PLANNING APPLICATIONS COMMITTEE

Tuesday, 9th March, 2021

10.00 am

Online

Kent County Council
kent.gov.uk

AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 9th March, 2021, at 10.00 am
Online

Ask for: **Andrew Tait**
Telephone: **03000 416749**

Membership (13)

Conservative (10):	Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr M A C Balfour, Mrs R Binks, Mr A Booth, Mr A H T Bowles, Mr P C Cooper, Mr H Rayner, Mr C Simkins and Mr J Wright
Liberal Democrat (1):	Mr I S Chittenden
Labour (1)	Mr J Burden
Independents (1)	Mr P M Harman

In response to COVID-19, the Government has legislated to permit remote attendance by Elected Members at formal meetings. This is conditional on other Elected Members and the public being able to hear those participating in the meeting. This meeting of the Cabinet will be streamed live and can be watched via the Media link on the Webpage for this meeting.

Representations by members of the public will only be accepted in writing. The transcript of representations that would normally be made in person will be provided to the Clerk by 12 Noon two days ahead of the meeting and will be read out by the Clerk of the meeting at the appropriate point in the meeting. The maximum length of time allotted to each written representation will be the 5 minutes that it takes the Clerk to read it out.

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public

A. COMMITTEE BUSINESS

1. Substitutes

2. Declarations of Interests by Members in items on the Agenda for this meeting.

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE APPLICATIONS

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Application CA/19/00904 (KCC/CA/0091/2019) - Construction of part of a new road (A28 Link Road) including viaduct between A28 Sturry Road and A291 Sturry Hill and associated on-line improvements at A28 Sturry Link Road, Sturry; KCC Major Capital Programme Team (Pages 1 - 128)

E. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Monday, 1 March 2021

(Please note that the draft conditions and background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report.)

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item D1

Construction of part of a new road (A28 Link Road) including viaduct between A28 Sturry Road and A291 Sturry Hill and associated on-line improvements at A28 Sturry Link Road, Sturry, Canterbury, Kent CT20 – 19/00904 (KCC/CA/0091/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 9th March 2021.

Application by Kent County Council for Construction of part of a new road (A28 Link Road) including viaduct between A28 Sturry Road and A291 Sturry Hill and associated on-line improvements at A28 Sturry Link Road, Sturry, Canterbury, Kent CT20 – CA/19/00904 (KCC/CA/0091/2019)

Recommendation: Subject to the issuing of planning consents for applications CA/20/02826 and CA/18/00868[1] planning permission be granted subject to the imposition of conditions.

Local Members: Robert Thomas, Alan Marsh & Graham Gibbens | Classification: Unrestricted

Site

1. The land through which the scheme passes is essentially open countryside which lies approximately 3km to the north-east of Canterbury. It is bounded to the south by the A28, to the west by industrial premises and retail units on the Canterbury Retail Park, to the north by agricultural land and woodland, and to the east by the A291 Sturry Hill. Cutting across the middle of the site, slightly elevated on an embankment, is the Canterbury to Ramsgate railway line, which runs in an east-west direction. To the north of the railway line is the southern slope of the Stour Valley that gently rises to the north, whilst to the south of the railway is the low-lying land forming the floodplain of the Great Stour through which two branches of the river flows.

2. Land use north of the railway line is currently a mixture of arable farming and rough grassland, with large blocks of mixed plantation woodland. To the south of the railway the land is characterised by pasture fields, playing fields associated with The King's School and private land plots all within the flood plain of the Great Stour. The village of Sturry is divided by the railway line and access across this is via a barrier controlled level crossing. Most of the later built residential areas of Sturry lie to the north of the railway and the west of Sturry Hill, with the historic centre and housing, amenities and facilities to the south of the railway, covered by the Sturry Conservation Area. There are two public rights of way which run through the locality of the proposal, one along the northern side of the railway line and one which runs north-south and crosses the railway close to the King's School.

[1] CA/20/02826 and CA/18/00868 are planning applications for up tp 630 houses and associated community facilities, and 456 residential dwellings associated open space and commercial development respectively. Canterbury City Council resolved to grant planning permission subject to conditions and conclusion of s106 legal agreements 9th February 2021

3. There are a number of environmentally significant sites within the vicinity of the scheme and these include:
   - Den Grove Wood Ancient Woodland
   - West Blean and Thornden Woods Site of Special Scientific Interest (SSSI)
   - Stodmarsh SSSI
   - Stodmarsh Special Protection Area (SPA) and Ramsar
   - Stodmarsh Special Area of Conservation (SAC) and National Nature Reserve (NNR)
   - Sturry Pit SSSI
   - AS27 Great Stour, Ashford to Fordwich Local Wildlife Site (LWS)
   - Sturry Conservation Area
   - Listed Buildings within Sturry and Fordwich
   - A former landfill site south of the A28, now used as a community park

   The KCC section of the Sturry Link Road directly affects the Sturry Conservation Area (it being within the Conservation Area), but otherwise has indirect effects on these other designations.

4. The A28 is the principal road corridor between Canterbury and Thanet. At Sturry, the A28 has a junction with the A291 Sturry Hill, which provides a route north to Herne Bay. This junction also forms part of the submitted application details, as described in paragraph 20.

5. The proposed scheme lies within an area which traverses flood risk zones 2 and 3 which are associated with the Great Stour River. The site lies within the Sturry Conservation Area, a Green Gap and an Area of High Landscape Value as designated in the Local Plan. It lies outside the Canterbury Air Quality Management Area (AQMA) which lies further to the west along the A28 and encompasses the City Centre roads.

6. The Canterbury City Council sites referred to above together from the strategic allocation for housing in the Local Plan. The 'Land at Sturry' site is located between the villages of Sturry and Broad Oak and is approximately 54 hectares in area, on land which rises to the north. The east of the site is bounded by Sturry Hill and the west by Shalloak Road and Broad Oak Lodge Farm. The northern boundary is defined by the Den Grove Ancient Woodland and the south of the application site by the Canterbury to Ramsgate railway line. The 'Broad Oak' site is approximately 19 hectares in area and lies to the north of the 'Land at Sturry' site. It is bounded by Herne Bay Road (A291) and Broad Oak Farm Food Shop to the east, and Shalloak Road to the west. To the south is the Den Grove Ancient Woodland and Green Fields Shooting Range, whilst to the north of the site is Sweechgate.

Background

7. Delivering the strategic infrastructure of the A28 Sturry Link Road (SLR) is identified in the Canterbury City Council's (CCC) 'Canterbury District Local Plan' (adopted 2017) for the plan period 2011 to 2031. In the CCC District Local Plan Inspectors Report, the Inspector acknowledged that the relationship between transport projects such as Sturry Link Road and proposed developments was central to the success of the Local Plan

strategy. The Local Plan acknowledges that the A28 suffers from congestion due to high levels of traffic and the operation of the level crossing at Sturry. Mixed use development sites have been allocated at Sturry, Broad Oak and Hersden and whilst sustainable modes of transport would be provided by these new sites, it is accepted that new development would still create additional traffic. To mitigate the effects of this the provision of, or proportionate contributions to a Sturry Relief Road that would avoid the Sturry level crossing with a new road bridge, including a bus lane over the railway line or other associated improvements to the A28 corridor are required by Policy T14.

8. In 2017 an outline master plan application for a mixed-use development comprising up to 650 houses and associated community infrastructure comprising a primary school, community building, public car park and associated amenity space was submitted to CCC – their application reference CA/17/01383. The submission also included a detailed application for the construction of part of the Sturry Link Road (the section from the A291 to the western edge of the Canterbury City Council's housing application) and a local road from the SLR to Shalloak Road. This application was refused by the CCC Planning Committee in November 2020, however a revised application which proposed the same facilities as above, but with a reduction in dwelling numbers to 'up to 630 houses' was then resubmitted (reference CA/20/02826) to the City Council in December 2020. The City Council's Planning Committee resolved to grant planning consent, subject to conditions and conclusion of S106 agreements in February 2021. At the time of drafting this report, the s106 agreements are still be to be completed, and a verbal update will be provided for Members at the meeting.

9. The application above would only secure part of the link road (the east-west section), and the delivery of the complete SLR relies on KCC carrying out construction of the north-south section of the scheme, bridging over the railway, the river and connecting to the A28 to the west of Sturry, along with associated on-line improvements. Although the east-west part of the scheme would be delivered by the promoters of the housing/mixed-use schemes, it is intended that KCC would adopt the infrastructure at a later date.

10. KCC's fourth Local Transport Plan (LTP4) for the Canterbury area, covering the period 2016-2031 identifies delivery of the SLR as a priority. As such KCC were considered best placed to ensure timely delivery of the southerly link, and therefore submitted the detailed planning application for the north-south link which forms the application before Members for determination. An award for financial assistance to ensure delivery of the link road has been made by the South East Local Enterprise Partnership Local Growth Fund (LGF) of £5.9m (see further comment on this in paragraphs 25, 37 and 42 below).

Proposal

11. This is a detailed planning application for the construction of part of the Sturry Link Road, and the proposals are split into a number of parts as set out below. This section describes the scheme as amended and the associated plans are available to view in Appendix 1.

12. A new 5-arm roundabout is proposed off the A28 on undeveloped land between the existing Vikings car showroom and a property called Perryfield Farm. Two of the arms join the roundabout to the existing A28. The third main arm is for the link road which

then spans the railway and river. A fourth arm would provide future access to an area of land designated for employment purposes in the Local Plan under policy EMP1. The fifth arm would provide a new access to the property Perryfield Farm. A separate dedicated cycleway would be provided in an east west direction along the southern edge of the existing A28, so that westbound cyclists are not required to use the proposed roundabout.

13. From this proposed roundabout a new 0.75km stretch of road would be provided in a northbound direction for a new road bridge which would span the two arms of the Great Stour River, its floodplain and the railway line and end in a four-arm roundabout set within the southern slope of the Stour Valley. The road would be single carriageway in each direction (6.75m wide in total) with an additional dedicated bus lane (3.5m wide) along the eastern side of the new road for southbound buses, to comply with the City Council's ambition to provide a continuous bus lane route into Canterbury (as set out in Chapter 5 of the Local Plan for Transport Infrastructure). A shared unsegregated cycleway and footway (4m wide) would be provided on the eastern side of the link road adjacent to the bus lane (and would continue along the southern side of the link road through the proposed housing development). Just to the north of the proposed roundabout on the A28 there would be a staggered signal controlled crossing (TOUCAN) which would link the shared footway/cycleway with the existing pedestrian/cycle provision along the A28. A 0.6m wide hard verge would be provided on the western side of the link road.

14. The north south section of the link road would be elevated on an embankment and then supported by a viaduct. The height of the viaduct above ground level has been dictated by minimum headroom requirements set by Network Rail and the Environment Agency for operation and safe maintenance – 5.1m above the railway and 2.65m above the banks of the river. At the southern end by the A28 the approach embankment would reach a height of 5m where it meets the viaduct, beyond which the viaduct would continue to rise at a constant gradient of 1.72% towards and over the railway, reaching its maximum height of 8.7m just to the south of the railway.

15. The viaduct would have a total length of 248.6m and a total width of 15.85m. There would be 5 piers to support the viaduct across the floodplain, river and railway, linked to the embankment at each end, resulting in 6 spans. At either end the span would be 40.3m, and between piers 1 and 5 the span would be 42m. For each pier 4 columns/girders would be sunk into the ground to support the width of the road. These would be to a depth of 1.75m at the abutment ends (each embankment) and 1.15m for the 5 piers crossing the gap, in addition to extensive piling foundation works (23m long piles) in each location. Piers 1 and 2 would be located between the two arms of the Great Stour River and piers 3, 4 and 5 would be located between the northern most river arm and the railway line.

16. The bridge parapet height would vary dependant on the location. Over the railway line it would be 1.5m high with solid infill panels. Elsewhere along the eastern side the parapet would remain at 1.5m for safety of pedestrians and cyclists on the adjacent shared footway/cycleway, whilst on the western side the parapet would be 1.4m in height. As amended the parapet along the span of the bridge (excluding the section over the railway line) would have a 0.5m high lightweight (but solid) infill panel at the

base with mesh above in order to prevent an overspill of grit and salt from spray from the road during essential winter maintenance.

17. For the new four arm roundabout on the northern side of the railway line the east and west arms would form part of the SLR, whilst the northern arm would serve part of the housing scheme, subject to consent as part of the application being dealt with by CCC. On the southern side of the east-west arms of the roundabout the shared unsegregated footway/cycleway would be continued, whilst along the northern side of the roundabout would be a footpath which extends along the link road as part of the CCC part of the scheme.

18. This application also includes an area of road widening at the very western end of the proposed SLR adjacent to the Broad Oak railway crossing. The section of road is approximately 300m in length and serves as a local road that offers an alternative route to/from Canterbury over the Broad Oak railway crossing. Part of the proposal for the scheme considered by CCC includes the stopping up of the existing Shalloak Road on the approach to a sharp bend, and the re-routing of the road to form a T- junction with the proposed SLR. This KCC application seeks to secure the widening of the road where the SLR meets the original road again which requires the demolition of a derelict cottage which is located on the bend just before the railway crossing and adjacent to the entrance into the Motorline head office and Viridor Kent Waste Site. The road width would be increased from 3.375m to 3.65m. The existing Public Right of Way (PROW) CB64 (which runs along the northern side of the railway line from Sturry to Broad Oak) would meet this section of the SLR and link into the proposed shared cycle/footway.

19. The scheme has been designed to operate with a 30mph speed limit through the housing development and 40mph on the viaduct section over the railway and down to the A28. The speed limits were determined with reference to Circular 01/2013 (Selecting Local Speed Limits). The Code of Practice for the Design of Road Lighting has been used to determine the level of street lighting appropriate for the SLR. Based on this guidance street lighting is proposed for the full extent of the SLR with the exception of the section on the viaduct. Therefore, the three roundabout junctions, the Shalloak Road junction, the bus stops and pedestrian crossings would all be lit, as required for safety reasons. Lighting columns would be a maximum of 8m in height along the majority of the complete link road. At the roundabout junction with the A28, 10m high columns are proposed to tie in with the existing lighting on the A28.

20. As submitted, alterations to the existing junction of the A28 Island Road and the A291 Sturry Hill, which lies immediately to the north of the Sturry railway crossing, are also included as part of this planning application. All traffic movements would become signal controlled with a restriction/ban on traffic turning left from Island Road southwards to the level crossing, with the exception of buses and cyclists. Traffic westbound on the A28 would therefore be directed northbound up Sturry Hill (A291) to access the SLR and the viaduct to cross over the railway as an alternative to the level crossing. Signalised pedestrian crossings are proposed at the junction, and the bus stop currently located to the north of the railway line for traffic heading north on the A291/Sturry Hill would be relocated to the southern side of the crossing. The existing bus stop on the southbound side of the A291/Sturry Hill would remain as would the bus stop outside the station. Access to the station would also be maintained.

21. The application includes two temporary access routes, one which would run to the south of the railway line from the southern side of the Broad Oak crossing to the location of the proposed viaduct. The second would run from the proposed viaduct along the northern edge of the southern arm of the Great Stour in an easterly direction to the Mercedes Benz garage on the A28. A temporary construction route would utilise the rest of the Sturry Link Road as it runs east/west through the 'Land at Sturry' development site from the proposed roundabout to Sturry Hill. A temporary site compound would be located to the east of the waste water treatment works on the A28 just to the north of the proposed new roundabout.

22. Two attenuation ponds are proposed on the site – one to the north-east of the proposed roundabout on the A28, just to the north of the proposed access into Perryfield Farm, and the second to the north of the railway line, and the south-east of the proposed roundabout at the northern end of the viaduct. A comprehensive landscape scheme is also proposed as part of the application which would include elements of grass, meadow grass, native marshland, emergent marginal and aquatic species, native hedges, native woodland trees, bulb planting and native trees.

Environmental Impact Assessment

23. The application was supported by an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The ES considers the environmental effects of the proposed development through the construction and operational phases and sets out the proposed mitigation measures necessary to prevent, reduce or offset any significant adverse effects on the environment. It considers the Sturry link road in its entirety, and therefore includes the element of the road which runs east-west through the 'Land at Sturry' housing site as well as the north-south elements within this application specifically. The ES was accompanied by a non-technical summary and a raft of appendices which contained detailed survey work regarding a range of matters including ecology, traffic forecasts, noise and air quality data; alongside an Archaeological Desk Based Assessment, a Flood Risk Assessment and a Report to Inform Habitats Regulations. An addendum to the Ecology section of the ES was submitted on the 14th October 2019; an addendum to the Air Quality chapter and a revised Report to Inform Habitats Regulations were submitted on 13th February 2020; and an addendum to the Flood Risk Assessment was received on 24th April 2020. The application has been advertised in accordance with the requirements of the above regulations.

Planning Policy

24. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:

(i) **National Planning Policy Framework (NPPF) February 2019** and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan

which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications, the NPPF states that local planning authorities should approach decisions in a positive and creative way, and decision takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development *(paragraph 80)*;

- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people. Opportunities to promote walking, cycling and public transport use should be identified at the plan making stage and pursued *(paragraph 102);*

- whether impacts from the development on the transport network (in terms of capacity or congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe (para 109);

- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Planning decisions should ensure that developments would function well and add to the overall quality of an area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place, creating a welcoming and distinctive place to live, work and visit; include an appropriate mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible *(paragraph 127);*

- public rights of way should be protected and enhanced, including taking opportunities to provide better facilities for users *(paragraph 98);*

- planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and site of biodiversity or geological value; recognise the intrinsic character and beauty of the countryside – including the economic and other benefits of best and most versatile agricultural land, and of trees and woodland' minimise impacts on, and provide new gains for biodiversity; prevent new and existing development from contributing to unacceptable levels or soil, air, water or noise pollution; and remediating and mitigating derelict, contaminated and unstable land where appropriate *(paragraph 170);*

- the presumption in favour of sustainable development does not apply where a project is likely to have significant effects on a habitat site *(paragraph 177);*

- planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including the setting) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal *(paragraph 190).*

(ii) The adopted **Canterbury District Local Plan (adopted July 2017)**

Policy SP1 **Sustainable Development:** When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy SP3 **Strategic Allocation (Site 2) for land at Sturry/Broad Oak:** Development for 1000 dwellings and business floorspace to meet the needs of local business/office space, local shopping facilities, and community facilities to meet local need. Infrastructure requirements for the provision of, or proportionate contribution to, a new Sturry Relief Road, reduced use of the existing Sturry Crossing for local traffic and buses only; closure of existing rail foot crossings, provision of a new car park at Sturry station.

Policy EMP1 **Employment Land Allocations:** Land at Sturry Road allocated for business purposes, B1 (business), B8 (storage and distribution), D1 (non-residential institutions) and D2 (assembly and leisure) and certain 'sui generis' uses such as car showrooms, where the anticipated nature and level of traffic generation would not undermine the wider transport objectives in the area.

Policy T1 **Transport Strategy:** Sets out the principles of the Transport Strategy which are to control the level and environmental impact of vehicular traffic including air quality; providing alternative modes of transport to the car by extending provision for pedestrians, cyclists and the use of public transport; reducing cross town traffic movements in the historic centre of Canterbury; providing public car parking and controlling parking having regard to the parking strategy; assessing development proposals in the light of transport demands and the scope for choice between transport modes; and seeking the construction of new roads and/or junction improvements which will improve environmental conditions and/or contribute towards the economic well-being of the District.

Policy T3 **Bus Improvement Measures:** Planning permission will not be granted for proposals that prejudice the effective implementation of bus improvement measures and fast bus links.

Policy T14 **Sturry Relief Road:** 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.

Policy T17 **Transport Assessments and Travel Plans:** Development proposals considered by the Council to have significant transport implications are to be supported by a Transport Assessment and where applicable a Travel Plan. These should show how multi-modal access options will be achieved, and how transport infrastructure arising from the expected demand will be provided. Such measures will be the subject of or included in a legal agreement or undertaking.

Policy CC4 **Flood Risk:** Development proposals within Flood Zones 2 and 3 and sites larger than 1ha in Flood Zone 1 shall be subject to a Flood Risk Assessment.

Policy CC5 **Flood Zones:** On sites that have not been previously developed within the Environment Agency's Zones 2 and 3, new development will only be permitted if it can be demonstrated that it satisfies the requirements of the sequential test and. Where required, the Exception Test.

Policy CC11 **Sustainable Drainage Systems:** All development options should include drainage provision. This will ensure that surface water is appropriately controlled within the development site, manage flood risk on-site and off-site, and not exacerbate any existing flood risk in the locality.

Policy CC12 Water Quality: The City Council will require that new development incorporates well designed mitigation measures to ensure that the water environment does not deteriorate, both during construction and during the lifetime of the development. Furthermore the City Council will ensure that every opportunity is taken to enhance existing aquatic environments and ecosystems. This will include the restoration of natural river features (including riverbanks) and removal of barriers to fish passage when appropriate opportunities arise. Any new development should not compromise Water Framework Directive objectives.

Policy DBE1 **Sustainable Design and Construction:** All development should respond to the objectives of sustainable development and reflect the need to safeguard and improve the quality of life for residents, conserve resources such as energy, reduce/minimise waste and protect and enhance the environment.

Policy DBE3 **Principles of Design:** The distinctive character, diversity and quality of the Canterbury District will be promoted, protected and enhanced through high quality, sustainable inclusive design, which reinforces and positively contributes to its local context creating attractive, inspiring and safe places. Fifteen considerations against which to assess planning

applications are listed including the character, setting and context of the site, integration with existing natural and historic features, visual impact, hard and soft landscaping, impact of polluting elements, and effect on the highway network in terms of congestion, road safety and air quality.

Policy DBE9 **Outdoor Lighting:** Proposals for new outdoor lighting or new development which include outdoor lighting will only be permitted where it can be demonstrated that: it has been designed to minimise light glare, light trespass, light spillage and sky glare through using the best available technology to minimise light pollution and conserve energy; it does not adversely affect residential amenity; it does not adversely affect sites of nature conservation interest and/or protected and other vulnerable species and heritage assets; it does not adversely impact on protected landscapes or those areas where dark skies are an important part of the nocturnal landscape; the lighting levels do not exceed the levels recommended by the Institute of Lighting Engineers in the relevant environmental zone as set out in Appendix 5; It does not have an adverse impact on long distance views or from vantage points.

Policy HE6 **Conservation Areas:** Development within, affecting the setting of, or views into and out of, a conservation area should preserve or enhance all features that contribute positively to the area's character, appearance or setting.

Policy HE11 **Archaeology:** The archaeological and historic integrity of designated heritage assets together with their settings will be protected and where possible enhanced. On sites where there is, or is the potential for, an archaeological heritage asset, planning applications must include an appropriate desk based assessment of the asset. Where the case for development affecting a heritage asset of archaeological interest is accepted, the archaeological remains should be preserved in situ. Where preservation in situ is not possible or justified appropriate provision for preservation by record may be an acceptable alternative.

Policy LB2 **Areas of High Landscape Value:** Within Areas of High Landscape Value development will be considered in relation to the extent to which its location, scale, design and materials would impact on or protect the local landscape character and enhance the future appearance of the designated landscape and its heritage and nature conservation interest. Development proposals that support the landscape character (including settlement character), and have no significant impact upon historic setting, archaeological or nature conservation interests, where relevant, will be permitted.

Policy LB4 **Landscape Character Areas:** Proposals for development and associated land use change or management should demonstrate that they are informed by, and are sympathetic to, the landscape character of the locality. In considering development proposals every opportunity should be made to reinforce, restore, conserve or improve as appropriate,

the landscape character of the area in which development is being proposed. All development should take into account the sensitivity of the particular landscape to accommodate change.

Policy LB5 **Sites of International Conservation Importance**: Sites of international nature conservation importance must receive the highest levels of protection. No development will be permitted which may have an adverse effect on the integrity of an SAC, SPA or Ramsar site, alone or in combination with other plans or projects, as it would not be in accordance with the Habitat Regulations 2010 (as amended) and the aims and objectives of this Local Plan. Where a plan or project's effects on a SAC, SPA or Ramsar site, alone or in combination, cannot be screened out during Habitat Regulations Assessment as not likely to be significant, an Appropriate Assessment in line with the Habitats Regulations 2010 (as amended) will be required.

Policy LB6 **Sites of Special Scientific Interest:** Planning permission will not normally be granted for development which would materially harm the scientific nature conservation interest, either directly, indirectly or cumulatively, of sites designated as a Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR) and Marine Conservation Zones (MCZ) for their nature conservation, geological or geomorphical value. Support will be given for enhancement. Development that affects a SSSI or associated NNR will only be permitted where an appraisal prepared by an appropriate specialist has demonstrated that the objectives and features of the designated area and overall integrity of the area would not be compromised; or any adverse effects on the qualities for which the area has been designated which cannot be avoided or adequately mitigated are clearly outweighed by social or economic benefits or national importance and a compensatory site of at least equal value or proposed.

Policy LB7 **Locally Designated Sites:** Development or land-use changes likely to have an adverse effect, either directly or indirectly, on (a) Local Wildlife Sites, (b) Local Nature Reserves, or (c) Regionally Important geological/Geomorphological Sites will be permitted if justification for the proposals clearly outweighs any harm to the intrinsic nature conservation and/or scientific value of the site. Where development is permitted on such sites, careful site design should be used to avoid any negative impact. Where negative impact in unavoidable, measures should be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent. Where mitigation alone is not sufficient, adequate compensatory habitat enhancement or creation schemes will be required. Any application affecting locally importance sites will be expected to demonstrate enhancement measures to benefit biodiversity.

Policy LB8 **Landscape Scale Biodiversity Networks:** New development will need to show how it will avoid the fragmentation of existing habitats and

support the creation of coherent ecological networks through both urban and rural areas; and retain, protect and enhance notable ecological features of conservation value such as ancient woodland, neutral grassland, hedgerows, trees, wetlands, river corridors and other water bodies, and habitats that offer breeding or feeding sites of local importance to populations of protected or targeted species. Lighting that has been sensitively designed to minimise disturbance to protected species and their food sources (e.g. low level, directed, warm, tinted lighting) will be permitted. Protect opportunities for improving connectivity of habitats in strategically important Biodiversity Opportunity Areas.

Policy LB9 **Protection, Mitigation, Enhancement and Increased Connectivity for Species and Habitats of Principal Importance:** All development should avoid a net loss of biodiversity/nature conservation value and actively pursue opportunities to achieve a net gain, particularly where (1) there are wildlife habitats/species identified as Species or Habitats of Principal Importance; (2) there are habitats/species that are protected under the wildlife legislation; and (3) the site forms a link between or buffer to designated wildlife sites. This will be secured by ensuring that a development site evaluation is undertaken to establish nature conservation value of the proposed development site, by carrying out appropriate ecological survey's and present outline proposals for mitigation and enhancement prior to the determination of a planning application. Permission will be granted where the CC is satisfied that the avoidance and mitigation measures proposed can give an effective means to conserve, enhance the habitat or species and represent an appropriate response to the habitat or species of interest on the site.

Policy LB10 **Trees, Hedgerows and Woodland**: Development should be designed to retain trees, hedgerows and woodland that make an important contribution to the amenity of the site and the surrounding area and which are important to wild flora and fauna. New development should incorporate trees in areas of appropriate landscape character, to help restore and enhance degraded landscapes, screen noise and pollution, provide recreational opportunities, help mitigate climate change and contribute to floodplain management.

Policy LB11 **The Blean Complex:** The City Council will support projects that restore, enhance and connect the valued woodland habitat complex of the Blean. The Council will give particular support to projects that benefit the landscape through sensitive and traditional woodland practices and which support the timber market and wider local economy' the City council will refuse proposals for development that would result in the loss, deterioration or damages the character and integrity of the Blean Complex. Development should provide opportunities for biodiversity improvement within the identified Biodiversity Improvement Areas.

Policy LB13 **River Corridors:** Development shall show how the environment within river corridors and river catchments, including the landscape, water

environment and wildlife habitats, will be conserved and enhanced. Supply of water, treatment and disposal of waste water and flood risk management should be shown to be sustainable and deliver environmental benefits, within the water environment.

Policy OS6 **Green Gaps:** Within the Green Gaps identified on the Proposals Map development will be permitted where it does not (a) significantly affect the open character of the Green Gap or lead to coalescence between existing settlements; (b) result in isolated and obtrusive development within the Green Gap.

Policy QL11 **Air Quality:** Development that could directly or indirectly result in material additional air pollutants and worsening levels of air quality within the area surrounding the development site or impact on the existing Air Quality Management Area will not be permitted unless acceptable measures to offset or mitigate any potential impacts have been agreed as part of the proposal. An air quality assessment will be required if the proposal is likely to have a significant effect taking account of cumulative effects on individual sites.

Policy QL12 **Potentially Polluting Development:** When granting planning permission for development which could potentially result in pollution, the City Council will impose conditions or seek agreements to ensure subsequent mitigation measures are undertaken.

Other Material Considerations:

25. In addition to the considerations arising from the planning policy section above, local finance considerations and various strategy documents are also material considerations for the determination of the application.

(i) The local finance consideration arising from s43 of the Localism Act 2011, Section 43 amends Section 70 of the Town and Country Planning Act 1990 (determination of applications for planning permission: general considerations) such that in the determination of a planning application, the local planning authority must have regard to:

(a) the provisions of the development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations

Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown. In this case, the financial assistance arising from the South East Local Enterprise Partnership Local Growth Fund (LGF) of £5.9m is a local finance consideration material to the application. Growth Deals are a long term programme to revitalise local economises. The South East Growth Deal runs from 2015-2021 and was signed by the then Transport Minister and Chairman of the South East Local Enterprise Partnership (SELEP) in 2014. In deciding an application for planning permission where a local financial consideration is material, decision takers

need to ensure that the reasons supporting the decision clearly state how the consideration has been taken into account and its connection to the development.

(ii) The Local Transport Plan 4: Delivering Growth without Gridlock (2016-2031) (LTP4) published in July 2017 identifies transport priorities for the County, as well as emphasising to National Government and the SELEP the investment required to support growth. It sets out as one of its local priorities for the Canterbury district the provision of the Sturry Link Road as a means of delivering resilient transport infrastructure to reduce congestions, improve journey time and enable economic growth and appropriate development.

(iii) SELEP's Strategic Economic Plan 2014 (SEP) identifies the Sturry Link Road as a solution for unlocking growth in the Canterbury District.

(iv) The Canterbury Corporate Plan (adopted 2016) identifies the Sturry Link Road as a means of tackling congestion, one of the aims of the Corporate Plan to help deliver economic growth.

Consultations

26. There have been three rounds of consultation as a result of additional material being submitted during the processing of the application. The initial consultation was carried out in May 2019. A second round was carried out in October 2019 in relation to the ES Ecology Addendum, updated site layout plans and a Transport Statement Addendum, and a third round carried out in February 2020 in relation to the Air Quality Addendum, a revised drawing of the viaduct design and an updated Report to Inform the Habitat Regulations Assessment. The proposal section above describes the finally amended scheme. The responses received for each round are grouped together and set out below:

Canterbury City Council

In their first response they recommend support for the application. The delivery of the whole of the Sturry Link Road is fundamental to the delivery of site 2 (land at Sturry/Broad Oak) of the Canterbury District local Plan. Canterbury City Council is currently considering two applications for the allocated site at Sturry (CA/17/01383/OUT) and Broad Oak (CA/18/00868/FOS) both of these applications are dependent upon the delivery of the relief road in order to mitigate the effects of the proposal upon the surrounding highway network. The Sturry application includes a detailed submission for the construction of part of the Sturry Link Road with the part of the road, viaduct and other works subject to this application being necessary to complete the Sturry Relief Road in its entirety. Taking this into account Canterbury City Council fully supports this proposal subject to detailed consideration by KCC.

Second response states they have no further comments to make on the application.

Third response confirms they have no further comments to make on the application.

Sturry Parish Council
In their first response they raised objection to the application stating that the Link Road is a flawed and outdated project which will add considerably to congestion and pollution in Sturry and Broad Oak. In summary they state that the cumulative and in-combination impacts of all the planned developments on the congested road network have not been undertaken; that there was a lack of early opportunity to comment on all options being considered under the EIA directive; that no evidence has been provided to show that the County or City Council have tried to work with Network Rail to reduce the time the barriers are down at the Sturry crossing; that the Transport Assessment does not comply with the DMRB guidance and relies on outdated modelling; that the Scoping Opinion was not available on the County Council's website; that the EIA did not fully comply with the Scoping Opinion; that there is insufficient information to determine the application under the Habitats Regulations (as per the Natural England objection); that the air quality assessment is flawed and the real impacts are underestimated; and that KCC needs to show that it has considered the potential severe adverse harm of the Link Road on public health as a result of air pollution.

Second response states they consider that the objections it raised in its original submission remain unaddressed in the ES Ecology Addendum, Transport Assessment or updated drawings and therefore their position remains unchanged.

Third response continues to object to the application. They state that the health and quality of life of residents in Broad Oak and Sturry will be damaged by this proposal which fails to make an unbiased assessment of the cost/benefit balance of the proposal. There is very low confidence that the scheme will solve existing and pending local traffic problems and many residents believe the link road will make things worse. Objections again relate to the blinkered focus on road building; lack of up to date and relevant ecological surveys; the alteration of the junction at the A291/A28 in relation to the safety of the rail crossing, pedestrian safety and facilitating pedestrian movement; restriction of vehicle access to Sturry village centre and Fordwich; pollution from vehicles; pedestrian safety on Sturry Hill; and worsening of 'rat runs' in the area;

Fordwich Parish Council
In their first response they state that this is not a relief road; it will only focus heavier traffic at either end of a relatively expensive short stretch of road. During the construction period traffic through Fordwich will be considerably worse than it is at present. It will take longer and be more dangerous for residents of Fordwich to access the Co-op than at present. Little or no allowance is being made for run-off water from the road both polluting, and increasing the potential for flooding of, the land below the crossing.

Second response stated that the link road will make little difference to the severe traffic problems suffered by Fordwich. In fact the Town Council believes it will make little difference in general and will simply shift the bottleneck. Given the prohibition on general Canterbury-bound traffic turning left to go over the level crossing, it will force some traffic to make longer journeys. What is needed is an A28 bypass around Canterbury and the money for this proposal would be better spent on such a bypass.

Third response states they reiterate comments supplied in the earlier rounds of consultation.

Hackington Parish Council
Only response states they have no objection to this planning application.

Westbere Parish Council
Only response states they fully support Sturry Parish Council's written representations.

Natural England
In their first response they raise a holding objection. Further information required to determine impacts on Stodmarsh SPA/SAC and Ramsar Sites in relation to loss of or disturbance damage to functionally linked habitats and the proposed mitigation for this. Further clarity is also sought regarding water quality impacts for the proposed link road.

Their second response raised a further holding objection. Further information required of measures to avoid or mitigate the impact of increased salinity from winter maintenance of the viaduct, as well as clarification regarding functionally linked land for wintering birds and further clarity regarding the impact on the Desmoulin's whorl snail.

Their third response advises that the clarification and detail provided in the revised Report to Inform Habitats Regulation Assessment showing the amended drainage strategies for both the Sturry Link Road and the associated housing applications is noted and welcomed. They are assured that the road drainage will no longer drain into the ditch containing the Desmoulins Whorl Snail and the impact pathway of saline intrusion into the functionally linked habitat of the snail would also now be avoided under the revised proposals. The attenuation ponds are outside the flood plain which is of considerable importance during flooding events and the proposed solid parapet to the viaduct would avoid salt spray entering directly into the Stour River. It should be demonstrated that the attenuation ponds would not be overtopped in winter months to avoid the impact of salt entering the snail's habitat and that the County Council provide minimal winter maintenance to the road to avoid unnecessary saline intrusion. The saline tolerant planting (designed for maximum saline uptake before discharge into the Stour) should be agreed with Natural England. Welcome the design of the viaduct which will be widespan to allow the functionality of the flood plain and its inhabitants to be maintained. The timings and implementation of habitat creation for the Desmoulins snail are welcomed as appropriate mitigation/enhancement measures. Note and welcome that piling would be undertaken outside the wintering months to avoid impact on over-wintering birds and that further mitigation measures involve wetland habitat creation which would provide additional habitat for birds affected by the scheme.

To conclude they state that they welcome that the HRA has implemented Natural England's advice and has now furnished the competent authority with clarification pertaining to the impact of the scheme and the mitigation measures which can address these impacts. It is therefore now the responsibility of KCC to demonstrate that the development would have no adverse effect on the integrity of the Internationally Designated sites (through the submission of an Appropriate Assessment).
Note: Please see paragraphs 93-98 for the Appropriate Assessment consideration.

Environment Agency (Kent Area)
Their first response raises no objection on the matter of flood risk subject to the imposition of a condition which secures development is carried out in accordance with the submitted Flood Risk Assessment and the mitigation measures it details. No objection is raised on the matter of groundwater and contaminated land subject to the imposition of a condition requiring the submission of a remediation strategy to deal with the risks associated with contamination of the site, and conditions requiring a verification report demonstrating the completion of the remediation strategy, and that if contamination not previously identified is found on site then no further development take place until a strategy for dealing with this has been submitted. On the matter of drainage no objection is raised subject to the imposition of conditions to ensure drainage systems for the infiltration of surface water to the ground have the written consent of the Planning Authority and that there shall be no piling using penetrative methods without the written consent of the Planning Authority. On the matter of fisheries, biodiversity and geomorphology no objection is raised subject to conditions ensuring the development be carried out in accordance with the submitted general arrangement drawing to protect wildlife in the river and foraging in the area, and that piling using percussive methods including a soft start shall not be carried out without the written consent of the Planning authority to ensure there are no unnecessary risks to fish in the river.

The second response states they have no further comments to make regarding groundwater and contaminated land. With regards to fisheries, biodiversity and geomorphology they state that the proposed method of piling and the associated pollution prevention methods would reduce the potential impacts on brown trout and sea lamprey to acceptable levels. With regard to the river bank, the buffer of 5m that would be maintained (as stated in the CEMP) would be insufficient and should be increased to 8m.

Third response states they have no additional comments to make.

Highways England
First response states they raise no objection but wish to be consulted on any Construction Management Plan (regarding the proposed use of the A2 for construction traffic) should the application be approved.

Second response states they are content to rely on their previous response.

Third response confirms they have no additional comments to make.

Kent Wildlife Trust
Only response states they have significant concerns about the wider context of this infrastructure scheme, given it will open up the wider A28 corridor to large scale housing. This area is important for biodiversity in Kent, given its proximity to the internationally important Stodmarsh, a number of nationally important SSSI woodlands to the north and south, and the Great Stour, which is designated as a Local Wildlife Site in its entirety from Ashford to Fordwich. They consider the impacts on sites with European and national designations would fall within the remit of Natural England, therefore Kent Wildlife Trust will comment on the immediate impacts of Local Wildlife

Site AS27 Great Stour from Fordwich to Ashford. They raise concerns regarding floodplain habitat loss and a lack of commitment to protect and enhance habitat connectivity; the potential disturbance effects on otters, bats, waders and waterfowl during both construction and operation phases; and concern over the potential impact on water quality and a lack of detailed contingencies for unintended pollution events that may occur. Finally, they are disappointed at the limited and vague proposals for habitat enhancement measures.

UK Power Networks
Only response states that they advise that various equipment such as underground cables may be affected by the development and that prior to commencement of works accurate records should be obtained by the developer from UK Power Networks.

Southern Water
Only response states that there is foul sewerage infrastructure within the proposed works site. The impact on any works within highway/access road on public sewerage apparatus shall be assessed and approved in consultation with Southern Water in order to protect public apparatus.

KCC Biodiversity Officer
In their first response they state they require further information to be submitted prior to determination, regarding the Great Stour Ashford to Fordwich Local Wildlife Site, and the impact of the proposals on bats, otters, reptiles, birds, invertebrates, and migratory fish.

Second response advises that the ES addendum addresses their earlier concerns. No objection is raised subject to a condition requiring an updated Construction Environmental Management Plan (CEMP) to cover reptile mitigation, protection measures for retained habitats during construction and habitat restoration once the access roads are no longer required; a condition to secure detailed specifications for post-construction restoration; a condition to secure the submission and implementation of detailed strategies to ensure the potential for impacts to reptiles is adequately minimised/mitigated; a condition to secure the submission and implementation of a detailed proposal for the enhancement of the habitat of the Desmoulin's whorl snail; and the submission of detailed specifications and implementation for ecological enhancement proposals. A European Protected Species Mitigation licence will be required to carry out the proposed development due to the impacts on otters.

Public Rights of Way (East Kent PROW Team)
First response advises that public footpaths CB60 and CB64 would be directly affected by the proposed link road. Overall the public rights of way access has been well considered in the layout and design of the proposed link road. Improvements to the PROW network will further increase the opportunities available to residents for recreation, active travel and exercise. Raise no objection to the proposal subject to agreement to technical details about the connections between new and existing public rights of way.

Second response advises that the rights of way access has been well considered in the layout and design of the link road. They raise no objection subject to further details

being secured of the connection of footpaths CB64 and CB51 at the Shalloak Road widening section; details of the footpath running underneath the viaduct; that the applicants should apply for a temporary closure of footpath CB60 where it would cross the link road (to be used as a haul road) in the interests of safety; and that any PROW diversions that are required be considered at an early stage to allow for the legal framework timescale. New signage would be required upon site completion to maintain public knowledge and therefore use of the Rights of Way. The applicant's attention should also be drawn to the fact that no structures may be erected on or across a PROW without express consent of the Highway Authority (HA), that there should be no disturbance of the surface or obstruction of its use either during or following development without the express consent of the HA, that no hedging or shrubs should be planted within 1m of the edge of the PROW, that planning consent confers no consent or right to close or divert any PROW at any time without the express permission of the HA, and that no Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed.

Third response notes that the public rights of way are not included in the description of the project in the Report to Inform HRA and that on the drainage strategy drawing (part of this HRA report) the alignment of footpath CB64 should be shown to ensure it is not affected by the attenuation pond features.

KCC County Archaeological Officer
In their first response they state that the site has the potential to contain a wide range of archaeological remains from a variety of periods and therefore further evaluation is required to inform the scope of a programme of detailed mitigation works such that impacts on archaeological remains are avoided. Recommend the imposition of a condition requiring that no development take place until the applicants have secured the implementation of archaeological field evaluation work, and further to this measures to ensure preservation in situ of any remains and/or recording in accordance with a specification and timetable agreed by the County Planning Authority.

Second response states that they have no additional comments to make on these revised details and his previous comments remain applicable.

KCC Flood and Water Management Officer
Only response states they raise no objection to the application subject to the imposition of conditions to secure the upgrading of two downstream culverts on the Sturry Dyke and that the development does not come into operation until a verification report has been submitted for the operation of the surface water drainage system.

KCC Conservation Officer
Only response states that they considers that in terms of the historic built environment, the negative effects of the proposed scheme would be outweighed by the resulting improvements to the setting of the listed buildings located in the Sturry/Fordwich Conservation Area. The improvements would be a consequence of the greatly reduced traffic levels over the railway crossing and through the village. Overall, in terms of the historic built environment, the proposed scheme would have a beneficial effect by improving the setting of the 67 designated heritage assets that are indirectly affected by

it. There would be a relatively small adverse visual impact on the setting of the two undesignated historic farmsteads of Broad Oak Lodge Farm and Perryfield Farm.

KCC Highways and Transportation Officer
In their first response they note that some of the data within the Transport Assessment is out of date and incorrect and request that the TA be updated to include more recent data.

Their second response advises that they consider the proposals represent a significant mitigation of the cumulative traffic effects of strategic development sites in the Local Plan and therefore raise no objection, subject to the imposition of planning conditions on any approval given. These should include the submission of a Construction Management Plan before the commencement of development; that the viaduct, roads, footways, verges, junctions, street lights, sewers, visibility splays, cycle paths etc should be laid out and constructed in accordance with details to be submitted and agreed by the County Planning Authority; and that the junction layout improvements at the A28/A291 be reviewed within 12 months of the opening of the Sturry Link Road (that is covered by this application and the spine road through the housing sites), and that any application to amend or vary the improvements shall be made within 6 months of the completion of the review.

Third response confirms they have no additional comments to make.

Kent Police Designing Out Crime Officer
Only response requests that lighting columns include sockets for CCTV should there be a need for them, that the structure of the viaduct be designed to minimise any opportunity for climbing, that lighting that balances safety and security without causing light pollution should be implemented, that the cycle and pedestrian routes are designed to offer maximum surveillance for safety reasons, and that consideration is given for increasing the barrier heights either side of the viaduct that goes over the railway to increase safety.

River Stour Internal Drainage Board
In their first response they state that the proposals include for surface water runoff to be attenuated, via open SuDS, to Greenfield runoff rates. Provided this is properly implemented, with the final details of the SuDS and its future maintenance agreed with KCC's own SuDS's team, and provided floodplain storage/function is not reduced, in agreement with the Environment Agency, the proposed works should not adversely affect the Internal Drainage Board interests.

Second response states that whilst they understand the concern about discharging runoff from the viaduct directly into the River Stour, they would require checks to be made (and agreed with the County Council's SuDS team) to ensure that the Sturry Road Dyke and the existing culverts along this watercourse are capable of accepting these additional flows/volumes without problem. Prior written consent of the IDB will be required for connections to Sturry Road Dyke therefore this aspect needs to be properly assessed.

Third response confirms their position remains unchanged from earlier comments.

Note: Subsequent to this response, the River Stour Internal Drainage Board have been in discussion with the KCC Flood and Water Management Team (May 2020) regarding their concerns in relation to the four culverts on the Sturry Road Dyke – their concern being that the slight increase in flows and volumes will potentially have a detrimental impact on the capacity of the dyke and local flood risk. It has therefore been agreed that an upgrade of the culverts would be included within the works and put in good condition, and this should be secured by a condition (as set out the Flood and Water Management response reported above).

Network Rail
First response states they are supportive of the application for the A28 Link Road subject to the applicant's entering into any relevant legal and commercial agreements with them.

Second response confirms they have no additional comments to make.

National Planning Casework Unit
Only response advises they have no comments to make on the Environmental Statement.

Amey – Air Quality
In their first response they note that there are a number of receptors which are not necessarily located at 'worst case' locations, however it is unlikely that the conclusions of the assessment would change should the 'worst case receptors' be modelled. The Construction Environmental Management Plan (CEMP) and Air Quality (chapter 10) of the ES have been reviewed and it is agreed that a suitable Dust Management Plan (DMP), including monitoring should be prepared prior to the commencement of works. Otherwise satisfied that the air quality has been suitably assessed for the proposed scheme.

Second response (received from RSK on behalf of Amey Air Quality) advises that the Air Quality Addendum provides an accurate assessment of air quality matters in relation to the Link Road. The methodology used and data inputted have been checked and RSK consider that the addendum approach is generally sound and has been undertaken in broad accordance with prevailing guidance and best practice such as the Design Manual for Roads and Bridges (DMRB) and additional guidance. Recommend conditions be imposed on any consent given relating to a construction travel plan and construction logistics plan; the implementation of a Construction Environmental Management Plan (CEMP) and to consider mitigation or offsetting measures to reduce any residual effects which the scheme may have on the Canterbury City AQMA.

Amey – Noise
In their first response they note that the assessment of noise is thorough and identifies a number of locations where noise impacts as a result of the Link Road may occur, both adverse and positive. For those properties that are adversely affected, for which no mitigating measures are proposed and who would not qualify for the provision of a grant towards noise insultation, it is suggested that noise mitigation measures should be provided as part of the scheme. Subject to this no objection on noise grounds is raised.

Second response notes that the additional information provided has been assessed for any changes that could affect the original comments provided on noise. The changes would have a negligible impact on noise, therefore no additional comments to add to the original consultation response.

Third response states the additional information provided has been assessed as having no impact on noise and therefore does not affect the original comments provided.

Amey – Landscaping
In their first response they state the landscape proposals have been designed to provide screening for existing adjacent properties and identified visual receptors particularly at the southern access to the proposed viaduct which will cross over the existing railway line and Great Stour River. The proposed landscaping addresses the new roundabout to the south of the proposed viaduct, associated embankments, SuDS ponds and the embankments at the north access point of the proposed viaduct and roundabout. Suggest additional detailed planting mix, species and sizes should be provided, along with species details for the proposed trees including feathered trees, and an increase in the number of heavy standard trees. A five-year maintenance plan should also be prepared to ensure suitable establishment of all the proposed landscaping.

Second response states that the revised landscape scheme indicates that feathered trees will be included in the native woodland fringe mixes, mixed native hedge mix, wet woodland mix and main woodland mix. The overall plan will require appropriate percentages of native evergreen tree and shrub species which would aid screening during winter months. The revised planting plan key indicates that aquatic and marginal species will be included in the wetland wildflower areas, but these planting locations should be illustrated on any detailed planting plan. Details of the individual mix, species, sizes and planting densities will be required in a planting schedule in due course.

Third response notes that there needs to be a consistency of approach between those undertaking the viaduct part of the link road and the section through the housing estate in terms of the planting and water bodies where the two phases will eventually be managed as a single inter-connected eco-system. Also note that the planting scheme will need to be agreed to ensure the solution best meets the water management and ecological objectives of the project.

Local Member

27. The local County Member for Canterbury North, Mr Robert Thomas; the County Member for Herne Village and Sturry, Mr Alan Marsh and the County Member for Canterbury City North, Mr Graham Gibbens were all notified of the application. A written response has been received from Mr Marsh as follows:

    - The scheme should be amended to allow all local traffic to turn left at the A28/A291 junction in order for them to access the facilities south of the railway line in Sturry Village and access to Fordwich Road. This would avoid all local traffic having to use the Sturry Link Road to then come back in an easterly direction on the A28.

- Question whether the traffic assumptions underpinning the project are still robust, as this was undertaken in 2015. Consider they are now out of date given the general increase in traffic numbers and decline in public transport, particularly buses.
- Concern that recent housing/building developments haven't been taken into account in the data used.
- More local traffic turns left into Fordwich from the village of Sturry than heads towards Canterbury city centre, as set out in the Transport Addendum.
- If it is deemed necessary for a south bound bus lane on the viaduct the same should be provided for the northbound route. The additional cost of the fourth lane would only be £4million more than the existing budget which has already crept up to over £30 million. Failure to provide the fourth lane would not allow the link road to achieve the aim of relieving Sturry congestion.
- In addition to these (most significant) points, attention is drawn to the issues raised by the Parish Councils.

Publicity

28. The application was originally publicised by the posting of 16 site notices, an advertisement in a local newspaper, and the individual notification of 190 nearby properties. The same process was carried out for both re-consultations in accordance with the Environmental Impact Assessment regulations.

Representations

29. In response to the original publicity, 18 letters of representation were received from 17 addresses. The letters all raised objections to the proposed development, and the key points can be summarised as follows:

Principle of road scheme

- Ill-conceived scheme which will result in more traffic, more accidents, more noise and more pollution;
- Proposed new houses in Sturry, Broad Oak, Hersden and the former colliery site at Chislet will add to the congestion and grid lock;
- Link road only being developed to allow the housing developments to go ahead;
- The link road and housing schemes should have been considered as one package, not separately;
- The cumulative and in-combination effects have not been properly assessed;
- Will not address the bottlenecks on the A28, improve traffic flows into Canterbury or improve travel times;
- Access to Old Vicarage Garden and Old School Close will become difficult and hazardous with the diverted traffic flow;
- Sturry needs a proper by-pass before major new housing is allowed;
- Need landscaping/permanent screening between the Sturry Road roundabout (southern end) and neighbouring properties;
- Lack of funding in place to secure the whole scheme;

- Money for this scheme better spent improving and repairing the existing roads, and better safety for pedestrians and cyclists;
- Scheme highly focused around the car not the pedestrian;
- Lack of lighting for the pedestrian and cycle route over the viaduct is a safety concern;
- Pedestrians and cyclists using the viaduct will be subject to crosswinds making it dangerous;
- Sturry level crossing acts as a buffer for Canterbury bound traffic – the link road would remove the buffer and allow traffic to congregate in greater numbers further into Canterbury;
- Trains should be made to stop clear of the crossing (so passengers can only alight from the rear carriages of the train) to reduce the length of time the barrier is down;
- The proposed roundabout on the A28, the road and attenuation pond will reduce the land left available for employment purposes, as an allocated employment site in the local plan;
- This remainder of the land will be delayed in coming forward for employment purposes until the link road is complete and the site compound removed;
- Concern over the layout of the roundabout on the A28, which could promote excessive speeds through the junction and safety issues;
- Concerned that drainage from the new roundabout via the attenuation pond, culvert and greenfield run off rates has been considered accurately as this will influence potential options for drainage on the future employment site;
- Cannot support the scheme even though suffered the delays of the Sturry level crossing for 40 years as the link road will not prevent congestion;
- Proposals do not do enough to encourage cycling and walking;
- Proposed road does not encourage sustainable bus travel as bus lane only goes in one direction across the bridge;
- Proposed cycleways and footpaths are only within the scheme itself and do not link to or enhance the wider routes into Canterbury;
- High number of responses received in support of the link road were from respondents outside of the immediate local area;
- It is not just the Sturry crossing that causes delays but also the rest of the A28 from the city centre towards Sturry which will be left unaltered and un-improved;
- Concerned over the data used for the studies which appear to have been used to illustrate the need for the housing as well as the need for the link road;
- Concerned that the Environmental Assessment does not model knock on effects due to the combination of impacts from other sites;
- If the housing developments are not built out as planned, and do not reach the size where the link road will be triggered, there would be even more impact on the existing road infrastructure;
- Lack of footpath on both sides of Sturry Hill, combined with increased traffic coming up and down the hill will make pedestrian safety worse;
- There ought to be a controlled pedestrian crossing at the bottom of Sturry Hill to provide access for those walking down the hill to access the shop;
- Turning in and out of the drives of properties on Sturry Hill will be made worse by increased traffic using the road;

- A291 already highlighted as one of the most dangerous roads in Kent, and the additional traffic as a result of this development and the housing schemes will make it worse;
- This is a minor road scheme to address the Sturry crossing when what is actually needed is a major solution;

A28/A291 Junction layout alterations

- Residents on the south side of Sturry will be most disadvantaged;
- Traffic will be taken up the A291 and back down again to go across the railway crossing, therefore more congestion on Sturry Hill;
- The left-turn bus lane should also be utilised for local residents living close to the level crossing;
- The proposed layout will have an adverse impact on local business and residents at and in the vicinity of the junction (Co-op, Sturry Villas and 1, 5 & 7 Island Road, Sturry);
- The proposed layout would restrict access to the properties;
- Insufficient room for a bus to stop in the bus stop/lane without blocking the station access
- Transport report does not provide sufficient information about phasing at the junction;
- Traffic travelling along the A28 Island Road would be tempted to carry out illegal manoeuvres to turn into the commercial/residential access;
- U-turns may also be encouraged which would put pedestrian safety at risk;
- Concerned the layout may cause safety issues for cyclists, cars on the crossing and pedestrians;
- Lack of detailed junction modelling;
- Will affect the viability of the amenities in the village centre such as the post office, library, church etc.
- Will take longer to access amenities due to re-routed traffic;
- Junction alterations will result in traffic using rat runs to avoid the new layout.

Ecology and landscape issues

- Desecration of green space and impact on ecology
- The new road and viaduct across the river and railway line will result in the loss of the green gap between Canterbury and Sturry;
- Viaduct will be highly visible day and night;
- Construction of the viaduct will affect the River Stour and its wildlife, and will in turn effect Stodmarsh;
- Detrimental impact of pollution on the ancient woodland, Dengrove, as a result of large volumes of traffic in closer proximity to it;
- Little reference made to the visual link of the road in the planning application;
- Concerned that the environmental mitigation measures proposed as part of the housing schemes and the link road are not co-ordinated;
- The road and bridge could open up unwanted access to the banks of the River Stour;
- Fencing and landscaping to existing properties required to mitigate visual impact and reduce noise impact;

- Improvements required to the Sturry Dyke to ensure it can function as the drainage scheme suggests, otherwise neighbouring properties will be at increased risk of flooding.

Pollution Issues

- Diversion of traffic up/down Sturry Hill will add to congestion, air and noise pollution and result in an unacceptable risk to human health;
- Pollution levels will increase across the whole of the district;
- During construction, air, light and noise pollution will be increased due to construction vehicles;
- Both transport and air quality data should be updated;
- Inadequate and insufficient landscape measures to reduce the impact of noise pollution along the route of the link road, nor existing or new residents;
- Traffic flow, air and noise pollution must be monitored and improved by better public transport links, improved cycle routes and paths, and reducing the length of time the barriers are down at the level crossing;
- Lighting should not be increased above that which already exists to avoid light pollution;
- Quiet road surface should be used for the whole scheme not just the A28 roundabout and spurs directly off it.

Re-Consultation October 2019

30. Re-consultation was carried out in October 2019 as a result of revised information submitted by the applicants as set out in paragraph 26 above. In response to the re-consultation carried out a further 15 letters of representation were received, 13 objecting to the proposed development and two raising comments about landownership and access. The key *additional* points raised can be summarised as follows:

- The proposed junction layout would effectively cut Sturry in two;
- Controlled pedestrian crossing too close to the railway line, which could result in cars being left stranded on the crossing if the pedestrian crossing is in use;
- Concerned traffic may be tempted to divert through the housing estate to the east of Sturry Hill to join the hill further up (Deansway Avenue) and then come south across the crossing – these roads are not suitable for diverted traffic from the A28;
- Extra traffic on Sturry Hill and bus only lane would affect emergency vehicle access;
- Litter thrown from vehicles using the bridge could end up in the river;
- There should be dedicated bus lanes and pedestrian/cycle routes in *both* directions for safety of users;
- Bus route over the viaduct will reduce bus services along existing bus routes impacting residents, particularly in Fordwich;
- New road scheme will do nothing to reduce traffic in Fordwich which has become a rat run to avoid bottlenecks closer to the city centre;
- Pedestrian crossings would need to be sequenced with the traffic lights to avoid snarl ups similar to those at the Military Road/Tourtel roundabout;

- Relocated pedestrian crossing by the Co-op has been moved to a pinch point on the footpath with a lighting column which may affect wheelchair users and parents with prams being able to manoeuvre;
- Tight exit turn from station straight into a stop line;
- Likely that accidents that previously occurred on the A28 through Sturry due to heavy traffic would then occur on the new link road, especially with many side roads joining it;
- Concerned the southern attenuation pond will have security fencing round it and be an eye sore for local residents;
- Proposed landscape screening needs to be extended further for existing residents at the A28 end of the bridge;
- A steeper embankment slope to the viaduct would result in less land take for existing land owners;
- Suggest a rail bridge should be built to avoid the need for the Sturry crossing which would be more environmentally acceptable, less polluting and cheaper.

Re-Consultation February 2020

31. As set out in paragraph 26 above a further re-consultation under the EIA regulations was undertaken in February 2020. In response to the re-consultation carried out a further 8 letters of representation were received. The key *additional* points raised can be summarised as follows:

- Concerned at the impact of construction throughout the proposed works;
- Quality of life for existing residents being ignored to cater for non Sturry residents (motorists);
- Removal of trees would affect the drainage in the area and may result in more flooding;
- Lighting in the area insufficient for road safety;
- Potential lead contamination in the area due to shot from the shooting grounds being washed into the area due to high rainfall;
- No evidence or documentation submitted that demonstrates that the scheme takes into account carbon emission targets set down by the Government;
- Technical language in the documents is not widely accessible and still unclear what impact standing traffic would have local residents and other vehicle users;
- Excessive noise, with road traffic being the main culprit, is a major cause of physical and mental illness. The planning system should avoid significant noise impacts on residents;
- Traffic queuing over the viaduct would be spreading particulate matter pollution on a wider scale due to the height of the road and prevailing wind direction, which would blow toxic fumes towards Sturry;
- Noise pollution would also be dispersed over a wider area due to the height of the road;
- Proposal would decrease air quality and go against all guidelines for producing a cleaner atmosphere.

Discussion

32. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 24 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The proposal therefore needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.

33. This application is being reported for determination by the Planning Applications Committee due to the objections to the scheme from both consultees and the local community. In accordance with government guidance the planning authority has engaged with the applicant and other interested parties to address issues arising during the processing of this planning application to ensure Members are appropriately informed when the Committee makes its decision. This process has included allowing the applicant additional time to address various matters that have arisen and deferring consideration until such time that the City Council had determined the merits of the housing applications that will provide the remaining section of the SLR and deliver the SE Local Enterprise Partnership funding.

34. In my opinion, the key material planning considerations in this particular case are the principle of development and the need for the link road; the environmental impacts arising from the link road which will be considered in light of the topics set out in the Environmental Statement; the transport benefits and impacts of the scheme, the visual impact of the scheme; and community issues arising from the proposed new road and junction alterations.

Principle of Development and Need for the Sturry Link Road

35. The need for a solution to traffic problems on the A28 has been acknowledged for many years. The Canterbury District Local Plan (2017) acknowledges that the A28 suffers from congestion due to high levels of traffic and the operation of the level crossing at Sturry. New housing allocations in the local plan would result in additional traffic in the area and the effects of this would need to be improved and mitigated against. Policy T1 sets out the transport strategy for the District which amongst other matters states that it will seek the construction of new roads and/or junction improvements which will improve environmental conditions and/or contribute towards the economic well-being of the District. Policy T14 specifically sets out that the Council will seek to implement a Sturry Relief Road as identified on the Proposals Map, and that any development proposals that might prejudice this route will be resisted. Finally, the allocation of the housing sites at 'Land at Sturry' and 'Broad Oak' (Site 2 of Policy SP3, Strategic Site Allocations) also set out the infrastructure requirements as being (amongst other things) the provision of/or proportionate contribution to a new Sturry Relief Road and reduced use of the existing Sturry crossing for local traffic and buses only.

36. In addition to the principle of the Sturry link road being established in the District Local Plan, policy support for the need for such a road is also provided in the 'Local Transport Plan 4: Delivering Growth without Gridlock' (2016-2031) produced by Kent County Council and also via the award of funding for the scheme by The South East Local Enterprise Partnership (SELEP). The Local Transport Plan (LTP) is produced by KCC as the Local Transport and Highway Authority for roads in Kent, and the document clearly identifies transport priorities for the County, as well as emphasising to national Government and the SELEP the investment required to support growth. The LTP4 sets out policies to deliver the strategic outcomes for transport and is accompanied by implementation plans and a methodology for prioritising funding. It details the key transport priorities and longer-term transport objectives, and these are divided into strategic, County and local level priorities. The LTP has five overarching policies that are targeted at delivering specific outcomes, the first of which is to: "Deliver resilient transport infrastructure and schemes that reduce congestion and improve journey time reliability to enable economic growth and appropriate development, meeting demand from a growing population." The outcome for this policy is economic growth and minimised congestion. The Sturry Link Road forms one of the local priorities for the Canterbury district as set out in the LTP with the aim that it would meet this first overarching policy.

37. The SELEP set out that the overall objective of the Sturry Link Road project is to tackle the existing congestion problem which currently exists at the Sturry level crossing and the A28/A291 junction. It states that queuing traffic affects adjacent junctions and can extend 1km in peak periods. The A28, it states, carries 20,000 vehicles per day but with 6 trains passing per hour, the level crossing can be closed for up to 20 minutes per hour during peak times, causing severe congestion on the A28, and in their view that this level of congestion is a major constraint on development to the north-east of Canterbury. As a result they awarded £5.9m of Local Growth Fund (LGF) money to the scheme on 24th June 2016. The funding remains available subject to the grant of planning permission for this application, and the housing and mixed use development applications considered by CCC. The LEP has advised that should planning permission not be in place for the SLR (in its entirety) for its meeting on 12th March 2021, the Local Growth Funding will be reallocated to other projects.

38. The proposed development is also identified as a solution for unlocking growth in the Canterbury district in SELEP's *Strategic Economic Plan 2014 (SEP)*, which states that 'Development of a new relief road on the A28 at Sturry would enable almost 4,800 new homes to be built and 1,800 jobs to be created in new business space north of Canterbury in so doing also improving journey times along East Kent's A28 corridor from Thanet through Canterbury to Ashford'.

39. The Canterbury Corporate Plan (adopted 2016) aims to enable infrastructure improvements to regenerate urban spaces and deliver economic growth, and across the District, one of the Corporate Plan aims is to tackle congestion. A number of proposals are put forward in the Corporate Plan as a means of achieving this aim, and the Sturry relief road is one of them.

40. It is evident from the above that there is clear support for a solution to the traffic problems on the A28, and policy support for this being achieved via the construction of a

Sturry Link Road, with the principle of this being established since 2016. Housing developments within the Canterbury District are already in the process of being approved and delivered on site, therefore it is imperative to get the necessary infrastructure in place to address this growth. The proposed link road would therefore accord with Policies T1, T3, T14, SP3 of the adopted Canterbury Local Plan, the County Council's Local Transport Plan 4, the Local Enterprise Partnership's Economic Plan and the aims of the Canterbury Corporate Plan.

Funding – Localism Act

41. Whilst monetary matters are not usually a relevant material consideration in the determination of planning applications, in this case, not having regard to the finance considerations in relation to the Localism Act (2011) would arguably mean that the Committee had not assessed all relevant material planning considerations in its decision making. Paragraph 143 of the Localism Act 2011, titled '*Applications for Planning Permission: Local Finance Considerations'* states that local planning authorities should have regard to local finance considerations as a material consideration where they are relevant to the application before them. Local finance considerations are thereafter defined as 'a grant or other financial assistance that has been, or will be, provided to a relevant authority by a Minister of the Crown.

42. As set out above the Sturry Link Road is considered by SELEP to be a solution to the severe congestion on the A28 causing a major constraint to development north-east of Canterbury and is specifically referenced in SELEP's *Strategic Economic Plan 2014 (SEP)*. SELEP has awarded Sturry Link Road a provisional allocation of £5.9 million LGF funding. The funding remains available subject to the grant of planning permission for this application, and the housing and mixed use development applications considered by CCC.

43. The securing of the above funding for the sole purpose of delivering the Sturry Link Road should, in this instance, be a material consideration in the determination of this application. The funding is awarded, subject to planning, on the basis that it would unlock growth in the form of new homes and jobs north of Canterbury and in doing so would improve journey times along East Kent's A28 corridor.

Environmental Impacts Arising from the Link Road

44. The application was supported by the submission of an Environmental Statement (ES) in order to assess the potential environmental impact of the scheme, in accordance with a Scoping Opinion issued by the County Council in April 2017 (KCC/SCO/CA/0027/2017). The scoping opinion was issued under the 2011 EIA Regulations before the new regulations came into force in May 2017, however, whilst the ES takes account of the Scoping Opinion it also takes account of the additional requirements and topics of the 2017 Regulations (such as climate change) and has therefore been written in accordance with the 2017 Regs. The topics covered in the ES are as follows:

- Air Quality
- Cultural Heritage

- Landscape
- Ecology and Nature Conservation
- Geology and Soils
- Materials
- Noise and Vibration
- People and Communities
- Road Drainage and the Water Environment
- Climate Change
- Interactions and Cumulative Effects

Air Quality

45. As part of the Environmental Statement (ES) the issue of air quality was considered in terms of assessing the effects of the scheme on air quality where there is the potential for impacts on the health and amenity of existing and proposed human receptors. The ES sets out the relevant policy and legislative background in section 8.2 which includes the Environmental Protection Act 1990, Environment Act 1995, European Directive 2008/50/EC, National Air Quality Strategy, Air Quality (England) Regulations 2000, The Air Quality England (Amendment) Regulations 2002, Air Quality Standards Regulations 2010, UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations, The NPPF, Local Plan Policy QL11, and the Kent and Medway Air Quality Planning Guidance.

46. Policy QL11 of the Local Plan states that development that could directly or indirectly result in material additional air pollutants and worsening levels of air quality within the area surrounding the development site, or impact on the existing Air Quality Management Area, will not be permitted unless acceptable measures to offset or mitigate any potential impacts have been agreed as part of the proposal. An Air Quality Assessment will be required if the proposal is likely to have a significant effect taking account of the cumulative effects on individual sites.

47. The issues considered were dust emissions during demolition, earthworks and construction; the impact of emissions from construction vehicles; and an assessment of the affected road links – defined as being those where the road alignment changes, daily traffic flows and heavy duty vehicles flows changes, or where there is a change on daily average speeds or peak hour speeds. The study area was defined according to the Design Manual for Roads and Bridges (DMRB) as encompassing all those receptors within 200m of the affected roads and includes all those supplied in the modelled traffic data, as well as an assessment of any potential effects on the Canterbury City Air Quality Management Area. The study looked at different scenarios to assess the impact on air quality – the base year, the year for start of construction without construction traffic and also with construction traffic; the proposed opening year without the link road, and with the link road; and then a prediction of 15 years in the future both with the link road, and without it.

48. During the initial round of consultation, an extensive objection letter was received from Sturry Parish Council, which amongst other matters raised concerns about the Air Quality assessment which formed this chapter of the ES. Their letter suggested that the assessment was flawed and the conclusions could not be relied upon. In order to get an independent opinion on the matter, KCC instructed specialist advice from Consultancy

RSK to review the information submitted on air quality within the ES alongside the comments raised by Sturry PC, and this was undertaken in November 2019. The review included spot checks on the traffic data and emissions factors that were input into the do-minimum and do-something models; reviewed the model set up in respect of things such as vehicle speeds adopted, presence of junctions and street canyons; and reviewed the location of modelled receptors and meteorological impacts. A comprehensive summary of all the points raised by the Parish Council was set out in the review by RSK, along with an assessment about whether any further action was required. In summary RSK concluded that the air quality assessment was generally prepared in accordance with prevailing good practice and many of the points raised by the Parish Council required no further action. However, they noted that sensitivity testing had not been undertaken to demonstrate the potential range of pollutant concentrations which might reasonably be expected should vehicle exhaust emissions not materially improve between 2017 and 2021. Additionally, they suggested that combined with some potential errors within the dispersion modelling setup, including the 2022 Do-Something scenario traffic data, it was possible that the pollutant concentrations would come closer to exceeding the annual mean NO_2 Air Quality Sensor in the 2022 do-something scenario. It was noted that they did not envisage that the thrust of the report would change, but that this couldn't be known without the ES chapter for air quality being revised to take account of the potential errors in the modelling.

49. The applicant subsequently undertook this re-modelling and submitted an ES Addendum for Air Quality in February 2020 and a full round of re-consultation was undertaken as set out in paragraph 26 above. The addendum sits alongside the original ES but with the earlier results superseded by those results presented in the addendum. The addendum sets out the changes that were undertaken to the model which included: the receptor locations being moved from the middle of buildings to the building facades, thereby closer to the pollution source; the height of the model receptors being corrected to 1.5m from 0m in order to more accurately reflect the height at which people breathe in air; amendments to the positioning of diffusion tube locations and heights to accurately reflect the distance from the kerb and height they had been positioned; the location and position of road links were modified to increase accuracy, slow down zones were included and average speeds through the modelled network were revised (generally down to take account of congestion); and additional receptors were added that better reflected the worst case receptors such as residential locations rather than commercial ones. RSK, having reviewed this document, confirmed that the approach adopted was generally sound and undertaken in broad accordance with the prevailing guidance and best practice, such as the DMRB.

50. The results of the air quality assessment show that for the opening year (2022) receptors within and around Sturry village would experience an increase between the Do-minimum and Do-something scenarios. The majority of receptors near to the village would experience a small to medium change in local air quality, and one receptor within the village of Sturry, south of the railway crossing, is predicted to experience a large decrease in pollution. The increase in pollution is due to an increase in traffic flow adjacent to those locations, whilst the decrease at certain receptors occurs as a result of traffic being diverted from the existing Sturry Road onto the proposed link road. However, the ES addendum notes that even with the increase shown, absolute

concentrations of NO_2 are all well below (most below half) the annual mean NO_2 Air Quality Objective (AQO) for all scenarios for both the opening and future years modelled. Similarly, they state that the concentrations of PM_{10} and $PM_{2.5}$ (fine and ultra-fine Particulate Matter respectively) in the opening year and future year Do-Minimum and Do-Something scenarios are also well below the relevant AQO limits. The Addendum states that given the concentrations of pollution at the worst case receptors are all well below the UK annual mean AQO for NO_2, PM_{10} and $PM_{2.5}$ at these locations the effect, in terms of environmental significance, of the Link Road on receptors near to Sturry Village is not significant.

51. With respect to the Canterbury AQMA (which lies to the south-west of the application site, around the City Centre roads and partially along the A28 but only as far as the Vauxhall Road roundabout, and not as far as the application site), the addendum states that in the opening year of the link road the annual mean concentrations of NO_2 are estimated to exceed the UK annual mean AQO at some receptors in *both* the Do-something and Do-minimum scenarios (with the road and without it respectively). For the future year scenarios, the addendum states that there are no predicted exceedances of the annual mean NO_2 AQO in either the Do-minimum or Do-something scenarios. Particulate matter concentrations are also predicted to be well below the respective objectives across all scenarios in both the opening and future years. By 2031 the model predicts that all receptor locations are below the air quality objectives for all pollutants, and this is attributed to a reduction in national background concentrations (which are anticipated to reduce between 2022 and 2031) and the reduction in vehicle emission factors as a result of vehicle fleet modernisation between 2022 and 2031.

52. The ES addendum concludes that although the change becomes adverse rather than beneficial (as a result of the remodelling), as per the EIA regulations the change is still considered as not significant due to the limited number of modelled receptors that would experience a change. As a result, the overall outcome of the ES as originally submitted has not materially changed in terms of significant effects.

53. With regard to the ecological receptors it is stated that the overall environmental significance of the impact of the Link Road with regard to air quality has not changed as a result of the remodelling in the addendum. The original ES conclusions were that the nitrogen deposition was predicted to fall below critical levels ideal for the health of the habitat for Stodmarsh SSSI, West Blean and Thornden Woods SSSI and East Blean Woods SSSI.

54. In terms of mitigation for the temporary effects of the construction of the road, this would be covered through the implementation of the Construction Environmental Management Plan (CEMP). The CEMP submitted as part of the ES details all measures that would be put in place to prevent the impact of dust on the surrounding area, including details of water suppression and vehicle movement controls. In reviewing the ES and ES Addendum RSK concur that the construction impacts can be effectively controlled through the CEMP. They suggest that specific routes heavy duty vehicles can travel to and from the site should be included, with fewer deliveries, delivered by more sustainable modes of transport and avoiding the Canterbury AQMA as far as practicable. They also suggest a Dust and Air Quality Management Plan (DAQMP) could be secured by condition, designed to control emissions from potentially dusty

activities and include a requirement for monitoring, and this has been included within the requirements of the Construction Environmental Management Plan.

55. RSK suggest in their consultee response that further consideration should be given to mitigation or offsetting measures to reduce any residual effects which the scheme would have, in relation to the Air Quality Management Area. Whilst this comment is noted, the traffic that may go through the AQMA would be generated by the permitted housing developments and housing allocations in the CCC Local Plan and would not be as a direct result of the SLR. The SLR joins the A28 further east of the AQMA, therefore traffic along the A28 would go through the AQMA whether via the Sturry level crossing or the proposed link road. The impact of additional traffic on the AQMA is a much wider strategic issue, as opposed to one related to the SLR or this application, and the Highways Authority is always looking at ways of off-set traffic growth within the city centre, looking to improve traffic flows and to seek mitigation from developments when they are being determined. It would therefore not be reasonable to require this scheme to offset impacts which are not directly produced as a result of the link road.

56. Although representations were received from neighbouring residents with regard to the possible pollutant effects of implementing the road scheme, the findings of the air quality assessment (as set out above) indicate that the impact is not deemed to be significant and therefore subject to the suggested conditions the scheme is considered to be acceptable in relation to the relevant policy guidance and Policy QL11 of the Local Plan.

Cultural Heritage

57. The proposed link road would be located to the east of the historic city of Canterbury, in between the industrial suburbs of the City and the historic village of Sturry. The City itself is a World Heritage Site but is some distance (2.5km) from the proposed link road. A study area with a radius of 1km around the line of the proposed link road was used for the assessment carried out in the ES, and this encompassed most of Sturry and parts of Fordwich and Broad Oak. Within the study area a total of 67 designated heritage assets were identified, all of which are listed buildings. There are no Scheduled Monuments within the study area, or registered battlefields or parks and gardens. An archaeological desk based assessment for the study area was also produced in support of the ES which included evidence for human activity from the lower Palaeolithic period.

58. The ES acknowledges that the Outstanding Universal Value (OUV) of the World Heritage Site includes the Cathedral's Bell Harry Tower in views of the city from the wider landscape. The Canterbury Conservation Area Appraisal notes 9 key views which emphasise the relationship between the bell tower and the adjacent historic built heritage of the city, but none of these views are sites from the north-east and Sturry. The view of Bell Harry Tower from this direction, the ES states, is compromised by the presence of the Vauxhall Industrial Estate buildings and the electricity pylons located between the City and the proposed link road site.

59. The proposed viaduct would be sited at the western end of the Sturry Conservation Area, crossing an area of meadows which were identified as an important feature for the setting of the village. Whilst the connection remains, the ES states that the aesthetic value has been compromised by the wire fencing, electricity pylons and establishment of

playing fields. It concludes that whilst there may be a slight effect on the Conservation Area in this regard, this would be offset by the benefits of reducing traffic through the historic core of the village.

60. The archaeological desk-based assessment concluded the potential for encountering archaeological remains within the red line boundary to the north of the railway as moderate based on the evaluation undertaken. To the south of the railway line the archaeological potential remains uncertain, but the assessment suggests a low to moderate potential for encountering Upper Palaeolithic remains on the edges of the flood plain. The ES concludes in this regard that further archaeological evaluation would be required post-determination.

61. In terms of historic landscape, the link road would pass through areas identified in the KCC Historic Landscape Character project as meadows and remains of the medieval to post medieval field systems. It is bound to the north by ancient woodland, to the east by Kings Junior School and the modern expansion of Sturry, to the west by residential and industrial expansion of Canterbury. The ES therefore concludes that the historic landscape character is of local interest and low value.

62. The Canterbury Local Plan includes Policies HE6 and HE11 which relate to Conservation Areas and archaeology, respectively. These require planning applications to assess the archaeological potential of a site and the impact of an application on a designated Conservation Area, and the application has done so through the submission of the ES and its supporting documents. The County Council's Conservation Officer and Archaeologist have both provided comments on the submitted information and whether it would accord with local plan policies and protect the heritage assets in the area.

63. The Conservation Officer notes that the link road would divert traffic away from the historic centre of Sturry village by using the link road and would therefore have a beneficial effect by improving the setting of the 67 designated heritage assets. The greatest negative impact of the link road, in his view, would be for those using the playing fields and Kings Junior School where the new viaduct would be clearly visible. However, in conservation terms the viaduct crosses the Conservation Area at one of its narrowest points and the visual impact on the wider Conservation Area and the listed buildings would be minor.

64. The County Archaeologist has assessed the desk-based assessment and agrees that the site has a high potential to contain Palaeolithic artefacts and paleo-environmental remains. The site takes in the floodplain and it is acknowledged that such a location may have been attractive to past activity. Evaluation in 2016 of land north of the railway line included evidence for Mesolithic flint working and further evidence of this should be anticipated in the area of the road scheme. He comments that the Stour Valley would have continued as a focus for activity through the Neolithic period and into the Bronze Age and Iron Age. The line of the modern day A28 approximately follows the line of the Roman road that ran east from Canterbury to the Isle of Thanet, therefore works for the new junction along this road and the adjacent embankment could encounter remains belonging to the road or road associated activity. There is good evidence for Romano British period activity within and alongside the Stour Valley in the vicinity of Broad Oak,

Sturry and Fordwich – in Roman times the river was navigable at least as far as Fordwich, which acted as a port for the major town of Canterbury. By early medieval times the settlement in this part of the Stour Valley was largely focussed at Fordwich and possibly also at Sturry. It is likely that the site of the link road would fall within the countryside surrounding these villages therefore there may be evidence for associated agricultural activity along the valley.

65. Given all of this it is concluded that the site has the potential to contain a wide range of archaeological remains from a variety of periods. Most of the area to the north of the railway line has been subject to archaeological evaluation (trial trenching) works, but to date no such evaluation has been carried out south of the railway line, and this would be required. This should include geophysical survey across the Stour Valley, purposeful boreholes across the Stour Valley, Palaeolithic test-pits and archaeological trial trenching. Further evaluation to the north of the railway (within the footprint of the proposed roundabout) would also be required in respect of the site's Palaeolithic potential. The combined information from these evaluation works, along with the existing information, should be used to provide a scheme-wide deposit model and archaeological characterisation. The results of this evaluation work would then be used to inform the scope of a programme of detailed mitigation works along the scheme such that impacts on archaeological remains are avoided, or where this is not possible to be appropriately investigated and recorded.

66. The officer concludes that he agrees with the ES when it suggests that such evaluation, safeguarding and investigation measures could be secured by means of a planning condition attached to any planning consent and therefore raises no objection to the application subject to the imposition of such a condition. The proposal is considered, therefore, to accord with Policies HE6 and HE11 of the Local Plan.

Landscape

67. The landscape chapter of the ES assesses the likely impacts and effects on landscape and visual receptors arising from the construction and operation of the proposed link road. It differentiates between landscape and visual impact as follows:

- Landscape effects relate to impacts and effects of the scheme upon physical characteristics or components of the landscape which form its character – e.g. landform, vegetation and buildings.

- Visual effects relate to the changes to views of the landscape experienced by specific publicly accessible receptors, e.g. local residents, businesses and users of public footpaths.

It defines the existing landscape character and visual context of the site; assesses the implications of the development on the landscape character and visual amenity both during the construction and the operation of the scheme; and considers relevant mitigation and provides a summary of the residual predicted effects – i.e. those effects which cannot be further reduced through mitigation. It suggests that the scheme has the potential to affect landscape and visual receptors through the alteration or removal of physical features of landscape; the introduction of new features and elements that

alter landscape character and quality; and changes to the composition and scenic quality of views experienced by visual receptors.

68. The ES sets out the relevant policy and legislative background in section 10.2. In addition to the guidance of the NPPF, Local Plan Policy LB4 states that proposals should demonstrate that they are sympathetic to the landscape character of the locality and Policy OS6 states that development should not affect the open character of a Green Gap or lead to coalescence between settlements or result in isolated and obtrusive development. The methodology for undertaking the assessment is provided in section 10.3, which the applicants state has been in accordance with good practice set out in various published and industry accepted documents, such as 'Guidelines for Landscape and Visual Assessment' and 'The Design Manual for Roads and Bridges'. It has taken into account published landscape character assessments relevant to the area, such as The Landscape Assessment of Kent (2004), Natural England National Character Area North Kent Plain, Canterbury Landscape Character and Biodiversity Appraisal 2012, and Kent County Council Heritage Maps.

69. The area is defined at a National, County and Local level in terms of its character and these are set out in detail in the ES. For example, according to Natural England the proposed scheme would be located in National Character Area (NCA) Profile 113, North Kent Plain, which includes an open, low and gently undulating landscape, characterised by high quality fertile loamy soils dominated by agricultural land uses. KCC's landscape character assessments have four County Wide Landscape Character Areas (CWLCA's) within 2km of the proposed development, these being East Kent Horticulture Belt CWLCA, Stour Valley CWLCA, North Kent Fruit Belt CWLCA and The Blean CWLCA. Local Landscape Character Areas (LCA's) are defined by Canterbury City Council and the scheme lies directly between two of these – the Stour Valley LCA and the Stour Valley, Sturry and Fordwich LCA, with a further 5 being within 2km of the site.

70. The visual receptors are set out in the ES and broken down into sub sections relating to residential receptors, which there are 14 identified; institutional and business receptors, which there are 8 identified; recreational routes, destinations and public rights of way, which there are 7 identified; and road receptors, which there are 6 identified. Baseline viewpoints (photographs) from 6 of the receptors are then included. All of the residential receptors are considered to have a high landscape sensitivity as individuals within their homes would be highly sensitive to a change in their views. Of the institutional/business receptors Junior Kings School and St Nicholas Church would have a moderate sensitivity, whilst the remainder are considered to be low; Public Rights of Way CB51, CB64 and CB60 are assessed to have a high sensitivity but the rest remain as low sensitivity; and all of the road receptors are assessed as having a low sensitivity.

71. The main issues which would impact the landscape receptors during the *construction process* would be the establishment of construction compounds, haul road, security fencing and temporary working areas; the visual intrusion of traffic management and associated traffic queues; earthworks and stockpiling of material which may be visually intrusive and lead to subsequent damage to vegetation and underlying soil surfaces; and reduced tranquillity and visual amenity of the landscape due to noisy work processes, the presence of plant, machinery and HGV's, and artificial lighting.

72. The ES concludes that there would be a moderate adverse impact on the landscape fabric during the construction phase due to the scale of the earthworks that would be required in order to construct the link road, roundabouts and drainage ponds. No areas of ancient woodland would be lost for the scheme and no landscape features within any designated sites would be impacted, however vegetation, woodland and grassland in the designated Green Gap would be lost. It should be noted that the construction of the link road would take place in conjunction with the construction of the two housing developments at 'Land at Broad Oak' and 'Land at Sturry', and as set out earlier the three applications are intrinsically linked. The construction phase for the link road is proposed to take 2 years, whereas the construction of the housing sites would be phased over 5-6 years.

73. In terms of each of the Landscape Character Areas the ES sets out the likely effect of construction on these. It concludes that for Trenley Park, Old Park, Broad Oak Valley, Blean and the North Kent Fruit Belt the development would result in 'no change' to the character of the area. For Westbere and Stodmarsh, Stour Valley, East Kent Horticulture Belt and National Character Area North Kent Plain the development would have a negligible adverse impact to the character of the area. For the Stour Valley Slopes - Westbere the impact is deemed to be minor; whilst for the Stour Valley Slopes and Stour Valley – Sturry and Fordwich the impact is deemed to be of moderate effect. The moderate impact is due to the proximity of these character areas to the actual site of the link road, which due to the movement of plant and machinery and traffic management during construction, would affect the tranquillity of the area.

74. The main issues to impact the landscape receptors during the *operation* of the link road would be the road itself and the associated ancillary development such as road signs, lighting, safety barriers and fencing; the creation of the new roundabouts; the loss of woodland, grassland and vegetation along the alignment of the link road; the removal of boundary treatments including hedgerows; the addition of the sustainable surface water drainage ponds; and the alteration to the natural topography of the landscape due to the creation of the viaduct over the river and railway line.

75. The ES assesses the impact of the operation of the link road in terms of a 15-year period, where winter of year 1 represents a worst-case scenario, and the summer of year 15 represents a best-case scenario. Winter of year 1 assumes that construction of the link road is complete, and the road is in use for traffic. It also assumes that mitigation planting and seeding has been undertaken and that such planting and seeding is yet to fully establish; as well as the fact that there are no leaves on deciduous vegetation and that herbaceous vegetation and crops are less visible, thereby representing the maximum impact of the scheme. The impact at year 15 of operation, assumes that the mitigation planting and seeding has fully established and that the vegetation would have achieved a height of 5m by year 15 (assuming a relatively conservative growth rate of 30cm per year). It also assumed that only whips and shrubs would have been planted whereas it is likely that some larger specimens would be used to reduce likely impacts.

76. As expected given the above scenario, the impact on landscape fabric at year 1 would be considered as moderate adverse. At year 15 the impact would be deemed as minor adverse, as even with the establishment of the landscaping over the intervening period

they would not match pre-construction levels due to the permanent land take required by the link road and the associated housing.

77. The assessment of operational effects on landscape character takes into account the fact that the proposed road would be a new feature in the landscape exerting an influence on landscape character. Vehicles using the proposed scheme would be visible in the surrounding landscape thereby potentially affecting aesthetic aspects of landscape character over a wider area than physical effects. The ES sets out the magnitude of impact for the character areas as follows:

North Kent Plains NCA	negligible adverse for both year 1 and year 15 of operation
East Kent Horticulture Belt CWLCA	negligible adverse for both year 1 and year 15 of operation
Stour Valley CWLCA	minor adverse for year 1 and year 15 of operation
North Kent Fruit Belt and The Blean CWLCA	no adverse indirect impacts during operation
Stour Valley Slopes LCA	minor adverse impact in year 1 and year 15 of operation
Stour Valley – Sturry and Fordwich LCA	minor adverse for both year 1 and year 15 of operation

78. The ES then goes on to assess the impact of the construction phase on the visual receptors outlined earlier, these being the residential receptors, institutional and business receptors, the recreational routes, destination and public rights of way receptors, and the road receptors – 35 receptors in total. Primary impacts for the construction phase would be earthworks, disturbance to existing ground and the removal of vegetation and secondary impacts would be due to the presence of plant, machinery, traffic management and construction compounds. Of the 14 residential receptors the properties at Sturry Court Farm and Perryfield Farm were assessed as having a major adverse impact due to their proximity to the works, whilst the majority of the rest of the receptors were assessed as being moderate adverse, two would have a minor adverse impact, and two would have a negligible adverse impact. For the institutional and business receptors the majority were assessed as having a minor or negligible impact with two receptors having a moderate one, these being the horticultural site and outbuildings between the river and the A28 and the Mercedes Benz car dealership. For the recreational/public rights of way receptors, three would have a moderate adverse impact, one a minor one and one a negligible one. The two receptors with a major adverse impact would be the public right of way CB64 which would have views of construction in most directions, and public right of way CB60 which would have direct views of the construction and would be subject to temporary diversions. For the road receptors, three were assessed as having a moderate adverse impact, these being the A291 Sturry Hill, Shalloak Road and the A28 Sturry Road, whilst the others were assessed as having a minor or negligible adverse impact.

79. Operational impacts on the same receptors were also then assessed for both year 1 and year 15. Year 1 represents the maximum potential impact where mitigation planting

would not have established and the scheme and associated infrastructure (such as lighting and signage) would remain highlighted in the landscape; the new junction and roundabouts would not tie into the local landscape due to lack of landscaping and established vegetation and the viaduct would be perceptible along with the presence of new SuDS ponds. The Land at Sturry housing development would also be under construction at this point. In year 15 it is considered that mitigation landscaping would have established and the scheme would have integrated into the landscape. Landscaping at the new junction and roundabouts would have softened their presence and planting on the embankments of the viaduct would help integrate this structure into the landscape. By year 15 land at Sturry housing development would also have been completed and its planting established.

80. Tables 10.19-10.22 in the ES summarise the magnitude of impact. By year 15 the magnitude of impact on the residential receptors is assessed as being 'negligible adverse' in all cases except for the houses on the A28 and the new dwellings on the land at Sturry housing development, where the impact is assessed as being 'minor adverse'. For the institute and business receptors, all are assessed as having a negligible adverse impact by year 15 with the exception of the horticulture and outbuildings between the river and the A28 which is assessed as having a moderate adverse impact. For the recreational routes and public rights of way, CB64 is assessed as having a minor adverse impact at year 15 and CB60 a major adverse impact by year 15 due to the fact this would cross the new road. All other receptors in this bracket are assessed as having a negligible adverse impact. Finally, for the road receptors by year 15, Sturry Hill A291, Vauxhall Road and Broad Oak Road are all assessed as having a negligible adverse impact, whilst Shalloak Road and the A28 Sturry Road would have a minor adverse impact due to views of the viaduct.

81. The ES sets out the types of mitigation included in the scheme in relation to landscape. During construction no additional mitigation would be required over and above the implementation of the CEMP. For the operational phase, the primary means of mitigating against the scheme is the design and layout of the junctions and link road to get the best fit with the existing contours. Secondary mitigation would take the form of on and off-site planting, mounding and earth shaping, the alignment and appearance of roadside ditches and fences and the appearance of other features such as road signage and lighting.

82. The County Council's Landscape Advisor has considered the submissions made, specifically in this chapter of the ES, the Design and Access Statement and the landscape proposal drawings and has not raised any objection to the scheme on landscape grounds. Should planning permission be granted a condition would be required to secure specific details about the numbers of individual species and the planting mix, along with planting specifications such as heights, percentages of species and planting densities. Such details would need to be agreed with the County Council prior to planting along with a 5-year maintenance programme for ensuring their establishment and ongoing survival.

83. A number of the representations received focused on the impact of the scheme on the landscape and wider visual setting. As stated above it is considered that the construction of the link road would undoubtedly alter the visual appearance of the green

gap and wider landscape in this location, however these would be altered significantly by the build out of the housing allocations as identified in the adopted Canterbury Local Plan, and the associated planning applications recently resolved to be approved by Canterbury District Council's Planning Committee. The road facilitates access to and from these sites (and other housing allocations further east/north of Canterbury) whilst avoiding the need for all cars to pass through the historic village of Sturry, and thus provides a vital link in the wider development of the area. With such a major development the impact would appear stark at the outset during the construction works and then when first completed, but over time, once the required and agreed landscaping is allowed to establish the impact would be softened and the development integrated into the landscape. The ES has assessed the impact on landscape in terms of its effects on the physical characteristics of the landscape and the visual changes to landscape as experienced by those who access the area (residents, businesses, users of the public footpaths and road users). It is considered that the impact would be acceptable when considering the wider benefits the scheme provides, in terms of improving the existing traffic problems through the Sturry crossing, and accommodating the additional traffic from the housing developments.

Ecology and Nature Conservation

84. This chapter of the ES considers the impacts of the proposed Link Road on any designated areas, habitats and protected species, to determine the ecological constraints to the proposed scheme. A detailed assessment is provided of the likely significant impacts and effects on ecology and nature conservation and identifies appropriate mitigation, compensatory and enhancement measures to address significant effects arising from construction and operation of the scheme – this being the link road in its entirety. The legislation and planning policy guidance relevant to this section of the ES is The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'); the Wildlife and Countryside Act 1981 (as amended); Natural Environment and Rural Communities Act 2006; Countryside and Rights of Way Act 2000 (as amended); Protection of Badgers Act 1992; Wild Mammals (protection) Act 1996; Hedgerows Regulations 1996; Highways Act 1980 (as amended); the Town and Country Planning Act 1990 (as amended); Chapter 15 of the NPPF (Conserving and Enhancing the Natural Environment); Planning Practice Guidance on the Natural Environment 2016; 'Keepers of time: A statement of policy for England's Ancient and Native Woodland' 2019; UK Post-2010 Biodiversity Framework 2012; Canterbury City Council Local Plan Policies LB5 Sites of International Conservation Importance; LB6 Sites of Special Scientific Interest; LB7 Locally Designated Sites; LB8 Landscape Scale Biodiversity Networks; LB9 Protection, Mitigation, Enhancement and Increased Connectivity for Species and Habitats of Principal Importance; LB10 Trees, Hedgerows and Woodland; LB11 The Blean Complex; LB13 River Corridors; as well as Kent Biodiversity 2020 and Beyond - a strategy for the natural environment 2015-2025; and the draft Canterbury Landscape Character and Biodiversity Appraisal.

85. The study area comprised the route of the link road in its entirety and surrounding land up to 500m from the scheme, which included land to the south of the railway line where the link road crosses the Great Stour river and connects to the A28, and land to the north within the 'Land at Sturry' housing allocation, where it links to the A291 Sturry Hill to the east and Shalloak Road to the west. A separate study area was defined for the

ecology desk study – this was based on the potential zone of influence over which important ecological features may be significantly affected by the scheme. The ES notes that the zone of influence can vary for different features, for example mobile species such as birds and bats may be affected to a greater geographical extent than habitats which are fixed, or species that are more sedentary. For the assessment, therefore, the zone of influence and therefore the study area was considered separately for each ecological feature, where appropriate.

86. An initial desk study was undertaken to provide an overview of the study area in order to inform the ecological surveys and assessment of the scheme. As a result the following field surveys were undertaken within the study area: Extended Phase 1 habitat survey; Phase 2 botanical survey and hedgerow assessment; badger survey; bat survey, dormouse survey; otter and water vole survey; Great Crested Newt survey; reptile survey; breeding and wintering birds survey; and a Desmoulin's whorl snail survey.

87. Following the initial consultation process and in response to comments received by 7Natural England, Kent Wildlife Trust and the County Council's Ecological Advice Service an addendum to the ES in relation to Ecology and Nature Conservation was submitted in October 2019. This was re-advertised as set out in paragraph 26 above. In addition to the surveys outlined above, the following ecological features were subject to updated surveys (where necessary) and further assessment in relation to the construction and operation of the link road:

- Habitats and wetland vegetation along the proposed construction routes, including those within the Great Stour, Ashford to Fordwich Local Wildlife Site (LWS);
- Non-native invasive plants;
- Bat tree roosts along the proposed construction access routes;
- Otter and beaver using the Great Stour River;
- Reptile habitat affected by the scheme;
- Desmoulin's whorl snail within the Great Stour floodplain; and
- Migratory fish using the river.

The impact on wintering wading birds with functional linkage to the Stodmarsh SPA was also addressed through correspondence with Natural England.

88. In terms of the baseline conditions of the study area the ES and ES Addendum have identified the statutory designated sites of Sturry Pit Site of Special Scientific Interest (SSSI), West Blean and Thornden Woods SSSI, Stodmarsh SSSI, Stodmarsh Special Area of Conservation (SAC), Stodmarsh Special Protection Area (SPA), Stodmarsh Ramsar and Stodmarsh National Nature Reserve; the non-statutory designated site of Great Stour, Ashford to Fordwich Local Wildlife Site (LWS); and the ancient woodland of Den Grove Wood and Shelford/Beecham Woods. A broad range of habitat types were identified (as set out in detail in the documents) including semi-natural broadleaved woodland; plantation broadleaved woodland; hedgerows, trees and scrub; semi-improved and species poor grassland; marshy grassland; grazing marsh; arable; swap vegetation; tall ruderal vegetation; river, ditches and ponds; buildings and hardstanding; and invasive plant species. Protected species within the study area were identified as badgers, bats, dormice, otters, water voles, hedgehogs, harvest mice, great crested

newts, toads, slow worms, an extensive number of birds, Desmoulin's whorl snail, and migratory fish such as brown/sea trout, sea lamprey and European eel.

89. As part of the ES, and in compliance with the Conservation of Habitats and Species Regulations 2017, a report to inform the requirement for a Habitats Regulations Assessment was also submitted. After extensive consultation with Natural England this document was revised and resubmitted in February 2020. It formed one of the documents which was advertised for re-consultation, as set out in paragraph 26. The purpose of the report is to identify whether the scheme on its own (as an integral part of the Land at Sturry housing development) or in combination with other developments (including land at Broad Oak Farm, the Richborough Connection Project, Chislet Colliery and Hoplands Farm) would have any likely significant effects on the integrity of any Natura 2000 sites, also known as European Sites. Natura 2000 (known since January 2021 as the network of SACs and SPAs in Europe) is a network of areas designated to conserve natural habitats and species that are rare, endangered, vulnerable or endemic within the European Community. This includes Special Areas of Conservation (SAC) designated under the Habitats Directive for their habitats and/or species of European importance; and Special Protection Areas (SPA) classified under the Birds Directive for rare, vulnerable and regularly occurring migratory bird species and internationally important wetlands. As a matter of national planning policy, the Government has chosen to apply the assessment procedures to internationally designated Ramsar sites as well, even though they are not European Sites as a matter of law. The European Sites that could potentially be affected by the project included Stodmarsh SAC, Stodmarsh SPA, Stodmarsh Ramsar, Thanet Coast & Sandwich Bay SPA, Thanet Coast and Sandwich Bay Ramsar, The Swale SPA, The Swale Ramsar, and the Blean Complex SAC.

90. In accordance with the Habitats Regulations, the County Council as a 'competent authority' under the Habitats Regulations must be satisfied that the project would not cause an adverse effect on the integrity of any European designated site before it can grant permission for the works. As assessment has therefore been undertaken by KCC based on the information provided as set out above, in addition to the information used by Canterbury City Council to undertake the Habitats Regulations Assessment for the applications that form the 'Land at Sturry' and 'Land at Broad Oak' strategic allocations. The three applications are interlinked, so whilst CCC and KCC have developed and issued separate Habitats Regulations Assessments specific to each planning application, the relevant information has been shared and joint conclusions reached by each authority.

91. The method for carrying out a Habitats Regulations Assessment (HRA) follows a four-stage approach: Stage 1 screening, Stage 2 appropriate assessment, Stage 3 assessment of alternative solutions, and Stage 4 assessment where no alternative solutions exist and where adverse impacts remain. Each stage determines whether the next stage in the process is required – for example if it is concluded that at the end of stage 1 there would be no significant effects on the Natura 2000 sites, there is no requirement to proceed to Stage 2.

92. Having carried out the screening assessment of the project it was concluded that it was likely to have a significant effect on Stodmarsh SAC, Stodmarsh SPA, Stodmarsh

Ramsar, Thanet Coast & Sandwich Bay SPA and Thanet Coast and Sandwich Bay Ramsar. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. The European sites of The Swale SPA, The Swale Ramsar and Blean Complex SAC were screened out from further assessment. For the Swale SPA and Ramsar this was due to the distance between the link road and the SPA boundary (approximately 8.6km) and the housing sites being outside the 6km zone of influence for the SPA and Ramsar sites. For the Blean complex this was because of the distance of the SAC from the Sturry link road site, and for the housing allocations because the strategic assessment undertaken for the Canterbury District local Plan concluded that there would be no likely significant effect as annual increases in nitrogen were predicted to be less than 1% of the critical load for the Annex I habitat of the SAC.

93. A detailed tabular assessment is provided in the County Council's document with reference to each European site and its qualifying feature(s), the potential effect on the qualifying feature, the potential impact pathway, the sensitivity of the receptors, the source, avoidance and mitigation measures and an assessment of any adverse effect on site integrity. The impact of the Sturry Link Road project and the Strategic Housing Allocations (both during construction and operation) are considered together in the assessment. The qualifying features assessed include the Desmoulin's whorl snail in the Stodmarsh SAC; the bittern, gadwall, shoveler, waterbird assemblage in the Stodmarsh SPA & Ramsar; and the breeding little tern, Wintering golden plover, turnstone, ringed plover, grey plover, sanderling and Lapland bunting in the Thanet Coast & Sandwich Bay SPA and Ramsar.

94. The Appropriate Assessment concluded that there would be no adverse effect on site integrity from the proposals alone or in combination as long as certain design measures are built in. Those have been included. In terms of Stodmarsh SAC, Stodmarsh SPA and Stodmarsh Ramsar the construction effects can be managed by adherence to measures set out in a Construction Environmental Management Plan (CEMP), and operational effects are addressed through the drainage design and the design of the bridge deck parapet. The Appropriate Assessment goes on to state that the operational impacts would be further mitigated by the creation and enhancement of wetland habitats.

95. The operational effects on Thanet Coast and Sandwich Bay SPA and Thanet Coast and Sandwich Bay Ramsar (as a result of the linked housing projects) would be mitigated with a financial contribution to the implementation of Canterbury City Council's Strategic Access, Management and Monitoring Plan. It was therefore ascertained that the project would have no effect on European sites and as such an adverse effect in combination with other plans and projects is ruled out. A number of conditions are suggested in the Appropriate Assessment to ensure mitigation measures are secured, and these include the implementation of the CEMP (particularly no piling from November to early March inclusive); a Sustainable Surface Water Drainage system implemented through a Surface Water Management Plan and monitoring of efficacy; installation of the bridge parapet with solid screens to prevent spray and run off over spilling into the Great Stour and to secure habitat creation including long term management and monitoring for the creation of scrapes prior to works commencing, wetland creation and improvement

works for the Desmoulin's whorl snail habitat and monitoring of the snail population in functionally linked habitats.

96. As to 'in combination' effects, the Appropriate Assessment concluded that there was no adverse effect on site integrity in combination with other projects. The avoidance and mitigation measures relating to the linked housing applications, as outlined in the HRA for those projects, would be secured by Canterbury City Council, the competent authority for those projects. Natural England considered CCC's original HRA and Appropriate Assessment in September 2020 and confirmed that they concurred with the findings of their report that an adverse effect on the integrity of any of the sites in question would not occur subject to the mitigation measures set out. CCC subsequently adopted this Appropriate Assessment. In relation to the revised 'Land at Sturry' planning application (CA/20/02826) a slightly different way of dealing with the nutrient neutrality issue has been proposed by the developers and a revised Appropriate Assessment has been undertaken and adopted by CCC. At their Planning Applications Committee meeting on 9th February, when it was resolved to grant conditional planning permission for this new application and the original Broad Oak application (CA/18/00868), CCC confirmed that they had had regard to the revised Natural England guidance 'Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites – For Local Planning Authorities', November 2020 which updates the July version of this advice; that its new Appropriate Assessment accords with this published guidance; and that all matters raised by Natural England would be resolved through the imposition of conditions on its planning permission. They have therefore concluded that there would be no adverse effect from the development due to the proposed housing and mixed use schemes.

97. The County Council's own Record of Appropriate Assessment was submitted to Natural England at the end of September 2020 and they have advised (November 2020) that they concur with the findings of the County Council (given the date of response, they will have had regard to their own revised guidance in providing this advice). In relation to the construction phase impacts this would be subject to the mitigation measures that are part of the CEMP being implemented and that the two shallow scrapes required to mitigate the temporary loss of floodplain grazing habitat being appropriately secured in any planning permission. They also state that they concur with the County Council's findings in relation to the operational phase impacts on the Desmoulin's whorl snail, provided that the mitigation measures outlined in the AA (namely the implementation of a sustainable drainage system with planting of appropriate salt tolerant species; the implementation of the proposed wetland creation and improvement works; and the creation of the bridge parapet to prevent overspill into the snail habitat) are provided, and that these are monitored and maintained in perpetuity and secured by condition. Finally, they concur with the County Council's conclusion that there would be no adverse effect on the integrity of the Stodmarsh SPA and Ramsar site in the operational phase of the development with respect to interest feature bird species. This is provided that the two scrapes created during the construction phase are retained in perpetuity alongside the proposed wider wetland improvement/creation work and the proposed lighting strategy implementation being appropriately secured in any planning permission.

98. A copy of the County Council's Appropriate Assessment endorsed by Natural England is included in Appendix 2. It has been considered unnecessary to revisit our own AA or

revert to Natural England following the adoption of the new AA by Canterbury City Council, as the changes are simply a different way of dealing with the nutrient neutrality issue on another site, not this site and there is no reason to revisit the 'in combination' assessment in the light of the revised approach for the housing. The Sturry Link Road, which is the subject of this application, gives rise to no impact on the nutrient neutrality matter which is solely related to the housing developments.

99. In light of the assessment undertaken and the comprehensive ecological studies carried out for the site the ES concludes that subject to the implementation of the mitigation measures set out and the imposition of conditions to secure these, the scheme would be compliant with wildlife legislation and planning policy. Following the receipt of the revised information the original concerns raised by the County's Biodiversity Officer, Natural England and the Kent Wildlife Trust have been addressed. The confirmation by Natural England of the acceptability of the County Council's Appropriate Assessment also reinforces the view that the impact on ecology is acceptable. As per the recommendation set out in paragraph 203 below, Members are asked to adopt the attached Appropriate Assessment and the conclusions above on the in combination issue in the light of the revised approach being adopted in respect of the housing sites.

Geology and Soils

100. This chapter of the ES considers the likely impacts from the construction and operation of the road scheme on geological sites, geology, geomorphology, minerals, soils and contaminated land. Hydrogeology is assessed in the Drainage chapter but is also considered in this chapter in terms of contaminated land. There are a number of policy and legislative instruments in the UK, the most relevant of which are considered to be the Environmental Protection Act, 1990; the Environment Act 1995; Contaminated Land Regulations 2000; The Control of Pollution Act 1974; The Environmental Protection (Duty of Care) Regulations 1991; Environmental Permitting Regulations 2010; and Hazardous Waste Regulations 2005. Chapter 15 of the National Planning Policy Framework sets out measures to protect, conserve and enhance the natural environment; whilst Policies LB7 and QL12 of the Canterbury Local Plan seek to control the impact on geologically designated sites and development which could potentially result in pollution.

101. The assessment of geology and soils was undertaken in line with the guidance set out in the Design Manual for Roads and Bridges (DMRB), and the study area included the scheme footprint and a buffer zone of 100m, as well as a working corridor of 30m either side of the road for construction purposes. Designated sites within 2km of the scheme were also considered. The baseline conditions were established through desk study research as well as a site walkover being undertaken. Historical Ground Investigations were used as was the Geo-environmental assessment undertaken in 2017 to inform the planning application for 'Land at Sturry'. Guidance on the risk assessment process is set out in the Environment Agency document 'Model Procedures for the Management of Land Contamination'. Fundamental to the identification and management of land contamination is the concept of pollutant linkage, which comprises:

- A contaminant source – a substance that is in, on or under the land and has the potential to cause harm or the cause pollution;

- A receptor – in general terms something that could be adversely affected by a contaminant, such as people, an ecological system, property or a water body; and
- A pathway – a route or means by which a receptor cane be exposed to or affected by a contaminant.

These elements can exist independently but only create a risk when they are linked together, so that a particular contaminant affects a particular receptor through a particular pathway. By considering these elements an assessment of the significance of the risk can be made. The severity of the risk is determined by combining the magnitude of the impact and the sensitivity of the receptor for each potential impact. The significance of the effect is then calculated by combining the severity of the potential significance with the likelihood of an event occurring. Effects assessed as moderate, high and very high are considered significant for EIA purposes (where mitigation is required) and those assessed as low and very low are not considered to be significant, although measures to reduce these to negligible should be considered where practically and economically feasible.

102. The ES sets out the baseline conditions for the study area including geologically designated sites (Sturry Pitt SSSI), geomorphology, bedrock geology, structural features, superficial deposits, hydrogeology, groundwater vulnerability, groundwater abstractions and soils, and mining and mineral extraction. For land contamination a review of the historic and current maps was undertaken, plus identification of landfill sites and petroleum stores. Contamination sources within the study area are identified as historic pollution along current road and infrastructure; the railway and embankments; Canterbury Waste Water Treatment works; historic gravel pit (now used as Greenfields Shooting Ground); Brickworks; gasholder; commercial car dealerships; historic landfill sites and the shooting grounds itself.

103. The predicted impacts are set out in the ES, which states that construction impacts on soils would be managed through best practice measures set out in the Construction Environmental Management Plan (CEMP). Adherence to pollution prevention measures would ensure no contamination to the underlying subsoils. The scheme footprint does not encroach onto the designated site and therefore there would be no impact on the Sturry Pit SSSI. Adherence to the CMP would ensure impacts from pollution or spillages are minimised therefore there would be a negligible impact on the local geomorphology. The piling works have the potential to displace geological strata, however the ES concludes this would be minimal and the impact on the bedrock is considered negligible. For superficial deposits the ES considers that changes to the characteristics of soil profile types affected by the scheme would be minor adverse, as would the impact on productive agricultural soils. The impact on superficial deposits from settlement is considered to be minor adverse and the potential changes to the characteristics of the underlying superficial deposits are considered minor adverse. The magnitude of impact on future mine workings is considered negligible. The construction works have the potential to increase the pollutant linkages as follows:

- Source – the construction works have the potential to create new sources of contaminants due to spillages and to disrupt/mobilise existing sources of contaminants via earthworks;
- Pathway – the construction works have the potential to increase the number of pollutant pathways via excavation works and piling;

- Receptor – the presence of construction workers/site visitors would increase the number of potential receptors.

104. The ES states that as the scheme is a key component of the 'Land at Sturry' residential development, the operational impacts considered the cumulative impact of the road *and* the housing development. In terms of the Sturry Pit Site SSSI, it was considered that the scheme would have no impact, as the footprint would not encroach on the designated site (it being on the eastern side of Sturry Hill). It predicts the impact of the scheme on geomorphology would be minor adverse, as a result of the loss of soil cover as a result of the road and housing, and the impact on bedrock geology as negligible as there would be no major cuttings associated with the scheme. In terms of superficial deposits, the alluvium below the embankments has the potential to be adversely affected by compression and settlement, therefore the impact is predicted to be minor adverse. The loss of agricultural soils to the north of the railway line, which is related to the 'land at Sturry' housing site rather than this part of the link road, is predicted to result in a major adverse impact. In terms of mine workings and minerals, the site is within a mineral safeguarding zone, and the provision of the road and housing site would result in the minerals being unavailable for extraction. However, given the sites location within the floodplain, it is considered unlikely that the area would be suitable for extraction, therefore the magnitude of impact is considered to be no change. In terms of land contamination, the operation of the scheme has the potential to alter the pollutant linkages:
    - Source – there is the potential to create new sources of contamination due to spillages from faulty fuel containers and road traffic conditions;
    - Pathway – the area surrounding the outside of the piles may form preferential pollutant pathways between ground surface and the water table during the operational phase;
    - Receptor – the presence of future site users on site would increase the number of potential receptors.

105. In terms of mitigation, the ES states that as the construction works would adhere to the measures set out in the CEMP, and no moderate or larger impacts were identified, it is considered that no additional mitigation would be required. Furthermore, no additional mitigation measures above those embedded in the scheme design were deemed necessary for geological designated sites, soils, geology or mine workings. Potential contaminated land risks during the operational phase would be effectively managed via the adoption of current best practice methodologies, the ES states, such as the 'Environmental Good Practice on Site'.

106. The significance of effects on geology, soils and mineral resources following the implementation of the mitigation measures are set out in the ES. Most have a slight adverse effect, a neutral effect or a slight effect. The only moderate adverse impact is shown for the soil loss as a result of the road and housing scheme. It should be noted, however, that as the housing site was allocated in the Local Plan and the route of the link road safeguarded, the loss of such soils has already been addressed through that local plan adoption process. The severity of the potential contaminated land effects can be determined by combining the magnitude of the hazard and the sensitivity of the receptor for each potential impact, which is measured as negligible or slight adverse in

most cases. A 'moderate adverse' severity of effect is given for the hazardous ground gases and vapours during the construction phase.

107. To determine the significance of the effects, the severity of the potential significance is then considered in conjunction with the likelihood of the event occurring. For both the construction phase and the operational phase the ES concludes that the risks are 'very low' or 'low' for all contaminated land sources. It is therefore considered that there would be no significant effects.

108. The Environment Agency provided consultee comments on the application which addressed parts of this subject matter. For example, they commented on the fact that contamination could be mobilised by the development generally and could then migrate to pollute groundwater; and that piling could also result in the risk of mobilising contaminants, by drilling through aquifers and creating preferential pathways. However, they state that their concerns can be adequately addressed through the imposition of conditions ensuring piling only takes place with the consent of the County Planning Authority and having undertaken a 'Piling Risk Assessment' and conditions to ensure that a remediation strategy to deal with the risks associated with contamination have been submitted. In addition, conditions to ensure a method of treating contamination not previously known about, and the need for a verification report following the completion of the development are also required.

109. Objections were received from local residents about potential contamination as a result of lead shot from the shooting grounds being washed into the development area. Whilst this may prove to be an unknown contaminant at the present time, the imposition of the conditions suggested above would ensure that all contamination would be treated, and a verification report provided to demonstrate how any contamination found has been dealt with.

Materials

110. The materials chapter of the ES considers environmental impacts from construction in terms of the energy associated with the production of materials, the generation and management of waste on site and the potential impact on waste policies and available waste management facilities. Highways England issued an Interim Advice Note in 2011 that outlined an approach for considering material resource use as part of an EIA assessment when considering the process for construction, improvement and major maintenance of roads. Material resources include primary raw materials such as aggregates and manufactured construction products which include recycled and secondary aggregates. Many material resources originate off site whereas some arise onsite as excavated soils or recycled road planings. Waste is defined as any substance or object which the holder discards or intends to discard or is required to discard. The legislative framework which applies to this section includes The Environmental Protection Act, The Environment Act, The Control of Pollution Act, The Environmental Protection Regulations, Environmental Permitting Regulations, The Waste Management Directive, Waste Framework Directive, The Waste Strategy for England, Controlled Waste Regulations, Hazardous Waste Regulations and Waste Regulations. In addition National Policy includes the National Planning Policy Framework, National Waste Management Plan for England, National Planning Policy for Waste, The Regional

Spatial Strategy for East England, the Kent County Council Minerals and Waste Local Plan and Policies SP1 and DBE1 of the Canterbury District Local Plan.

111. This part of the ES was carried out in accordance with the Interim Advice Note of the guidance for EIA assessments, but this Advice Note did not specify buffer zones or study area guidelines, therefore the scope for this section was based on the authors professional judgement and included the scheme footprint for the entire link road and a construction working corridor (buffer zone) of 10m. Information was obtained through a desk top study and a site walkover. Materials are considered in terms of 'material resource management', this being the potential environmental effects that are associated with the extraction and transportation of primary raw materials, the manufacture of products, and their subsequent transport to and use on site; and 'waste management' which would be the potential environmental effects that are associated with the production, movement, transport, processing and disposal.

112. The assessment concentrates on the impacts that would occur as a result of the use of primary, secondary and recycled raw materials and manufactured construction products on the project. The consideration of the effects was undertaken in accordance with the DMRB but the ES notes that there are no accepted criteria for determining the value (sensitivity) of material resources and waste, the magnitude of impacts on material resources and waste, or the significance of effect, therefore professional judgement was used again. The assessment of significance is based on the magnitude of the impact and the sensitivity of the receptor. A significant effect is one which is considered to be moderate or above.

113. The current material resources in the study area are not considered to be particularly rare, unique or unusual at a local, national or international scale, however the area around Sturry is designated as a Minerals Safeguarded Area for sands and gravel. The disposal of waste materials can be assessed in terms of where and how they can be disposed and the associated impact of this disposal. Waste materials are classified as excavated arisings, construction and demolition materials not suitable for re-use; excavated materials classified as hazardous due to the presence of contaminants, waste products arising from the presence of construction staff on site (e.g. effluent from portable toilets, food waste and packaging), and waste from surplus materials and spillages. In accordance with the Interim Advice Note the ES identified the receptors likely to be affected by waste generation. There are a number of active landfill sites in close proximity to the scheme.

114. In terms of an evaluation of the value of resources and the sensitivity of receptors, the ES states that whilst the scheme would require the procurement of quantities of aggregates, pavement concrete and steel there are high quantities of these materials on the UK market (i.e. low scarcity) therefore the value of material resources for this scheme is considered to be low. The sensitivity of waste infrastructure is also considered to be low given the availability of waste management sites within 30km of the scheme. In terms of predicted impacts and impact assessment this is broken down into the construction phase and the operation phase for both material resources and waste. The procurement of substantial quantities of construction materials would result in the loss of finite material resources, therefore the scheme is expected to have a moderate adverse impact in this regard. The scheme is predicted to generate moderate

quantities of inert (and potentially non-inert) materials, thus it is anticipated that it would have a moderate adverse impact on waste management infrastructure as landfill space within both inert and other landfill sites is a finite resource.

115. During the operational phase, the material resources required post construction are anticipated to be those required for road repairs, and upkeep of road furniture and lighting only, therefore the scheme is expected to have a minor adverse impact on material resources during the operational phase. In terms of waste, assumptions have been made that any road repairs would result in the generation of road planings and there may be waste issues arising from the upkeep of road furniture and lighting, therefore a minor adverse impact is again anticipated.

116. The ES then considers ways of mitigating the impact. During construction a 'Construction Materials and Waste Management Plan' would be compiled to maximise use of existing resources and minimise waste on site. The use of locally sourced materials and by ordering materials as and when required, would reduce the potential for wastage that may result from transporting materials from a longer distance away. Current signage might be able to be reused rather than using materials for new signage and it may be possible to reuse removed street lighting and instigate improvements such as LED or low energy lighting. The ES suggests it may be possible to recycle and re-use any removed drainage systems and also notes that the use of piling for the bridge structure would avoid the need for excavation and fill, requiring more materials. The majority of waste created from the scheme would be as a result of site clearance and preparation for earthworks and the excavation of subsoils that aren't suitable for re-use. By minimising the construction corridor and mulching quantities of organic waste this would help reduce the amount of waste removed from site. Recycled aggregates could be sourced for road construction to reduce costs and improve the sustainability of the scheme. It also suggests that topsoil stripped during site clearance could be stored and reused post construction for verges and embankments. Following construction, the ES suggests that regular inspections of the road would avoid the need for major repairs which would require the further use of materials and possible wastage.

117. As a result of this assessment and the potential mitigation measures, the significance of the effect of material resources and waste infrastructure is determined as being slight adverse during both construction and operation phases.

Noise and Vibration

118. This chapter of the ES considers the noise and vibration impact of the link road in terms of both temporary effects during the construction period and permanent effects which would result from the 'operation' of the link road. It considers impacts on existing receptors as well as proposed receptors, specifically the new residential properties on the 'Land at Sturry' housing site. There is extensive planning policy and legislation in relation to noise and vibration which can be found in the National Policy Statement for National Networks, the National Planning Policy Framework, the Noise Policy Statement for England, Planning Practice Guidance on Noise, Environmental Noise Regulations, Highways England Road Investment Strategy, Land Compensation Act, Noise Insulation Regulations, Control of Pollution Act, Environmental Protection Act and The Control of Noise (Code of Practice for Construction and Open Sites). In general the overriding aim

of such policies is to ensure that significant adverse impacts on health and quality of life from noise and vibration should be avoided through the granting of planning permission for new development, and potential adverse impacts should be mitigated against and reduced. In addition to national policy, the Canterbury City Council Local Plan states that avoiding and minimising noise pollution should be considered within the context of sustainable design.

119. The assessment of both the temporary effects during construction and the permanent effects during operation undertaken for the ES followed guidance given in the Design Manual for Roads and Bridges (DMRB). The study area for the temporary (construction) impacts was 300m from the scheme, as significant adverse effects beyond this distance would not be expected, whilst the permanent (operational) impacts study area was 600m from the scheme as per the DMRB guidance. The ES sets out the various factors taken into account in both assessments which include the existing background noise levels and the levels at which effects are considered to be significant; and for the operational impacts an assessment of the do-minimum scenario (without the scheme) and do-something scenario (with the road scheme). The classification of magnitude of noise impact in both the short term and long term ranges from major adverse impact, through moderate, minor and negligible adverse impacts to no change, and then scale up through the same range to major beneficial impacts.

120. The ES considers an assessment of the nuisance caused by noise, as well as operational road traffic airborne vibration. The DMRB states that vibration associated with road traffic sources would not normally have any influence at distances of more than 40m from an affected road. In addition ground borne vibration is not anticipated to be an issue for the scheme at all, as it is generally only perceptible where the road surface is uneven, which would not be the case with this scheme.

121. The main sources of existing noise within the study area are from road traffic on the surrounding road network and from trains travelling along the Canterbury to Ramsgate railway line, in addition to intermittent bursts of gunfire associated with the Greenfield Shooting Grounds when operational. There are industrial noise sources in the study area including a distant but continuous hum of machinery and reversing alarms from Shelford landfill site, and occasional banging and screeching noises from the Vauxhall Road industrial estate, along with road time noise at night time due to the large number of HGV's.

122. Within the study area for operational noise the ES identified 1619 residential receptors and 14 community receptors. This includes those proposed to be built within the 'Land at Sturry' development site, which at the time of writing the ES was considered as 'up to 700 new homes'. The closest 'designated' site is the Sturry Pit SSSI located on the eastern side of Sturry Hill and therefore within 50m of the proposed link road where the road forms part of the residential site 'Land at Sturry'. Given this is a geological site it was not considered a noise sensitive receptor but was considered in the vibration assessment. The residential site 'Land at Sturry' would fall within the study area and the ES notes that adverse noise effects from the road would need to be mitigated against as part of that residential development not this application. Similarly, properties that may be affected by adverse noise effects within the Broad Oak site would need to include mitigation as part of that development. Only the existing receptors were considered in

the temporary assessment (given that the new houses on the strategic allocation do not exist at present), whilst both existing and proposed receptors were considered in the permanent assessment.

123. Construction works are separated into stages of demolition; excavation, filling and compaction; piling; carriageway surfacing; and footpath surfacing. The noisiest construction activity at all the representative receptors was predicted to be the carriageway surfacing, albeit this element of the works is also expected to be the shortest part of the overall construction works. Construction road traffic was also considered in this part of the assessment, and these routes are the same as those used in the air quality assessment.

124. Mitigation for noise impacts during the construction period would be addressed through the Construction Environmental Management Plan (CEMP). Potential mitigation measures set out include the limitation to the time of works, which can also be controlled by planning condition (usually Monday to Friday 7.30am-6pm and Saturday mornings from 8am-1pm, with no work on Sundays or bank holidays); the control of noise at source, for example by fitting silencers to plant and tools, plant equipment in intermittent use to be shut down in periods of non-use and plant positioned in such a way as to minimise noise to nearby properties; the control of the spread of noise, for example by the use of noise reducing screens, barriers or earth bunds.

125. In terms of operational noise in the opening year the scheme was predicted to result in some properties experiencing a daytime increase in noise level, some predicted to experience no change and others to experience a decrease in noise levels. Of those properties that would experience an increase in noise levels, 246 would experience an increase above 3dB, of which 26 above 5dB. The long term 'do-something' effects (i.e. building the scheme) are also predicted in the ES, which again suggest that 246 residential receptors would experience an increase in noise levels greater than 3dB in the daytime, and of these 26 would experience an increase in noise levels above 5dB. It also predicts there would be a decrease in noise levels at 250 residential receptors, 70 of which were predicted to experience a perceptible decrease in noise levels during the daytime, that being between 3dB and 5dB. Two community receptors were predicted to experience a perceptible increase in noise levels whilst two community receptors were predicted to experience a perceptible decrease in noise levels. At night 42 dwellings were predicted to experience a perceptible increase in noise levels, above 3dB of which 1 would be above 5dB, whilst 4 dwellings were predicted to experience a perceptible decrease of between 3 and 5dB (note, at night time only those properties which experience noise levels above 55dB are included in the assessment, as per the DMRB guidelines, and the majority of properties would be below this level).

126. The proposed residential development and the proposed school at 'Land at Sturry' were predicted to experience major adverse change in noise levels in the long term but this is because they are being compared to the greenfield baseline conditions. The ES goes on to clarify that the operation of the link road would in all likelihood coincide with the first occupation of the proposed residential development, such that any change in noise level would in effect be notional.

127. During the operational stage the types of mitigation that would normally be considered (such as moving a route away from sensitive receptors, putting in earth mounding or acoustic fencing, or use of low noise surfaces) would not be applicable in this case. Given the restricted corridor for the route there is limited opportunity to realign it away from existing sensitive receptors or provide noise barriers, and the low noise surfacing is only effective at speeds over 75mph. Instead, the ES suggests that the most effective mitigation would be the provision of additional sound insulation for qualifying windows and doors, in accordance with the provisions included in the Noise Insulation Regulations, 1975. In applying these regulations, the ES identifies 8 properties that would qualify for noise insulation, all of which are located on the A291 Sturry Hill Road, and the developers are required to provide this under these regulations. It should be noted that for the Land at Sturry development, screening would be included as part of the overall development, and that the residential development permitted here would also to some degree screen the link road traffic, and thus reduce the noise impact, at existing receptors as a consequence.

128. The ES concludes that there are predicted to be significant noise increases at receptors in the study area during construction but that mitigation measures put in place should address the worst of the concerns. Best practice methods would be followed with the priority being reducing the noise at source. The link road would also result in noise changes once in operation, both adverse and beneficial. The scheme is however predicted to result in some significant beneficial effects in relation to noise impact at receptors along the A28 Sturry Road and parts of the A291 Sturry Hill. These are the areas where traffic would be diverted away from the existing road network and along the new link road, through the housing development and across the viaduct to re-join the A28. In particular the properties on Sturry Hill which lie to the north of Old School Close, up to 34 Wildwood which backs on to Sturry Hill (shown on the plan below for clarity) would experience a decrease in noise, as well as all of the properties on the A28 south of the railway crossing, through Sturry and along to the proposed new roundabout on the A28.

129. The County Council's noise consultants have considered the information submitted with this application, as well as the noise assessment carried out for the associated 'Land at

Sturry' outline planning application. They have concluded that the assessment is thorough and identifies locations where noise impacts may occur – both adverse and positive. Whilst the report identifies 8 properties that are eligible for grant provision under the Noise Insulation Regulations 1975, the consultant states that there are others that would be adversely affected but not to a level which would qualify for the grant provision. The result being that these properties could experience long term adverse effects but without any provision of any form of mitigation (given that physical measures are not practicable in this case as set out above), and it would therefore be reasonable and proper to consider noise mitigation for these properties as part of the scheme, were it to be approved.

130. In order to ascertain which properties would be eligible for noise insulation the Highway Authority would undertake a further road traffic noise assessment once the detailed design is finalised (including those properties which may be adversely affected but not to a level which would qualify for the grant provision as set out above) and where appropriate offers of noise insultation would be made to those properties. This can be addressed through the imposition of a condition which requires the additional assessment to be submitted to the County Planning Authority prior to the SLR in its entirety becoming operational.

131. Although it has been shown that there would be some residential properties that would experience an increase in noise as demonstrated in the ES, it should be recognised that the traffic which generates this noise is not as a result of the road link itself, but as a result of the approved housing developments and allocations within the Canterbury Local Plan. The traffic would simply all have to travel through the village of Sturry and use the level crossing if the link road in its entirety is not built. The wider strategic benefit of providing the Sturry Link Road must be weighed against these noise impacts, and it is considered that the scheme is therefore acceptable.

People and Communities

132. An assessment has been made in this chapter of the ES about the impact of the proposed scheme on pedestrians, cyclists, equestrians and vehicle travellers, whilst also incorporating impacts on land use. As previously the assessments have been undertaken in accordance with the DMRB. In terms of legislation and policy, those relevant to the scheme are the Equality Act, Acquisition of Land Act, National Planning Policy Framework, the Kent County Local Transport Plan, the Canterbury District Local Plan and the Countryside and Coastal Access Improvement Plan. In relation to the Local Transport Plan this includes local objectives for the A28 Sturry Road integrated transport package and completion of the A28 Sturry Road bus link, whilst the Local Plan includes the provision of the Sturry Link Road as a priority for Canterbury District to relieve congestion within Sturry and to facilitate access to development at Sturry and Broad Oak.

133. The study area includes the area of land required for the entire footprint of the link road, with a 50m buffer to allow for a construction working corridor. For pedestrians, equestrians, cyclists and community facilities a study area of 1km was established as this is generally accepted as the distance people would be willing to travel (by horse, bike or on foot) to a community facility. The assessment considered the impact of the

scheme on agricultural land, community assets, commercial and residential land, and property and development land, with a way of assessing the sensitivity of the impact and the magnitude of the impact in each case. For pedestrians, cyclists and equestrians the assessment identified key journeys in the study area and established existing 'Non Motorised Users' (NMU's) levels through surveys at two key locations. When considering changes to travel patterns the DMRB states that the level of use should be taken into account, the use by vulnerable groups, the availability of alternative facilities, and the importance of it in its own right (i.e. the extent to which users require access). A scale of negligible-low-medium-high-very high can then be applied to how changes to the route are assessed. For example, changes to a route with a high level of use, where a significant proportion of users are classed as vulnerable, where there are a lack of alternatives available and where the facility is important, such as a school, would be classed as having high sensitivity.

134. Assessment is also made in this chapter of journey amenity, which is defined in the DMRB as the relative pleasantness of the journey – that is the extent to which non-motorised users are exposed to traffic, noise and dirt as well as feelings of fear derived from footpath width, distance from traffic and the existence of barriers and fences. For cyclists and equestrian users, the presence of crossing points would also be important. For vehicle travellers there are two parts to the assessment; one the view from the road which relates to how a drivers perception of the surrounding landscape would be affected; and secondly driver stress, which would relate to how the scheme could have an affect on levels of driver stress, i.e. frustration as not being able to drive at the speed they would like due to congestion or slow moving construction vehicles. Feelings of fear and uncertainty also fall within the assessment for driver stress.

135. In terms of the baseline conditions, the study area comprises agricultural land, development land in the form of the strategic housing allocation for 'Land at Sturry', a small parcel of land allocated as employment land, some private residential properties and commercial properties such as Greenfield Shooting Ground. Community facilities within the 1km study area are listed and include schools, shops, churches, pubs, post offices, village greens, sports facilities, children's play parks and public rights of way to name a few. There are dedicated cycle routes along the A28 and part of National Cycle Route 1 is located south of the A28, however there are no bridleways within the study area and no riding schools either (the closest being 1.5km from the scheme). Given the lack of suitable areas for riding in the vicinity of the scheme, the ES considered it unlikely that equestrians would be found in the area, and therefore equestrian use was scoped out of any further assessment.

136. The survey results showed that the most common users of the footpaths along the A28 were adult pedestrians and cyclists, whilst the most common users of the public rights of way were dog walkers. Cyclists were not common but were recorded. The appeal of the routes surveyed in terms of journey amenity are set out in detail in the ES and include (for example) that the public rights of way were traffic free and tranquil and provided views, but were sometimes affected by rail and shooting noises; whilst the paths along the A28 were exposed to traffic with no barriers, a lack of controlled crossings and difficulty navigating the railway crossing during peak times. In terms of driver stress the ES suggests that the current conditions would be moderate for both the A28 and A291 and that at peak times when the railway level crossing is down, stress

levels would be higher. Views from the road are varied but are generally constrained by development in the urban environment within Sturry, with restricted views due to the height of roadside vegetation.

137. The predicted impacts are set out in the ES. During the construction phase there would be a temporary loss of agricultural land for the creation of haul roads and site compounds and there would be a temporary disturbance to two of the public rights of way (which would require temporary diversion) both of which are assessed as having a minor adverse impact. Potential impacts on residential properties during construction are noted as increased exposure to noise from machinery, dust soiling from earthworks and disruption to access. With the Construction Environmental Management Plan (CEMP) in place it is also assessed that the impact would be minor adverse. In terms of development land (Land at Sturry) the scheme would have a major beneficial impact by providing access to the development. Journey length on the public rights of way would be slightly affected by the diversion of the public footpaths, but unlikely to be by more than 250m therefore the impact is considered to be minor adverse. There would be no change to journey length on the A28 or A291. There would be indirect effects on journey amenity from noise, dust and visual intrusion from construction machinery and this may deter walkers from using footpaths, therefore it is assessed as a minor adverse impact. Construction traffic may cause a temporary impact on driver stress due to potential diversions and traffic management which would have a minor adverse impact, whilst it is assessed that there would be a negligible impact on the view from the road being affected.

138. In terms of operational impacts, the entire road scheme was assessed. There would be a permanent loss of agricultural land which is assessed as having a major impact, but as noted above this relates to the 'Land at Sturry' development rather than the KCC section of the link road. The public rights of way would be retained and where the link road cuts across it access would be provided, therefore there would be no long-term change for these facilities. The scheme would result in the permanent loss of the Greenfields shooting ground and in terms of impact on commercial land is assessed as having a major adverse impact – once again this is as a result of the 'Land at Sturry' application and has been considered by CCC in dealing with that application. The proposed link road would give pedestrians and cyclists an alternative route to travel if going from the A28 to the A291, on a dedicated cycle and footpath. The travel length would be 0.2km longer than the existing route along the A28, through Sturry and up the A291 but would avoid delays caused by the level crossing and therefore is assessed as a minor impact. The public right of way along the river (CB64) would not be affected as the viaduct would go over it. For the public right of way that would be dissected by the link road (CB64) there would be a minor adverse impact due to the need to wait at crossing points to cross the road.

139. Once operational the link road would help redistribute traffic from the A28 and the centre of Sturry onto the link road. For pedestrians and cyclists this reduction in traffic is predicted to have a minor beneficial impact on journey amenity. The cycle way along the link road would provide a degree of separation from traffic and therefore improve cyclist safety. For pedestrians it is predicted journey amenity would be improved by the provision of dedicated footpaths and road crossing points. The route along the link road is predicted to be more pleasant than the existing A28 route due to increase

landscaping and views across the valley. For users of the public rights of way (CB60 and CB64) journey amenity would change from a semi-rural tranquil walk to one through a residential area with exposure to traffic, and this is predicted to have a minor adverse impact. New footpaths would be created as part of the housing development to allow access to areas of open space and woodland, which would have a beneficial impact.

140. For vehicle travellers the aim of the link road is to redistribute traffic away from the centre of Sturry and relive congestion, as well as providing access for the housing development. Based on predicted traffic flows for future years the level of driver stress on the A28 and A291 is expected to remain as moderate, however being able to avoid the level crossing and subsequent traffic delays would reduce journey times and hence predicted to have a beneficial impact on driver stress. Views from the road would remain the same along the A28 and A291, but views from the link road are predicted to be minor beneficial due to views across the countryside due to the elevation of the viaduct.

141. During construction no additional mitigation measures are predicted to be necessary over and above the CEMP. The link road itself provides the mitigation for the current congestion through the centre of Sturry, exacerbated by the level crossing, as it provides an alternative route for drivers to choose.

142. For an assessment of the local representations received from the community to the proposed link road and in particular the proposed junction improvements at the A28/A291, please see paragraphs 188-192 below.

Road Drainage and Water Environment

143. The potential impact on the water environment as a result of the link road development and road drainage including surface waters, groundwater and flood risk is considered in the ES. The assessment has been undertaken in accordance with legislation including The Water Environment (Water Directive Framework)(England and Wales) Regulations 2003; Groundwater (England and Wales) Regulations 2009; Water Resources Act 1991; Water Act 2003; Land Drainage Act 1991; Control of Pollution Act 1974; Salmon and Freshwater Fisheries Act 1975; Flood and Water Management Act 2010; and The Environmental Permitting (England and Wales) Regulations 2010. Relevant planning policy to this part of the scheme includes the NPPF (2019); Canterbury District Local Plan Policies CC4, CC5, CC7, CC11 and CC12; Canterbury District Strategic Flood Risk Assessment; Kent County Council Local Flood Risk Management Strategy; and Water. People. Places. A guide for master planning sustainable drainage into developments.

144. The methodology used is in line with the established guidance in the DMRB Volume 11 – Road Drainage and The Water Environment, and the study area considered features up to 500m from the centreline of the proposed road in its entirety. A desk study and walkover survey were undertaken to determine the baseline conditions and a Flood Risk Assessment and Drainage Strategy were submitted to accompany the planning application. Both of these were subsequently updated following consultation responses and discussions with Natural England. The DMRB gives guidance on estimating the importance of water environment attributes, the magnitude of impact on them, and the significance of the effect - all of which is set out in detail in the ES.

145. Much of the scheme would cross existing farmland except at the location where it joins with existing roads. The baseline conditions are described in relation to surface water drainage; hydrology; hydrogeology; aquifer vulnerability; groundwater abstractions; and flooding (including fluvial and coastal flooding, surface water flooding, groundwater flooding, flooding of sewer, tidal flooding, and historical flooding as well as EA flood level data). In terms of the value of the resource or sensitivity of the receptor the ES states that the Great Stour River is considered to be of medium importance as its Water Framework Directive status is moderate, with the surrounding drains and ponds within the study area to be of low importance due to their limited size. The groundwater aquifer is considered to be of medium importance as it is a Secondary A Aquifer and provides a supply of water for multiple purposes. The floodplain areas within the study area are considered to be of high sensitivity as there are up to 100 existing residential, commercial and industrial premises and critical infrastructure present.

146. During the construction phase it is stated that potential impacts on water features in the study area would be managed in accordance with measures set out in the Construction Environment Management Plan (CEMP), therefore construction impacts are assessed assuming the CEMP is applied. In terms of surface water, construction impacts such as spillages of construction materials or disturbance of silt leading to the release of sediment have the potential to have a temporary impact on water quality but with the CEMP applied the magnitude of the impacts is assessed in the ES as being negligible adverse. Spillages and piling for the bridge structure have the potential to have an adverse impact on groundwater quality or water flow, but again with the CEMP applied, the impact is assessed as being negligible adverse.

147. Surface water flood risks would be aggravated during construction works due to compression of soil surfaces and gradual increase in impermeable surfaces, but the ES states that best practice measures would be used to minimise the risk of flooding and therefore the magnitude of impact on surface water flooding is considered to be minor adverse, although temporary in duration. The scheme would involve excavation within an area which experiences high groundwater levels. The north south link of the road however, is confined to higher ground and the ES states that it is not expected that excavations would be at a depth where groundwater would be encountered. Accordingly, the ES states that the magnitude of impact on groundwater flooding would be negligible adverse. Adherence to the CEMP would mean the risk of sewer flooding, for example from spillages or disturbance of silt again, would result in a negligible adverse impact. During construction, the haul routes would be located within the floodplain, but they would be kept to a minimum width and the amount of impermeable surfacing laid temporarily would be small. The ES states that given the construction works are temporary and the haul routes would be reinstated to greenfield surfacing once works are complete, the magnitude of impacts on fluvial flooding is considered in the ES to be minor adverse.

148. During the operation phase the proposed drainage strategy would tie into the existing drainage infrastructure. As set out in paragraph 144 above, a revised drainage strategy was submitted in March 2020 and an addendum to the Flood Risk Assessment in April 2020. The amendments to the drainage scheme have been made in consultation with Natural England and the County's Flood and Water Management Team, to address

concerns regarding the protected designated sites and the Great Stour River. Under this revised scheme the surface water runoff from the viaduct would be collected in a catch pit containing oil interceptors before being piped to the attenuation pond located at the southern extent of the link road. This pond would be located above the floodplain of the river and would also be bunded to be above flood level, with the top of the pond at least 0.378m higher than the maximum 1% plus climate change flood level. Drainage from the southern section of the road would be collected in this attenuation pond before being discharged into Sturry Dyke, which runs parallel to the A28. Outfalls from the pond would be controlled using a hydrobrake chamber and an oil interceptor would be fitted. The attenuation pond would have retention basins within it to trap sediments, including salt run off. Planting along the pond margins would include salt tolerant species including bulrush and common reeds to remove salts and ensure water quality is attenuated before being discharged into Sturry Dyke. As set out in paragraph 26 (in relation to the consultee comments from the River Stour Internal Drainage Board), the culverts for the Sturry Road Dyke would all be upgraded and put in good condition.

149. Drainage from the northern section of the link road would be collected in an attenuation pond located north of the railway line, which would collect runoff from approximately 0.51ha of road area. Runoff would be collected in a catchpit chamber at the base of the embankment and an oil interceptor would be fitted before water is discharged into the attenuation pond. The discharge would be controlled at greenfield runoff rates. Retention basins would be incorporated into the pond to allow solids to settle out. Salt tolerant plants would be planted in and around the pond to remove salts and provide additional attenuation. The attenuation pond would have a pumping station (underground submersible pump and valve chamber with small cabinet for control unit) to pump attenuated surface water at a greenfield runoff rate via rising main and gravity network into a wetland area designed to serve the east-west section of the link road adjacent to the southern boundary of the Land at Sturry housing application site. The flow from the wetland would finally discharge into the Great Stour River via a stream and culvert under the railway line located northwest of the Junior Kings School. The proposed arrangement would get additional treatment via the wetland before discharging into the watercourse, and this arrangement ensures the runoff is discharged *downstream* of the recorded location of Desmoulin's Whorl snails.

150. In order to minimise the impact of the potential for salt use in essential winter maintenance gritting discharging directly into the Great Stour River, the surface water run-off from the link road and viaduct would be directed through the attenuation ponds in order to manage the flow of surface water run-off from the new highway. The attenuation ponds would have undulating basins within them to allow the solids to settle out and as mentioned above would be planted with salt tolerant species to enable suspended solids and other pollutants to settle out or be absorbed by the plants before the water is discharged into the river. In addition, a solid screen would be incorporated into the parapet design of the viaduct as described in paragraph 16. This panel aims to prevent overspill directly into the river from surface water run-off on the road when spreading the winter maintenance grit and salts, along with spray from passing vehicles.

151. The ES assessment of the impact of surface water run-off from the road once the scheme is operational was undertaken in accordance with the Highways Agency Water Risk Assessment Tool and annex I of the DMRB. The results of this assessment show

that all outfalls would perform acceptably in relation to release and dilution of pollutants into surface watercourses and therefore would not adversely affect downstream surface water. The results also demonstrate that all applicable outfalls pass the cumulative assessment at locations where there is more than one discharge on the same reach of a watercourse. Given this, the magnitude of impact is considered negligible. The risk of a significant road traffic accident leading to a major spillage causing a serious pollution incident was also considered, using a probability calculation set out in the DMRB. The assessment was undertaken for four outfalls into which runoff would discharge. The ES sets out the results which shows that the probability of a serious pollution incident varied between 0.0000 and 0.0002 – significantly less than 1% annual probability of a serious accidental spillage causing a serious pollution incident. The DMRB states that the acceptable annual probability of a serious accidental spillage causing a pollution incident is less than 0.5% where road runoff discharges within 1km of a designated/sensitive watercourse/wetland site. The ES therefore concludes that given the probability for this site is less than 0.5%, the magnitude of impact resulting from accidental spillages is negligible. The proposed design does not result in direct discharge to groundwater therefore the magnitude of impact on groundwater is assessed in the ES as being negligible and unlikely to affect the integrity of the underlying groundwater body.

152. Flooding was assessed via the original Flood Risk Assessment and the addendum submitted in April 2020. The ES states that the scheme is considered to have a negligible impact on surface water flooding due to the inclusion of the appropriately designed SuDS drainage features to mitigate the risk to surface water flooding. Given the road levels of the scheme the ES also states that the scheme is considered to be at low risk of fluvial flooding. A detailed hydraulic modelling study of the Great Stour flowing through Sturry has been carried out to assess the impact of the development on flood levels, and to assess whether it would displace flood water from the floodplain and increase the flood risk elsewhere. The results of that study are set out in the ES and show that the impact is minimal and therefore the scheme is considered to have a negligible impact on fluvial flood risk throughout the study area.

153. In terms of groundwater flooding, the ES states that given the road alignment sits at least 1m above the existing ground level, groundwater is considered not to pose a risk to the scheme, with the impact in the study area being considered as negligible. In addition, the risk of sewer flooding is also considered to be low given that the road would sit at ground levels above the existing A28 and the general topography of the land falls towards the river. There are no other dwellings or sewers located near the development therefore the site is not deemed at risk of flooding from existing sewers backing up. The impact from flooding from sewer is again assessed as being negligible.

154. Given this assessment no additional mitigation is considered necessary, subject to the construction being carried out in accordance with the CEMP and the scheme implementing the drainage design as set out above. The scheme is therefore considered to have no more than a slight adverse impact on surface water features, groundwater resources and flood risk.

155. As indicated above, the various consultee responses from Natural England resulted in the drainage scheme being amended to address their concerns and they are now

content with the proposed arrangements. The EA were also consulted on the scheme and raised no objection on the grounds of flood risk, groundwater and contaminated land, and drainage (subject to conditions) and the County Council's Flood and Water Management Team are also now content with the proposals subject to the upgrading of the culverts on the Sturry Dyke and that the operation of the surface water drainage system be subject to a verification report prior to the road becoming operational.

156. In terms of representations received there was a comment regarding the need for improvements to Sturry Dyke to avoid other properties being at risk of flooding, but this would be addressed through the condition requiring the culverts to be improved as set out above. In addition, although a comment was received regarding the removal of trees and the impact this would have on drainage and flooding in the area, the assessment made in the FRA and the ES has demonstrated that the scheme would not have a significant impact in either regard. Additional landscaping would be planted around the scheme which would compensate for that being removed to facilitate the proposed development.

Climate Change

157. This chapter set out the potential impact of the scheme on climate change as well as identifying how climate change may affect the scheme. The key legislation and policy relating to climate change includes the key The Climate Change Act 2008, The EU 2020 Climate and Energy Package, the EU 2030 Climate and Energy Framework, Roadmap 2050 A Practical Guide to a Prosperous Low Carbon Europe, The EU Adaption Strategy, National Planning Policy Framework 2018 – Chapter 14, Canterbury District Local Plan 2017 – Chapter 7, Kent Environment Strategy, Kent Adaptation Plan 2011-2013, and Climate Local Kent 2014 Progress Report.

158. The ES states that Kent is already experiencing changes in its climate as a result of climate change, with average temperatures between 1961 and 2006 having risen by 1ºc and average sea levels around the south east coastline have risen by about 1mm a year, with increased levels recorded in the 1990's and 2000's. In addition over the past 45 years the south east has experienced an increase in the amount of winter rain that falls in heavy downpours, while summer rainfall has decreased.

159. The UK Climate Change Projections (UKCP 09) provide projections of climate change for the UK and gives projections for a number of climate variables (such as mean temperature in the summer and winter; mean minimum and maximum summer temperatures; and annual, winter and summer mean precipitation) over seven overlapping 30 year periods for administrative regions. The ES includes a summary table of projections for the South East of England for the 2020's, 2050's and 2080's under low, medium and high emission scenarios. These essentially show an increase in both winter and summer temperature, an increase in winter precipitation and a reduction in summer precipitation, across each 30-year period, with these projections being more severe over each 30 year period.

160. The county of Kent as a whole is considered to be vulnerable to changes in climate as a result of climate change. It has a long coastline which is likely to be affected by rising sea levels, coastal erosion, and risk of flooding. Population density and the number of

built up areas could make it susceptible to hotter summers and colder spells in winter. At a local scale given the location of the road in relation to the Great Stour River, there is potential for the road to be affected by more frequent flooding events.

161. Greenhouse gases (GHG) are a contributory factor in climate change and the key GHG's are carbon dioxide, methane, nitrous oxides and chlorofluorocarbons. The combustion of fossil fuels is a key contributor to increased carbon dioxide concentrations, and it is acknowledged that once operational the Sturry Link Road would contribute to atmospheric emissions from vehicular movements in the local area, emitting combustion related pollution to the atmosphere. Construction related emissions would be temporary whilst operational emissions would continue as long as the road was operational.

162. Greenhouse gas emissions for the Sturry Link Road were calculated based on traffic data received for the Sturry Link Road which includes the contribution from local committed development, and based on this data the amount of GHG emissions for the period 2022-2031 was calculated at 8721tCO_2e (tonnes of carbon dioxide equivalent). This value was compared to the annual CO_2 budget for the UK which showed that contributions from the scheme would be less than 1% of the UK carbon budget. In light of this the ES states that the potential emissions from the scheme and associated development within Sturry would have a negligible cumulative impact in the context of greenhouse gas into the environment and therefore the contribution to global climate change would be insignificant.

163. In terms of climate change and flood risk, the viaduct has been designed to take into account the 1:100 year plus climate change flood level and the flood risk modelling has shown that the scheme impact on flood risk would be minimal and not result in increased flood risk elsewhere. The surface water drainage for the scheme has been designed for the 1:100 year design storm plus 20% allowance for climate change, and the design was also sensitivity tested for 40% climate change. The southern attenuation pond has been designed to cope with this 20% allowance and would also be able to cope with the additional water volume for the 40% scenario. The ES states that the drainage design has been undertaken with full consideration of climate change and based on the modelling it is considered that the scheme would be resilient to short term climate changes.

164. Chapter 7 of the Canterbury Local Plan relates to climate change and states that the issue is of global importance and that it is essential that activities in the district contribute to national objectives for reducing carbon emissions. It states that there are a number of policies in the Local Plan that will assist in reducing the impact of development on climate change in particular those relating to the location of development (site allocations), sustainable travel, and those relating to sustainable design and construction.

165. It is acknowledged that by providing the proposed road, cars would inevitably use it and in this respect there would be an associated impact of the road in respect of climate change. However, it should also be recognised that the increase in car numbers in this area would be as a result of the proposed housing developments not the road per se. If the road were not built the traffic associated with the housing would still be created but

would use the existing road network, therefore the increase in emissions would still be created. The road itself is not the emission generator.

166. General concerns over pollution as a result of the road scheme have been received from those making representations about the scheme, albeit not specifically referencing climate change. Although there are concerns raised in general pollution terms it is considered that the ES has demonstrated the small scale of pollution the proposed road would create in relation to the wider UK levels and given the allocation in the adopted Local Plan is considered acceptable.

167. Further to the assessment made in the ES, consideration also needs to be given to the Paris Climate Agreement 2016. The UK ratified this agreement in November 2016. The Paris Agreement's central aim is to strengthen the global response to the threat of climate change by keeping global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius. Additionally, the agreement aims to strengthen the ability of countries to deal with the impacts of climate change. In order to achieve this temperature goal parties would aim to reach global peaking of greenhouse gas emissions (GHGs) as soon as possible.

168. In February 2020 the Court of Appeal ruled, in relation to the third runway proposed at Heathrow, that all transport schemes should take into account the UK's international obligations under the Paris Agreement. This ruling has subsequently been overturned by the Supreme Court (December 2020), who ruled that the government's airport strategy was legitimately based on climate targets at the time it was agreed. However, as the Paris Agreement is now ratified, this scheme should be considered in the light of it. The proposed Link Road is of a very minor scale in comparison to other large national road building schemes and as set out above is predicted to contribute less than 1% of the UK carbon budget. The UK's commitment to the Paris Agreement does not restrict all new transport infrastructure and in this particular case, it is considered that the impact would be minor in relation to the wider commitment to reduce greenhouse gases.

Cumulative Impacts and Interactions

169. The final chapter of the ES considers the cumulative effects and interactions of the road scheme. There are two types of cumulative impact – type 1 which is effects resulting from the development which combined have an impact on a particular receptor (such as noise and dust from construction machinery), and type 2 effects from several developments which individually might be insignificant but combined could amount to a significant cumulative effect. Type 1 effects are listed as noise; piling and dust effects from machinery and plant during construction; changes in water quality and temporary habitat from construction compounds or pollution affecting wildlife; and visual and noise effects on residential receptors. Construction impacts such as noise and dust would be managed via the implementation of the CEMP to reduce nuisance to a minimum. Effects from piling for noise and vibration, would be short term and temporary, with the number of days where piling would be an issue, in relation to the total length of time for the construction, very low. The ES states that effects would be short term and managed through measures in the CEMP and good practice. Drainage for the scheme has been

designed to ensure that the discharges to the water environment would have a neutral effect on water quality. Again, construction impacts on water quality would be managed through the application of measures in the CEMP to ensure no change in habitat quality for aquatic wildlife. When the road is in operation residential receptors would experience cumulative impacts from noise and visual intrusion. Mitigation would be achieved through landscape design to provide screening to reduce the visual impact. As indicated earlier in the noise chapter, noise would be harder to mitigate and some properties would require noise insulation measures to overcome the noise impact.

170. In relation to Type 2 impacts there are a number of proposed or approved planning applications in and around Sturry (the 'Land at Sturry' development itself has already been included in operational impacts with the link road for all topics due to their integrated nature.) including Land at Broad Oak Farm, the Richborough Connection project, land south of the A28 Chislet Colliery, and land at Hoplands Farm, Hersden. The ES considers it likely that the construction of all of the housing projects would have some degree of construction overlap which would affect residents of Sturry through changes in air quality, noise and changes in traffic from construction plant. All the developments would have a CEMP to manage construction effects and would also be subject to planning conditions to minimise environmental impacts. The ES suggests that although the construction impacts are likely to be slight to moderate in effect, they would be short lived and temporary. Broad Oak Farm, Land at Sturry and the link road are anticipated to be constructed at the same time and this is likely to result in cumulative impacts at local receptors with respect of noise and dust. The construction of these three sites would also result in the temporary diversions of the public rights of way that cross the site, which would result in a likely increase in journey length for users of the path and adverse effects on journey amenity resulting from construction machinery, noise and dust. Nuisance effects would be managed through the CEMP, and although temporary the effects are considered to be of minor significance.

171. The Richborough connection project is a new high voltage transmission network which will connect the new 400kV substation and converter station at Richborough with Canterbury North substations. Part of the new overhead line passes through the 'Land at Sturry' development and two new pylons are constructed close to the alignment of the link road. The new overhead line was completed in 2019, however work to remove the old line has been delayed due to Covid-19 and is now due to commence this year (2021). It remains likely that there would be a degree of overlap and therefore a cumulative effect between the road construction and overhead line dismantling, however the effects are considered in the ES to be minor adverse and temporary.

172. Cumulative effects on the Stodmarsh SAC and SPA/Ramsar have been addressed through the Habitat Regulations Assessment, addressed earlier in the report. Cumulative effects on other features of ecology such as potential pollution of watercourses, land take from priority habitats for site compounds and haul roads, or disturbance to protected species such as dormouse, otter and wetland birds, are likely to be temporary and minor where they overlap, as adverse impacts would be managed through the implementation of the CEMP for each development. As a result, the ES suggests that no significant residual in-combination effects on important ecological features are anticipated.

173. In the future '2031 do something' scenario set out in the ES a number of housing schemes were taken into account to predict their cumulative impact during the operation of the link road, and these included Hersden, Herne Bay Golf Club, Strode Farm, Hillborough, Sturry and Broad Oak Farm, Hopland and Chiswick Colliery. The data showed an increase in traffic in future years with some road links experiencing congestion and saturation by 2022. Overall, cumulative impacts on traffic from the housing would result in changes in air quality and this impact has been addressed in the earlier air quality section above. Cumulative effects on designated wetland sites are predicted to be neutral and not significant with the implementation of the development' drainage strategies, which are designed to maintain existing water quality and river hydrology.

174. The ES states there is potential for cumulative impacts on other areas of ecology and nature conservation due to permanent loss of habitat resulting from the scheme. Priority habitats that would be lost due to the developments include established (species poor) hedgerows and tree lines, non-ancient woodland at Den Grove Wood and grazing marsh within the Great Stour River floodplain. The losses would range from negligible to moderate in magnitude resulting in a neutral to slight adverse effect. However, in the medium to long term, with the maturation of landscaping and habitat restoration strategies delivered by the developments the ES considers these would not be significant. Loss of woodland and hedgerow habitat for bats, nesting birds and dormouse are also considered to be cumulatively minor and not significant given the amount of habitat resources that would be retained. Furthermore, over time the species are expected to benefit from the network of new habitats created by the developments. Wetland wintering birds are not expected to be significantly affected by cumulative effects from the loss of grazing marsh for the link road viaduct or the Richborough pylons, due to the availability of suitable alternative habitat along the Great Stour River. The ES also suggests that operational noise and ambient lighting (there would be no street lighting over the viaduct) along the river corridor and around woodland margins is not expected to increase to levels that would result in significant and permanent disturbance to populations of sensitive species such as wetland birds, otters or dormouse, either alone (from the link road) or in combination with the other developments.

175. Cumulative effects on the local landscape would include change in the landscape due to the building of housing, creation of new open spaces, new planting and landscaping and the introduction of new infrastructure such as the link road. The adherence to good design principles would ensure the integration of the developments into the existing landscape and in the long term as landscaping matures, the impacts are considered in the ES to be minor. Visual effects from the viaduct and the Richborough pylons would be experienced by local residents over a short range. Whilst landscaping would provide some degree of screening the heights of these structures mean they would always remain visible. In terms of cumulative effects on the water environment, the housing developments would all incorporate their own SuDS, piped drainage would include hydrobrakes and oil interceptors, and runoff rates would be controlled at greenfield rates. The Pylon scheme would have no cumulative effects given it doesn't require any drainage. Overall, given the drainage schemes for each development, the overall cumulative effect on water quality is considered to be neutral and not significant.

176. A number of representations were received suggesting that the cumulative impacts of this and other developments in the immediate locality had not been addressed, however in light of the above, it is considered that the cumulative impacts have been adequately evaluated.

Summary of Environmental Statement

177. The ES concludes by reiterating that construction impacts would be addressed through the implementation of the CEMP which would ensure there was no significant construction impact on air quality, ecology, geology and soils, water, pedestrians and users of the Public Rights of Way. Construction noise effects are generally not significant except for a small number of properties on part of the A28 Sturry Road close to the proposed new roundabout, and mitigation measures for this would involve the limitation to working hours, to be controlled by the suggested condition as well as the CEMP.

178. The residual operational environmental effects (in combination with the land at Sturry development) are summarised in the document. The main adverse operational effects would be on the loss of agricultural land currently used for farming which would be converted to housing and the east-west part of the new link road; the loss of the Greenfields shooting ground; and the visual impact on the new road and viaduct on visual receptors along Sturry Road. However, the ES states that the Link Road scheme would also result in beneficial effects – it would provide an integral part of the strategic housing allocation for Land at Sturry; divert traffic away from the centre of Sturry village, improving congestion and allowing drivers to avoid the level crossing; would incorporate cycle infrastructure and a new bus lane to encourage a shift away from the car and towards more sustainable transport modes; and by removing traffic from Sturry village centre would have a beneficial effect on the Conservation Area through localised positive effects on air quality and noise.

Planning Summary of Sturry Link Road

Principle of Development

179. As set out in paragraphs 35-40 of this report there is extensive policy support for the construction of a link road to avoid the existing traffic problems experienced through the village of Sturry and to support the provision of infrastructure as part of committed housing and economic growth in the Canterbury Local Plan. The proposed development is considered to accord with specific Local Plan policies T1 (Transport Strategy), T3 (Bus Improvement Measures), T14 (Sturry Relief Road), and SP3 (Strategic housing allocations for land at Sturry and Broad Oak) of the Local Plan, as well as being in accordance with the Local Transport Plan 4, the SELEP Strategic Economic Plan 2014, and the aims of the Canterbury Corporate Plan. Furthermore the South East Local Enterprise Partnership (SELEP) have allocated £5.9m of Local Growth Fund money to the scheme in order to address the severe congestion along the A28 which is viewed as a major constraint to wider development to the north-east of Canterbury. The need for a link road for Sturry has been established since 2016 and has been agreed in principle via the adoption of the Local Plan, Local Transport Plan and Canterbury Corporate Plan.

Highway and Transportation Benefits and Impacts

180. The need for a solution to the congestion on the A28 has been set out in this report and the indicative location of the link road established through the relevant policies of the Local Plan. This detailed planning application seeks to secure the north-south element of the wider link road which would then run through the strategic housing allocation of 'Land at Sturry'. It would provide an alternative means of crossing the Canterbury to Ramsgate railway line and Great Stour River without needing to wait at the level crossing in Sturry, where the barrier can be down for 20 minutes in every hour. Highways England note in their consultee response (raising no objection) that the scheme should ease congestion through Sturry, reduce flows over the Sturry level crossing and through the village of Sturry, and improve journey quality for cyclists, pedestrians and local traffic in Sturry.

181. The County Council's Highways and Transportation Team originally requested additional information (updated data) be submitted to supplement the Transport Statement and a Transport Assessment Addendum was subsequently submitted and re-consulted on in October 2019. They note that the TA (and Addendum) has demonstrated that there would be a significant reduction in vehicle movements over the level crossing at Sturry in the 2031 'with scheme' scenario compared with the 'without scheme'. This would equate to a 75% reduction towards Canterbury and a 79% reduction away from Canterbury in the AM peak, and a 73% and 69% reduction respectively in the PM peak. The average network peak journey times through the study area in the forecast year are also shown to reduce significantly. As such they consider the proposals represent a significant mitigation of the cumulative traffic effects of strategic development sites in the Local Plan and therefore raise no objection to the application. They note that the A28/A291 junction alterations (at the Sturry crossing) have raised concerns with local residents and have therefore recommended that the proposed alterations here could be subject to a further review once the link road is open in its entirety (that covered by this application and the spine road through the 'Land at Sturry' housing site) to establish the necessity for undertaking the proposed alterations at this junction. For further comment on this please see paragraphs 188-191 below.

182. KCC's Highway and Transportation Team state that any permission should be granted subject to the imposition of conditions to secure the submission of a Construction Management Plan before commencement on site; that the viaduct, roads, footways, verges, junctions, street lights, sewers, visibility splays, cycle paths etc should be laid out and constructed in accordance with details to be submitted and agreed by the County Planning Authority; and that the junction layout improvements at the A28/A291 be reviewed prior to the commencement of that phase of the works. These are addressed in the recommendatio below.

183. The proposed road scheme seeks to fulfil the Local Plan aims and policies, which lists the Sturry Link Road as a priority in the Transport Section. The bus lane within the link road across the viaduct has been included to align with CCC's future aspirations to provide a continuous bus lane route into Canterbury. A shared footway and cycle way would be provided along the length of the link road, providing safe access from the housing allocations and the wider areas of Sturry and Broad Oak across the river and

railway without being impinged upon by the level crossing. The widening of Shalloak Road would improve road safety along this section of the highway, which is currently narrow and on an awkward bend.

183. Representations have been received regarding the lack of a bus lane going in both directions across the viaduct. The SLR has been designed in this way to extend the in-bound bus lane routes already existing in Canterbury, as prescribed in the adopted Local Plan, and as set out in the business case for the Local Growth Funding, to demonstrate the schemes compliance with national and local policy requirements. There is no dedicated bus lane coming out of Canterbury therefore the provision of a bus lane for northbound traffic across the viaduct is considered unnecessary and there is unlikely to be sufficient demand for it. Furthermore a 4 lane carriageway across the river and railway line as suggested would have resulted in a much larger and more obtrusive structure, and had significant additional land take which could not be justified against the benefits of an additional bus lane, particularly if the scheme had to be tested through a Compulsory Purchase Order process.

184. The Local Member for Sturry has raised concerns that the data used and transport assumptions underpinning the project are no longer robust and up to date. He is concerned that they are out of date in terms of general increases in traffic numbers, as well as a decline in public transport (particularly buses) and that they fail to include recently completed developments in the area such as the local fire station conversion scheme, or the Staines Hill development. Further concern was also raised about the compatibility of the two traffic models used - VISUM being used for the city centre modelling and TEMPRO being used for the Transport Assessment for the link road. It was also suggested by the Local Member that the traffic movements given in the Transport Statement Addendum indicated that more local traffic turns left into Fordwich and other eastern Parishes (having crossed the level crossing) than would be travelling on into the city centre.

185. The County Council's Highways and Transportation team were asked to respond to these issues and have provided the following clarification. The submitted Transport Assessment (and addendum) uses the TEMPRO growth factors based on a future-year end date of 2031 to tie in with the Local Plan and is therefore not out of date. It is appropriate data on which to determine the application. They have also confirmed that the two schemes highlighted above would have been included in the assessments provided. They note that the VISUM city centre modelling is indeed incompatible with the TEMPRO model but state that the city centre is outside the scope of this application, which is designed to focus on the localised impacts on the highways within Sturry and the proposed developments. In terms of the left turning movements into Fordwich as set out in the TA Addendum, they advise that these demonstrate that only a small proportion of the traffic actually turns left into Fordwich in relation to that which carries on into Canterbury. In the AM (morning), this equates to 146 vehicles turning left into Fordwich compared to 864 carrying on to Canterbury (14.6% of the overall flow of traffic), and in the PM 123 turning left to Fordwich compared to 464 heading towards Canterbury (20% of the overall flow). The Addendum demonstrates that although it's a slightly higher proportion that turn towards Fordwich in the afternoon it is still a minority movement. Taking all of the submitted technical information into account and the representations received it is considered that the scheme would accord with Policies T1,

T3 and T14, as well as Policy T17 which required the application to be supported by a Transport Assessment.

Visual Impact of the Road Scheme

186. As set out in the landscape assessment in paragraphs 67-83 the link road would undoubtedly have a visual impact on the wider area, both during construction due to the presence of construction compounds, haul roads, security fencing etc. but also once complete and operational due to the size and scale of the road and viaduct itself, the introduction of new roundabouts, road signs, safety barriers and the loss of woodland, grassland and vegetation. The impact of the scheme in year 1 of operation would be more severe than in year 15, when mitigation planting and landscaping would not yet be established and construction of the housing allocations would also be being undertaken. By year 15 it is considered that the visual impact of the scheme would have substantially reduced due to the growth and establishment of the landscaping surrounding the scheme such that it would have integrated the scheme into the landscape, and also because the housing allocation would also be complete and its planting established.

187. Notwithstanding the fact that in 15 years' time the visual impact would be less than at the opening year of the road link, there would remain a visual impact of the scheme in perpetuity compared to the current situation. It should be noted that the visual appearance of the green gap and wider landscape in this area would be significantly altered by the building out of the housing allocations anyway – these having been allocated in the adopted Local Plan since 2017 and now resolved to be approved by CCC. The widening of Shalloak Road would be seen within the context of these housing developments. The link road facilitates access to and from these sites whilst avoiding all cars travelling through the historic village of Sturry and would thus provide a vital link to the wider development of the area. In balancing the impact of the scheme it is considered that the long term establishment of the road and viaduct within the wider landscape through the required landscaping and the fact that the road would provide a benefit to the village of Sturry by providing an alternative route through the area away from the level crossing, would outweigh the visual impact that would result from the scheme.

Community Impact of Road Scheme

188. One of the overarching aims of the Sturry link road, as set out in the Local Plan and Transport Plan has been to provide some improvement to the current congestion experienced through the village of Sturry as a result of the railway level crossing. As set out in the proposals section (paragraph 20), the application includes alterations to the junction layout of the A291 Island Road and the A28 at the Sturry crossing, which in its current form would restrict movements across the railway line from the east (Island Road) to buses only, and all other traffic would be routed up Sturry Hill to use the new link road through the housing development and link up with the A28 across the proposed viaduct. As a result of the consultation carried out for this planning application, it is clear that there is concern from the local community and the Local County Member about the proposed junction arrangements, including the length of time it might add to a journey, the severing of the village and the impact it could have on local businesses and community facilities, the likelihood of motorists making illegal

manoeuvres to avoid the new routing, the potential for rat-running to avoid the junction and possible impacts on pedestrian and cyclist safety.

189. The building of the link road scheme would follow a phasing plan, which would see the spine road through the housing development being completed first, followed by the viaduct across the railway line and river. The junction improvements at the A28/A291 would be the final phase to be undertaken (which would not be until 2024, assuming permission is granted and works commence on site in 2022). It is paramount that community concerns need to be taken into account and the best way to do this would be to review the need for the alterations to the junction layout prior to the works actually being carried out. At present the need to alter the junction is based on *predicted* traffic levels, but if the junction layout alterations are to be completed at the end of the scheme, it would be possible to undertake *actual* surveys of traffic volumes at a date in the future to ascertain if the proposed alterations are actually required and would be beneficial in the long term, and allows the option for a solution for local traffic only in addition to bus use. Should the application be approved, a condition is therefore proposed which would require surveys to be undertaken to establish the need for the junction alterations (or not) prior to this phase commencing, and that these should be carried out in consultation with the County Planning Authority and County Highways Authority. An application to amend or vary the improvements at the junction would then need to be submitted for approval based upon circumstances and evidence at that time.

190. This part of the scheme has been intrinsic in the development of the project to date when taking into consideration the long term impact on this junction and the Sturry crossing of the housing allocations to the east and north east of Canterbury. This part of the application cannot be removed from the submitted planning application without needing to update the Environmental Statement, as the predicted impacts within this document are all based on the routing of traffic (and consequential implications on air quality, noise etc) as a result of the junction alterations being implemented. As such it is considered that the most appropriate way forward to deal with the opposing views about whether the junction improvements are actually required, and the nature of the changes, would be to impose the condition suggested above and take a factual approach to the benefits the alterations may bring at the time when traffic levels can be accurately recorded as opposed to predicted, and where such works would only be carried out based on evidence submitted.

191. In addition to this issue, the impact of the re-routing of the traffic upon the local community has been considered in the report in terms of noise impacts and air quality. The provision of the link road in its entirety would allow traffic the option to avoid the Sturry crossing or having to travel through the historic village of Sturry and as such it is likely to that there would be some properties who would benefit from this re-direction of traffic and some who would not. For example, those properties south of the railway line would benefit from traffic travelling eastbound on the A28 wishing to go to Herne Bay or Whitstable, as they are likely to utilise the viaduct and travel along the link road to exit half way up Sturry Hill. In the same vein, those travelling from Herne Bay/Whitstable and wishing to go to Canterbury are also likely to use the link road and therefore properties on Sturry Hill and the A28 south of the railway would benefit from the omission of these travelling down the hill to the Sturry crossing. However, some properties on Sturry Hill may also experience an increase in traffic going up the hill to

then access the link road, for example those travelling from Thanet who then want to access the link road, as they would need to go up Sturry Hill to do this.

192. It is clear that the link road in its entirety would result in a re-distribution of traffic and this report recognises that this may have localised impacts, however it is considered that these do not demonstrably outweigh the wider economic, social and environmental benefits of the project and its strategic importance for unlocking growth in the Canterbury district.

Ecological Impact of the Road Scheme

193. The proposed link road would be constructed in proximity to an area with a vast range of ecological aspects including areas designated as European Sites (for example Stodmarsh SSSI, SPA, SAC and Ramsar, Sturry Pit SSSI and West Blean and Thornden Woods SSSI), non-statutory designated sites (such as Great Stour, Ashford to Fordwich Local Wildlife Site) and ancient woodlands (such as Den Grove Wood and Shelford/Beecham Woods). In addition, the area features a wide range of habitats and a number of protected species including (but not exhaustively) bats, birds, otters, migratory fish and Desmoulin's whorl snail to name a few. As such the impact on ecology has been assessed for the planning application submission through the Environmental Statement, the ES Addendum for Ecology and the Report to Inform Habitats Regulations Assessment (as amended). Consultation on these documents with the County Council's Biodiversity Team, Kent Wildlife Trust and Natural England resulted in amendments and additional information being submitted and subsequent agreement by all these bodies that subject to the development being carried out in accordance with a Construction Environmental Management Plan and alongside the proposed mitigation measures (covered by condition), the proposed link road would not adversely affect the ecology in the area. Furthermore, Natural England have concurred with the findings of the County Council's Appropriate Assessment, which Members are being asked to adopt as part of the recommendation below.

Neighbour Representations not previously addressed

194. A number of objections have been received regarding the principle of the scheme, and whilst these concerns are noted the report above demonstrates the need for a solution to the traffic issues along the A28 and the policy backing for such a scheme. The road scheme for the section across the viaduct is being dealt with by Kent County Council because the County Council were considered best placed to ensure timely delivery of the southerly link section (over the river and railway line) in line with the aims of the County's Local Transport Plan 4 and had already secured funding for the scheme via SELEP. The concern that the funding for the remainder of the link road (which would be as part of the housing development schemes) would result in community benefits such as affordable housing being dropped from these schemes has been addressed by Canterbury City Council in its consideration of those applications and is not a consideration for the KCC application.

195. An objection was received stating that the roundabout on the A28 would use an area allocated in the Local Plan for employment purposes as a site compound for the duration of the works and would therefore delay this site coming forward for any

employment use. However, this would only be a temporary situation and once complete the land would benefit from a new access into the site from the roundabout. The small loss of land that would result from the roundabout and landscaping would not reduce the size of the employment site to one which is considered untenable.

196. Whilst the application seeks permission for the new road, provision is made for pedestrians and cyclists throughout the scheme despite the concerns raised. There would be a dedicated shared cycle and footpath across the viaduct and this would link to existing footpaths and cycle lanes along the A28 and would also link to footways and cycle paths within the housing development. The footpath up Sturry Hill would be retained (albeit only on one side of the road as at present) and signal controlled pedestrian crossings would be provided across the A291 to the north of the level crossing and across the A28 Island Road between the station and the Co-op. Access to all properties would be retained. Streetlights would be provided throughout the housing scheme where there are numerous junctions, bus stops and pedestrian crossings and the main new roundabout junctions would also be lit for safety reasons, but the viaduct itself would not be lit. The viaduct is a straight section of road with no crossing points and as such it was considered that lighting is not required on safety grounds. In addition, lighting the viaduct would potentially have an adverse impact on railway safety, an environmental impact on ecology and a visual impact on the wider area. The parapet design would ensure pedestrian and cyclist safety across the viaduct.

197. A number of comments were received after the second consultation regarding potential concerns with the road layout at the junction of the A291 and the A28. As stated above the need for these junction improvements would be assessed again once the link road is in place and operational and any revised layout would be subject to a Safety Audit to ensure the safety of *all* users of the junction. There was also concern raised that 'rat-running' may be an issue as a result of the proposal, with traffic trying to cut through the housing estate roads east of Sturry Hill/north of Island Road to avoid the A28/A291 junction. It is acknowledged that this may already occur to some degree as a result of the congestion frequently experienced at the junction. Rat-running through the housing estate is unlikely to gain much advantage due to the constrained nature of the roads and parked cars, however the applicant has confirmed that this would be monitored during construction and after completion of the link road. Subject to local consultation, a suitable scheme of traffic calming could be introduced as necessary.

198. Different options for addressing the Sturry level crossing delays were suggested in the representations received including a rail bridge for trains to use, or extending the length of the platform for the station so that the crossing doesn't need to stay shut once the train has passed through; or making trains stop further along the line and requiring passengers to alight for the rear coaches only, again to ensure the crossing barriers do not have to stay down once the train has passed through the junction. The applicant has advised that the option of a rail bridge over the road (or a road bridge over the railway at this location) is not practical as there is insufficient space to construct a bridge to the required standards and such a bridge would also elevate the railway (or road) above the local village. It has never been within the Network Rail Forward Plan to consider extending the platform lengths at Sturry and I have been advised that the cost of this would be prohibitive as the signalling would also need to be replaced. The option to stop the engine beyond the platform and only alight from the rear carriages has also

previously been discussed with Network Rail but rejected by them on operation and safety grounds. Whilst these options would potentially reduce the duration of the 'down time' of the barrier, the highways authority would have little control over the situation if additional services or longer trains were used on the rail network. As such the Highways Authority could not be certain that additional traffic from the developments allocated in the Canterbury Local Plan could be catered for. Notwithstanding this, these are not options which form part of the planning application before you and therefore should not be considered as possible alternatives to the Sturry Link Road.

Conclusion

199. This application proposes the construction of a new link road for Sturry which would provide an alterative route over the railway line and Great Stour river to avoid the current congestion of the Sturry level crossing. The proposal has given rise to a variety of planning issues including environmental matters, highway and transportation issues, landscape, visual amenity, drainage, ecological matters, and general amenity concerns, along with the need for the development. These matters have been considered and addressed throughout this report and must be balanced against the strong strategic and policy support for a solution to the traffic problems on the A28 and the Sturry level crossing including the specific allocation of the link road in the Canterbury Local Plan. This section of the Sturry Link Road (the viaduct over the river and railway line) is the missing link of a wider infrastructure project, the east-west portion of which has been approved by the City Council resolution to grant planning permission for the housing and mixed used site at 'Land at Sturry'. Without this section of the link road all the traffic generated from these strategic sites along with those from the other housing allocations and permitted schemes to the east and north-east of Canterbury would all need to travel through the village of Sturry.

200. The development would satisfy the strategic objectives of the County Council's 'Local Transport Plan 4: Delivering Growth without Gridlock' and would fulfil the aims of SELEP's 'Strategic Economic Plan 2014' for unlocking growth in the Canterbury district. Subject to planning permission, the project stands to benefit from £5.9 million of funding from SELEP – a material consideration for the purpose of determining this application.

201. In determining development proposals, planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise, and the NPPF states that proposals that accord with an up-to-date Local Plan should be approved without delay. The proposed development specifically meets the aims of policies SP3 and T14 of the Canterbury District Local Plan, which relate to the strategic allocation for land at Sturry and Broad Oak and the Sturry Relief Road respectively.

202. Having examined the information within the submitted Environmental Statement, and having due regard to the County Council's Appropriate Assessment endorsed by Natural England, I consider that subject to the imposition of the conditions outlined in this report, the development would not have significant and overriding effects on the environment. In all other matters I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained within

the NPPF. I therefore recommend that, subject to the planning applications being determined by Canterbury City Council for the development sites at 'Land at Sturry' (CA/20/02826) and 'Broad Oak Farm' (CA/18/00868) having first been approved, that planning permission be granted.

Recommendation

203. I RECOMMEND that MEMBERS ADOPT THE ATTACHED Appropriate Assessment made under The Conservation of Habitats and Species Regulations (2017) and that a resolution be made to GRANT PERMISSION **SUBJECT TO** the granting of planning consent for applications CA/20/02826 and CA/18/00868 and the imposition of conditions covering (amongst other matters) the following:

Time Period and Compliance

- 5 year time period;
- That the development permitted shall be carried out in accordance with the details, plans and specifications submitted and there shall be no deviation from these;

Ecological Interests

- Development shall be carried out in accordance with the submitted general arrangement drawing (as set out in Annex A of the Report to Inform Habitats Regulations Assessment, Amey February 2020) to protect wildlife in the river and foraging in the area. Only bored piling (in accordance with the submitted details) shall be carried out without the written approval of the County Planning Authority to ensure there are no unnecessary risks to fish in the river.
- Detailed specifications for post-construction restoration shall be submitted to the County Planning Authority prior to the commencement of development and shall be implemented as agreed.
- No development shall commence until a Landscape and Ecological Management Plan has been submitted to and approved by the County Planning Authority (in consultation with the relevant consultees), to include amongst other matters:
    - details of the wetland creation and improvement works for the Desmoulin's whorl snail habitat, along with monitoring of the snail population in functionally linked habitats;
    - details of the habitat creation, including long term management and monitoring, for the creation of scrapes;
    - The submission of detailed specifications and implementation for ecological enhancement proposals;
    - Details of the legal and funding mechanism by which the long-term implementation of the plan would be secured by the developer with the management body(ies) responsible for its delivery;
    - Where results from monitoring show the ecological aims and objectives of the Plan are not being met, how contingencies and/or remedial action would be identified, agreed and implemented so that the development still delivers the biodiversity objectives of the originally approved Plan.

  The approved plan shall be implemented in accordance with the approved details.
- Prior to the commencement of development the County Planning Authority must be provided with a licence regarding the impacts of the development on otters, issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorizing the development to go ahead.

- The road shall not become operational until the viaduct parapets are fitted with solid screens, as depicted on drawing number 4300392/1700/ID/01 Rev P1, to prevent overspill directly into the river from surface water run-off on the road when spreading the winter maintenance grit and salts, along with spray from passing vehicles.
- Prior to the road becoming operational a 'Salinity Monitoring Plan' (SMP), to ensure there is no adverse increase in saline discharge as a result of the proposed development, will be submitted to the County Planning Authority for approval in writing. The SMP will monitor the influent and effluent quality close to the pond discharge points and will include the following:
  a) Details of the monitoring method, locations and frequency;
  b) Details of the body or organisation responsible for implementation;
  c) Provision for an annual monitoring report to be submitted to the County Planning Authority for 5 years once operational, then every 5 years after that (or until KCC Highways implements a 'no salt' winter maintenance programme);
  d) The plan will also set out (where the results from monitoring show an adverse increase in saline discharge) how contingencies and/or remedial action will be identified, agreed and implemented so that the development does not lead to increased saline discharge and an adverse impact to Stodmarsh SAC.

  The Salinity Monitoring Plan shall be implemented as approved.
- In the event that an unprecedented pollution incident occurs as a result of the operation of the development hereby approved (including saline intrusion), the method of treating the pollution shall be considered by the County Planning Authority in consultation with Natural England and The Environment Agency, and further mitigation measures shall be agreed in writing.

<u>Drainage</u>

- Prior to the commencement of development, a Sustainable Surface Water Drainage system to be implemented through a Surface Water Management Plan and monitoring of efficacy (to include the mitigation measures detailed in the Flood Risk Assessment, April 2020, and drainage details set out in the Report to Inform Habitats Regulations Assessment, February 2020), shall be submitted to, and agreed in writing, by the County Planning Authority.
- The link road shall not become operational until a verification report has been submitted to the County Planning Authority, and agreed in writing, for the operation of the surface water drainage system.
- The link road shall not become operational until the Sturry Dyke drainage culverts have been upgraded, in accordance with a scheme to be approved in writing by the County Planning Authority.

<u>Highways and Transport Related</u>

- Prior to the commencement of the junction improvement works at the A28/A291 additional traffic data surveys shall be undertaken to assess the impact of the fully operational Sturry Link Road on the operation of this junction. The findings shall be submitted to the County Planning Authority in writing to demonstrate that the alterations are required in relation to the movement of local traffic. Should the findings show that the junction alterations are not necessary, an application for a revised layout for the junction (or to retain it in its existing form) shall be submitted to the County Planning Authority for written approval.
- The submission of a Construction Management Plan prior to the commencement of development to include:
  - Routing of construction and delivery vehicles to and from the site

  - Parking and turning areas for construction and delivery vehicles and site personnel
  - Timing of deliveries
  - Provision of wheel washing facilities
  - Temporary traffic management /signage
  - Submission of a Construction Traffic Travel Plan and Construction Logistics Plan
- The viaduct, roads, footways, verges, junctions, street lights, sewers, visibility splays, cycle paths etc should be laid out and constructed in accordance with details to be submitted and agreed by the County Planning Authority prior to the commencement of development.
- Prior to the Sturry Link Road in its entirety becoming operational an additional road traffic noise survey shall be undertaken and submitted to the County Planning Authority to determine which properties would meet the eligibility criteria for noise insulation.

Public Rights of Way

- Further details shall be submitted prior to the commencement of development detailing the connection of footpaths CB64 and CB51 at the Shalloak Road widening section and the footpath running underneath the viaduct; as well as the detailed design of the interface between the northern attenuation pond and the adjacent PROW.

Construction

- The submission of an updated Construction Environmental Management Plan prior to the commencement of development for approval by the County Planning Authority (in consultation with the relevant consultees) and to include amongst other matters:
  - no piling to be undertaken during the winter months (November – March inclusive) to avoid impact on over-wintering birds.
  - detailed strategies to ensure the potential for impacts to reptiles is adequately minimised/mitigated
  - protection measures for retained habitats during construction and habitat restoration once the access roads are no longer required
  - method of controlling erosion
  - a dust and air quality management plan, to include monitoring
  - mitigation for the impact of dust on the surrounding area, including details of water suppression and vehicle movement controls
  - Hours of works shall be restricted to Monday to Friday 7.30am to 6pm, Saturdays 8am – 1pm and no work on Sundays or bank holidays
  - control of noise at source (using silencers for plant and tools etc)
  - control of the spread of noise (using barriers, screens etc)
- Should development not commence within 12 months of the approval of the CEMP the applicant/developer must ensure that all ecological surveys are updated as necessary (in consultation with the County Planning Authority), to ensure they are current and incorporate the necessary mitigation measures required.

External Lighting and Signage

- Details of new signage for the Public Rights of Way shall be submitted prior to the opening of the Sturry Link Road to maintain public knowledge and therefore use of the public rights of way.
- No street lights shall be erected along the length of the viaduct without the written approval of the County Planning Authority.

Archaeology

- No development shall take place until the applicants have secured the implementation of archaeological field evaluation work, and further to this, measures to ensure preservation in situ of any remains and/or recording in accordance with a specification and timetable agreed by the County Planning Authority

Ground Contamination

- Prior to the commencement of development, a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to the County Planning Authority for written approval.
- The link road shall not become operational until a verification report demonstrating completion of the remediation strategy has been submitted to the County Planning Authority.
- If contamination is found on site that has not been previously identified then no further development take place until a strategy for dealing with this has been submitted to the County Planning authority and agreed in writing.
- No piling using penetrative methods shall be undertaken without the approval of the County Planning Authority and having undertaken a Piling Risk Assessment.

Landscape

- Within 6 months of the date of this decision a landscape and planting plan and a 5 year maintenance programme shall be submitted to the County Planning Authority for written approval in consultation with the Flood and Water Management Team and Natural England. The plan must include details of the individual mix, species, sizes and planting densities of all landscaping, to include variates that would encourage bees, and in particular the saline tolerant planting species for the attenuation ponds. The planting scheme and maintenance programme shall be carried out in accordance with this plan.
- In the event of any trees, plants, shrubs and hedges included in the scheme of landscaping implemented pursuant to the above condition, or any replacement trees, shrubs or hedges being removed, destroyed or dying or dead within 5 years of planting, they shall be replaced within 12 months in the same places by large nursery stock of the same species.

Informatives

204.I FURTHER RECOMMEND that the following INFORMATIVES be added:

- The applicants are reminded of the requirement for an application to temporarily close footpath CB60 where it would cross the link road (to be used as a haul road) in the interest of safety.
- The applicants attention is drawn to the fact that no structures may be erected on or across a PROW without express consent of the Highway Authority (HA), that there should be no disturbance of the surface or obstruction of its use either during or following development without the express consent of the HA, that no hedging or shrubs should be planted within 1m of the edge of the PROW, that planning consent confers no consent or right to close or divert any PROW at any time without the express permission of the HA, and that no Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed.

- The applicants are reminded that the prior written consent of the River Stour Internal Drainage Board will be required for connections to Sturry Road Dyke.
- Various equipment such as underground cables may be affected by the development, therefore prior to commencement of works accurate records should be obtained by the developer from UK Power Networks.
- Once operational the County Council, as Highways Authority, shall endeavour to implement a reduced winter maintenance programme whenever possible to limit the amount of salt being distributed on the viaduct.

Case Officer: Mrs Helen Edwards	Tel. no: 03000 413366

Background Documents: see section heading

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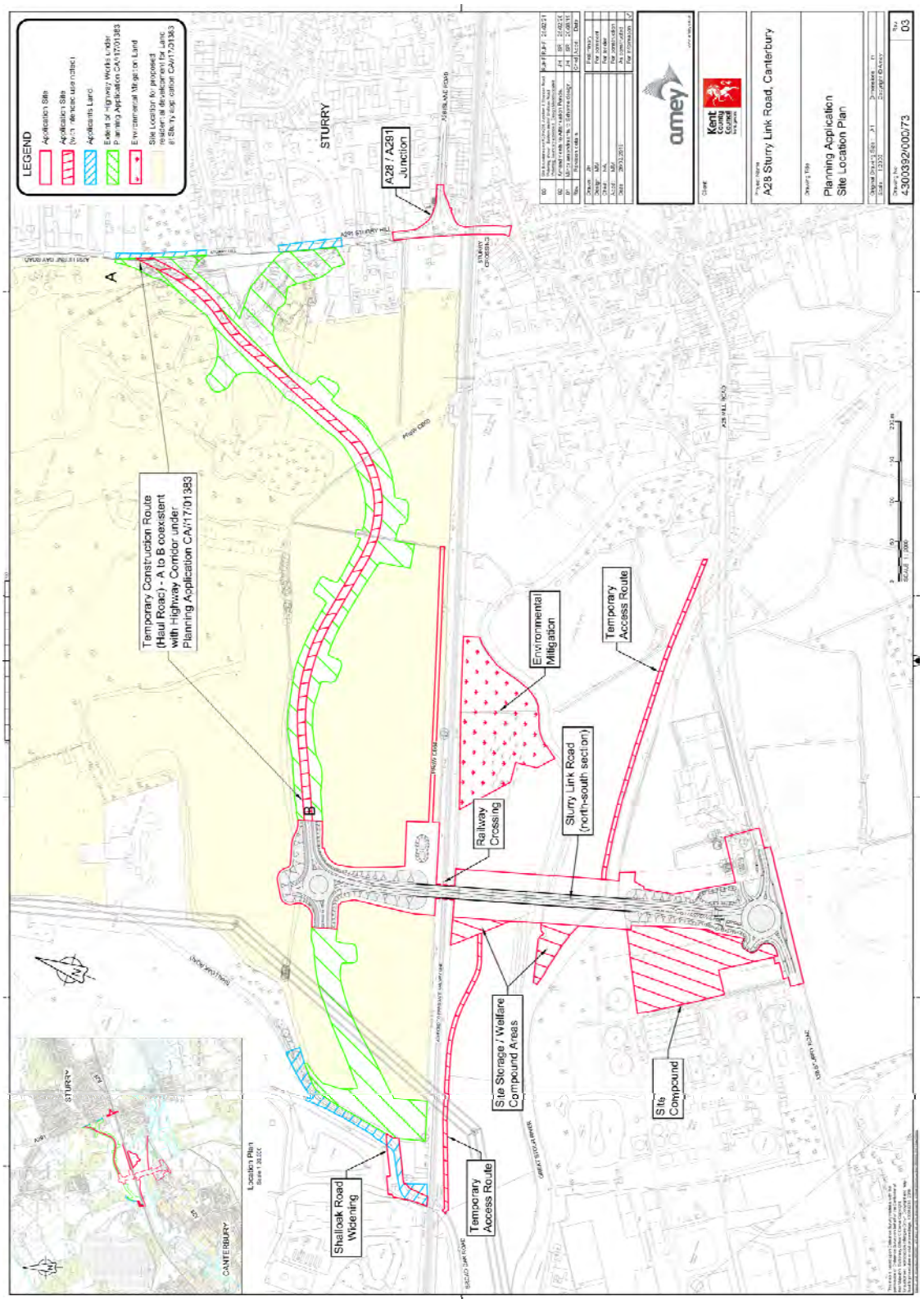
Construction of part of a new road (A28 Link Road) including viaduct between A28 Sturry Road and A291 Sturry Hill and associated on-line improvements at A28 Sturry Link Road, Sturry, Canterbury – CA/19/00904 (KCC/CA/0091/2019)

Site Location Plan



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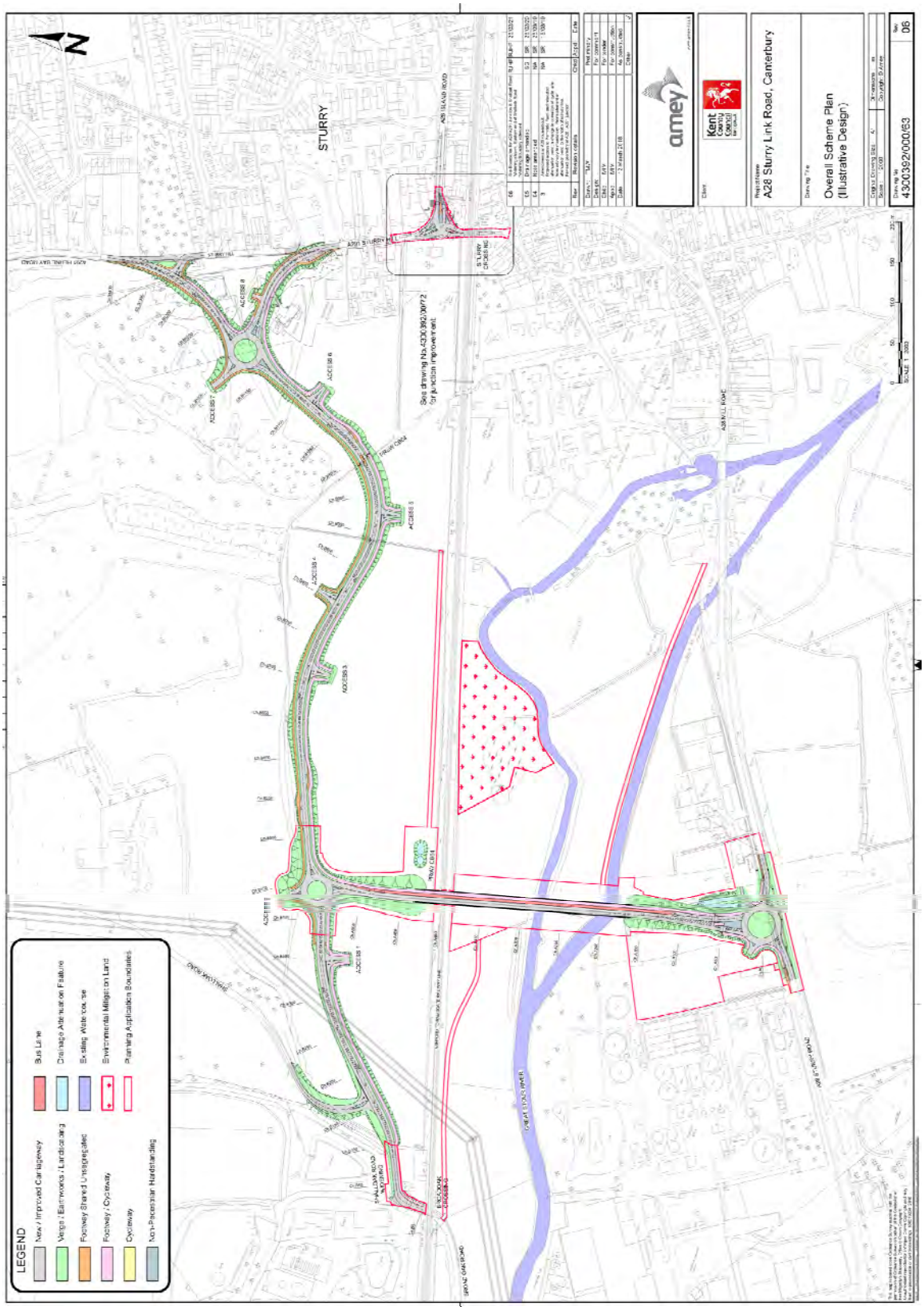
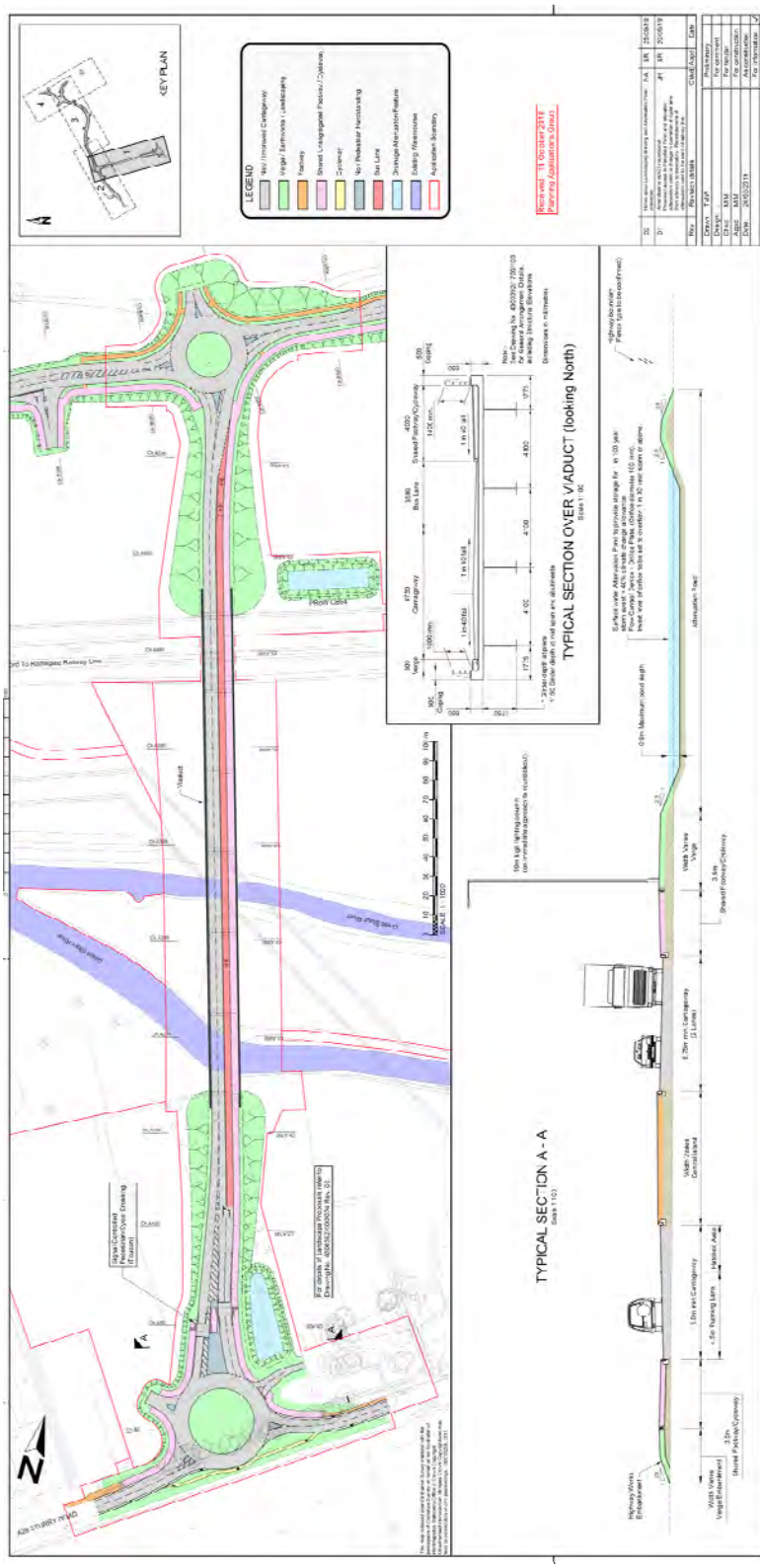
Scheme Plan



Road Layout from A28 across the river and railway line into 'Land at Sturry'



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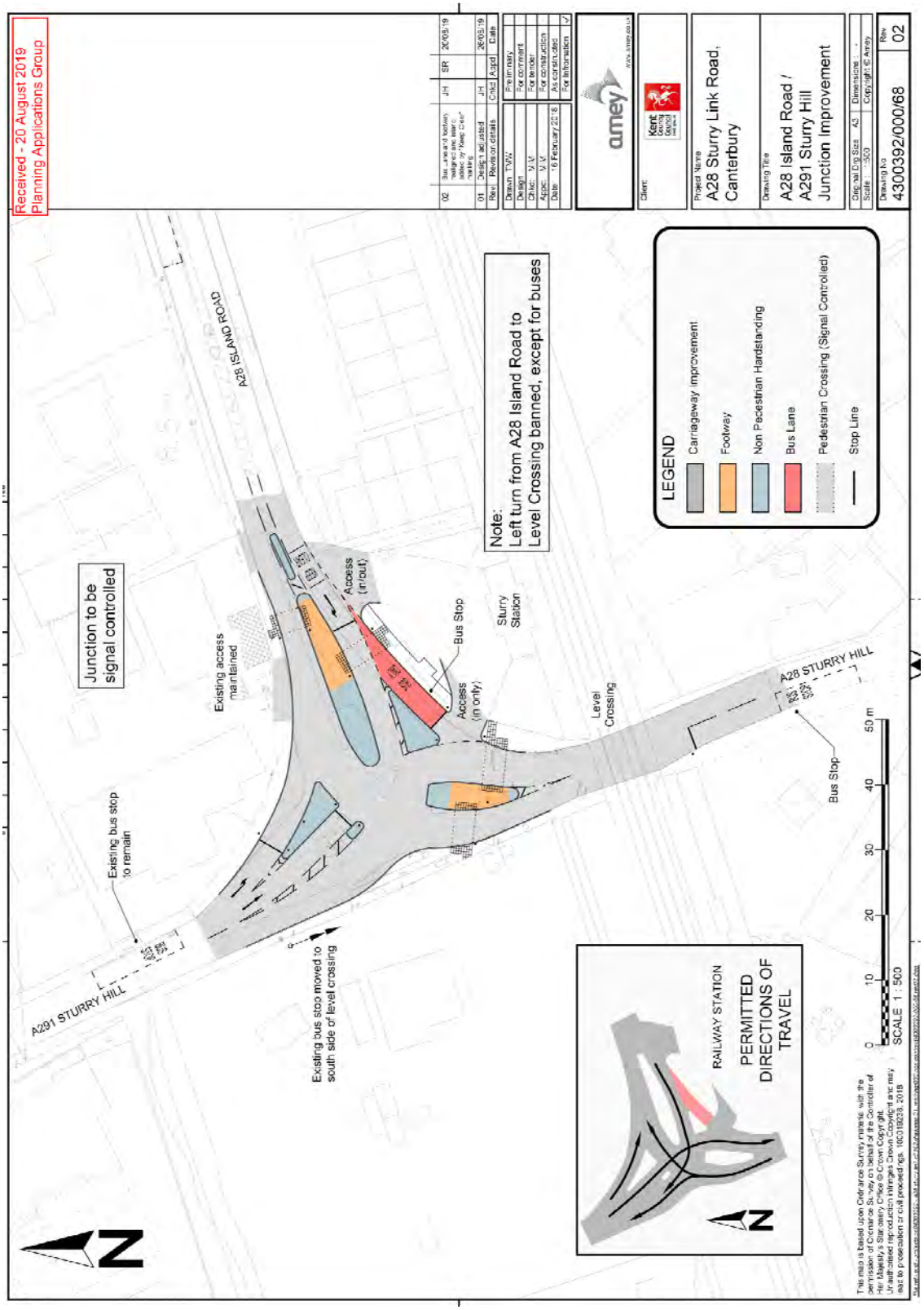
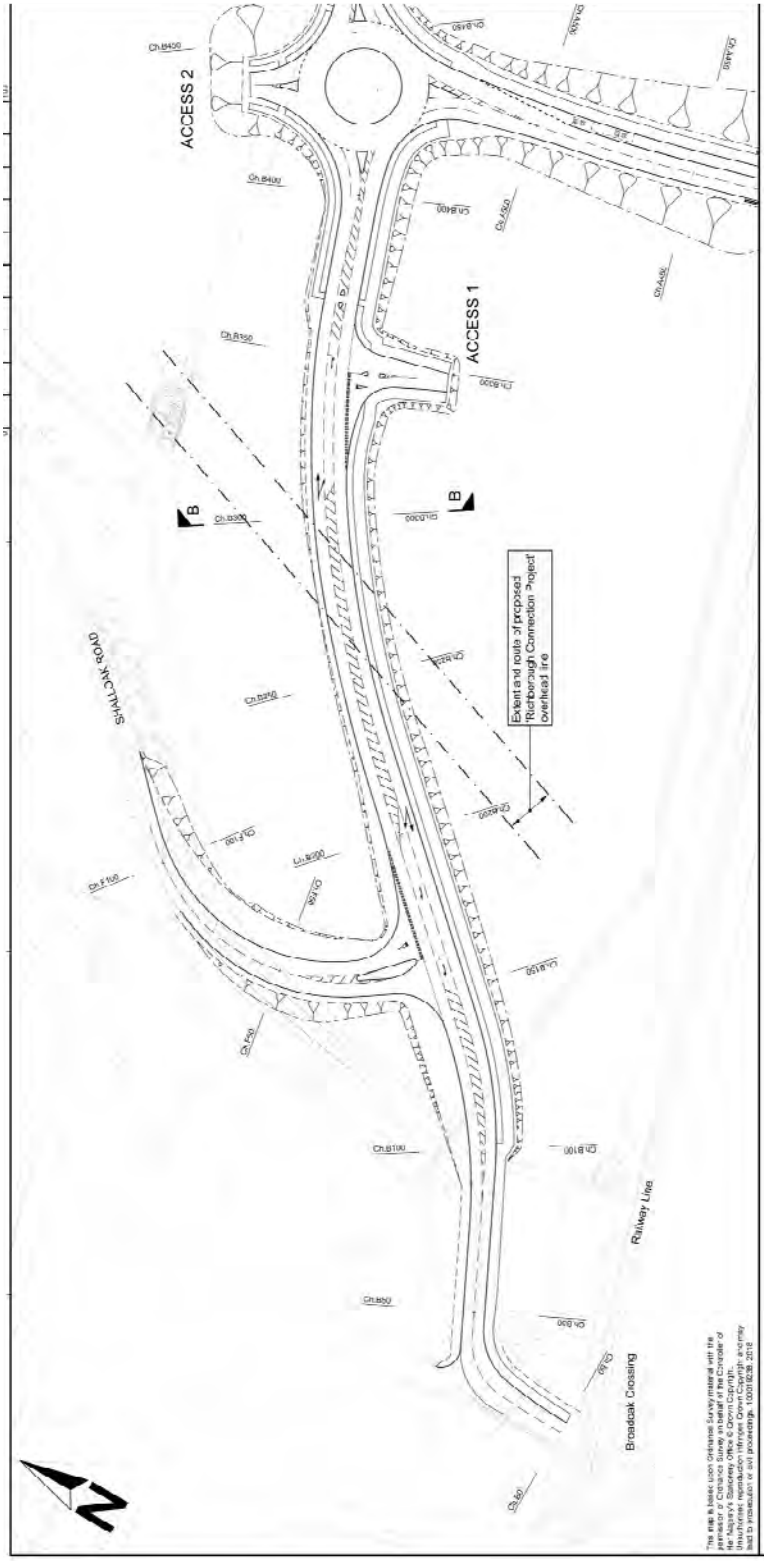
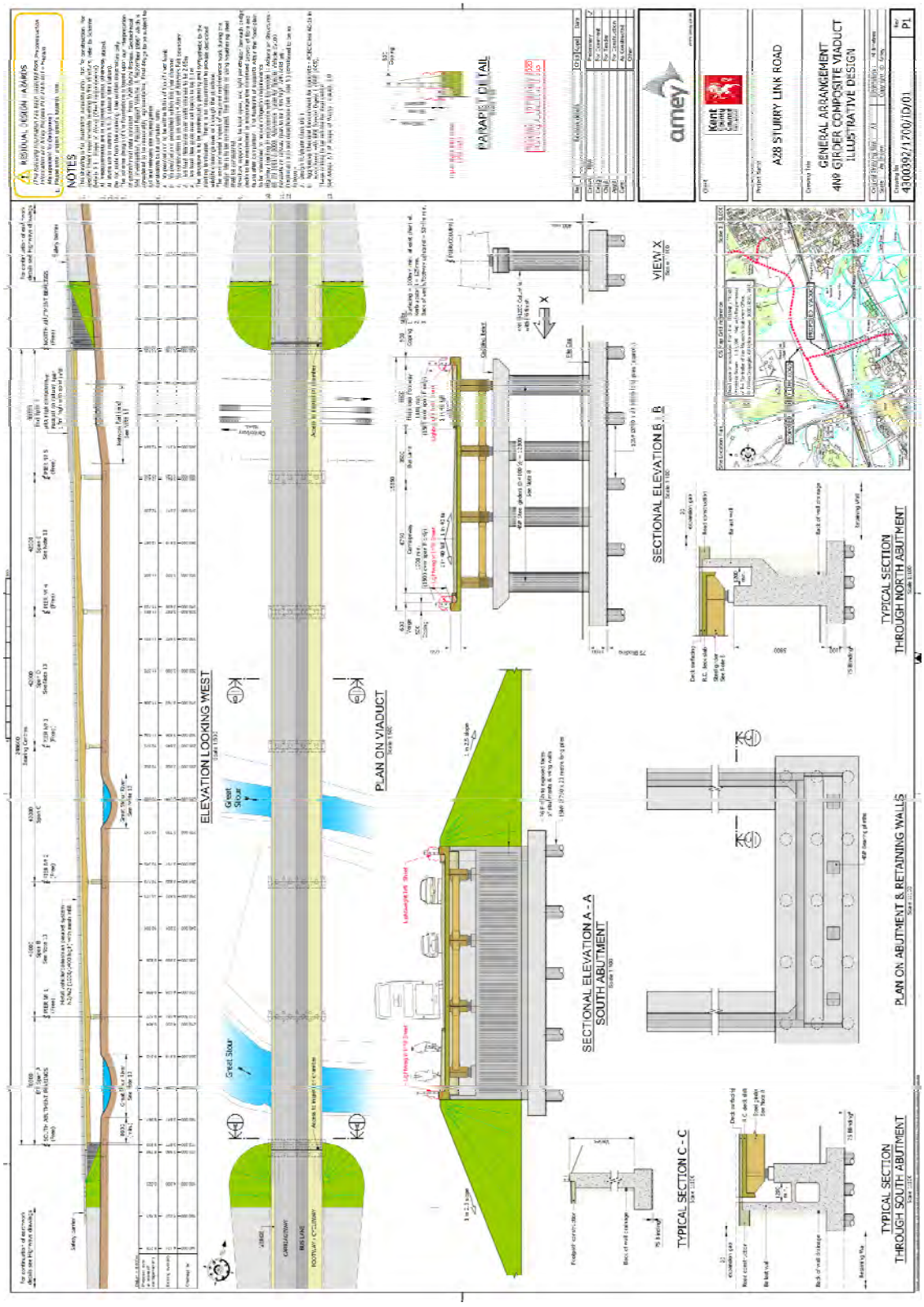
A28/A291 Junction Layout Alterations



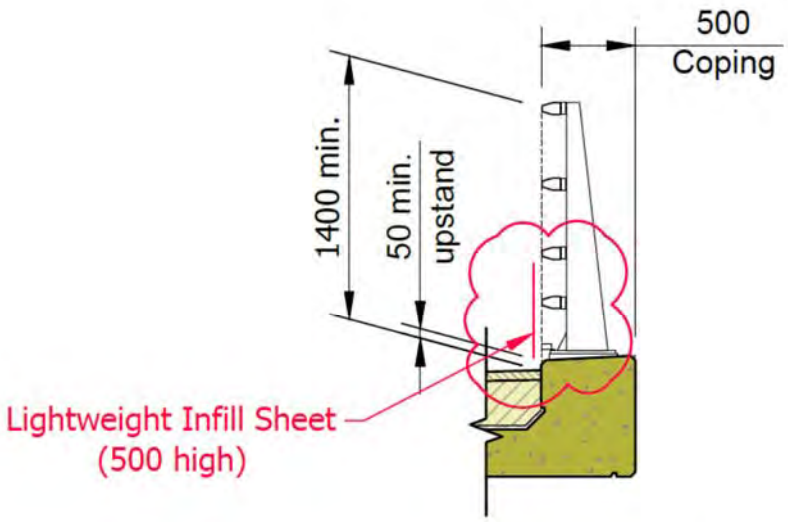
Shalloak Road Widening



Viaduct General Arrangement



Parapet Detail

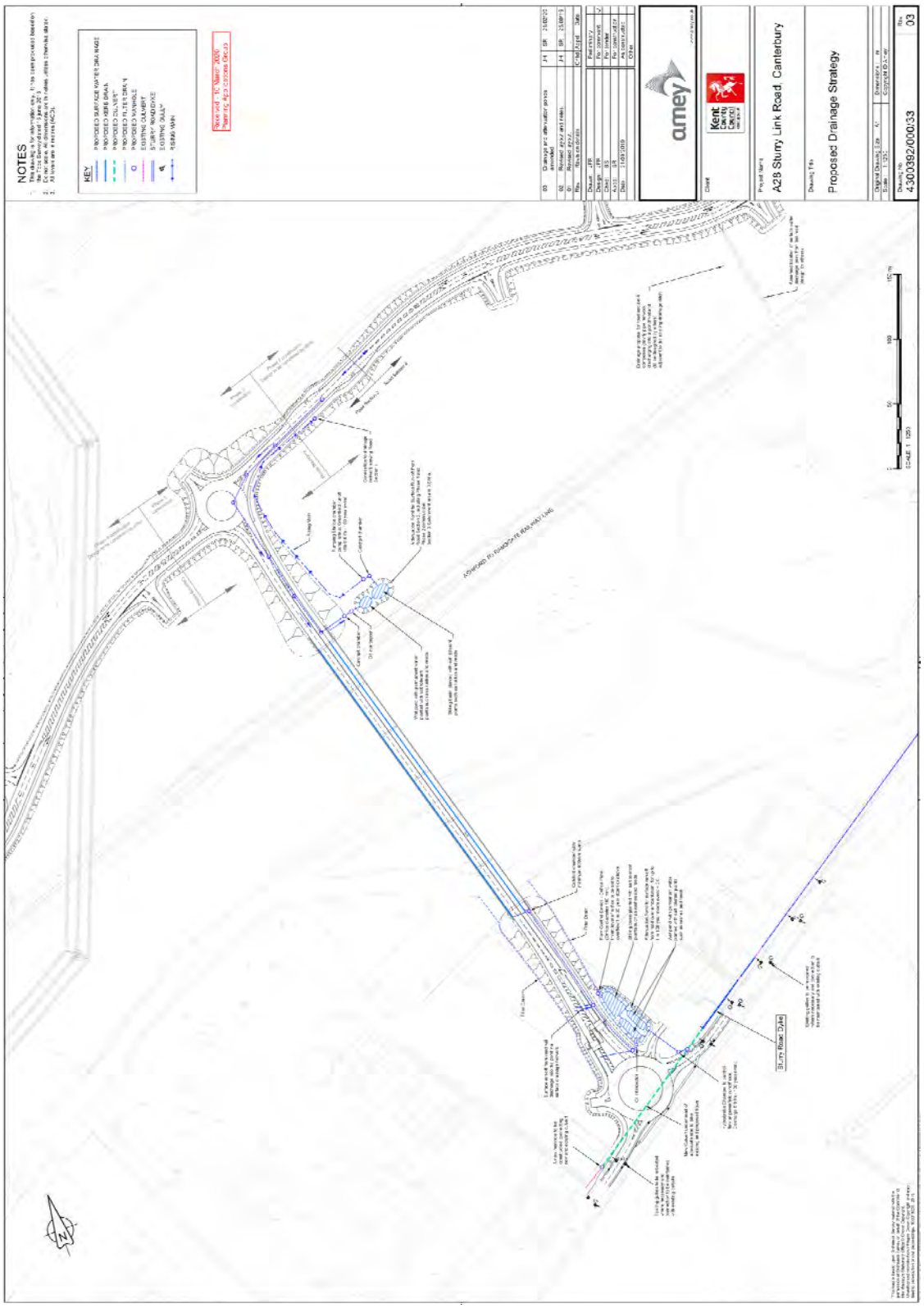


PARAPET DETAIL
Scale 1:50

Construction of part of a new road (A28 Link Road) including viaduct between A28 Sturry Road and A291 Sturry Hill and associated on-line improvements at A28 Sturry Link Road, Sturry, Canterbury – CA/19/00904 (KCC/CA/0091/2019)

Landscape Strategy

Drainage Strategy



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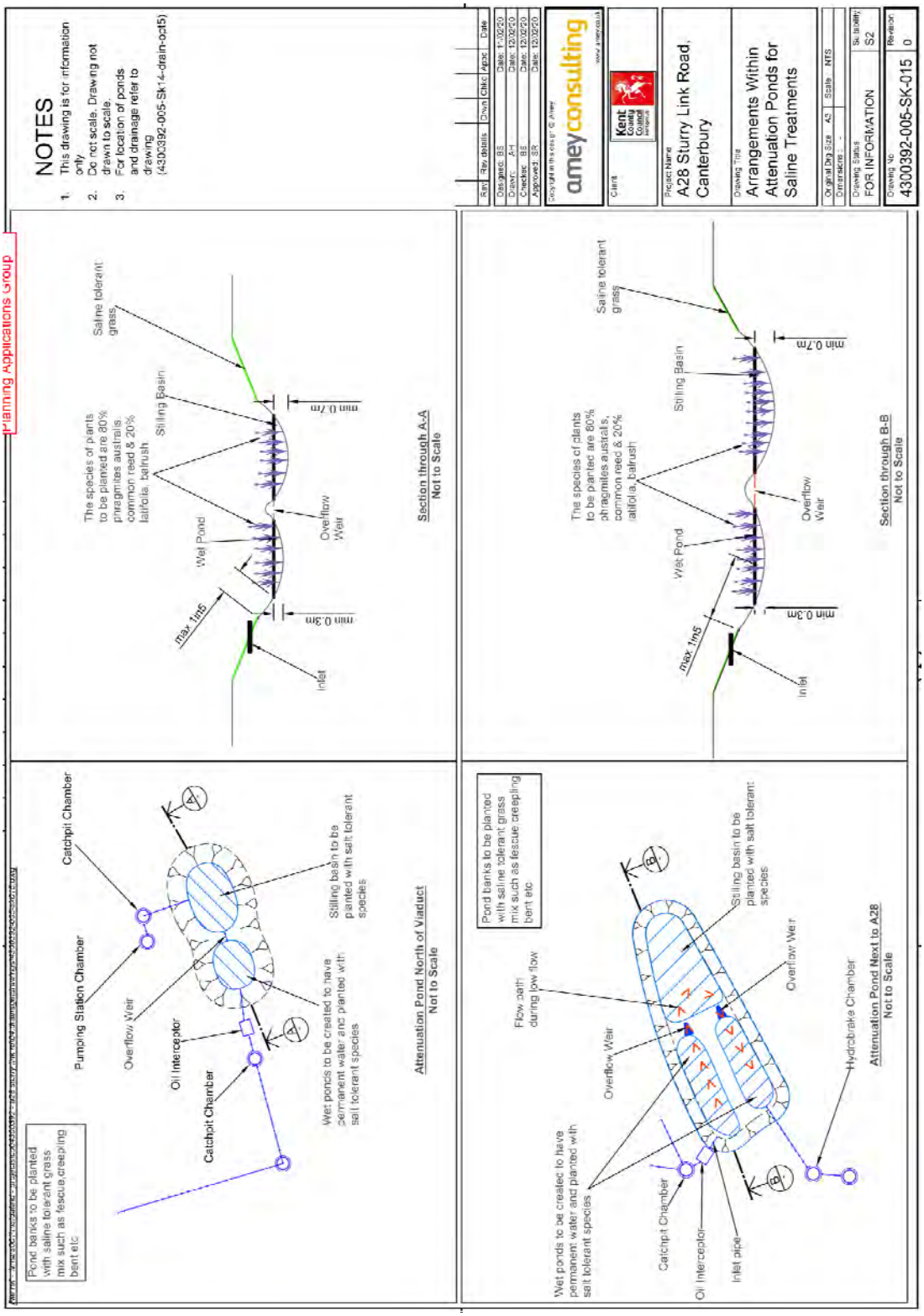
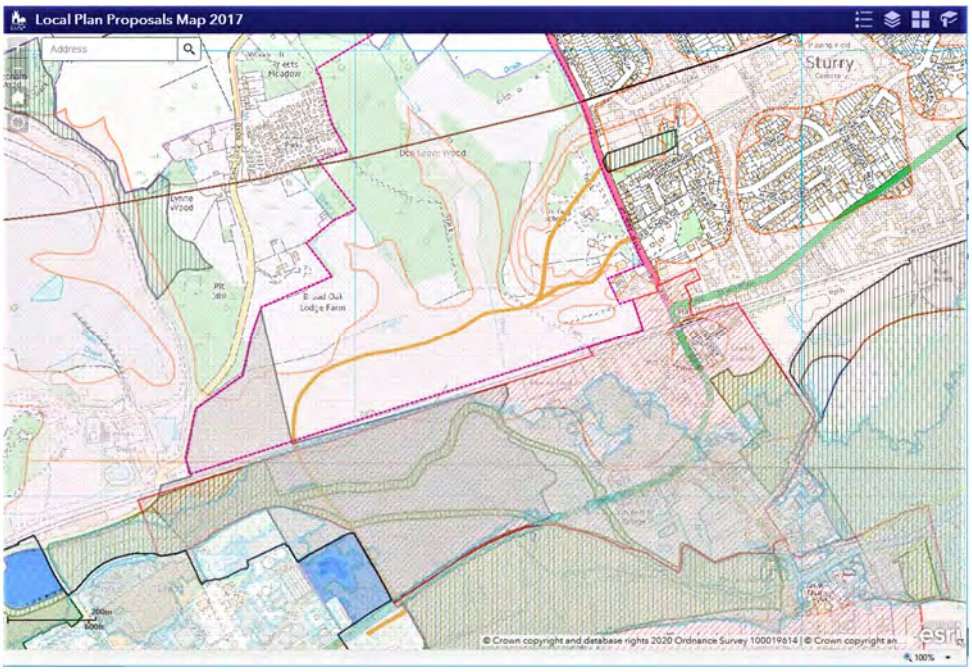
Arrangements within Attenuation Ponds for Saline Treatment

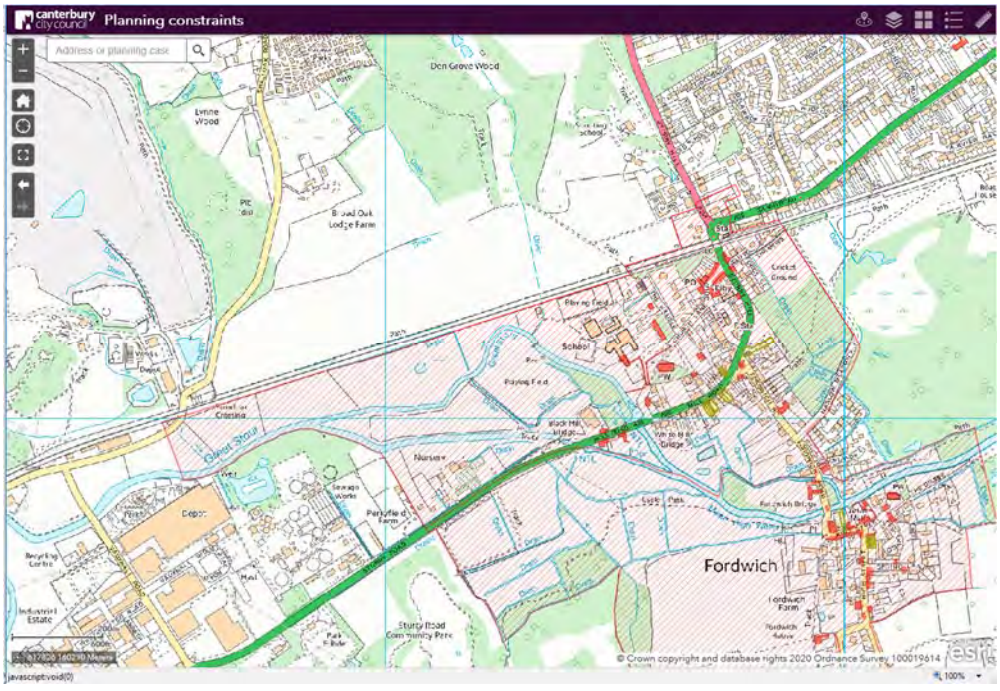


Canterbury City Council Local Plan Extract



Road Safeguarding Area T14 Sturry Relief Road

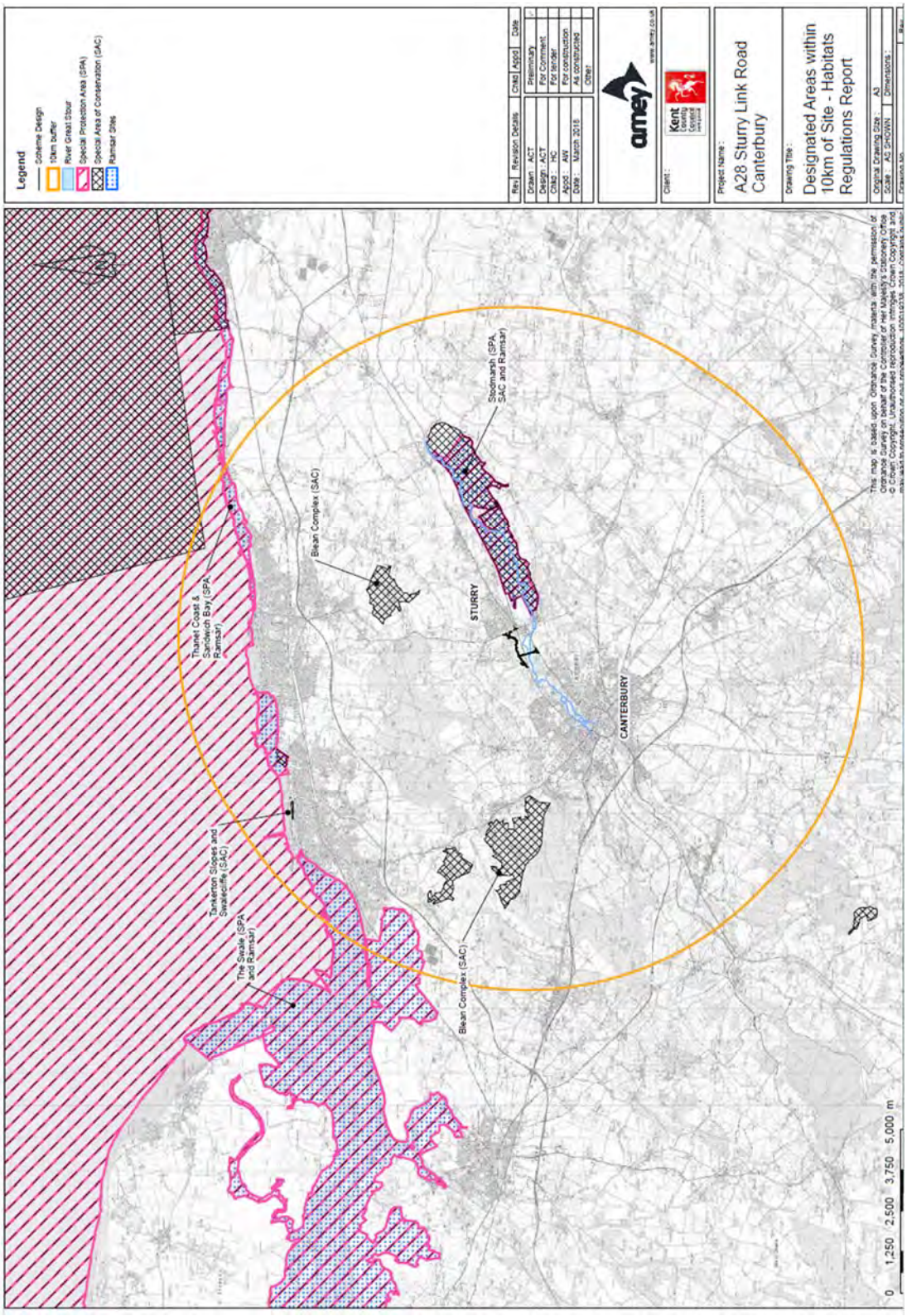
Strategic Allocation SP3 Land at Sturry/Broad Oak



Conservation Area

Listed buildings

Designated Sites within 10km of the Proposed Sturry Link Road



Wetland Habitat Restoration Plan

Air Quality Management Area – Canterbury No. 3

Appendix 2

Record of Appropriate Assessment

(under Regulation 63 of the Conservation of Habitats and Species Regulations 2017)

PLANNING APPLICATIONS GROUP

RECORD OF APPROPRIATE ASSESSMENT

(UNDER REGULATION 63 OF THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017)

6th November 2020

Adoption date: 9th March 2021

CONTENTS

1. Introduction to Habitats Regulations Assessment

Regulation 63 of the Conservation of Habitats and Species Regulations (2017) ('the Habitats Regulations') requires an assessment where a plan or project may give rise to significant effects upon any Natura 2000 sites (also known as 'European sites').

Natura 2000 is a network of areas designated to conserve natural habitats and species that are rare, endangered, vulnerable or endemic within the European Community (EC). This includes Special Areas of Conservation (SAC), designated under the Habitats Directive for their habitats and/or species of European importance; and Special Protection Areas (SPA), classified under the Birds Directive for rare, vulnerable and regularly occurring migratory bird species and internationally important wetlands.

As a matter of national planning policy, the government has chosen to apply the assessment procedures to internationally designated Ramsar sites, even though these are not European Sites as a matter of law.

This document is a record of Habitats Regulations Assessment under the Habitats Regulations considering the implications for the European Sites in view of the development being proposed and in the context of the designated conservation objectives.

The assessment has been undertaken by Kent County Council and is based on the information provided by Kent County Council as part of the planning application (KCC/CA/0091/2019 A28 Sturry Link Road, Sturry, Canterbury), in addition to information used by Canterbury City Council to undertake the Habitats Regulations Assessment for the applications that form the Sturry and Broad Oak strategic housing allocation. These three applications are interlinked, so while Canterbury City Council and Kent County Council have developed and issued separate Habitats Regulations Assessments specific to their planning applications, the relevant information has been shared and joint conclusions reached by each authority.

In accordance with the Habitats Regulations, Kent County Council, as a 'competent authority' under the Habitats Regulations, must be satisfied that the project will not cause an adverse effect on the integrity of any European designated site before it can grant permission for the works.

The European Commission's *Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC* recommends a four-stage approach in carrying out a Habitats Regulations Assessment as follows.

Stage 1 Screening

Determines whether a plan or project, either alone or in combination with other plans or projects, is likely to have a significant effect upon a Natura 2000 site.

If the screening process identifies effects to be significant, potentially significant or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2. The process should apply the precautionary principle to ascertain if significant effects are likely.

Stage 2 Appropriate Assessment

Considers the impact on the integrity of the Natura 2000 sites of the project or plan either alone or in combination with other plans or projects with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, it assesses the potential mitigation for those impacts.

Stage 3 Assessment of Alternative Solutions

Examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 sites.

Stage 4 Assessment where no Alternative Solutions Exist and where Adverse Impacts Remain

Assess compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the plan or project should proceed.

Each stage determines whether the next stage in the process is required, e.g. if it is concluded that at the end of Stage 1 there will be no significant effects on the Natura 2000 sites, there is no requirement to proceed to Stage 2.

2. Project

Application Reference:	KCC/CA/0091/2019
Application location:	A28 Sturry Link Road, Sturry, Canterbury
Application description:	Construction of part of a new road (A28 Link Road) including viaduct between A28 Sturry Road and A291 Sturry Hill and associated on-line improvements.
Applicant:	Kent County Council
HRA date:	September 2020
Linked HRAs:	Linked to the A28 Sturry Link Road application are the Canterbury City Council-submitted applications (CA/17/01383/OUT and CA/18/00868/FOS) for the Sturry and Broad Oak strategic allocation. A separate Habitats Regulations Assessment has been carried out by Canterbury City Council, with the relevant information shared and joint conclusions reached by each authority.

3. Summary of the conclusion of the assessment

A28 Sturry Link Road, Sturry, Canterbury has been considered in light of the assessment requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 by Kent County Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having carried out a 'screening' assessment of the project, the competent authority concluded that it would be likely to have a significant effect on:

A. Stodmarsh Special Area of Conservation
B. Stodmarsh Special Protection Area
C. Stodmarsh Ramsar
D. Thanet Coast & Sandwich Bay Special Protection Area

E. Thanet Coast & Sandwich Bay Ramsar

Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

A. Following an appropriate assessment in accordance with the Regulations, the competent authority has ascertained that the project would not have an adverse effect on the integrity of Stodmarsh SAC either alone or in combination with other plans or projects.
B. Following an appropriate assessment in accordance with the Regulations, the competent authority has ascertained that the project would not have an adverse effect on the integrity of Stodmarsh SPA either alone or in combination with other plans or projects.
C. Following an appropriate assessment in accordance with the Regulations, the competent authority has ascertained that the project would not have an adverse effect on the integrity of Stodmarsh Ramsar site either alone or in combination with other plans or projects.
D. Following an appropriate assessment in accordance with the Regulations, the competent authority has ascertained that the project would not have an adverse effect on the integrity of Thanet Coast & Sandwich Bay SPA either alone or in combination with other plans or projects.
E. Following an appropriate assessment in accordance with the Regulations, the competent authority has ascertained that the project would not have an adverse effect on the integrity of Thanet Coast & Sandwich Bay Ramsar site either alone or in combination with other plans or projects.

Natural England was consulted on the appropriate assessment and the competent authority's conclusions and has agreed with it (see attached written response dated 6th November 2020).

4. Information used for the assessment

4.1 Scanning and site selection list for European sites that could potentially be affected by the project

Scanning and site selection list for European sites that could potentially be affected by a project		
Types of project	**Sites to scan for and check**	**Names of sites**
1. All projects (terrestrial, coastal and marine)	Sites within which the project is wholly or partly located	None
2. Projects that could affect the aquatic environment	Sites upstream or downstream of the project location in the case of river or estuary sites	None
	Open water, peatland, fen, marsh and other wetland sites with relevant hydrological links to the project, irrespective of distance from the project location	Stodmarsh SAC Stodmarsh SPA Stodmarsh Ramsar
3. Projects that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the project irrespective of the location of the project or whether the species would be in or out of the site when they might be affected	Stodmarsh SAC Stodmarsh SPA Stodmarsh Ramsar
4. Projects that could increase recreational pressure on European sites where qualifying features are sensitive to such pressure	European sites within which the project would be wholly or partly located	None
	Such European sites within an agreed zone of influence, or other reasonable and evidence-based travel distance of the project location, that may be affected by local recreational or other	Thanet Coast & Sandwich Bay SPA Thanet Coast & Sandwich Bay

Scanning and site selection list for European sites that could potentially be affected by a project		
Types of project	**Sites to scan for and check**	**Names of sites**
	visitor pressure generated by the project	Ramsar The Swale SPA The Swale Ramsar
	Such European sites within an agreed zone of influence, or other reasonable and evidence-based longer travel distance of the project, which are major (regional or national) visitor attractions such as European sites which are National Nature Reserves where public visiting is promoted, sites in National Parks, coastal sites and sites in other major tourist or visitor destinations	None in addition to those listed above
5. Projects that would increase the amount of development	Sites that are used for, or could be affected by, water abstraction irrespective of distance from the project	None
	Sites used for, or could be affected by, discharge of effluent from wastewater treatment works or other waste management streams serving the project, irrespective of distance from the project	Stodmarsh SAC Stodmarsh SPA Stodmarsh Ramsar
	Sites that could be affected by the provision of new or extended transport or other infrastructure	Stodmarsh SAC Stodmarsh SPA Stodmarsh Ramsar
	Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic	Blean Complex SAC
6. Projects which could introduce or increase, or alter the timing, nature or location of disturbance to species	Sites whose qualifying features are potentially sensitive to disturbance, for example as a result of noise, activity or movement, or the presence of disturbing features that could be brought about by the project	Stodmarsh SAC Stodmarsh SPA Stodmarsh Ramsar
7. Projects which could introduce or increase or change the timing, nature or location of light or noise pollution	Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the project	Stodmarsh SAC Stodmarsh SPA Stodmarsh Ramsar
Extract from *The Habitats Regulations Assessment Handbook,* www.dtapublications.co.uk 		

4.2 Qualifying features of the European sites that could potentially be affected by the project

European site	**Qualifying features**
Stodmarsh SAC	Stodmarsh SAC qualifies under Article 4(4) of the Habitats Directive by supporting the following Annex II species: • Desmoulin's whorl snail *Vertigo moulinsiana*
Stodmarsh SPA	The SPA qualifies under Article 4.1 of the EC Birds Directive by regularly supporting nationally important wintering populations of two Annex I species: • Hen harrier *Circus cyaneus* • Bittern *Botaurus stellaris*
	The SPA qualifies under Article 4.2 of the Directive by regularly supporting breeding populations of the following species: • Gadwall *Anas Strepera* • Bearded tit *Panurus biarmicus*
	The SPA qualifies under Article 4.2 by supporting nationally important wintering populations of the following migratory species:

European site	Qualifying features
	• Gadwall • Shoveler *Anas clypeata* • Bearded tit *Panurus biarmicus*
	The SPA also qualifies under Article 4.2 by regularly supporting an important assemblage of breeding species associated with wetland habitats, including: • Great crested grebe *Podiceps cristatus* • Lapwing *Vanellus vanellus* • Redshank *Tringa totanus* • Snipe *Gallinago gallinago* • Grasshopper warbler *Locustella naevia* • Savi's warbler *Locustella luscinioides* • Sedge warbler *Acrocephalus schoenobaenus* • Reed warbler *Acrocephalus scirpaceus*
	The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting an important assemblage of wintering waterfowl, including: • White-fronted goose *Anser albifrons* • Wigeon *Anas penelope* • Mallard *Anas platyrhynchos* • Pochard *Aythya farina* • Tufted duck *Aythya fuligula* • Water rail *Rallus aquaticus* • Lapwing • Snipe
Stodmarsh Ramsar	The Ramsar qualifying features include six British Red Data Book (RDB) wetland invertebrates, two nationally rare and five nationally scarce plant species (a dandelion *Taraxacum hygrophilum*, dittander *Lepidium latifolium*, divided sedge *Carex divisa*, marsh sow-thistle *Sonchus palustris*, rootless duckweed *Wolffia arrhiza*, sharp-leaved pondweed *Potamogeton acutifolius* and whorled water-milfoil *Myriophyllum verticillatum*) and a diverse assemblage of rare wetland birds, including wintering hen harrier, bittern, gadwall and shoveler (Ramsar criterion 2)
Blean Complex SAC	The Blean Complex SAC qualifies under Article 4(4) of the Habitats Directive for its pedunculate oak and hornbeam forest (Annex I habitat '9160 Sub-Atlantic and medio-European oak or oak-hornbeam forests of the *Carpinion betuli*').
Thanet Coast & Sandwich Bay SPA	The SPA qualifies under Article 4.1 of the EC Birds Directive by supporting a nationally important breeding population of the following species: • Little tern *Sterna albifrons*
	The SPA qualifies under Article 4.1 of the Directive by supporting a nationally important wintering population of the following species: • Golden plover *Pluvialis apricaria*
	The SPA qualifies under Article 4.2 by regularly supporting an internationally important wintering population of the following species: • Turnstone *Arenaria interpres*.
	The site also supports nationally important wintering populations of: • Ringed plover *Charadrius hiaticula*; • Grey plover *Pluvialis squatarola*; • Sanderling *Calidris alba*; and • Lapland bunting *Calcarius lapponicus*.
Thanet Coast & Sandwich Bay Ramsar	Thanet Coast and Sandwich Bay Ramsar site qualifies by supporting 15 British Red Data Book wetland invertebrates (Ramsar criterion 2); and a population of turnstone occurring at levels of international importance (Ramsar criterion 6).
The Swale SPA	The Swale SPA qualifies under Article 4.2 of the Birds Directive as a wetland of international importance by regularly supporting at least wintering 20,000 waterfowl; which includes wintering populations of dark-bellied brent goose Branta bernicla bernicla and dunlin Calidris alpina alpina. The SPA also qualifies under Article 4.2 for its breeding bird assemblage.
The Swale Ramsar	The Ramsar designation recognises nationally scarce plants and at least seven British Red data book invertebrates (Ramsar criterion 2), as well as the

European site	Qualifying features
	internationally important assemblages of waterfowl (Ramsar criterion 5).

5. Screening for likely significant effects

In reaching the conclusions of the screening assessment the competent authority took no account of any measures intended to avoid or reduce the potentially harmful effects on any European site.

Stodmarsh SAC	
SAC conservation objectives	With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change: Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring: • The extent and distribution of the habitats of qualifying species • The structure and function of the habitats of qualifying species • The supporting processes on which the habitats of qualifying species rely • The populations of the qualifying species, and, • The distribution of the qualifying species within the site.
Site pressures	• Water quality, particularly nutrient enrichment from phosphorus and nitrogen. • Invasive species such as Crassula spp. (pigmyweeds), forming blankets of vegetation, as well as terrestrial invasive plants affecting riverbank vegetation. • Inappropriate scrub control; scrub encroachment into reedbeds can affect wetland species. • Air pollution resulting in deposition of atmospheric nitrogen which can affect species composition, through increase in vegetation which can tolerate high nitrogen levels. • (from Natural England's Site Improvement Plan)
Site condition	• 2009-11 (updated 2015) Stodmarsh SSSI condition assessment: 61% of site favourable condition; 21.5% unfavourable recovering; 17.5% unfavourable no change. • 2017/18 site review: some site units in unfavourable condition due to existing levels of nitrogen and phosphorus. • March 2019 Natural England's Supplementary advice on Stodmarsh SAC: Evidence that high levels of nitrogen and phosphorus are causing eutrophication in lake parts of the site. • July 2020 Natural England's *Advice on nutrient neutrality for new development in the Stour Valley catchment in relation to Stodmarsh designated sites*: nutrient inputs are currently thought to be caused mostly by wastewater from existing housing and agricultural sources which is impacting on the protected habitats and species in the designated site. • Natural England's view is that a likely significant effect on the SAC cannot be ruled out due to the increases in wastewater.

Qualifying feature	Possible effects of the project		
	Construction of *A28 Sturry Link Road, Sturry* (KCC/CA/0091/2019)	**Operation of *A28 Sturry Link Road, Sturry* (KCC/CA/0091/2019)**	**Sturry and Broad Oak strategic allocation sites (CA/17/01383/OUT & CA/18/00868/FOS)**
S1016. *Vertigo moulinsiana*; Desmoulin`s whorl snail (DWS)	1. Dispersal of sediments during earthworks and pollution from spillages and poorly maintained machinery into River Great Stour leads to changes in water quality in the SAC that affects the condition of the swamp vegetation on which DWS depend. 2. Sediment dispersal and/or pollution affects the water quality of the ditches adjacent to the site in which DWS are present 3. Construction machinery directly or indirectly disturbs wetland habitat adjacent to the site in which DWS are present.	1. Bridge affects hydrology and/or flow regime of River Great Stour, leading to effect on SAC. 2. Permanent habitat loss at road footprint, including bridge piers, and associated embankments affects DWS/their habitat. 3. Road drainage discharge (oils) into River Great Stour leads to reduction in water quality that affects the SAC. 4. Road drainage discharge (winter treatment salts) into River Great Stour following winter road salt treatments leads to increase in salinity that affects the SAC. 5. Road drainage discharge (oils) affects the water quality of the ditches adjacent to the site in which DWS are present. 6. Road drainage discharge (winter treatment salts) affects the water quality of the ditches adjacent to the site in which DWS are present. 7. Works to enhance wetland habitat affects DWS/their habitat.	1. Changes in surface water run-off from the strategic site as a result of the change of use from agricultural to urban land affects quality and quantity of water reaching the SAC. 2. Changes in surface water run-off from the strategic site as a result of the change of use from agricultural to urban land affects quality and quantity of water reaching the functionally linked habitats that support DWS. 3. Foul sewage from the operational strategic site affects water quality in the SAC. 4. Traffic emissions from the strategic site lead to changes in air quality in the SAC.
Conclusions	**1. Potential likely significant effect** from sediment dispersal and pollution into River Great Stour that affects the SAC. **2. Potential likely significant effect** from sediment dispersal and pollution	**1. No likely significant effect** – bridge is clear span and designed to accommodate 1 in 100-year flood events with a 600mm freeboard and climate change flood levels. **2. No likely significant effect** – areas of	**1. Potential likely significant effect** from sediment dispersal and pollution into River Great Stour that affects the SAC. **2. Potential likely significant effect** from sediment dispersal and pollution

	that affects functionally linked habitat that supports DWS. **3. Potential likely significant effect** from construction machinery that damages or disturbs functionally linked habitat that supports DWS.	habitat loss are unsuitable for DWS, which were recorded 250m east of bridge in habitat that will not be directly affected. **3. Potential likely significant effect** from road drainage discharge (oils) that affects water quality in SAC. Project proposer has provided alternative discharge into attenuation pond to avoid direct discharge into River Great Stour. Change to avoid or reduce harmful effects on the SAC so cannot be taken into account at screening stage. **4. Potential likely significant effect** from increase in salinity that affects water quality in SAC. **5. Potential likely significant effect** from road drainage discharge (oils) that affects water quality in functionally linked habitats that supports DWS. **6. Potential likely significant effect** from increase in salinity that affects water quality in functionally linked habitats that supports DWS. **7. Potential likely significant effect** on DWS in functionally linked habitats as a result of damage or disturbance during wetland habitat works.	that affects functionally linked habitats that supports DWS. **3. Potential likely significant effect** as foul sewage cannot be connected to the wastewater treatment works at Sturry due to existing concerns regarding high nitrate and phosphate levels leading to poor water quality within the SAC. **4. No likely significant effect** There are no main roads within 200m of the SAC boundary, and in line with government guidelines[1] traffic emissions can be screened out.

Stodmarsh SPA & Ramsar	
SPA conservation	With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change:

[1] Highways Agency (2007) Design Manual for Roads and Bridges (DMRB) Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques, Part 1 Air Quality.

objectives (no conservation objectives specified for the Ramsar site)	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring: • The extent and distribution of the habitats of qualifying species • The structure and function of the habitats of qualifying species • The supporting processes on which the habitats of qualifying species rely • The populations of the qualifying species, and, • The distribution of the qualifying species within the site.		
Site pressures	Pressures affecting the site relevant to the bird species include: • Pollution to groundwater • Air pollution • Invasive non-native species • Succession of scrub.		
Site condition	The marsh and open water habitats on the site are generally in favourable or unfavourable recovering condition. As for the SAC, lake features within the site have unfavourable condition due to localised nutrient enrichment from nitrogen and phosphorus.		
Qualifying feature	**Possible effect of the projects**		
	Construction of *A28 Sturry Link Road, Sturry* (KCC/CA/0091/2019)	**Operation of *A28 Sturry Link Road, Sturry* (KCC/CA/0091/2019)**	**Sturry and Broad Oak strategic allocation sites (CA/17/01383/OUT & CA/18/00868/FOS)**
Wintering and breeding birds	1. Disturbance and displacement of overwintering birds (i.e. snipe, shoveler, mallard, lapwing, tufted duck and water rail) using functionally linked habitats along the River Great Stour corridor, during construction works (particularly noise and vibration from piling and road surfacing). 2. Loss of habitat for use as site compounds 3. Dispersal of sediments during earthworks and pollution from spillages and poorly maintained machinery into River Great Stour leads to changes in	1. Permanent habitat loss at road footprint, including bridge piers, and associated embankments. 2. Disturbance (traffic noise) and displacement of foraging overwintering birds that are qualifying species of the SPA (snipe and lapwing). 3. Increased risk of bird collision and mortality as a result of bridge and link road.	1. Changes in surface water run-off from the strategic site as a result of the change of use from agricultural to urban land affects quality and quantity of water reaching the SPA/Ramsar. 2. Changes in surface water run-off from the strategic site as a result of the change of use from agricultural to urban land affects quality and quantity of water reaching the functionally linked habitats that support foraging overwintering birds that are qualifying species of the SPA (snipe and lapwing).

	water quality in the SPA/Ramsar. 4. Sediment dispersal and pollution affects the water quality of the functionally linked habitats adjacent to the site that supports overwintering birds.		3. Foul sewage from the operational strategic site affects water quality in the SPA/Ramsar. 4. Traffic emissions from the strategic site lead to changes in air quality in the SPA/Ramsar. 5. Increased lighting and new sources of significant noise affect foraging overwintering birds that are qualifying species of the SPA (snipe and lapwing) present in the wetland fields to the south of the railway. 6. Increases in recreational pressure and bird disturbance within the SPA/Ramsar from new residents visiting the designated site.
Conclusions	**1. Potential likely significant effect** as a result of displacement of overwintering birds from functionally linked habitats. **2. Potential likely significant effect** as a result of loss of functionally linked habitats that supports overwintering birds. **3. Potential likely significant effect** from sediment dispersal and pollution into River Great Stour that affects the SPA. 4. **Potential likely significant effect** from sediment dispersal and pollution that affects functionally linked habitats that supports overwintering birds.	**1. Potential likely significant effect** – only small amount of permanent habitat loss (approx. 0.6ha) but could result in lse. **2. Potential likely significant effect** as a result of disturbance from traffic noise of significant numbers of snipe present in functionally linked habitats to the east of the link road. **3. No likely significant effect** – limited suitable habitat (for birds associated to the SPA) to the west of the link road. SPA-associated bird species were not recorded making regular flight movements along the river corridor.	**1. Potential likely significant effect** from sediment dispersal and pollution into River Great Stour that affects the SPA. **2. Potential likely significant effect** from sediment dispersal and pollution that affects functionally linked habitats that supports overwintering birds. **3. Potential likely significant effect** as foul sewage cannot be connected to the WasteWater Treatment Works at Sturry due to existing concerns regarding high nitrate and phosphate levels leading to poor water quality within the SPA. **4. No likely significant effect** - There are no main roads within 200m of the

			SPA boundary, and in line with government guidelines[1] traffic emissions can be screened out. **5. Potential likely significant effect** as a result of displacement of overwintering birds from functionally linked habitats. **6. No likely significant effect** – due to: the distance from the strategic site to the SPA; the National Nature Reserve (NNR) which overlaps much of the SPA is managed to restrict visitors to the less sensitive areas; the waterbodies in non-NNR areas are screened from the footpaths; and recreational provision within the strategic site.

Blean Complex SAC	
SAC conservation objectives	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring: • The extent and distribution of qualifying natural habitats: • The structure and function (including typical species) of qualifying natural habitats; and • The supporting processes on which qualifying natural habitats rely.
Site pressures	One of the key pressures on this site is from air pollution, which can result in changes in species composition as a result of nitrogen deposition. The site already exceeds the site relevant critical load for ecosystem protection, according to the Air Pollution Information System (APIS).
Site condition	The SAC site as a whole is generally classed as being in favourable condition, based on condition monitoring assessments of the SSSI units from 2007 to 2016. Small areas are unfavourable recovering, due to encroachment of *Rhododendron ponticum*.

[1] Highways Agency (2007) Design Manual for Roads and Bridges (DMRB) Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques, Part 1 Air Quality.

Qualifying feature	Possible effect of the projects		
	Construction of *A28 Sturry Link Road, Sturry* (KCC/CA/0091/2019)	**Operation of *A28 Sturry Link Road, Sturry* (KCC/CA/0091/2019)**	**Sturry and Broad Oak strategic allocation sites (CA/17/01383/OUT & CA/18/00868/FOS)**
Annex I habitat '9160 Sub-Atlantic and medio-European oak or oak-hornbeam forests of the *Carpinion betuli*'	1. Increased dust and nitrogen deposition on SAC.	1. Emissions generated by traffic using link road lead to increased nitrogen deposition on SAC.	1. Emissions generated by traffic using strategic site leads to increased air pollution that indirectly impacts on the vegetation and soils of the SAC.
Conclusions	**1. No likely significant effect** – distance of SAC from project site.	**1. No likely significant effect** – distance of SAC from project site.	**1. No likely significant effect** – The strategic assessment[1] undertaken in respect of the Canterbury District Local Plan 2017 concluded that there will be no likely significant effect as annual increases in nitrogen are predicted to be less than 1% of the critical load for the Annex I habitat of the SAC.

Thanet Coast & Sandwich Bay SPA & Ramsar	SPA conservation objectives
SPA conservation objectives (none specified	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring: • The extent and distribution of the habitats of qualifying features • The structure and function of the habitats of qualifying features

[1] Canterbury City Council (7 November 2014). Blean Complex Special Area of Conservation - Air Quality Assessment. The assessment of the potential air quality impacts of the increase in traffic resulting from the Canterbury District Publication Draft Local Plan 2014 on the Blean Complex Special Area of Conservation. [Published at Appendix 1 of: Canterbury District Local Plan Review Public Examination 2014. Topic Paper no.3: Habitat Regulations Issues.]

for the Ramsar site)	• The supporting processes on which the habitats of the qualifying features rely • The populations of each of the qualifying features, and, • The distribution of the qualifying features within the site.		
Site pressures	Site pressures include: • Outdoor sports and leisure activities, recreational activities causing disturbance. • Groundwater pollution (point and diffuse sources). • Surface water pollution. • Invasive non-native species. • Changes in biotic conditions. • Changes in species distributions.		
Site condition	Condition monitoring assessments on the SSSI units from 2009 indicate that the site is currently in favourable condition.		
Qualifying feature	**Possible effect of the projects**		
	Construction of *A28 Sturry Link Road, Sturry* (KCC/CA/0091/2019)	**Operation of *A28 Sturry Link Road, Sturry* (KCC/CA/0091/2019)**	**Sturry and Broad Oak strategic allocation sites (CA/17/01383/OUT & CA/18/00868/FOS)**
Wintering birds			1. Increases in recreational activity within the SPA/Ramsar from new residents visiting the designated site that leads to increased bird disturbance.
Conclusions	**No likely significant effect** due to distance between link road and SPA boundary (approx. 7.4km)	**No likely significant effect** due to distance between link road and SPA boundary (approx. 7.4km)	**1. Likely significant effect** as a result of increased recreational activity as strategic site is within the 7.2km zone of influence for the SPA/Ramsar[1].

The Swale SPA & Ramsar	
SPA conservation objectives (none specified for the Ramsar	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring: • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely:

[1] V Hyland Associates Ltd. & Blackwood Bayne Ltd. Strategic Access Management and Monitoring Plan In respect of the Canterbury section of the Thanet Coast and Sandwich Bay SPA, Main Report, Version: Final, November 2017

site)	• The populations of each of the qualifying features, and, The distribution of the qualifying features within the site.		
Site pressures	Pressures on the site include fishing and harvesting aquatic resources, recreational activities, invasive non-native species, and changes in abiotic and biotic conditions.		
Site condition	The SSSI condition assessment indicates that the Swale is currently favourable over 97% of the site, with only 2% of the site classified as being in unfavourable condition.		
Qualifying feature	**Possible effect of the projects**		
	Construction of *A28 Sturry Link Road, Sturry* (KCC/CA/0091/2019)	**Operation of *A28 Sturry Link Road, Sturry* (KCC/CA/0091/2019)**	**Sturry and Broad Oak strategic allocation sites (CA/17/01383/OUT & CA/18/00868/FOS)**
Wintering birds			1. Increases in recreational activity within the SPA/Ramsar from new residents visiting the designated site that leads to increased bird disturbance.
Conclusions	**No likely significant effect** due to distance between link road and SPA boundary (approximately 8.6km)	**No likely significant effect** due to distance between link road and SPA boundary (approximately 8.6km)	**1. No likely significant effect** – the strategic site is outside of the 6km zone of influence for the SPA/Ramsar site[1]

[1] Liley, D. & Fearnley, H. (2011). Bird Disturbance Study, North Kent 2010/11. Footprint Ecology

5.1 Screening summary

It is concluded by the competent authority that the project (including the linked Canterbury City Council applications) would be likely to have a significant effect on Stodmarsh Special Area of Conservation, Stodmarsh Special Protection Area, Stodmarsh Ramsar, Thanet Coast & Sandwich Bay Special Protection Area and Thanet Coast & Sandwich Bay Ramsar.

The following European sites are screened out from further assessment: Blean Complex Special Area of Conservation, The Swale SPA and The Swale Ramsar.

6. Appropriate Assessment

Potential significant impacts for the Sturry Link Road project and for the strategic allocation projects are considered here together.

For clarity: **SLR** = Sturry Link Road project; **SA** = strategic allocation projects.

European Site and qualifying feature(s)	**Potential effect on qualifying feature(s)**	**Potential impact pathways**	**Sensitivities of receptors**	**Source**	**Avoidance and/or mitigation measures**	**Adverse effect on site integrity?**
Stodmarsh SAC S1016. *Vertigo moulinsiana* Desmoulin`s whorl snail (DWS)	Loss of / reduction in suitability of habitat leads to loss of individuals / populations **in SAC**	Changes in water quality	Wetland habitats, and as a result the DWS associated with these habitats, are sensitive to the effects of changes in water quality from sediments and pollution, including surface water and foul water. There is already evidence of eutrophication within Stodmarsh as a result of nutrient enrichment.	**Construction (SLR, SA)** Sediments in surface water run off released into River Great Stour and travels downstream to SAC. Pollution from spillages and poorly maintained machinery released into River Great Stour and travels downstream to SAC. **Operation (SLR, SA)** Road drainage, including pollutants from vehicles (i.e. oils) is released into River Great Stour and travels downstream to	**Construction (SLR, SA)** Implementation of Construction Environmental Management Plan (CEMP, draft in ES Appendix 5.1), (equivalent submitted in relation to SA projects, as reported in Canterbury CC AA) will ensure application of standard mitigation measures with respect to pollution prevention, hours of working and pollution incident response and adherence to guidelines for pollution prevention and best practice measures. CEMP measures include: • Pollution prevention/control measures • Daily machinery inspections • Refuelling in designated areas • Fuels and chemicals stored >10m from watercourses and ditches • No storage of soils or materials in the flood plain • Use of silt fencing and trenches, and inspections thereof • Monitoring of water quality in River Great Stour /	None

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
				SAC. Salt and grit applied to the road for winter maintenance enter surface water run-off and is discharged into River Great Stour that travels downstream to SAC. **(SLR)** Salt and grit applied to the road during winter maintenance falls from the bridge deck directly into River Great Stour that travels downstream to SAC. **(SLR)** Flood events lead to release of pollutants and / or salt / grit from southern attenuation pond into River Great Stour that travels downstream to SAC. **(SA)** Foul water from the operational site that reaches the SAC via the WwTW	streams and ditches running through strategic allocation site. • Portable toilets (for initial site set up works only) and good quality temporary toilet facilities will be provided for construction worker use to prevent water pollution resulting from worker-generated sewage effluents. The wastewater from these facilities will be tankered off site and disposed of appropriately. **Operation (SLR)** Sustainable Drainage System (SuDS) includes gullies and catch pits along the length of the road with oil interceptors and valves to prevent pollutants from road runoff entering the River Great Stour. Drainage from the bridge will be collected and discharged into the attenuation pond at the southern section of the road. This is located above the floodplain and bunded to be above flood level, with the top of the pond at least 0.378m higher than the max 1% plus climate change flood level. In the unlikely event of flood levels that lead to overtopping of the pond, the amount of floodwater will lead to significant dilution of any pollutants and / or salt / grit present in the pond. Outfalls from the southern attenuation pond will be controlled using a hydrobrake chamber and will pass through an oil interceptor before being discharged into Sturry Dyke that joins the River Great Stour. Drainage from the roundabout and road north of the bridge will be collected into the attenuation pond	

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
					north of the railway. Runoff will enter a catchpit chamber and pass through an oil interceptor before collecting in the attenuation pond. The water will be pumped into the wetland area north of the railway that serves the 'Land at Sturry' application section of link road. The flow from the wetland will travel via a stream and culvert under the railway line and discharge into the River Great Stour downstream of the DWS. Measures to ensure winter maintenance does not lead to adverse effects: • Surface water run-off will be directed to the attenuation ponds. These will be planted with salt/brackish tolerant plants to encourage take-up of suspended solids • The parapet design for the bridge will incorporate a solid screen to prevent overspill directly into the River Great Stour. This will trap spray on the bridge deck and direct it into the managed surface water run-off. Where changes to the SuDS have been made since the application submission, the most up-to-date, and agreed, approaches are detailed in the *Report to inform Habitats Regulations Assessment Rev 03*. These will be incorporated into the Surface Water Drainage Strategy. **Operation (SA)** Surface Water Drainage Strategy for both strategic allocation sites will replicate existing drainage patterns and ensure surface water passes through attenuation/treatment features prior to discharging	

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
					from the site. Landscape Strategies and Ecological Management Plans will provide a framework for mitigation and management in perpetuity (details in Canterbury City Council's Appropriate Assessment, as approved following consultation with Natural England) To avoid the discharge of foul water that could result in increased nutrients within the SAC, nutrient neutrality equivalent to 195 dwellings has been demonstrated, alongside Package Treatment Plants for subsequent dwellings, with ability to connect to mains sewage network when the wastewater treatment works have capacity and treatment levels that ensure no adverse effects on the integrity of the SAC. Full details are in Canterbury City Council's Appropriate Assessment, as approved following consultation with Natural England	
	Loss of / reduction in suitability of habitat leads to loss of individuals / populations (**in functionally linked habitats**)	Loss of functionally linked habitats	The distribution and numbers of DWS in ditches in the fields adjacent to the proposed bridge has reduced from initial surveys in 2015 to most recent surveys in 2019. Likely a result of drying out of the habitat. The DWS are now only known to be present in one ditch in this area and are therefore at high risk of local extinction.	**Construction (SLR)** Damage to habitat caused by construction vehicles / operatives. **Operation (SLR)** Inappropriate works to improve/create wetland habitat leads to DWS habitat damage	**Construction (SLR)** Adherence to Construction Environmental Management Plan (CEMP) (as outlined above) with specific measures for DWS: • Sensitive areas for DWS clearly delineated and signposted, an exclusion zone around ditches occupied by DWS. • Toolbox talks for site workers includes protected species and exclusion zones. Designated haul routes (indicated on Figure 1.3 ES) will be established for plant and materials. These will avoid the location of the DWS between the river and the railway line. **Operation (SLR)**	None

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
					Wetland creation/improvement works undertaken to method statement (outlined in section 6.2.1 of the *Report to inform Habitats Regulations Assessment Rev 03*) that will ensure the conservation status of the functionally linked DWS population is improved.	
		Changes in water quality	As detailed above, DWS distribution has already contracted and the population is at high risk of local extinction. Wetland habitats, and as a result the DWS associated with the habitats, are sensitive to the effects of changes in water quality from sediments and pollution.	**Construction (SLR)** Sediments released during earth works enter surface water run-off and are discharged into adjacent ditch system Pollution from spillages and poorly maintained machinery released into ditch system **Operation (SLR)** Road drainage, including pollutants from vehicles (i.e. oils), discharges into adjacent ditch system. Salt and grit applied to the road for winter maintenance enter surface water run-off and are discharged into the ditch system. Salt and grit applied to the road during winter maintenance falls from the bridge deck onto the	**Construction (SLR, SA)** Implementation of Construction Environmental Management Plan. *As shown above for Stodmarsh SAC > Loss of / reduction in suitability of habitat leads to loss of individuals / populations in SAC > Changes in water quality (impact pathway).* **Operation (SLR)** Sustainable Drainage System (SuDS) includes gullies and catch pits along the length of the road with oil interceptors and valves to prevent pollutants from road runoff entering the adjacent ditch system. No pathway for surface water run-off from the bridge deck and southern section of road (including southern attenuation pond) to the adjacent ditch system. The southern pond is approx. 320m from the DWS ditch, crossing two forks of the River Great Stour. It is highly unlikely that saline water released from the southern pond during an extreme flood event could travel to the DWS ditch and cause an adverse effect, not least because of the dilution of the level of salinity and that during an extreme flood event affecting the DWS habitat, the DWS would likely be washed downstream. Drainage from the roundabout and road north of the bridge will be collected into the attenuation pond north of the railway. Runoff will enter a catchpit	None

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
				habitat below, entering the ditch system. Flood events lead to release of pollutants and / or salt / grit from the attenuation ponds into the DWS ditch system.	chamber and pass through an oil interceptor before collecting in the attenuation pond. The water will be pumped into the wetland area north of the railway (and east of the DWS ditches) that serves the 'Land at Sturry' application section of link road. The flow from the wetland will travel via a stream and culvert under the railway line and discharge into the River Great Stour downstream of the DWS. The northern pond is situated outside of the functional floodplain of the River Great Stour and above the modelled maximum flood level for 1 in 1000-year storm event. The risk of the northern pond flooding is assessed as low. Measures to ensure winter maintenance does not lead to adverse effects: • Surface water run-off will be directed to the attenuation ponds. These will be planted with salt/brackish tolerant plants to encourage take-up of suspended solids. • The parapet design for the bridge will incorporate a solid screen to prevent overspill directly into wetland and ditch network. This will trap spray on the bridge deck and direct it into the managed surface water run-off. Where changes have been made since the application submission, the most up-to-date, and agreed, approaches are detailed in the *Report to inform Habitats Regulations Assessment Rev 03.* **Operation (SA)** Surface Water Drainage Strategy for both strategic	

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
					allocation sites will replicate existing drainage patterns and ensure surface water passes through attenuation/treatment features prior to discharging from the site. Landscape Strategies and Ecological Management Plans will provide a framework for mitigation and management in perpetuity (details in Canterbury City Council's Appropriate Assessment, as approved following consultation with Natural England). The east-west section of the Link Road that is within the strategic allocation will have a separate SuDS to the rest of the strategic allocation area and will be discharged through the culvert to the east of the DWS ditches and discharge into the River Great Stour downstream of the DWS functionally linked habitat.	
Stodmarsh SPA & Ramsar site bittern, gadwall, shoveler, waterbird assemblage	Loss of / reduction in suitability of habitat leads to loss of individuals / populations **in SPA**	Changes in water quality	Wetland habitats, and as a result the birds dependent on these habitats, are sensitive to the effects of changes in water quality from sediments and pollution. There is already evidence of eutrophication within Stodmarsh as a result of nutrient enrichment	**Construction (SLR, SA)** Sediments in surface water run off released into River Great Stour and travels downstream to SPA. Pollution from spillages and poorly maintained machinery released into River Great Stour and travels downstream to SPA.	**Construction (SLR, SA)** Implementation of Construction Environmental Management Plan. *As shown above for Stodmarsh SAC > Loss of / reduction in suitability of habitat leads to loss of individuals / populations in SAC > Changes in water quality (impact pathway).*	
	Loss of habitat / reduction in suitability of	Loss of functionally linked habitats.	Floodplain and wet grassland south of the railway are used by qualifying bird	**Construction (SLR)** Temporary loss of habitats as a result of site clearance for enabling	**Construction (SLR)** Designated haul routes (indicated on Figure 1.3 ES) will be established for plant and materials to restrict construction impacts. Geogrid will be used in areas	None

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
	habitat (**in functionally linked habitats** that supports birds that are qualifying features of the SPA & Ramsar site)		species, with snipe, shoveler, mallard, lapwing, tufted duck and water rail recorded during bird surveys. Loss of habitat could result in permanent displacement away from the SPA and the land adjacent to the bridge which is considered functionally linked habitats for snipe (as a result of numbers recorded during bird surveys).	works and site compounds. **Operation (SLR)** Permanent habitat loss (approx. 0.6ha) as a result of bridge piers and associated embankments.	of soft ground around the river to avoid compaction and degradation of habitat. Habitat along the haul routes will be reinstated in accordance with submitted method statement (Ecological Addendum Appendix F). Two shallow scrapes will be created to mitigate for the temporary loss of floodplain grazing marsh as a result of the haul routes (and for temporary displacement of birds as a result of construction noise disturbance – see below). **Operation (SLR)** The scrapes created during construction will be retained in the long term, alongside wider wetland improvement work to be carried out in land south of the railway line (in association with Land at Sturry application).	
		Changes in water quality affecting functionally linked habitats	Bittern and gadwall recorded breeding downstream of the site	**Construction (SLR, SA)** Pollution from spillages and machinery released into River Great Stour that affects downstream water quality.	**Construction (SLR, SA)** Implementation of CEMPs. *As shown above for Stodmarsh SAC > Loss of / reduction in suitability of habitat leads to loss of individuals / populations in SAC > Changes in water quality (impact pathway).*	None
	Bird disturbance (**in functionally linked habitats**)	Noise, vibrations and lighting	Birds are sensitive to increased levels of noise and visual disturbance. This may be of sufficient magnitude or duration to disturb their feeding and breeding	**Construction (SLR, SA)** Disturbance of birds using wet grassland and reedbed habitats along River Great Stour during construction activities, particularly piling and carriageway surfacing.	**Construction (SLR)** Implementation of CEMP. *As shown above for Stodmarsh SAC > Loss of / reduction in suitability of habitat leads to loss of individuals / populations in SAC > Changes in water quality (impact pathway).* Specific measures relating to bird disturbance: • Sensitive areas for overwintering birds clearly delineated with appropriate signage.	None

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
			behaviour, potentially leading to effects on populations. The 2014/15 wintering bird surveys recorded a peak count of 95 snipe. 2017 surveys recorded a peak count of 74 snipe, this latter reported to correspond to approximately 22% of the SPA population.	**Operation (SLR)** Traffic noise on the road and bridge lead to disturbance and displacement of birds.	• Toolbox talks for site workers includes protected species and exclusion zones. • Sound reduced compressors used, with sealed covers kept closed when in use. • Ancillary pneumatic percussive tools fitted with mufflers or silencers. • Plant equipment and machinery in intermittent use shut down during intervening periods of non-use or throttled down to minimum where shut down is impracticable. • Unattended plant equipment operating outside normal working hours should be powered by electricity. • Plant equipment with directional noise characteristics directed away from sensitive receptors • Static machines sited as far away as possible from sensitive receptors and/or behind temporary screens. Piling for the bridge foundations will avoid winter months (November – early March inclusive, as indicated by wintering bird survey results). Carriageway surfacing is considered to be the noisiest construction activity and is likely to result in temporary displacement of foraging birds. Given the extent of suitable foraging habitat for wintering birds within the SPA compared to the fields in the vicinity of the link road, it is concluded that temporary displacement from the fields in the vicinity of the link road will not result in an adverse effect on integrity of Stodmarsh SPA and Ramsar.	

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
					Two shallow scrapes will be created to mitigate for the temporary displacement of birds as a result of construction disturbance (and temporary loss of floodplain grazing marsh as a result of the haul routes), providing additional favourable habitat during construction works. **Construction (SA)** Implementation of CEMP measures to minimise noise disturbance, as stated in Canterbury City Council's Appropriate Assessment, approved following consultation with Natural England. **Operation (SLR)** The new road will introduce a new, continuous noise source. Given the apparent habituation of the bird species to the adjacent railway noise, the road noise is considered unlikely to result in an adverse effect on site integrity as it comprises a lower level of disturbance (e.g. than construction noise), to which birds may also become habituated. The scrapes created during construction will be retained in the long term, alongside wider wetland improvement work to be carried out in land south of the railway line (in association with Land at Sturry application), improving the habitat suitability for wintering birds and providing some level of mitigation for the low level noise disturbance. There will be no street lighting on the viaduct to avoid light spill onto the river corridor **Operation (SA)**	

European Site and qualifying feature(s)	Potential effect on qualifying feature(s)	Potential impact pathways	Sensitivities of receptors	Source	Avoidance and/or mitigation measures	Adverse effect on site integrity?
					As stated in Canterbury City Council's Appropriate Assessment, approved following consultation with Natural England, the implementation of the Lighting Strategy will ensure lighting impacts are avoided.	
European Site and qualifying feature(s)	**Potential effect on qualifying feature(s)**	**Potential impact pathways**	**Sensitivities of receptors**	**Source**	**Avoidance and/or mitigation measures**	**Adverse effect on site integrity?**
Thanet Coast & Sandwich Bay SPA and Ramsar site Breeding little tern Wintering golden plover, turnstone, ringed plover, grey plover, sanderling, Lapland bunting	Bird disturbance	Recreational activity	Birds are sensitive to increased levels of noise and visual disturbance. This may be of sufficient magnitude or duration to disturb their feeding and breeding behaviour, potentially leading to effects on populations.	**(SA)** Residents of new dwellings in strategic site	**(SA)** Canterbury City Council has produced a Strategic Access, Management and Monitoring Plan[1] for the Thanet Coast and Sandwich Bay SPA and Ramsar Site that will be applied to development within the identified Zone of Influence. Elements within the Plan are: • Ongoing monitoring and surveys of the SPA /Ramsar, particularly with regard to visitors and bird numbers, which will be linked to the wardening programme • Wardening of the SPA/Ramsar • Signage and interpretation • Increased education of site users. The suite of strategic mitigation measures are being delivered through the Thanet Coast Project, run by Thanet District Council working in partnership with conservation organisations in East Kent, to ensure that development, considered in-combination, does not have an adverse effect on the integrity of the European sites. A per-dwelling tariff has been calculated using the total cost of delivering the	None

[1] V Hyland Associates Ltd. & Blackwood bayne Ltd. Strategic Access Management and Monitoring Plan In respect of the Canterbury section of the Thanet Coast and Sandwich Bay SPA, Main Report, Version: Final, November 2017

					mitigation measures in-perpetuity and the planned number of additional dwellings expected to be built in Canterbury District. Evidence must be submitted by the applicant showing that a mitigation contribution payment will be made through a s106 agreement where Heads of Terms have been agreed and the agreement will be signed prior to any permission being granted.	

6.1 Appropriate Assessment conclusion

The competent authority (Kent County Council) undertook an objective scientific assessment of the implications of the project on the qualifying features of Stodmarsh SAC, Stodmarsh SPA, Stodmarsh Ramsar, Thanet Coast & Sandwich Bay Special Protection Area and Thanet Coast & Sandwich Bay Ramsar. In summary:

Construction effects on Stodmarsh SAC, Stodmarsh SPA and Stodmarsh Ramsar will be managed throughout the construction period by adherence to measures set out in a Construction Environmental Management Plan (CEMP), including the specified measures to prevent and minimise impacts to water quality, and timing of works to avoid sensitive periods for birds.

The project incorporates the specified design solutions within the CEMP, drainage design and bridge deck parapet to avoid and minimise potential for impacts to water quality in functionally linked habitats adjacent to the development footprint and in Stodmarsh SAC, Stodmarsh SPA and Stodmarsh Ramsar during construction and operation of the project.

The operational impacts on qualifying features of Stodmarsh SAC, Stodmarsh SPA and Stodmarsh Ramsar in functionally linked habitats adjacent to the development footprint will be further mitigated by the creation and enhancement of wetland habitats.

The operational effects on Thanet Coast & Sandwich Bay SPA and Thanet Coast & Sandwich Bay Ramsar as a result of the linked projects will be mitigated with a financial contribution to the implementation of Canterbury City Council's Strategic Access, Management and Monitoring Plan.

It was ascertained that the project will have no effect on the European sites. As such, an adverse effect in combination with other plans and projects is ruled out.

6.2 Mitigation measures

The competent authority considered the manner in which the project was to be carried out and any conditions and restrictions that it could impose on any authorisation before concluding the integrity test. Should planning permission be granted, the below mitigation measures will be imposed on the project by way of conditions.

- Construction Environmental Management Plan, including all measures specified in the Appropriate Assessment and *Report to Inform Habitats Regulations Assessment – Section 6.1.2 – 6.1.19*, and particularly no piling November to early March inclusive.
- Sustainable Drainage System implemented through Surface Water Management Plan and monitoring of efficacy (including all measures specified in the Appropriate Assessment and *Report to Inform Habitats Regulations Assessment – Section 6.1 and Appendix A*)
- Bridge parapet with solid screens to prevent spray/run-off overspilling (*Report to Inform Habitats Regulations Assessment – Section 6.1 and Appendix A*)
- Habitat creation, including long-term management and monitoring:
    - Creation of scrapes prior to construction works commencing (*Report to Inform Habitats Regulations Assessment – Section 6.2* and *Ecological Addendum Figure A11.12*)

- Wetland creation/improvement works (for Desmoulin's whorl snail habitat) in accordance with agreed method (*Report to Inform Habitats Regulations Assessment – Section 6.2*)
- Monitoring of Desmoulin's whorl snail population in functionally linked habitats

Avoidance and mitigation measures relating to the linked applications, as outlined in the Habitat Regulations Assessment for those projects, will be secured by Canterbury City Council, the competent authority for those projects.

7. Integrity Test

Following the appropriate assessment and the consideration of all mitigation measures, Kent County Council, the competent authority, was able to ascertain that the project would not adversely affect the integrity of any European site.

8. References and Reports

In reaching the conclusion of the assessment the competent authority took the following documents into account (those with asterisks are provided for ease of reference):

*Letter from Nathan Burns, Natural England to Helen Edwards, Kent County Council dated 6th November 2020 (consultation response to Kent County Council's Appropriate Assessment).

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment (AA) Statement. Canterbury City Council. September 2020.

Letter from Nathan Burns, Natural England to Ceri Williams, Canterbury City Council dated 29th September 2020 (consultation response to Canterbury City Council's Appropriate Assessment).

Report to inform Habitats Regulations Assessment, Issue 03. Amey. February 2020. (note that sections 6.1.21 – 6.1.24 have been superseded. Up-to-date information on the measures to achieve total phosphorous neutrality are included in the Canterbury City Council Habitats Regulations Assessment.)

A28 Sturry Link Road, Canterbury. ES Addendum. Amey. September 2019.

A28 Sturry Link Road, Canterbury. Environmental Statement. Appendix 5.1: Construction Environmental Management Plan. Amey. February 2019.

A28 Sturry Link Road, Canterbury. Environmental Statement. Appendix 11.1: Baseline Ecology Report. Amey. December 2018.

Managing Natura 2000 sites (The Provision of the Article 6 of the Habitats Directive 92/43/EEC). European Commission. 2000.

Advice on nutrient neutrality for new development in the Stour Valley catchment in relation to Stodmarsh designated sites. Natural England. July 2020.

Date: 06 November 2020
Our ref: 329705
Your ref: KCC/CA/0091/2019

Helen Edwards
Kent County Council

BY EMAIL ONLY

Customer Services
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Dear Helen Edwards

Planning consultation: Construction of part of a new road (A28 Link Road) including viaduct between A28 Sturry Road and A291 Sturry Hill and associated on-line improvements Location: A28 Sturry Link Road, Sturry, Canterbury

Thank you for your consultation on the above dated 30 September 2020 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Comment on Habitats Regulations Assessment (HRA) Appropriate Assessment (AA)

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site (subsequently referred to as the Stodmarsh designated sites in this letter).

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises the following.

Construction phase impacts

We concur with your authority's conclusions of no adverse effect on the integrity of the Stodmarsh designated sites resulting from the construction phase of development.
This is provided that, as detailed in your HRA AA, the various mitigation measures that are part of the proposed Construction Environmental Management Plan (CEMP) and the creation of the two shallow scrapes required to mitigate for temporary loss of floodplain grazing habitat are appropriately secured in any planning permission given.

Operational phase impacts on *Vertigo moulinsiana* Desmoulin`s whorl snail (DWS)

We concur with your authority's conclusions of no adverse effect on the integrity of the Stodmarsh SAC during the operational phase of development with respect to the interest feature of DWS. This is provided that, as detailed in your HRA AA, surface water runoff from the road scheme is treated

by the proposed Sustainable Drainage System (SuDS). In summary the requirements include:

- Implementation of SuDS with planting of appropriate salt tolerant species
- Implementation of proposed wetland creation and improvement works
- Creation of bridge parapet to prevent overspill into DWS habitat

These mitigation measures must be monitored and maintained in perpetuity and appropriately secured in any planning permission given.

Operational phase impacts on Stodmarsh SPA & Ramsar birds

We concur with your authority's conclusions of no adverse effect on the integrity of the Stodmarsh SPA and Ramsar Site in the operational phase of development with respect to interest feature bird species.

This is provided that, as detailed in your HRA AA, the two scrapes created during the construction phase are retained in perpetuity alongside the proposed wider wetland improvement/creation work and the proposed lighting strategy implementation are appropriately secured in any planning permission given.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Should the proposal significantly change please consult with Natural England again.
If you have any queries relating to the advice in this letter please contact me on 02080266551 OR 07554226006.

For new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Nathan Burns
Area Team 14 - Kent and Sussex