

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY KENT INTERNATIONAL GATEWAY LTD

**KENT INTERNATIONAL GATEWAY (KIG),
MAIDSTONE**

SUMMARY PROOF OF EVIDENCE

**of Paul William Harwood BSc CEng MICE MIHT
on behalf of the Secretary of State for Transport**

Document Reference: HA/1/3

PINS Ref: APP/U2235/A/09/2096565

MBC Ref: MA/07/2092

September 2009

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1 INTRODUCTION

1.1 Personal Particulars

1.1.1 My name is Paul William Harwood. I am a Regional Manager in the Highways Agency (HA).

1.1.2 I appear at this Inquiry on behalf of the Secretary of State for Transport in his role as the highway authority for the trunk road and motorway network, referred to hereafter as the Strategic Road Network in England (SRNE).

1.2 Statement of Common Ground

1.2.1 We agreed a Bilateral Statement of Common Ground (SoCG, Core Document 8.7) on Strategic Highways issues with the Appellants, dated 1 September 2009.

1.2.2 The outstanding areas of concern to the HA are as follows:

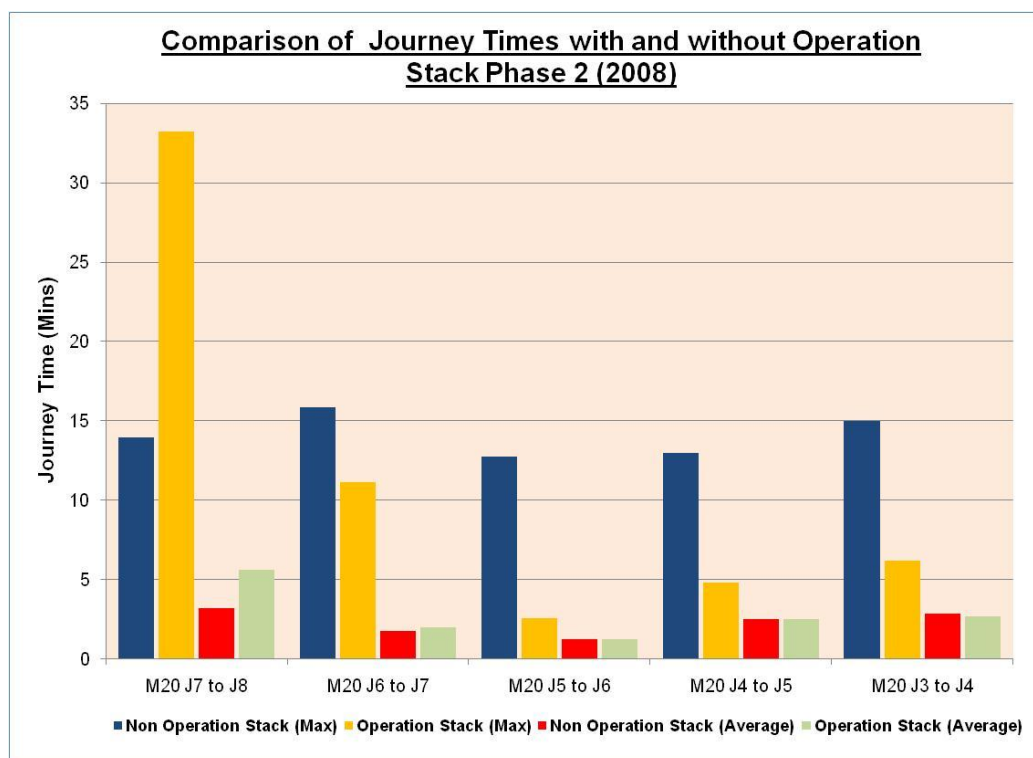
- Material detriment to the safety and operation of the SRNE from the proposed development during the implementation of Phase 2 (including Phase 3);
- Unresolved issues in respect of the Travel Plan for the proposed development; and
- Unresolved issues in respect of mitigation measures on the SRNE needed as a result of the proposed development.

2 OUTSTANDING ISSUES

2.1 Operation Stack

2.1.1 Operation Stack is the method of using sections of the M20 motorway in Kent to park heavy goods vehicles (HGVs) when the Channel Tunnel or ferry routes across the Channel are disrupted.

2.1.2 We have obtained journey time data for every hour in 2008 across a study area extending west from M20 Junction 8 as far as M20 Junction 3. From this we have determined the maximum and average journey times between each of the M20 junctions, both with and without Operation Stack Phase 2. The graph below highlights the results of this analysis.



2.1.3 The graph illustrates that delays due to Phase 2 Operation Stack are approximately twice that of any other incident between Junctions 7 and 8 of the M20. Operation Stack also impacts adversely on average journey times between Junctions 6 and 8.

2.1.4 It is the HA's concern that the KIG development should not worsen the operability of Operation Stack in the future and is concerned that the proposed development will materially cause detriment to the operability of the Operation Stack process in the following ways:

- An increase in traffic using M20 Junction 8 will in turn increase queue length and duration and vehicle delay on the mainline M20 motorway. Stationary

traffic on high speed roads represents a serious hazard because accidents that occur are likely to have more serious or fatal consequences than average; and

- An increase in HGV traffic using M20 Junction 8 during times of Operation Stack Phase 2 (including Phase 3) will exacerbate further the policing element of sorting traffic into the correct lanes on approach to Junction 8.

2.1.5 To date, the Appellant has agreed that in principle it is necessary to secure an Operational Management Plan for Operation Stack, as detailed in Section 13 of the SoCG. At the time of writing this evidence, details relating to the content of the Operational Management Plan have not been agreed.

2.2 Travel Plan

2.2.1 The Appellant circulated the latest version of their Travel Plan document on the 18 August 2009.

2.2.2 We are broadly content with the structure of the document and are pleased that it contains vehicle targets and caps, along with a method to monitor the success of the Travel Plan and measures to implement should the targets and caps not be achieved.

2.2.3 On the basis of the agreed trip generation for the KIG scenario (see Chapter 3 of the SoCG), we consider that the following caps must be included within Section 7 of the Travel Plan:

- The car peak is a maximum of 273 cars inbound in the AM peak (between 0800-0900 hours) and 278 cars outbound in the PM peak (between 1700-1800 hours);
- The HGV peak hour cap is a total of 78 HGVs in one direction in each peak hour (between 0800-0900 and 1700-1800 hours respectively);

- The HGV daily maximum is a total of 3910 HGVs (3402 plus 15%) in a 24 hour period commencing at midnight; and
- The construction worker cap is a total of 220 car trips in one direction in each peak hour (between 0800-0900 and 1700-1800 hours respectively).

2.2.4 In the event that the caps above are included within the Travel Plan, but are breached at any point in the future, the Travel Plan indicates that a financial penalty will be triggered. The level of penalty is yet to be determined and we await receipt of the Appellant's proposal as to the appropriate level of penalty. It is anticipated that the penalty will be applied towards the implementation of further remedial measures as identified in Section 12.4 of the latest version of the draft Travel Plan, dated 18 August 2009.

2.2.5 We also consider that proposed remedial measures within the Travel Plan should incorporate contributions towards further transport interventions. Whilst we do not rule out that the possibility that these may include additional capacity improvements to the SRNE, we accept that such measures must be considered as a last resort.

2.2.6 We have yet to receive the final version of the proposed Travel Plan and, therefore, we have limited confidence that the Plan will address the issues identified above. If the Travel Plan addresses these issues adequately, the HA will be satisfied that the proposed development will impact the SRNE as anticipated in Section 3 of the SoCG and that the mitigation measures identified in Section 7 of the SoCG will be adequate.

2.3 Mitigation Requirements

2.3.1 The HA has two concerns regarding the mitigation of KIG on the SRNE.

2.3.2 Firstly, the principle of a need to mitigate the impact of the proposed development on the M20 westbound merge connector road has been accepted by the Appellant, so too has the layout type required. However, the Appellant's geometric design of this proposed upgrade from a Type B Parallel merge to a Type C Ghost Island merge

represents a departure from DMRB standard (Core Document 6.5.13). The Appellant is preparing a submission on the proposed scheme and its departures for the HA to consider, in accordance with our formal process. Consequently, discussions on the drawing to be appended to any planning condition are still ongoing. Only when the proposed scheme has progressed satisfactorily through the formal departures process and a Stage 1 Road Safety Audit, will we be in a position to attach a drawing number to a condition.

2.3.3 Secondly, the analysis of the worst-case scenario, as contained within Section 4 and 6 of the SoCG, indicates that both the M20 Junction 8 and the M20 / A20 Link Road junction are operating at or close to capacity in the AM and PM peak hours.

2.3.4 We acknowledge that the capacity issues at these locations are marginal and would occur only in the worst-case scenario. However the impact of the proposed development will be to use up most, if not all, of the spare traffic capacity on the sections concerned. This will make it more likely that any significant subsequent development, for example that contained within the South East Plan, will need to fund further improvements to M20 Junction 8.

3 CONSIDERATION OF APPEAL

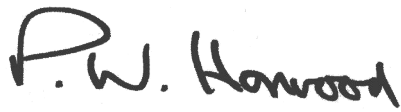
3.1.1 In testing the scenarios within the SoCG, we have concluded that the SRNE will operate acceptably with the improvements proposed under the Appellant's scenario (Section 3 of the SoCG), although the geometric design of those improvements are yet to pass through the Departures Approval process.

3.1.2 We consider that it is necessary and reasonable for the Appellant to secure mitigation measures to offset the impacts of the proposed development on the operability of Phase 2 (including Phase 3) of Operation Stack and contend that the planning permission should only be granted if suitable mitigation measures can be secured by way of a planning condition or planning obligation. In the event that the Appellant is

not prepared to offer suitable mitigation we contend that planning permission should not be granted.

3.1.3 The SoCG acknowledges the need for a Travel Plan, however, we contend that the Travel Plan must include suitable vehicle caps ensure that the proposed development will not have a materially detrimental impact on the SRNE. If the Appellant is not prepared to offer suitable vehicle caps, we contend that planning permission should not be granted.

Should the decision maker conclude that it is appropriate to grant planning permission, the HA considers that any permission should be made subject to the planning conditions and section 106 planning obligations to the same effect as those detailed in Section 13 of the SoCG.



Signed
P. W. Harwood

Dated 11 September 2009.....