Relief Road.

- 4.17 Traffic from the A291 Sturry Hill coming from Herne Bay towards destinations beyond the railway level crossing within Sturry will be able to make this movement. However, this traffic will arrive first at the Sturry Hill roundabout and be encouraged by signage to use the Relief Road and loop around to the west, rather than continue over the level crossing.
- 4.18 A dedicated left turn will be provided from A291 Sturry Hill for traffic turning left onto the A28 Island Road heading in the Thanet direction.
- 4.19 The signals and junction islands will include pedestrian crossings to give improved access to the station and movements within the village generally.
- 4.20 Vehicular access to Sturry Station will be maintained. A new car park will be provided by and within the Land at Sturry development site which will be accessed from the Relief Road.
- 4.21 Overall, it is expected that the Relief Road together with the changes to the junction will lead to a 60% or more reduction in traffic passing over the A28 railway level crossing during peak periods.

Highway Standard

- 4.22 A single carriageway road is appropriate for the Relief Road. While the Design Manual for Roads & Bridges Technical Advice Note TA79/99 “Traffic Capacity of Urban Roads” has been withdrawn, it has not been superseded and remains a useful reference. This indicates that predicted traffic flows will remain within the capacity of an “urban all-purpose single carriageway”. Constraints on the wider road network will effectively determine maximum traffic flow levels. The basic road width for the Relief Road is 6.75m but will often be closer to 10.5m wide with the provision of protected right turn lanes and the dedicated bus lane along the Link Road section.

Attenuation Basins

- 4.23 The Link Road has two proposed attenuation basins to ensure that flood risk to the site and the surrounding land is not increased as a result of the scheme. The proposed attenuation basins will have capacity to serve the road network and minimise the risk of flooding by catering for up to 1 in 100 year plus climate change events.
- 4.24 The basins will incorporate pollution control features to prevent contaminated water entering the River Great Stour and environmentally sensitive habitats.
- 4.25 Both the basins will be provided as wet ponds with permanent water not less than 300mm deep and stilling basins with permanent water not less than 700mm deep to allow settlement of silts and saline water. The basins and banks will be planted together with saline tolerant plants and grass to increase the length of the flow paths and allow time for the settlement of saline and absorption of salts.

Flood Risk

- 4.26 The northern attenuation basin is designed to be located outside the floodplain.
- 4.27 The southern basin sits within the existing floodplain of the River Great Stour and will be constructed by creating an earth bund over the floodplain. The design is based on the top of the basin being above the maximum 100 year plus climate change flood level of the River Great Stour.
- 4.28 In line with the Environment Agency requirements, the minimum soffit level of the viaduct will be kept at a level which accommodates at least 1 in 100 year plus climate change flows, plus 600mm freeboard to maintain continuity of the flood plain.
- 4.29 The maximum variation of in-channel water level due to the embankment and viaduct bridge piers is considered negligible, and therefore compensatory storage is not required.

Drainage Outfalls

- 4.30 The viaduct and all new paved areas to the south of the railway will drain into the proposed attenuation basin to the north east of the southern roundabout. In normal circumstances, this basin will discharge into the Sturry Dyke at existing discharge rates.
- 4.31 An overflow pipe will be installed from this southern attenuation basin to direct the flow into the River Great Stour for a storm event exceeding 1 in 30-year return period. The proposed filter drain along the toe of the embankment will also use this same discharge location.

4.32 The northern basin serving the Link Road, north of the railway line, will be discharged into the proposed highway drainage system provided as part of the new road being delivered by the Land at Sturry development. As a gravity connection is not feasible, a submersible pump and rising main will be installed to transfer the treated water from the basin into the new highway drainage system. Surface water would then be further treated within the wetlands being provided by the development before discharging into the watercourse that passes through an existing culvert under the railway line. This system will minimise the impact on the Desmoulins whorl snails, which live in wetland habitat south of the railway and east of the proposed viaduct.

Environmental Aspects

4.33 The area of the Link Road is not subject to any statutory environmental designations, but is subject to the River Great Stour Ashford to Fordwich Local Wildlife Site (LWS AS27). The nearest relevant statutory site is Stodmarsh Site of Scientific Interest (SSSI), Ramsar, Special Area of Conservation (SAC), Special Protection Area (SPA), and National Nature Reserve (NNR) 0.23km to the east. The Link Road wider site survey area partially comprised functionally linked land (FLL) to Stodmarsh in terms of wintering birds.

4.34 Although the Link Road is a short narrow corridor, a range of environmental surveys were carried out over a wider area as required by environmental and planning guidance to inform the scheme planning application. Additional and updated environmental surveys have been carried out in autumn 2022 and during spring 2023. A range of species exist in the wider area and updated targeted surveys of great crested newts, bats, reptiles, badgers, otters, water voles, beavers and Desmoulin's whorl snail will be carried prior to construction. For the Link Road corridor, a precautionary approach will be taken with regard to hedgehogs, stag beetles and harvest mice.

4.35 A summary of the situation with respect to each species is as follows:

- (i) Otters – previous evidence but not in recent surveys.
- (ii) Beavers – tree gnawing, CCTV evidence and potential burrows present in the area. Mitigation may require blocking burrow under a Natural England Protected Species Mitigation licence.
- (iii) Water voles – evidence of existence. Mitigation may be required under a Natural England Protected Species Mitigation licence.
- (iv) Desmoulin's whorl snail – evidence of existence and mitigation works will involve clearing and widening ditches to the east of the viaduct.

- (v) Bats – evidence of roosting. Ecological advice will be provided for any trees that need to be cleared potentially under a Natural England Protected Species Mitigation licence.
 - (vi) Barn owl – survey will be carried out prior to demolition of derelict residential property at Shalloak Road.
 - (vii) Badger – evidence of foraging but no setts within the site.
 - (viii) Great crested newts- some evidence of their presence in a nearby pond. Mitigation will be undertaken to protect them potentially under a Natural England Protected Species Mitigation licence.
 - (ix) Overwintering birds – evidence of species present at Stodmarsh using the grassland surrounding the viaduct during winter. They will be monitored and noisy construction activity such as piling will be avoided during peak winter months,
- 4.36 Geoarchaeological trial trenching has been carried out and some features have been identified including possible prehistoric linear features and two small pits, two linear features containing roman brick and pot, possible post-medieval quarry and a post-medieval road and roadside ditch. The evaluation report, when completed, will inform what if any further investigation work is required.

Future Proofing

- 4.37 For many years, there has been discussion about the need for an eastern bypass for Canterbury to help relieve the A28 approach into the City Centre, and that would complement the A2 bypass that fulfils that role to the west. Such a route could be a continuation of the Relief Road but would be over 5km long, cross Chequer’s Wood and Old Park Site of Special Scientific Interest (SSSI) and be extremely expensive.
- 4.38 The Local Plan states that “a route for an Eastern Bypass will be kept under review, however in order to proceed it would be necessary to prove that the benefits of the bypass outweigh any adverse impact on the land and the Site of Scientific Interest designation”. The draft Local Plan has removed reference that was in an earlier draft by “removal of the proposal for an Eastern Movement Corridor, better known as the Eastern Bypass, in Canterbury....”.
- 4.39 On that basis, it is not appropriate to take account of a future bypass in the Relief Road proposals, although the scheme does not preclude such a possibility.

5. TRAFFIC AND ACCESSIBILITY BENEFITS

5.1 The principal benefits of the Relief Road scheme are as follows:

- (i) address existing traffic congestion issues on the A28 corridor, in particular over the Sturry railway level crossing.
- (ii) facilitate improvements to pedestrian access to and around Sturry Station.
- (iii) reduce “rat-running” through Broad Oak village, along Sweechgate, and along Shalloak Road.
- (iv) improve access to and utilisation of the Sturry Park and Ride. that reopened in 2024.
- (v) enhance non-car access to Canterbury City from the east, including the provision of enhanced pedestrian, cycle, and public transport facilities.
- (vi) support access to the strategic development site on Land at Sturry.
- (vii) support delivery of the wider Local Plan, including allocated housing development across the north and east of the district.

5.2 The route of the Relief Road acts as a complementary route to both the A28 (west of Sturry) and Sweechgate/Shalloak Road, through Broad Oak village. The route capacity of the Relief Road facilitates the reduction of traffic on both existing routes.

5.3 This equates to a significant reduction of 60% or more in daily vehicle movements above the Sturry level crossing compared to forecast conditions, and over a 30% reduction in daily movements, against forecast conditions, along Sweechgate.

5.4 The change in traffic patterns at the Sturry level crossing support a change in the junction arrangement with the A28 as discussed above. A move to signal control includes dedicated pedestrian facilities that enhance access to the station.

5.5 Currently the Sturry Park & Ride site is accessed by means of the A28 and Sturry level crossing. All potential users of the Park & Ride site incur the delays and journey reliability issues arising from the level crossing. With the Relief Road in place, access to the Park & Ride site will be significantly improved, via the Link Road. In relative terms, this increases the journey benefits of use of Park & Ride.

- 5.6 The Relief Road scheme includes high quality pedestrian and cycle facilities, whilst the Link Road section in particular includes bus priority provision. This gives rise to a significant overall benefit to the sustainable connectivity between Canterbury City and areas to the east, including Sturry.
- 5.7 Whilst access to the Land at Sturry strategic development site is secured by means of the east-west link section of the Relief Road, the full delivery of it and the wider Canterbury Local Plan housing allocations are released by the infrastructure delivery of the overall Relief Road scheme. By supporting the Land at Sturry development it also facilitates the delivery of the Sturry Station car park included within those proposals.
- 5.8 The Relief Road also contributes to the Canterbury Riverside Paths Policy 2023-2028 by providing part of a missing section of its footpath strategy.

6. REJECTED ALTERNATIVE SCHEME OPTIONS

- 6.1 The proposed Link Road scheme is intended to reduce congestion by providing additional road and junction capacity, and to avoid through traffic having to cross the railway level crossing in the centre of Sturry. The route of the preferred scheme has taken advantage of the only available gap in the frontage development along A28 Sturry Road between the Mercedes used car showroom and the Canterbury Wastewater Treatment Works to the west; and Perryfield Farm and commercial properties to the east. In adopting this preferred scheme, alternative options were considered including the option of doing nothing.

Do Nothing

- 6.2 **Summary** - Abandon the Link Road proposal and carry out no other highway improvements.
- 6.3 Doing Nothing is not a viable option. The A28 through Sturry is already over capacity and congested. The village is severed by the road, the railway level crossing, and the junction with A291 Sturry Hill. The level crossing is in the UK top twenty highest vehicle flows over a crossing. The situation will get worse with general background growth and with the 1,900 homes planned at Sturry and the 3,000 homes in the wider Herne Bay area.

Move Sturry Station Railway Platforms

- 6.4 **Summary** - Move the Thanet bound platform further to the east and the Canterbury bound platform to the west to avoid waiting trains overhanging

the level crossing and hence requiring it to remain closed while trains are stopped at the station.

- 6.5 Such a proposal would involve significant changes to the railway infrastructure, rail power and signalling equipment. While it would prevent the issue of longer trains overhanging the level crossing, it would not remove the basic congestion, safety and severance problems associated with the crossing or achieve the wider highway benefits.

Use Broad Oak Road Railway Level Crossing

- 6.6 **Summary** – Accept intensification of use of Broad Oak level crossing in conjunction with the Land at Sturry element of the Relief Road.
- 6.7 This route is already being used by some traffic seeking to avoid the A28 Sturry Road level crossing. The layout of the railway level crossing is very unsatisfactory as it is on an “S” bend of Broad Oak Road and Shalloak Road, and Shalloak Road to the north is narrow. Increasing traffic on Broad Oak level crossing to the benefit of Sturry level crossing would adversely affect the former and the residents of Broad Oak village to the partial benefit of the latter rather than solving the problem.
- 6.8 In an ideal situation it would be desirable to remove both level crossings, but as at Sturry this is also not practical for the Broad Oak level crossing. The objective of the Relief Road is to provide an alternative route for traffic that manages and reduces the need to use both level crossings.
- 6.9 Such a proposal would challenge the validity of the Land at Sturry development progressing its section of the Relief Road in isolation. Broad Oak Road would become an increasingly dominant route for east-west traffic over use of the existing A28 and that would put unacceptable pressure on the Broad Oak level crossing.

Remove Sturry Railway Level Crossing

- 6.10 **Summary** – Construct the Relief Road but sever A28 Sturry Road at the level crossing permanently to prevent continuity of movement of vehicles, pedestrians, and cyclists so that it was permanently available for trains.
- 6.11 The level crossing is on the A28 in the centre of Sturry and the station platforms are either side of the A28. While the Relief Road provides a viable route for through traffic, issues of community severance and convenience for public transport, cyclists, and pedestrians, which were a key response to the public engagement, require the level crossing to be retained.

Remove Broad Oak Railway Level Crossing

- 6.12 **Summary** – Construct the Link Road but sever Shalloak Road at the level crossing permanently to prevent continuity of movement of vehicles, pedestrians, and cyclists so that it was permanently available for trains.
- 6.13 If Broad Oak crossing were closed, it would be necessary to maintain a connection to Broad Oak Road (Shalloak Road can be easily connected into the Relief Road). This would be very difficult in engineering terms and require a route over the River Great Stour flood plain on a further viaduct structure along the south side of the Ashford to Ramsgate railway line to connect into the Link Road viaduct that in turn would need to be widened to achieve a suitable junction. There are also overhead power lines and pylons that would be affected. The other option would be to take the additional connection on a very skew viaduct over the Ashford to Ramsgate railway to connect into the Relief Road north of the railway. Either solution would be very expensive and intrusive, and are not considered realistic or practicable in funding, value for money and planning terms.

Public Transport

- 6.14 **Summary** – Abandon the Link Road proposal and seek to achieve traffic mitigation by the increased use of public transport.
- 6.15 The A28 and A291 are strategic routes serving Canterbury, Thanet, Herne Bay, and villages such as Sturry, Hersden and other rural communities. There are already train and bus routes serving these areas and Sturry Station will be an important and convenient facility for the residents of the planned developments at Land at Sturry, Land at Broad Oak Farm, Land North of Hersden, and other developments at Hoplands Farm and the former Chislet Colliery.
- 6.16 However, in these areas and in particular within and around Canterbury, public transport and active travel modes are notably dependent on the overall transport network, which includes roads. Despite policies to encourage more use of public transport and active travel modes, the success of these requires an overall effective transport network to ensure that infrastructure is available for walking and cycling and that buses are not simply impacted by the same traffic congestion.
- 6.17 Active travel and public transport modes are substantially supported and encouraged as complementary modes rather than as an alternative solution to the provision of a Relief Road. The Link Road will include a dedicated bus lane and Canterbury City Council aspires to provide measures to help the freer movement of buses on the A28 approach to

the City centre.. In addition to this, the scheme allows maximum use of existing features such as Park & Ride which re-opened in 2024, and access to Sturry Station.

Alternative Routes for the Relief Road

- 6.18 **Summary** – Consider alternative routes for the Relief Road
- 6.19 Land at Sturry and Land at Broad Oak developers had been considering routes for over ten years. In 2012, the initial concept was for an east – west route north of the railway to bypass Broad Oak village and balance the traffic flows over both level crossings. Junction considerations led to a roundabout on A291 Sturry Hill sited to the north to give some distance from the A28 Sturry level crossing. There was also an acknowledgement that the A28/A291 Island Road junction would need to be substantially altered to reflect the changed traffic movements and to gain the benefits.
- 6.20 Following representations to the draft Local Plan, the Council and City Council continued to appraise housing site allocation options. The A28 Sturry level crossing was consistently identified as the major constraint. From this appraisal by the Council and Canterbury City Council emerged the concept of the need for a link road over the railway to replace the A28 through Sturry. This concept reflected the view held in the mid 1980's when a bypass for Sturry was last being considered by the Council.
- 6.21 The alignment of the Relief Road north of the Ashford to Ramsgate railway is influenced by the need to avoid areas of Den Grove Wood ancient woodland.

Alternative Routes for the Link Road

- 6.22 **Summary** – Consider alternative routes for the Link Road
- 6.23 The Link Road route over the Ashford to Ramsgate railway line and River Great Stour takes advantage of a gap in the commercial, employment use and residential ribbon development along the A28 Sturry Road. The main influences on the route alignment are:
- (i) desirability of crossing the Ashford to Ramsgate railway at close to 90 degrees to minimise the span, that in turn minimises the depth of the beams and consequent level of the road, and eases construction and disturbance to the operation of the railway;
 - (ii) allowing evenly spaced viaduct pier positions across the River Great Stour flood plain and clear of the river banks: and
 - (iii) accommodating the A28 roundabout in the vacant land gap available and minimising the extent and impact of land

acquisition for the owners and their enjoyment and use of their retained land.

- 6.24 Three alignment options were considered; one that was completely within the allocated employment site (EMP1) and took land from the Canterbury Water Wastewater Treatment Works that is held for future expansion; one that minimised the impact on the employment land and avoided Southern Water land but took significant land from a residential property – Perryfield Farm; and the adopted intermediate route that achieved a balance between the land take from the employment site and Perryfield Farm and only requires a small area of land acquisition from Southern Water.
- 6.25 A link road further to the east, closer to Sturry, is not viable because of the absence of a suitable gap in the frontage development, the increased divergence of the arms of the river and the major impact it would have on the Junior King’s School playing fields and flood plain.
- 6.26 The vertical alignment of the Link Road is the lowest practicable to provide the required clearance over the railway, the required headroom for safe access and maintenance of the southern abutment of the viaduct, and be above the maximum fluvial flood level for a 1/1000 storm event.

Alternative A28 Junction

- 6.27 **Summary** – Have a traffic signal-controlled junction rather than a roundabout.
- 6.28 A signal controlled “T” junction option was rejected because a roundabout allows the free flow of traffic, allows access to be provided to adjacent land and is consistent with the other junctions on the Relief Road. A roundabout also helps to encourage traffic to use the Relief Road.

Alternative A291/A28 Junction Layouts

- 6.29 **Summary** – Have an alternative form of junction.
- 6.30 Two alternative traffic signal and one priority layout options were considered and offered for public consultation. No outright preference was indicated by the local community and the adopted scheme was the most preferred layout.

7. DETAILS OF THE ORDER

- 7.1 The scheme has been designed to minimise land acquisition and to achieve an equitable balance of land required between a residential

property, the allocated employment site, and the Wastewater Treatment Works.

- 7.2 Discussions have been undertaken with all landowners for the voluntary acquisition of the required land and permanent and temporary rights.
- 7.3 Some land is required to provide a temporary route for construction of the viaduct and then permanently to provide access for inspection and maintenance of the viaduct and is also included as land for permanent acquisition of access rights in the Order.
- 7.4 Some land is required temporarily for construction working space pursuant to rights within the Order. The rights are permanent in nature, but will only be exercisable for the duration of the construction period which is envisaged will be about two years.
- 7.5 The substantive land acquisition and rights required are as described below.
- 7.6 Land (Plot 11 and Plot 4) is required from one residential property, known as Perryfield Farm. The house sits on a plot of about 0.85 hectares and the main land take is from the furthest part of the holding, and at its nearest point is about 70 metres from the house. Rights over some further land is required for temporary construction working space. (See Section 13 for the Council's response to extant objections).
- 7.7 A much greater area of land (Plot 7) is required from the allocated employment site that is located adjacent to Perryfield Farm.
- 7.8 A small area of land (Plot 10) is required from the Canterbury Wastewater Treatment Works. The land is not currently in operational use and is held for future expansion although Southern Water Services has no published plans that would include the small area of land required for the scheme. Rights over an additional area is temporarily required during construction of the viaduct and over a lesser area to provide permanent access for inspection and maintenance of the viaduct.
- 7.9 Rights over a significant area of additional land (Plot 5) within the allocated employment site is required for a construction site compound to provide space for site offices, staff parking, welfare facilities, construction materials storage, and working space for construction of the viaduct so that cranes can lift and swing steel beams into position. As with temporary construction working space, the rights will only be needed for the duration of the construction period and immediate post completion period which is envisaged will be about two and a half years.

- 7.10 Rights (Plot 21) for the viaduct section crossing over the Ashford to Ramsgate railway line is included in the Order, but it is expected that sufficient rights will be provided by Network Rail under the provisions of a standard Two-Party Overbridge Agreement applicable to new third-party structures over Network Rail's network, which will be finalised when the detailed design has completed. An updated Basic Services Agreement was entered into with Network Rail on 30 June 2023 that sets out how both parties will work together. (See Section 13 for the Council's response to extant objections).
- 7.11 Land (Plot 14) for the viaduct section spanning over the southern half of the River Great Stour is included in the Order, but it is anticipated that sufficient rights will be provided by the adjacent landowner under riparian principles.
- 7.12 A temporary and permanent right of access (Plot 23) from Broad Oak Road will be required from South East Power Networks for construction of the northern section of the viaduct and for its inspection and maintenance. (See Section 13 for the Council's response to extant objections).
- 7.13 Land (Plot 32) is required to locally widen Shalloak Road along a short section of its northern frontage just east of Broad Oak level crossing. The land is part of a Depot site owned by Valencia Waste Management Limited, a waste disposal company, and is unused wooded shrub land including a derelict building that will need to be demolished.
- 7.14 The existing A28 Sturry Road (Plot 2) is existing adopted public highway and will remain as highway.
- 7.15 Some areas of land are unregistered and presumed to be in unknown ownership and are therefore included in the Order so that the Council can secure title as follows:
- (i) At A28 Sturry Road, there are two narrow strips of wooded shrub land (Plots 1 and 3) adjacent to the highway and do not form part of the adopted public highway.
 - (ii) At the crossing of the River Great Stour, the banks and river bed (Plots 13, 14, 15 and 17) are unregistered although likely to be owned by the adjacent landowners.
 - (iii) At Shalloak Road, there are three small areas of land (Plots 24, 25 and 27) adjacent to the highway and which do not form part of the adopted public highway.

8. OTHER LAND NOT WITHIN THE ORDER

- 8.1 Other land is required for the Link Road and that has been secured within the Land at Sturry Section 106 agreement dated 8 March 2021.
- 8.2 The land is open land between the two arms of the River Great Stour at the western extremity of land used as school playing fields, and open land between the northern arm of the River Great Stour and the Ashford to Ramsgate railway line. The land take is required for five piers supporting the viaduct and a corridor 60m wide for temporary working space for construction of the viaduct.
- 8.3 The Council has no requirement to own land under the viaduct although it will require to exercise rights over the land to inspect and maintain the southern section of the viaduct together with rights of access to the areas from A28 Sturry Road to the east.

9. REASONS FOR MAKING THE ORDER

- 9.1 The background to and practical need for the Link Road and the Order have been described above, as well as the rejection of alternatives. The Link Road is an integral element of the overall Relief Road. The need for the Sturry Relief Road is comprehensively established in local planning and transportation policy. Together these provide the reasons why the Order is required.

National Planning Policy Framework

- 9.2 The National Planning Policy Framework (NPPF) 2023 and the National Planning Policy Guidance (NPPG) 2014 which remains extant for some transitional arrangements, sets out the Government's planning policy guidance for England. The underlying principle was to place an onus on planning authorities for sustainable local and economic growth.

Canterbury Local Plan

- 9.3 Canterbury City Council's District Local Plan "People, Places, Prosperity" is for the period 2011-2031 and was adopted in July 2017.

Policy T14 Sturry Relief Road states that "The Council will seek to implement a Sturry Relief Road as identified on the Proposals Map. Any development proposals that might prejudice this route will be resisted. Contributions to this relief road will be sought from appropriate developments as set out in Policy SP3."

- 9.4 Policy SP3 Strategic Allocation (Site 2) for Land at Sturry/Broad Oak Farm refers to development for 1000 dwellings, and business floor space to support local needs. Infrastructure requirements for the provision of, or proportionate contribution to a new Sturry Relief Road, reduced use of Sturry Crossing for local traffic and buses only; closure of existing rail foot crossings, provision of a new car park at Sturry Station. Land North of Hersden (Site 8) refers to development of 800 dwellings.
- 9.5 Policy SP13 Strategic Site Allocations refers to sites at Sturry, Broad Oak Farm and Hersden providing 1,800 homes and 1 hectare of commercial development being required to contribute to a Sturry Relief Road.

Draft Local Plan - 2040

- 9.6 Canterbury City Council are progressing a new Local Plan - 'Canterbury District Local Plan to 2040'. Public consultation was completed in June 2024. The City Council are proposing to publish the final draft Local Plan in early 2025.
- 9.7 The draft Local Plan states at paragraph 1.36 that *"The majority of the strategic site allocations identified within the Canterbury District Local Plan (2017) now have planning consent and are under development, and these sites will continue to contribute to the district's development land supply, predominantly during the early years of this plan. At paragraph 1.37 it states that "Development allocations within this Local Plan are therefore in addition to those sites, and are intended to ensure that there is sufficient land available to meet development needs over the full period of the plan to 2040."*

Kent and Medway Growth and Infrastructure Framework

- 9.8 This was prepared by the Council and Medway Council in 2015 and updated in 2018 to provide a view of emerging development and infrastructure requirements to support growth across Kent and Medway. The provision of the A28 Sturry Link Road is identified as a scheme required to alleviate existing congestion and facilitate major growth sites.

Kent Local Transport Plan 4 "Delivering Growth without Gridlock" 2016-2031

- 9.9 This is the County Council's fourth Local Transport Plan. Published in July 2017 it identifies transport priorities for the County, as well as indicating to Government and the South East Local Enterprise Partnership (SELEP) the investment required to support growth. The Kent and Medway Growth and Infrastructure Framework is the evidence base for this Local Transport Plan. The A28 Sturry Link Road (read as Sturry

Relief Road) is identified as being a transport priority for Canterbury as a means of delivering resilient transport infrastructure to reduce congestion, improve journey times, and enable economic growth and appropriate development.

Framing Kent's Future 2022-2026

- 9.10 In 2022, the County Council published a new top-level strategy called Framing Kent's Future, covering all our Council responsibilities. The aim of Framing Kent's Future 2022 to 2026 is to support the Council to respond to the challenges and opportunities that it faces over the next four years and build a solid foundation for Kent's long-term success.
- 9.11 It sets out the priorities that will be focused on to tackle the challenges and make the most of the opportunities that the county is facing. There are four main priorities:
- Priority 1 Levelling Up Kent
 - Priority 2 Infrastructure for communities
 - Priority 3 Environmental step Change
 - Priority 4 New models of care and support
- 9.12 Sturry Relief Road most readily identifies against Priorities 2 that focusses on 'Infrastructure for Communities', including taking an 'Infrastructure First' approach to new development, improving digital connectivity and access, supporting our rural areas, ensuring people have access to safe and efficient travel options and that all communities can benefit from a strong social infrastructure. Canterbury is also identified as a Priority 1 area under the Levelling Up Fund Round 2 priority index with a high need for economic recovery and growth, and improved transport connectivity.

South East Local Enterprise Partnership Strategic Economic Plan

- 9.12 This was prepared in 2014 and identifies the Sturry Link Road (read as Sturry Relief Road) as a solution for unlocking growth in the Canterbury District.

Canterbury Corporate Plan

- 9.13 This was adopted in 2016 and identifies the Sturry Link Road (read as Sturry Relief Road) as a means of tackling congestion, one of the aims of the Corporate Plan to help deliver economic growth.

10. JUSTIFICATION FOR USING COMPULSORY PURCHASE

- 10.1 The County Council appointed property agents in 2022 to commence negotiations for the voluntary acquisition of the land and contact has been made with all landowners to endeavour to agree compensation terms and any required accommodation works.
- 10.2 It is hoped that voluntary negotiations will be successful and completed in a timely manner, but that has not yet occurred in respect of all owners and there remain objections to the Order. Therefore, compulsory purchase is required to give funding and programme certainty, and to ensure that the acquisitions take place, and this has been explained to the landowners.
- 10.3 Local Growth Funding availability was extended because of the wider Covid-19 impacts on national life and is now predicated on a start of main construction in 2025 or 2026 and hence the need for programme certainty.
- 10.4 Railway possession agreements with Network Rail to allow construction of the viaduct over the railway need to be booked well in advance and hence this also requires programme certainty.
- 10.5 The scheme is required at the earliest opportunity to mitigate existing traffic congestion and to cater for additional traffic as the Land at Sturry, Land at Broad Oak Farm, and Land North of Hersden developments, and the other developments in the Herne Bay area progressively build out and all the new housing is completed and occupied.
- 10.6 If all the land cannot be secured, or secured in a timely fashion, then the scheme cannot be delivered as required. Congestion would not be relieved or relieved at the right time or to the necessary extent, with consequential impacts for Canterbury and East Kent residents and businesses making work, school, shopping, and leisure journeys.
- 10.7 It is considered that there is a clear and compelling case in the public interest to make a compulsory purchase order for the scheme. It is necessary for the land and rights included in the Order to be acquired. The public benefits of the scheme will outweigh the private loss to landowners.

11. DESCRIPTION OF THE COMPULSORY PURCHASE ORDER LAND

- 11.1 Permanent acquisition of land interests is required for the purposes of the Link Road, as well as the acquisition of rights over land to be used for

construction. Rights of access for inspection and maintenance of the viaduct are also required.

11.2 The land take and rights are described as follows and more particularly in the Order Schedule:

Plot 1 – acquisition of wooded shrub strip adjacent to A28 Sturry Road in unknown ownership required for construction of the roundabout.

Plot 2 – acquisition of A28 Sturry Road public highway required for construction of the roundabout.

Plot 3 – acquisition of ditch and wooded shrub strip known as Sturry Dyke adjacent to A28 Sturry Road required for construction of the roundabout.

Plot 4 – acquisition of half width of ditch known as Sturry Dyke and wooded strip across the frontage of Perryfield Farm required for construction of a drainage outfall.

Plot 5 – rights over field and wooded area for construction of site offices and storage of materials and working space.

Plot 6 – rights over field and wooded area for working space and permanent rights of access to maintain and inspect the viaduct.

Plot 7 – acquisition of field and wooded area for construction of the roundabout and approach road to the viaduct including embankment and surface water drainage lagoon.

Plot 8 – rights over land at the Wastewater Treatment Works for construction of the viaduct.

Plot 9 - rights over land at the Water Treatment Works for construction of the viaduct and permanent rights of access to maintain and inspect the viaduct.

Plot 10 – acquisition of land from Wastewater Treatment Works for construction of approach road embankment, and viaduct.

Plot 11 – acquisition of amenity land from rear land holding of Perryfield Farm for construction of the approach road to the viaduct, and for the viaduct.

Plot 12 – rights over amenity land at rear land holding of Perryfield Farm for construction of the viaduct.

Plot 13 – rights over half width of southern arm of River Great Stour adjacent to the Wastewater Treatment works for construction of the viaduct.

Plot 14 – acquisition of half width of southern arm of River Great Stour adjacent to amenity land at rear land holding of Perryfield Farm for construction of the viaduct.

Plot 15 – rights of access over half width of southern arm of River Great Stour adjacent to amenity land at rear land holding of Perryfield Farm for construction of the viaduct.

Plot 16 – rights over shrub land between both arms of the River Great Stour for construction of the viaduct.

Plot 17 – rights over bank and half width of northern arm of River Great Stour for construction of the viaduct.

Plot 18 - rights over shrub land, bank, and northern arm of River Great Stour for construction of the viaduct.

Plot 19 - rights over field and shrub land adjacent to the northern arm of River Great Stour for construction of the viaduct.

Plot 20 – rights over Ashford to Ramsgate railway line for construction of viaduct.

Plot 21 – acquisition of air rights over Ashford to Ramsgate railway line for construction of viaduct and rights to maintain and inspect the viaduct.

Plot 22 – rights over Ashford to Ramsgate railway line for construction of viaduct.

Plot 23 – rights over field for working space and permanent rights of access to maintain and inspect the viaduct.

Plot 24 – permanent right of access over shrub land adjacent to Shalloak Road for construction of road widening.

Plot 25 – acquisition of shrub land adjacent to Shalloak Road required for widening the road.

Plot 26 - acquisition of Shalloak Road public highway and verge required for widening the road.

Plot 27 – acquisition of Shalloak Road public highway and verge required for widening the road.

Plot 28 - acquisition of Shalloak Road public highway and verge required for widening the road.

Plot 29 – acquisition of public highway and paved entrance to Depot required for widening of Shalloak Road and improved entrance to the Depot.

Plot 30 - acquisition of paved entrance to Depot required for widening of Shalloak Road.

Plot 31 - acquisition of shrub land adjacent to site of derelict house required for widening of Shalloak Road.

Plot 32 – acquisition of wooded area and site of derelict house required for demolition of the house and widening of Shalloak Road.

Plot 33 – rights over wooded area and site of derelict house required for demolition of the derelict house, and for construction of the widening of Shalloak Road.

Plot 34 - acquisition of paved entrance to Depot required for widening of Shalloak Road.

12. RESOLVED OBJECTIONS TO THE ORDER

12.1 Environment Agency

Email dated 19 December 2023

12.1.1 The Environment Agency were concerned that the Link Road and its construction would affect flood risk management because of their need for 24/7 access to launch a boat into the River Great Stour from their existing access point.

12.1.2 It is understood from the Junior Kings School that they are not aware of any formal agreement regarding rights for a route to or the access point into the river over school land.

12.1.3 However, ignoring the formality of any access permissions, the Link Road will not prejudice the access route or access into the river. Permanent access to Environment Agency land will be unaffected following completion of the scheme as access will be possible under the viaduct.

12.1.4 There may be some inconvenience during the viaduct construction phase and the Council has confirmed that it will instruct its contractor to maintain 24 hr access. The Council also advised that there will be a Council and contractor team on site and relationships will be formed

with the community and all affected by the construction works so that the Environment Agency will have named contact details.

12.1.5 The Environment Agency accepted the Council's assurances and withdrew their objection on 14 March 2023.

12.2 **Southern Gas Networks (SGN)
Letter dated 19 December 2023**

12.2.1 Southern Gas Networks have a gas governor site abutting the A28 Sturry Road to which low and medium pressure mains within the highway are connected.

12.2.2 The gas governor site is not affected by the Link Road and is not included in the Order. The works on the existing public highway in the immediate area are related to the approaches to and the construction of the Link Road roundabout and involve normal roadworks activity such as carriageway and footway construction and associated surface water drainage.

12.2.3 Under normal circumstances for a highway improvement, any impact on Southern Gas Networks mains, as with any utility, would be covered under the New Roads and Street Works Act 1991 and those discussions commenced in 2019 and continue.

12.2.4 However, Southern Gas Networks required the Council to enter into an Asset Protection Agreement to ensure there is adequate protection for their mains and particularly where works are proposed within 15 metres of the gas governor. The Council agreed to enter into an Asset Protection Agreement that was completed on 26 April 2024.

12.2.5 Southern Gas Networks withdrew their objection on 26 April 2024.

12.3 **National Grid
Email dated 28 December 2023**

12.3.1 National Grid are seeking assurances that protection for the overhead power cables and deviation tower (pylon) would be maintained in respect of the use and proximity of Plot 23 required as a permanent right of access for temporary construction traffic and for inspection and maintenance of the viaduct.

12.3.2 South East Power Network own the field of which Plot 23 is a part over which the cables pass and on which the pylon is situated and there is a tenant in occupation. There is a Deed of Easement between South East Power Networks and National Grid dated 19 June 2019.

- 12.3.3 Within the Deed at Section 4 there are Grantor Covenants and the Council has been able to reassure National Grid that the proposed access track – that will be at or close to existing ground levels - will comply with the required covenants and that in particular that the access track will not be within 15 metres of the pylon (paragraph 4.3) and that the surface of the access track will maintain the minimum headroom of 8.1 metres (paragraph 4.5).
- 12.3.4 National Grid accepted the Council’s assurances and indicated their willingness to withdraw their objection on 17 April 2024. National Grid withdrew their objection on 10 May 2024.

13. EXTANT OBJECTIONS AND THE COUNCIL’S RESPONSE

13.1 Network Rail Letter dated 14 December 2023

- 13.1.1 The scheme involves a new road bridge over the Ashford to Ramsgate railway line. The Relief Road using this new bridge will provide relief to the existing level crossing within the centre of Sturry.
- 13.1.2 It is well understood that even with engagement with Network Rail during scheme development, Network Rail’s standard procedure in response to being served with a compulsory purchase order is to lodge a holding objection to give them time to carry out internal consultations. It is also understood that time is required by Network Rail to complete a Deed of Undertaking with the Council before the holding objection can be withdrawn.
- 13.1.3 The Council has provided a professional and legal fees undertaking to Network Rail’s solicitor and the Council awaits a draft Deed of Undertaking for its consideration.
- 13.1.4 In preparation of the Deed of Undertaking, Network Rail has prepared a plot plan based on their own asset information mapping. This accords with the Order Map but there is a very minor reduction in the indicated combined areas of the temporary construction work Plots 20 and 22 from 1072 square metres to 1070 square metres, The Council will ask the Secretary of State to confirm the Order, if minded to do so, with the modification of Plot 22 from 552 square metres to 550 square metres, in accordance with the powers available to him.
- 13.1.5 Network Rail has not indicated any objection in principle to the scheme, including the new railway bridge. The Council has been liaising with

Network Rail about the scheme since 2016. An updated Basic Services Agreement was entered into with Network Rail on 30 June 2023 that sets out how both parties will work together. A Two-Party Overbridge Agreement between Network Rail and the Council giving permission for the construction of the railway crossing element of the viaduct will be finalised when the detailed design has been completed.

13.1.6 Further agreements will be required in due course with Network Rail for safe working practices in close proximity to the Sturry and Broad Oak level crossings as well as an agreement for the final detailed design and operation procedures for the revised traffic signal-controlled junction layout at the A28/A291 Island Road junction that is close to the Sturry level crossing.

13.1.7 The Council in consultation with Network Rail have undertaken risk assessments including a risk assessment workshop in September 2017 for both the Sturry and Broad Oak level crossings to support the planning applications. The impact on the crossing was considered neutral due to the reassignment of traffic over the proposed viaduct, although the Council agreed to widen the Shalloak Road approach to Broad Oak crossing to reduce the risk of traffic blocking back over the crossing due to large vehicles being unable to pass on the narrow road. These risk assessments have recently been reviewed and updated in accordance with current guidelines with a risk assessment workshop in September 2023. The updated risk assessments show a reduction in risk for Sturry Level Crossing and an increased risk for Broad Oak Level Crossing. The assessment report has been issued to Network Rail for acceptance.

13.2 **South East Power Networks**
Email dated 28 December 2023

13.2.1 The objection is complementary to the resolved objection with National Grid (Section 12.3 refers) whereby South East Power Networks also seek assurances in respect of the overhead power lines that pass adjacent to and over Plot 23 in the Order. Plot 23 is owned by South East Power Networks and there is a tenant in occupation.

13.2.2 Plot 23 provides for an access route that will provide a temporary route for the construction of the Link Road viaduct and permanent rights of access to allow the regular inspection and maintenance of the completed viaduct.

13.2.3 In general terms, the access route is at existing ground level and existing clearances to the overhead power lines will be maintained. The access route will also be temporarily fenced during the

construction period and so there is no risk of construction vehicles straying near to the pylon.

- 13.2.4 South East Power Networks have requested an amendment to the eastern end of the access route so that it more closely follows the field boundary. South East Power Networks were probably unaware that the alignment in the Order had been selected to avoid an area of environmental interest.
- 13.2.5 However, following the objection, further investigation has identified that an amendment is possible and the acceptability of that is being discussed with the company.
- 13.2.6 The amendment to the route is outside of the Link Road planning consent Red Line, but discussions with the planning authority have indicated that this could proceed as a non-material amendment or a separate planning application made for the new route of the temporary access track.
- 13.2.7 If the objection to the published route continues, but an amended access route is acceptable to South East Power Networks and their tenant, a formal agreement will be required to allow the objection to be withdrawn that would in turn allow the Council to request the Secretary of State to delete Plot 23 from the Order.
- 13.3 **Mr & Mrs Horsham of Perryfield Farm (“the Owners”)
Letter dated 18 December 2023**
- 13.3.1 The Owners letter of objection does not give specific detailed points of objection and they request the right to present a more detailed case if the Order is considered at public inquiry. On that basis, the Council will for now rely primarily on the text of the Statement of Reasons, which is replicated or developed in this Statement of Case, to respond to the two points relating to impact on their human rights, and scheme funding and certainty; with the two points relating to failure to follow expected procedures and excessive land take dealt with in the responses that follow.
- 13.3.2 The Council has been engaged with the Owners since 2018 and believe they have a reasonable understanding of their concerns. Without prejudice to their position, the Owners have indicated a desire to reach agreement, and the Council shares that objective.
- 13.3.3 A useful meeting was held with the Owners on 2 February 2024 at which their specific concerns were articulated. They relate in particular to the need for and extent of taking title and whether permanent rights be acquired instead.

- 13.3.4 The Council has considered all the points, reviewed the proposed land take in the Order, and responded to the Owners on 13 March 2024 as follows:

Land Plots

Plot 4 – frontage strip adjacent to A28 Sturry Road

- 13.3.5 The use of this plot is required to make the piped drainage connection from the lagoon to the Sturry Dyke. The existing driveway and its underlying pipe/culvert needs to be broken out and re-provided as a ditch. Both activities will require the existing ditch over this section to be cleared. There will be an ongoing need for maintenance access to the ditch and the piped connection.
- 13.3.6 The area is where the exit from the roundabout rejoins the existing Sturry Road and there is also a need to connect the shared footway/cycleway with the existing footway. The ditch is lower than the footway and some minor retaining works and protection may be required.
- 13.3.7 The Owners are concerned that if the Council take title this will lead to a staggered frontage to their title. However, in practical terms, it is the ditch whether it be the western Plot 4 section in the Council's title or the remaining eastern section in the Owners title that represents the frontage to the property. The frontage is currently open and if the Owners had a future desire to have a permanent boundary wall or fence it would inevitably be straight and run along the house side of the ditch.

Council's Offer

- 13.3.8 The Council has informed the Owners that it would be willing to make some minor design changes and also overcome the level aspects by slightly extending the pipe before it discharges into the ditch. On that basis, the Council would be willing to not acquire title and to redesignate Plot 4 as a permanent rights plot. Although the Council's need is primarily for the duration of the construction period, it will be necessary for the Council to retain a permanent right of access in case of any maintenance of the lagoon drain pipe connection is required.

Plot 11 – Eastern Boundary

- 13.3.9 The eastern boundary of Plot 11 follows the line of the embankment on the approach to the viaduct. It includes a narrow margin along the bottom of the embankment slope for construction of a filter drain to intercept run-off from the slope. The margin also provides walking

space for access for maintenance of the embankment slope, filter drain, and the landscape plating.

- 13.3.10 There is a step in the boundary of Plot 11 with it being closer to the embankment at the southern end and widening out on the northern section before the start of the viaduct. The Council's preferred choice would have been to have the wider access strip over the full length, but that would have marginally extended the boundary beyond the Link Road planning consent Red Line. The Council therefore accepted a narrower strip over the southern section that in turn led to a small step in the proposed acquisition boundary.

Council's Offer

- 13.3.11 The Council has informed the Owners that it would be willing to accept a narrow access strip over the full length of the embankment and reduce the extent of acquisition of title so that it allowed a smooth fence line to be provided along the acquisition side boundary.

Plot 11 – Land under the Viaduct

- 13.3.12 The distance between the river bank and the face of the abutment is 8 metres and this minimum distance is a requirement of the Link Road planning consent. The piled foundations for the abutment extend 4.5metres into this space and this is also the width that would be required for access to inspect and replace the viaduct bearings and the underside of the viaduct. The actual area of unfettered land from the river bank would therefore only be 3.5 metres although access to this area would also be required to inspect the remaining area of the underside of the viaduct. The minimum headroom between existing ground levels and the underside of the viaduct deck is likely to be about 2.5 metres.
- 13.3.13 It is the Council's view that little, if any, beneficial use can be made of the land under the viaduct.

Council's Offer

- 13.3.14 The Council has informed the Owners that it would be willing to reduce the acquisition of title so that it just includes the 4.5metre strip in front of the abutment required for the abutment foundations. The remaining 3.5 metres to the river bank could be redesignated as a permanent rights plot with access always being available to the Council.

Plot 14 – Half Width of River under the Viaduct

13.3.15 The justification for acquiring title was the same as for Plot 11 – land under the viaduct.

Council's Offer

13.3.16 However, on a similar basis to Plot 11, the Council would be willing to redesignate Plot 14 as the acquisition of permanent rights.

Plot 15

13.3.17 While primarily required to allow construction of the viaduct, a permanent right will need to be retained over this half width of the river so that it is available for the Council to lower a gantry from the Link Road to inspect the underside of the viaduct deck.

Offer Summary

- Plot 4 – change from acquisition of title to acquisition of permanent rights.
- Plot 11 – reduce the area of acquisition of title so that it would allow a smooth fence line along the acquisition side boundary.
- Reduce the extent of acquisition of title under the viaduct and retitled Plot 11A.
- The effects of the above would be to have a corresponding increase in the area of acquisition of permanent rights of Plot 12 and a new Plot 11B for acquisition of permanent rights to reflect the reduced area of acquisition of title under the viaduct.
- Plot 14 - change from the acquisition of title to the acquisition of permanent rights.
- Plot 15 – no change.

13.3.18 The overall boundary of the Order Map would remain unchanged and the reduction in the acquisition of title would be offset by a corresponding increase in the acquisition of permanent rights. The Council would recommend these changes to the Order to the Secretary of State for consideration.

13.3.19 The following paragraphs provide further information as to the Council's response to the Owners concerns:

The New Access from the Roundabout

13.3.20 The new access from the roundabout to the western boundary of the property will be public highway that also serves as maintenance access to the highway drainage lagoons and outfall pipes. The Owners are concerned about the risk of vehicles parking on the access and verge

with the possible intent of the occupants observing the side and rear of the property. Fencing either side of the access had been offered but the Owners were concerned about the 'intrusive prison' like appearance of the suggested fencing.

Council's Offer

- 13.3.21 The Council has offered to provide wooden marker posts at 3m interval or what is called 'knee' or 'diamond' wooden fencing along either side of the access. The vehicular access to the lagoon will be by a simple padlock twin gated barrier.

Width of New Access

- 13.3.22 The Owners were concerned that the width of the new access should be suitable for utility and emergency service vehicles.

Council's Offer

- 13.3.23 The Council has confirmed that the width of the access will be no less than 3.0 metres where it enters the property.

Pedestrian access

- 13.3.24 With the closure of the existing vehicular access that is piped or culverted over the Sturry Dyke and its removal and reinstatement as an open ditch, the Owners were concerned about losing the ease of access for putting out waste bins for collection. The separate pedestrian path has three steps and therefore is not a convenient alternative.
- 13.3.25 The Council is of the view that it is not practicable to remove part of the vehicular access and retain a narrow access where the existing driveway is to be stopped up and removed.

Council's Offer

- 13.3.26 The Council has offered to modify the existing pedestrian path and remove the steps and replace with a ramp with a slope no steeper than 1 in 10. The ramp would be constructed in concrete to match the existing construction and provided to the same width as the existing path.

Provision of New Access Timing

- 13.3.27 The Owners were concerned that there should be continuity of access between removal of the existing access and availability of the new access.

Council's Offer

- 13.3.28 The Council has confirmed that it will not remove the existing vehicular access until the new vehicular access and ramped pedestrian access is completed and available for use.

Embankment side slope

- 13.3.29 The 1 vertical in 2.5 horizontal side slope of the embankment is determined by geotechnical considerations of the existing ground that is also in the flood plain and at risk therefore of exposure to flooding. The side slope also facilitates landscape planting and its maintenance.

Council's Response

- 13.3.30 The Council considers that 1 vertical in 2.5 horizontal is the appropriate side slope and cannot be steepened.

Security

- 13.3.31 The Owners have recently argued for a steeper side slope on the basis of increasing security to their retained land.
- 13.3.32 The Council do not accept that concern as security to the retained land will primarily be achieved by fencing.

Council's Offer

- 13.3.33 The Council has offered to fence the whole of the western side boundary – existing boundary and new Plot 11 acquisition boundary - and has suggested 1.8 metres high close boarded or chain link fencing. Close boarded fencing would seem more appropriate near the house with chain link fencing by the rear paddock on the approach to the river.
- 13.3.34 The Council has confirmed that a hedge will be provided along the back of the Link Road footway along the top edge of the embankment between the northern extent of the lagoon and the start of the viaduct.

13.3.35 Landscaping

The Owners wish to be consulted about the scheme landscaping.

Council's Offer

- 13.3.36 The embankment slope between the Link Road and the property will be planted with native species. The Council has confirmed to the Owners that they will be consulted on the proposals and their views taken into account where possible, but on the understanding that the Link Road landscaping is a Reserved Planning matter (on which they will have an

opportunity to formally comment) and will be decided by the planning authority.

The Link Road Drainage Basins

13.3.37 Surface water from the viaduct roadway and from the embankment section and A28 roundabout cannot be discharged into the River Great Stour for environmental pollution reasons. Surface water will instead be collected in gullies and piped through petrol interceptors to new settlement and holding basins before a controlled moderated discharge is made into an existing ditch known as Sturry Dyke that runs along the north side of A28 Sturry Road.

13.3.38 The storage capacity of the lagoons is designed to accommodate the run -off from a 1 in 100 year storm and the attenuated discharge into Sturry Dyke is designed to reflect the practical capacity of the ditch and minimise the risk of over topping onto adjacent land including the Owners property.

Council's Response

13.3.39 The surface water lagoon location, extent, capacity, shape, and maintenance access requirements are dictated by the drainage requirements and the Council does not consider that these can be changed. The lagoon does not occupy any of the Owners land plots within the Order.

13.3.40 Temporary Fencing

Council's Offer

13.3.41 The Council has advised the Owners that temporary 'Heras' fencing will be provided along the existing side boundary and the boundary of plots 4, 11 and 12 for the duration of the works or until any accommodation works fencing is provided.

Accommodation Works

13.3.42 The Owners have not so far been willing to enter into negotiations for the voluntary acquisition of the land and permanent rights in the Order and hence there has been no complementary discussion about accommodation works.

13.3.43 However, the Council has suggested possible accommodation works.

Council's Offer

- Fencing along the side boundary (existing and along the plot 11 land being acquired) – 1.8m close boarded or 1.8m chain link

fencing or a combination of both ie close boarded near the house and chain link near the river is suggested.

- Electric gates where the new access enters the property. The Council also stated that because of the Owners concerns about security and access to the property and for clarity of responsibility that the Owner arranged for the installation of the electric gates and power supply from the house, with the Council reimbursing the cost, subject to obtaining three quotations, and the Council agreeing the cost before an order was placed.
- Some additional tree planting to infill gaps in the existing screening. They could be planted in the first available season after the construction of the Link Road is confirmed to achieve some maturity before the Link Road opens.

13.3.44 At a further meeting on 19 April 2024, the Owners repeated their concerns about land take, landscaping, and embankment side slopes. There were what the Owners described as remaining 'lesser issues' and the Council asked the Owners to articulate these issues which they did in a letter dated 28 March 2024 prior to the meeting. After the meeting, the Council formally responded in a letter dated 2 May 2024, but other than two issues discussed below, these matters had all been discussed before and the Council's views are given above.

Property Frontage Treatment

13.3.45 The first additional issue was that the Owners referred to a long-standing wish to have a hedge planted along their frontage and that this was something previously requested by their agent at the time. In the response to the Link Road planning application in June 2019, the agent did refer to the need for '*a tall fence along the entire length of the boundary with a native hedge planted behind*'. The Council considers that all parties at the time regarded this as a reference to the western side boundary.

13.3.46 The Council considers that there is no scheme justification for a hedge because with the Relief Road in place, traffic flows along the existing A28 will reduce and the direction of headlights from traffic exiting the roundabout will be pointing away from the property.

Council's Offer

13.3.47 However, to overcome any past misunderstanding, the Council has confirmed that it would be willing to provide a hedge behind the ditch (Sturry Dyke) and within the curtilage of the property.

- 13.3.48 The Council has also stated that because of the Owners concerns about security and access to the property, it proposed that the Owner arranged for the hedge planting and any other off-site planting, with the Council reimbursing the cost, subject to obtaining three quotations, for the plants and 3 years aftercare, and the Council agreeing the cost before an order is placed.

Concern by Owner of Being Treated Differently

- 13.3.49 The Owners consider that they had been treated differently with regard to the land requirements for the south end of the viaduct compared to the north end of the viaduct.

Council's Response

- 13.3.50 The Council do not consider this to be the case as the area for the north end of the viaduct is not within the Order. The land need was part of a negotiated settlement within the Section 106 planning agreement with the Land at Sturry developer. The use of the area is also different in that there is greater headroom, a public right of way and a drainage pipe. A combination of title and rights are being taken which is the offer that the Council has made to the Owners.

Failure to Follow Expected Procedures

- 13.3.51 It is uncertain what the Owners mean by this aspect of their objection as it is not explained or particularised.

Council's Response

- 13.3.52 The Council reserves its position to respond further in evidence to any specific procedural matters raised by the Owners. The Council considers that it has correctly followed statutory processes, and that the Order has been made and progressed in accordance with Government Compulsory Purchase Order guidance.
- 13.3.53 The Link Road scheme has been developed in detail and undergone public consultation. The scheme has been subject to examination as part of receiving planning consent that also includes consultation. The scheme has been reported to the Council's elected members and appropriate authority obtained for key procedural steps such as the adoption of the preferred scheme, making the planning application and more recently authority to publish the Orders. The Orders have been published in accordance with relevant legislation and guidance. The Council has been engaged with the Owners since 2017.

Summary

- 13.3.54 The land acquisition and permanent rights required from the Owners land is at the northern end of their curtilage and represents a small proportion of their overall land holding.
- 13.3.55 The Council considers that the acquisition of land within the Order is the minimum required to deliver the scheme. The Council has also chosen to acquire permanent rights where possible rather than acquisition of title and has responded proactively to issues raised by the Owners. The Council proposes the amendments to the Order as set out above in order to minimise the impact of the Link Road on the Owners' property.
- 13.3.56 The Council has made various offers with regard to the new access details, the provision of a ramped pedestrian access and suggested accommodation works including fencing and electric gates, and off site planting.
- 13.3.57 The Council has agreed to consult the Owners and take their views into account, where possible, before finalising the Link Road landscaping details before submission to the planning authority for Reserved Matters consent.
- 13.3.58 The Council considers that it has made realistic efforts to address the Owners concerns.
- 13.3.59 The Council has made offers in respect of reducing the extent of acquisition of land and an equivalent increase in the acquisition of permanent rights , together with an offer of hedge planting along their existing A28 Sturry Road frontage.

14. PLANNING STATUS

Link Road – CA/21/01854 (KCC/CA/0136/2021)

- 14.1 The A28 Link Road scheme was submitted as a regulation 3 of the Town & Country Planning Act General Regulations 1992 planning application to the County Council's Planning Applications Group in April 2019. The application was supported by an Environmental Impact assessment.
- 14.2 The application was refused by the Planning Committee in March 2021 because they considered that the proposals did not make adequate provision for public transport infrastructure, failed to demonstrate that navigation on the River Great Stour would not be compromised, and that the proposals for the A28/A291 junction did not make adequate provision for local traffic movements.

- 14.3 A revised application together with an updated Environmental Impact Assessment was submitted in June 2021. This demonstrated that the public transport aspects complied with planning policy and was acceptable to bus operators, and that the River Great Stour was not navigable for commercial or recreational boats at the crossing point because of more severe headroom restrictions at bridges either side. A revised proposal for the A28/A291 junction was included that catered for all local traffic movements.
- 14.4 The planning application was considered by the County Council's Planning Applications Committee on 2 September 2021 who resolved to grant planning permission.
- 14.5 Detailed planning permission was formally issued on 9 September 2021. The planning permission includes several conditions, typical of similar highway schemes, several of which need to be satisfied before construction can commence. None of these conditions represent an impediment to delivery of the Link Road.

Development Sites

- 14.6 The key developments sites that require the Relief Road to mitigate the traffic impacts and/or are required to make Section 106 contributions of land and/or funding to support its delivery are summarised below together with their current planning and build out status.

Land at Sturry – CA/20/02826

- 14.7 The Land at Sturry site is approximately 54.43 hectares and is located to the north of the Ashford to Ramsgate railway line between the villages of Broad Oak and Sturry. The Land at Sturry Site forms the southern part of Strategic Site Allocation Site 2 Land at Sturry/Broad Oak within Policy SP3 of the Canterbury District Local Plan. The northern sections of the Relief Road are partly located within the Land at Sturry site with the east-west link to be constructed by the Land at Sturry developer.
- 14.8 Planning permission was granted on 8th March 2021 for the following development. *“Outline application (with all matters reserved) for the development of up to 630 houses and associated community infrastructure comprising primary school, community building, public car park and associated amenity space, access, parking and landscaping; and detailed/full application for the construction of part of the Sturry Link Road (read Relief Road) and a local road from the Sturry Link Road (read Relief Road) to Shalloak Road.”*

- 14.9 Reserved matters applications ref CA/24/00235 for the approval of landscaping, layout, and appearance for part of the open space on the development was granted on 9 April 2024.
- 14.10 Reserved Matter application ref CA/24/00400 submitting details pursuant to condition 12 (phasing plan) of planning permission was approved 3 May 2024.
- 14.11 It is understood that a nutrient neutrality mitigation strategy has been submitted in accordance with the following planning conditions, 4 - surface water drainage, and 27, 28, 29, 30 and 31 - foul drainage that has been accepted in principal and a revised Appropriate Assessment adopted. The next steps are for the promoters of the Land of Sturry site to submit a non-material amendment application to make minor amendments to the approved parameter plans to match the accepted mitigation providing wetland and wastewater treatment works for the site.
- 14.12 Work is currently being progressed to inform the Reserved Matters applications due to be approved by March 2025 prior to construction work commencing.

Land at Broad Oak Farm– CA/18/00868

- 14.13 The Land at Broad Oak Farm is approximately 18.95 hectares and is located adjacent and north of the Land at Sturry site between the villages of Broad Oak and Sturry and forms the northern part of Strategic Site Allocation Site 2 Land at Sturry/Broad Oak within Policy SP3 of the Canterbury District Local Plan.
- 14.14 Planning permission was granted on 8th March 2021 for the following development: *“Development of a community extension comprising: detailed/full application for development of 456 residential dwellings comprising 402 houses and 54 flats, with associated open space, landscaping, car parking, access and other infrastructure; and outline application (with all matters reserved) for the development of a commercial area with up to 212sqm of Class A1 and up to 593sqm of Class B1 Use.”*
- 14.15 Construction commenced in 2022, with 95 legal completions by June 2024.

Land North of Hersden – CA/22/01845

- 14.16 The Land North of Hersden site is approximately 61.93 hectares and is located north of A28 Island Road on the northern edge of the village of Hersden and generally opposite the Hoplands Farm and Chislet Colliery

sites. It forms Strategic Site Allocation Site 8 Land North of Hersden within Policy SP3 of the Canterbury District Local Plan.

- 14.17 Planning permission is being sought for the following development: *“Hybrid planning application comprising: Full planning application for development of 261 residential dwellings (including affordable housing); with vehicular, pedestrian and cycle access from A28 Island Road; open space; landscaping; internal roads and car parking; sustainable drainage system together with associated earthworks and infrastructure. Outline application (with all matters reserved) for up to 539 dwellings (including affordable housing); 1 ha of land for employment floor space (accommodating the following uses, a café, use class E-b; office floorspace, use class E-g; light industrial, use class E-g); 0.8 ha of primary school extension land; new community building (use class F2); new sports pavilion (use class F2); open space, including equipped play, playing pitches and landscaping; mobility hubs; sustainable drainage system; landscape bund together with associated earthworks and infrastructure.”*
- 14.18 The planning application is due to be presented at a planning committee for determination in July 2024.

Herne Bay Golf Club – CA/15/00844

- 14.19 The Herne Bay Golf Club site is approximately 40 hectares and is located between the A2990 (old)Thanet Way and A299 Thanet Way at the northern end of the A291 and forms Strategic Site Allocation Site 4 Herne Bay Golf Course within Policy SP3 of the Canterbury District Local Plan.
- 14.20 Planning permission was granted on the 24 September 2015 for the following development: *“Hybrid application for the redevelopment of the former Herne Bay Golf Course. The full element comprising the demolition of the existing golf club house and associated maintenance buildings and the creation of 113 residential units including affordable housing; a Sports Hub, comprising the erection of a sports pavilion (762 sqm); tennis pavilion (33 sqm); green keeper's store (119 sqm); two artificially surfaced football pitches (one shared with hockey); dual use cricket pitch including two mini football pitches; one artificially surfaced hockey pitch; six artificially surfaced tennis courts; a new pedestrian, cycle and vehicular access of the Thanet Way and associated internal roads; sustainable drainage system including flood plain re-modelling; together with associated earthworks, infrastructure, landscaping and artificial lighting. The outline element comprising up to 459 residential units including affordable housing; 60 bed care home, Use Class C2; doctors surgery, Use Class D1 (up to 900 sqm); public house, use class A4 (up to 800 sqm); restricted secondary vehicular access off Bullockstone Road*

including a pedestrian and cycle route; sustainable drainage system; together with associated earthworks, parking, open space, including equipped play and landscaping.”

- 14.21 Construction commenced in 2017, with 571 legal completions by October 2023.

Hoplands Farm – CA/16/00404

- 14.22 The Hoplands Farm site is approximately 28.7 hectares and is located south of A28 Island Road at Hersden Village which is to the east side of Sturry village.
- 14.23 Planning permission was granted on the 5 July 2017 for the following development: *“Outline planning application for a neighbourhood extension for the creation of up to 250 houses including affordable housing, neighbourhood centre (comprising Class A1 foodstore (400sq.m), Class D1 medical centre (380sq.m), Class D1 dentist (150sq.m), Class A1 pharmacy (150sq.m), Class D1 nursery (120sq.m) and Class A1 convenience retail (360sq.m)), commercial estate (comprising Class B1 business floorspace (up to 5572sq.m), Class D1 apprenticeship centre (616sq.m) and Class D1/D2 community building (up to 672sq.m)), parish parkland and associated access, parking, amenity space and landscaping.”*
- 14.24 The development is under construction with early phases occupied.
- 14.25 A further planning application for an additional 59 dwellings was submitted in July 2022 - this remains to be determined.

Former Chislet Colliery – CA/16/00673

- 14.26 The former Chislet Colliery site is approximately 19 hectares and is located south of A28 Island Road at Hersden Village and east of the Hopland Farm site.
- 14.27 Planning permission was granted on the 5 July 2017 for the following development: *“Outline planning application (all matters reserved) for a mixed-use development of up to 370 dwellings, local centre, open space, community ecological park, hard and soft landscaping and associated infrastructure with access from a new roundabout on Island Road.”*
- 14.28 The Reserved Matters Application for Phase 1 (CA/21/02797) was approved in October 2022. Construction has not yet commenced.

Land North of Popes Lane – CA/23/01743

- 14.29 The Land North of Popes Lane Site is approximately 9.31 hectares and is located on the northern edge of Sturry and to the east of the A291.
- 14.30 Planning permission is being sought for the *“Outline application for up to 120 residential dwellings (including affordable housing) with all matters reserved except for access. The development includes; new access arrangements from Popes Lane, a waste water treatment works, play provision including a local play area, a picnic area with green space and footpaths, natural and semi natural open space with wildflower meadow, 0.1ha of allotments, landscape planting including retention and positive management of key features and sustainable drainage systems”*.
- 14.31 The application site is allocated in the emerging Draft Local Plan for Canterbury City Council (policy R18). Since a previous application for this site (CA/18/01305 - which was refused on appeal by the Planning Inspectorate), the Sturry Relief Road (read as Sturry Link Road) has received planning approval and the delivery is being progressed, with construction due to commence in 2026.
- 14.32 However it should be noted that as part of the emerging Draft Local Plan for this site Policy R18 relating to Land north of Popes Lane states *“ The Sturry Relief Road must be fully operational prior to the occupation of any dwellings on this site”*.
- 14.33 In representation to the planning authority dated 9 November 2023 the Council as the highway authority has requested a Sturry Link Road contribution. *“The development is required to contribute £3,195,749 towards the Sturry Link Road as this development is reliant on the Sturry Relief Road coming forward. This contribution is required prior to the commencement of development on site. This is based on the contribution secured from the neighbouring Broad Oak Farm site with an appropriate indexation amount based on the building cost index.”* The value of the contribution is subject to negotiation and will be confirmed through the Section 106 agreement.

15. PUBLIC ENGAGEMENT

- 15.1 The concept of a Sturry Relief Road and the opportunity of a possible route taking advantage of the gap in the frontage development along A28 Sturry Road has existed for many years. Renewed impetus was given by the housing policies and strategic site allocations at Land at Sturry and Land at Broad Oak Farm in the adopted Local Plan.

- 15.2 A public consultation exercise was held between the 26 July and 6 September 2017. The public consultation was advertised in Canterbury and Sturry libraries and postcards were distributed to Sturry and Broad Oak residents. A presentation was given to Sturry Parish Council on 27 June 2017. Key stakeholders including, Canterbury City Council, landowners, the Environment Agency, Network Rail, South Eastern Trains, bus companies and the Land at Sturry and Land at Broad Oak Farm developers were contacted directly. Three manned exhibitions were held at Broad Oak Village Hall on 1 August 2017 and Sturry Social Club on 2 and 31 August 2017. The exhibition material included plans, photographic impressions and supporting text together with a questionnaire. The display material and questionnaire were also available on-line and via Sturry Parish Council social media.
- 15.3 There were 928 views with 170 comments expressed via the “Stickyworld” on-line forum. 116 direct copies of the questionnaire were also received – 31 as hard copies and 85 on-line. Responses were also received from the parish councils and other local community organisations.
- 15.4 Overall, there was good support for the Sturry Relief Road from the wider surroundings with an equal mix of local opinion. There was support for reduced congestion through Sturry, improved journey times and the opportunity to bypass the Sturry railway level crossing. Those against were concerned about wider congestion, air pollution and moving the problems elsewhere.
- 15.5 Of interest to residents was the display of options for the treatment of the A28/A291 Island Road junction. Most people understood the objectives, but expressed concern about the risk of some traffic re-routing through local estate roads, and maintaining continued access to local facilities.
- 15.6 Further consultations were undertaken as part of the consideration of the planning applications. The first application in April 2019 that was rejected in March 2021, primarily following public objections into the layout of the highways Improvements at the A28/A291 Island Road junction and the proposed restriction of traffic movements over the Sturry level crossing; and the second planning application in June 2021 which was granted consent in September 2021.
- 15.7 There has been limited public engagement post planning consent other than with landowners as survey access and land acquisition discussions are progressed. However, the Link Road webpage <https://www.kent.gov.uk/roads-and-travel/road-projects/planned-road-projects/sturry-link-road> has been updated regularly.

16. FUNDING

- 16.1 The current estimated Link Road scheme cost, based on a start of construction in April 2025, is £41.6m and that takes account of general inflation, the increased cost of labour and materials, and increased interest rates.
- 16.2 In July 2014, £5.9m of approval in principle support was provided through the grant by the Department of Transport of Local Growth Funding to the South East Local Enterprise Partnership. This funding was formally confirmed by the South East Local Enterprise Partnership Accountability Board at its meeting on 24 June 2016 following submission of a formal Business Case.
- 16.3 The allocation and phasing of the Local Growth Funding grant was most recently re confirmed by the South East Local Enterprise Partnership Accountability Board at its meeting on 13 April 2023.
- 16.4 The remaining funding is being provided by the Land at Sturry, Land at Broad Oak Farm, Hoplands Farm, Chislet Colliery, Land to the North of Hersden, Land North of Popes Lane, and Herne Bay Golf Club developers under Section 106 planning obligations.
- 16.5 The Land at Sturry Section 106 agreement was completed on 8 March 2021 and provides for an index linked contribution of £8.8m. The Land at Broad Oak Farm Section 106 agreement was completed on 1 March 2021 and also provides for an index linked contribution of £8.8m.
- 16.6 Hoplands Farm Section 106 agreement was completed 5 July 2017 and provides for a contribution of £1.2m for use as forward funding. Chislet Colliery Section 106 agreement was completed 21 November 2018 and provides for an index linked contribution of £2.4m. The Land to the North of Hersden has not yet received planning consent and hence a Section 106 agreement is still to be completed, but the draft Section 106 agreement anticipates an index linked contribution of £5.825m. The Herne Bay Golf Club Section 106 agreement was completed on 24 September 2015 and the residual index linked contribution is £0.25m. The Land North of Popes Lane has not yet received planning consent and hence a Section 106 agreement is still to be completed but the draft Section 106 agreement anticipates an index linked contribution of £2.6m.
- 16.7 With indexation forecast to be about £7.0m, the overall Section 106 contributions are anticipated to total £35.7m, which together with the £5.9m funding from the Local Growth Fund provides the required funding to cover the estimated scheme costs of £41.6m.

- 16.8 As at June 2024, £10.6m of funding had been received by the Council with the remainder due in accordance with the various Section 106 agreements.
- 16.9 A value engineering and risk management review will be undertaken during the detailed design phase to close any funding gaps. Additional developer contributions from developments identified in the emerging local plan and other grant funding streams will also be pursued, if necessary.
- 16.10 Following a tender process in accordance with public sector procurement regulations, a Design & Build Contract was awarded to Volker Fitzpatrick in February 2024 following an earlier Award Decision Notice. The first stage of the contract is for the contractor to develop the detailed design of the Link Road within the design, planning consent and land parameters using his expertise to optimise the design, buildability. and its cost. When this has been successfully completed and subject to the land having been secured through voluntary agreement or by confirmation of the Order, the Council will be able to confirm committing to the construction phase of the contract.

17. COUNCIL GOVERNANCE

- 17.1 The scheme was first reported to the Environment and Transport Cabinet Committee on 16 September 2015 and subsequently an overarching range of decisions, to enable the scheme to be developed, in Record of Decision 15/00070 were taken by the Cabinet Member for Environment & Transport on 25 September 2015.
- 17.2 A further report to the Environment and Transport Cabinet Committee on 15 June 2017 recommended approval to an outline design proposal for public consultation. Approval was given in decisions in Record of Decision 17/00061 taken by the Cabinet Member for Environment & Transport on 14 July 2017.
- 17.3 The outcome of the public consultation was reported to the Environment & Transport Cabinet Committee on 15 May 2018 recommending approval to the preferred outline design of the scheme and authority for all acts necessary to secure the necessary land including the use of compulsory purchase. Approval was given in decisions in Record of Decision 18/00027 taken by the Cabinet Member for Environment & Transport on 13 June 2018.

- 17.4 While all previous decisions remain extant, they are several years old, and an update on the scheme and endorsement of the publication of a compulsory purchase order with more specific details of the land required was recommended for approval to the Environment & Transport Cabinet Committee on 5 July 2023. Approval was given in decisions in Record of Decision 23/00066 taken by the Cabinet Member for Environment & Transport on 26 July 2023.

18. OTHER ASPECTS OF DELIVERY

- 18.1 There are minor changes to two private means of access that are necessitated by the construction of the A28 roundabout. The closure of the existing accesses and the provision of replacement accesses are being formalised within a Side Roads Order under Sections 14 and 125 of the Highways Act 1980. A replacement access to the allocated employment land, and separately to Perryfeld Farm is being provided from the new A28 roundabout.
- 18.2 The Council is in discussion with utility companies about the effect on their plant and any diversion or protection required will be carried out in accordance with the provision of the New Roads and Street Works Act 1991 and the associated Code of Practice.
- 18.3 A Two-Party Overbridge Agreement between Network Rail and the Council giving permission for the construction of the railway crossing element of the viaduct will be finalised when the detailed design has completed. An updated Basic Services Agreement was entered into with Network Rail on 30 June 2023 that sets out how both parties will work together.
- 18.4 Further agreements will be required with Network Rail for safe working practices in close proximity to the Sturry and Broad Oak level crossings as well as an agreement for the final detailed design and operation procedures for the revised traffic signal controlled junction layout at the A28/A291 Island Road junction that is close to the Sturry level crossing.
- 18.5 The County Council in consultation with Network Rail have undertaken risk assessments including a risk assessment workshop in September 2017 for both the Sturry and Broad Oak level crossings to support the planning applications. The impact on the crossings were considered neutral due to the reassignment of traffic over the proposed viaduct, although the County Council agreed to widen the Shalloak Road approach to Broad Oak crossing to reduce the risk of traffic blocking back over the

crossing due to large vehicles being unable to pass on the narrow road. These risk assessments have recently been reviewed and updated in accordance with current guidelines with a risk assessment workshop in September 2023. The assessment report has been issued to Network Rail for acceptance.

19. REGARD TO THE PROVISIONS OF ARTICLE 1 OF THE FIRST PROTOCOL TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND ARTICLE 8

19.1 The provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been considered, including Article 8 and Article 1 of the First Protocol. As explained above, consideration has been given to the effects of the scheme and the Order, and to potential alternatives. It has been concluded that the purposes for which the Order is made sufficiently justify the interference with human rights of those affected, including the owners of the interests in land affected. The Order involves the least interference with the rights of those affected necessary to achieve the objectives of the scheme. The objectives of the scheme could not be met by means which interfere less with the rights of those affected. The interference is proportionate and is justified and the Link Road strikes a fair balance between the public interest and the rights of those affected. In no case does the Order have an excessive or disproportionate effect on the rights of those affected.

19.2 In addition to what is considered above, the following points can be noted.

19.3 The scheme has been widely publicised, and the opportunity given to comment as part of the public consultation undertaken during the scheme development. Formal consultation was also undertaken as part of the planning application process. All those affected by the Order were informed by press, public notices, and letter as appropriate and had the right to make representations to the Secretary of State and similarly to a public inquiry is held.

19.4 With the exception of a wedge of amenity land from the rear of land associated with a residential property, Perryfield Farm, all other land required is held for existing or potential commercial, employment, or utility company use. Except for a derelict building and a small agricultural shed that both need to be demolished, all the land is generally unused, uncultivated grass and scrub land. It is considered that there is minimum interference with the human rights of the landowners whose land is required and that the use of compulsory purchase is justified.

- 19.5 There has been extensive engagement with the owner of Perryfield Farm and their previous agent. From the outset, they have indicated their desire to remain living at the property. There have been many discussions and the offer of mitigation proposals and accommodation works relating to various detailed matters such as landscaping, noise mitigation, fencing and the provision of an alternative access directly from the new Link Road roundabout. It is considered that through the design of the scheme and offer of mitigation proposals, there will be limited interference with the human rights of the owners.
- 19.6 The benefits of reduced congestion and improved journey reliability for the wider community will also benefit the commercial, wastewater company and Junior Kings School from whom most land is required.
- 19.7 The use of a viaduct, rather than individual bridge crossings of the railway and both arms of the River Great Stour, has been selected in preference to embankments that would have required a significantly greater area of permanent land take and will be less visually intrusive.
- 19.8 Land is temporarily required for a site compound and material storage during the construction period. The area is the minimum required to accommodate site offices, parking, welfare facilities and material storage including viaduct beams. Temporary working space is also required for construction of the viaduct and the area is the minimum required to allow the sweep of cranes moving the viaduct beams into position. The use of this land is therefore included in the Order as permanent acquisition of rights. However, the Council has no requirement to take permanent ownership and owners have indicated a willingness to grant the Council licences for the temporary use of this land.
- 19.9 It is therefore considered that the proposed compulsory purchase is for the minimum amount of land required for the scheme and achieves minimum interference for the landowners and use of their retained land.
- 19.10 The scheme includes noise mitigation and landscaping over the embankment sections of the scheme. The design aims to ensure that the noise levels for Perryfield Farm, under accepted standards of assessment, will be neutral in both the short and medium term compared to the situation that would prevail with continued use of the existing road. Noise levels along the existing A28 frontage will reduce, but noise levels along the flank boundary with the Link Road will increase.
- 19.11 No properties have currently been found eligible for noise mitigation measures under the Noise Insulation Regulations 1975 associated with the Link Road, although properties along the A291 Sturry Hill will be

monitored once the full Relief Road is operational. There will be reduced noise experienced at properties within the centre of Sturry with the diversion of traffic onto Sturry Relief Road.

- 19.12 An air quality study, under accepted standards of assessment, undertaken as part of the Environmental Impact Assessment for the Link Road has indicated that the operation of the Sturry Relief Road will result in negligible or minor changes in air quality within Sturry depending on receptor locations in relation to the Relief Road. The diversion of traffic from the core of Sturry along Sturry Relief Road will be slightly beneficial, but none of the air quality effects in the local area will be significant.
- 19.13 Vehicular access to Perryfield Farm will be maintained and enhanced by the provision of a new connection to the new A28 roundabout. The private means of access to the allocated employment site will be maintained and enhanced in layout, by also having a direct connection to the A28 roundabout.
- 19.14 Pedestrian and cycling facilities will be improved by the provision of a continuous shared footway and cycleway along the east side of the Link Road together with a signal-controlled crossing at the north side of the new A28 roundabout.
- 19.15 The new Link Road roundabout and its approaches will be lit with light emitting diodes (LEDs) with shielded lanterns to prevent light pollution.
- 19.16 There may be temporary impacts at some stages during the construction period. The contractor will be required to comply with normal environmental thresholds agreed with Canterbury City Council's Environmental Health Officer in respect of noise and dust; and the submission and approval of a Construction Environment Management Plan is a specific condition of the Link Road planning consent.
- 19.17 Most construction will be carried out during normal working hours - 07:30 - 18:00 Monday to Friday and 08:00-13:00 Saturday - although some activities associated with the new viaduct crossing of the railway and final road surfacing may need to be carried out at night for practical reasons, and to minimise disruption to rail services and traffic. These aspects will be discussed with residents, businesses, and land owners at the time.
- 19.18 Residential homeowners who consider that the value of their property has been affected by physical factors, such as traffic noise, artificial lighting or fumes arising from use of the scheme may be able to make a claim for compensation under Part 1 of the Land Compensation Act 1973.

20. EQUALITIES IMPACT ASSESSMENT

- 20.1 An Equalities Impact Assessment was prepared and signed off by the Council's Highways & Transportation senior management on 21 July 2017. There are not considered to be any "Adverse" impacts and both positive and negative impacts are considered to be "Low". Public engagement and specific contact with local organisations and community groups will continue in accordance with the Action Plan.
- 20.2 The Link Road scheme has not changed in any significant way from the initial proposal and the Equalities Impact Assessment remains valid. However, it is a live document and was updated in July 2023.
- 20.3 The relevant Equalities Impact Assessments at the time were considered by the Council's senior officers and members, and the Cabinet Member when taking the decisions between 2015 and 2023 for the delivery of the Link Road scheme including the use of compulsory purchase powers.

THE KENT COUNTY COUNCIL (A28 STURRY LINK ROAD) (SIDE ROADS) ORDER 2023

STATEMENT OF CASE FOR MAKING THE SIDE ROADS ORDER

21. INTRODUCTION

- 21.1 This is the Statement of Case of the Kent County Council ("the Council") for making the Kent County Council (A28 Sturry Link Road) (Side Roads) Order 2023 ("the Order").
- 21.2 This statement should be read in conjunction with the overarching Statement of Case above in support of the compulsory purchase order and the information given here is specific to the side roads order.
- 21.3 In preparing this additional statement, the Council has endeavoured to provide enough information so that the reasons for making the Order can be properly understood.
- 21.4 This statement in particular:
- (i) identifies the powers under which the Order is made (Section 22);
 - (ii) sets out the background to the Order (Section 23);
 - (iii) sets out the justification for the Order (Section 24);

- (iv) sets out the arrangements for the inspection of documents (Section 23);
- (v) sets out contact details for further information (Sections 27 & 28); and
- (vi) gives the Council's response to the extant objection (Sections 25 & 13).

21.5 References to "Order" in Sections 22 and 23 that follow refer to the Side Roads Order.

22. POWERS

22.1 The Kent County Council makes this Order in exercise of powers conferred by Sections 14 and 125 of the Highways Act 1980 and all other powers enabling them in that behalf.

22.2 The Council is authorised in relation to the classified road in the Canterbury City Council area to:

- (i) improve, divert, raise, lower, or otherwise alter the lengths of highway named in the Schedule and shown on the Map by cross hatching (Section 14):
- (ii) stop up private means of access to premises described in the Schedule and shown on the Map by a solid black band (Section 125);and
- (iii) provide new private means of access to premises at the location shown on the Map by thin diagonal hatching (Section 125).

23. BACKGROUND TO THE ORDER

A28 Sturry Road

23.1 The Sturry Link Road scheme involves the construction of a roundabout on the north side of A28 Sturry Road between the Canterbury Wastewater Treatment Works and Perryfield Farm.

23.2 The construction of the roundabout involves the local realignment of the approaches to and exits from the roundabout. While the existing A28 Sturry Road will remain as public highway some areas of carriageway will no longer be used. They will be broken up and become grass verge areas. This section of A28 Sturry Road affected by the works is shown in the Order as "improved" highway.

- 23.3 The private means of access to a 2.2ha field allocated under policy EMP1 Land at Sturry Road in the Local Plan for employment use, shown as “Future Employment Use Land” on the Map, will be affected by the construction of the roundabout.
- 23.4 The current access is a private field access which will be “stopped up”. A new private means of access that will be to a standard to reflect its intended use to serve an employment site will be provided as a dedicated connection to the roundabout. The initial part of the new access connection to the roundabout will be public highway before reverting to a private means of access as it extends into the site.
- 23.5 The private means of access to Perryfield Farm is not physically affected but its location is considered to be too close to the exit from the roundabout for safety reasons. A new means of access will be provided as a connection to the roundabout. The access will also serve as the maintenance access to an adjacent drainage basin. As the access serves this dual purpose, the new connection up to the side boundary of Perryfield Farm will be public highway.

Shalloak Road

- 23.6 Shalloak Road has a sinuous alignment north of Broad Oak Farm railway level crossing. The existing road is narrow and when two large vehicles have difficulty passing each other it can cause traffic to back up across the level crossing.
- 23.7 Shalloak Road will be locally widened to help mitigate this problem by allowing two large vehicles to pass safely and uninterrupted. The widening will take place along the north side of the road which enables the provision of a footway across the frontage of two cottages. In the Order this section of Shalloak Road which will be affected by the works is shown as “improved” highway.
- 23.8 The widening works will not affect the private means of access to the Depot served off this section of Shalloak Road other than minor kerb line changes.

24. JUSTIFICATION FOR THE ORDER

- 24.1 The improvement of the sections of A28 Sturry Road and Shalloak Road in the Order are necessary to allow the construction of the Link Road and improvement of Shalloak Road.

24.2 The stopping up of the two private accesses is necessary for the construction of the Link Road. Reasonably convenient new accesses are being provided.

25. OBJECTIONS TO THE ORDER AND COUNCIL'S RESPONSE

25.1 Mr & Mrs Horsham of Perryfield Farm Letter dated 13 January 2024

25.2 This objection did not go into any detail and is complementary to the earlier objection received to the Compulsory Purchase Order and the Council's response is given in Section 13 above.

DOCUMENTS IN SUPPORT OF THE COMPULSORY PURCHASE ORDER AND THE SIDE ROADS ORDER

26. THE DOCUMENTS

The Orders

- 26.1 The CPO Order
- 26.2 The CPO Order Map
- 26.3 The CPO Order Schedule
- 26.4 The SRO Order
- 26.5 The SRO Order Map
- 26.6 Statement of Case

Scheme Plans

- 26.7 Link Road Scheme Plan
- 26.8 Viaduct General Arrangement
- 26.9 Relief Road Scheme Plan
- 26.10 Developer Scheme Plan–Western section
- 26.11 Developer Scheme Plan - Middle section
- 26.12 Developer Scheme Plan – Eastern section
- 26.13 A28/A291 Junction Scheme Plan

26.14 Valencia Continuity of Access Plan

Design and Access

26.15 Design and Access Statement – June 2021

26.16 Structures Feasibility Report – July 2017

26.17 Briefing Note of Sturry Station Upgrade and Line Resignalling Aspects – April 2021

Traffic Modelling

26.18 Transport Assessment – November 2018

26.19 Transport Assessment Addendum – September 2019

26.20 Supplementary Transport appraisal – May 2021

Public Engagement

26.21 Sturry Link Road Consultation Booklet – Summer 2017

26.22 Sturry Link Road Consultation Report - 2017

Road Safety Audit

26.23 Road Safety Audit Stage 1 Response Report – December 2017

Planning Policy

26.24 National Planning Policy Framework – December 2023

26.25 Framing Kent's Future 2022-2026

26.26 Kent and Medway Growth Infrastructure Framework 2018 Update

26.27 Local Transport Plan 4 2016 - 2031

26.28 Canterbury District Local Plan – Adopted July 2017

26.29 Local Plan Inspector's report – June 2017

26.30 Draft Canterbury District Local Plan to 2040 – March 2024

SELEP Funding

26.31 SELEP Business Case – June 2016

26.32 SELEP Funding Approval Minutes – April 2023

26.33 SELEP Update Minutes June 2016

Section 106 Agreements

26.34 Land at Sturry/Broad Oak Farm CA/20/02826 Planning Permission – March 2021

26.35 Land at Sturry/Broad Oak Farm CA/20/02826 Masterplan

26.36 Land at Sturry/Broad Oak Farm CA/20/02826 S106 – March 2021

26.37 Land at Broad Oak Farm CA/18/0868 – March 2021

26.38 Hoplands Farm CA/16/00404/OUT – July 2017

26.39 Former Herne Bay Golf Club CA/15/00844 September 2015

26.40 Former Chislet Colliery, Hersden CA/16/00673/OUT November 2018

26.41 Land to north of Hersden Layout Plan

Environmental Statement and Related Reports

26.42 Environmental Statement Non-technical Summary - June 2021

26.43 Environmental Statement Vol 2 Main Text – March 2019

26.44 Environmental Statement Update – June 2021

26.45 Environmental Statement Vol 3 Figures 1.1 – 8.1

26.46 Environmental Statement Vol 3 Figures 8.2 – 8.16

26.47 Environmental Statement Vol 3 Figures 8.17- 11/6a

26.48 Environmental Statement Vol 3 Figures 11.6b- 14.2

26.49 Environmental Statement Vol 3 Figures 14.3- 18.1

26.50 Environmental Statement Vol 4 Appendices Contents

26.51 Environmental Statement Vol 4 – 1.1 Land at Sturry Masterplan

26.52 Environmental Statement Vol 4 - 4.1 Consultation Responses

26.53 Environmental Statement Vol 4 - 5.1 Construction Environmental Management Plan

- 26.54 Environmental Statement Vol 4 – 6.1 Design and Access Statement Part 1
- 26.55 Environmental Statement Vol 4 – 6.1 Design and Access Statement Part 2
- 26.56 Environmental Statement Vol 4 – 8.1 Dust Risk Assessment Tables
- 26.57 Environmental Statement Vol 4 – 8.2 Detailed Modelling Methodology
- 26.58 Environmental Statement Vol 4 – 8.3 Detailed Modelling Results
- 26.59 Environmental Statement Vol 4 – 8.4 Mitigation of Temporary Effects
- 26.60 Environmental Statement Vol 4 – 8.5 Traffic Modelling Summary
- 26.61 Environmental Statement Vol 4 – 9.1 Archaeological Desk Based Assessment
- 26.62 Environmental Statement Vol 4 – 10.1 Landscape Proposal
- 26.63 Environmental Statement Vol 4 – 11.1 Ecology Baseline Report
- 26.64 Environmental Statement Vol 4 – 11.2 Habitat Regulations Assessment
- 26.65 Environmental Statement Vol 4 – 14.1 Traffic Data for Noise Assessment
- 26.66 Environmental Statement Vol 4 – 14.2 Noise Survey Results and Calibration Certificates
- 26.67 Environmental Statement Vol 4 – 14.3 Operational Noise Results
- 26.68 Environmental Statement Vol 4 – 16.1 Flood Risk and Drainage Strategy Part 1
- 26.69 Environmental Statement Vol 4 – 16.1 Flood Risk and Drainage Strategy Part 2
- 26.70 Environmental Statement Vol 4 – 16.2 HAWRAT (Highways Agency Water Risk Assessment Tool)
- 26.71 Environmental Statement Vol 4 – 17.1 Greenhouse Gases
- 26.72 Air Quality Assessment Addendum – February 2020
- 26.73 Attenuation Ponds for Saline Treatments Plan - Illustrative

- 26.74 Ecology & Nature Conservation Addendum – September 2019
- 26.75 Flood Risk Assessment Addendum – April 2020
- 26.76 Preliminary Sources Study and Contamination Assessment Report – November 2016
- 26.77 Wetland Habitat Restoration Plan - Illustrative

Planning Permission

- 26.78 Planning Applications Committee Report – September 2021
- 26.79 Planning Permission Decision Letter – September 2021

Council Governance

- 26.80 Environment & Transport Cabinet Committee – September 2015
- 26.81 Record of Decision – 15/00070
- 26.82 Environment & Transport Cabinet Committee – June 2017
- 26.83 Record of Decision – 17/00061
- 26.84 Environment & Transport Cabinet Committee – May 2018
- 26.85 Record of Decision – 18/0002723/00066
- 26.86 Environment & Transport Cabinet Committee – July 2023
- 26.87 Record of Decision – 23/00066

Equalities Impact Assessment

- 26.88 Equalities Impact Assessment – July 2023

CPO and SRO Preparation Guidance

- 26.89 DCLG Guidance on Compulsory Purchase and The Critchel Down Rules 2019
- 26.90 DfT Circular 2/97 Notes on the Preparation of Compulsory Purchase Orders
- 26.91 SI 1994 No. 2145 Acquisition of Land
- 26.92 DfT Circular 1/97 Notes on the Preparation of Side Roads Orders

27. INSPECTION OF DOCUMENTS

- 27.1 The Orders, Statement of Case and all documents can be viewed on the Council's web site: visit www.kent.gov.uk/sturrylink

28. CONTACT DETAILS FOR FURTHER INFORMATION

- 28.1 Interested parties affected by the Orders who wish to discuss matters with the Council should contact John Farmer - Project Manager (Major Projects) or Richard Shelton - Project Manager (Major Projects) by either:
- (i) telephone - John Farmer on 03000 411634 or Richard Shelton on 03000 419550 or e mail to sturrylinkroad@kent.gov.uk
 - (ii) post to Kent County Council, Highways, Transportation & Waste, Invicta House, County Hall, Maidstone, Kent, ME14 1XX