PLANNING APPLICATIONS COMMITTEE

Thursday, 2nd September, 2021

10.00 am

Council Chamber, Sessions House, County Hall, Maidstone

AGENDA

PLANNING APPLICATIONS COMMITTEE

Thursday, 2nd September, 2021, at 10.00 am
Council Chamber, Sessions House, County Hall, Maidstone

Ask for: **Andrew Tait**

Telephone: **03000 416749**

Membership (13)

Conservative (10):	Mr R A Marsh (Chairman), Mr A Booth (Vice-Chairman), Mr C Beart, Mrs R Binks, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Mr O Richardson, Mr C Simkins and Mr J Wright
Labour (1):	Ms J Meade
Liberal Democrat (1)	Mr I S Chittenden
Independents (1)	Mr P M Harman

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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

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Application CA/21/01854 (KCC/CA/0136/2021) - 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 - 176)

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

Tuesday, 24 August 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 – CA/21/01854 (KCC/CA/0136/2021)

A report by Head of Planning Applications Group to Planning Applications Committee on 2nd September 2021.

Application by KCC Major Capital Programmes 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/21/01854 (KCC/CA/0136/2021)

Recommendation: Permission be granted subject to the imposition of conditions.

Local Member: Alan Marsh 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.

3. There are a number of environmentally significant sites within the vicinity of, and wider area 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 21.

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. Canterbury City Council approved the strategic sites allocated for housing in their Local Plan at 'Land at Sturry' and 'Broad Oak Farm' in March of this year. The 'Land at Sturry' site (CA/20/02826 for up to 630 houses and associated community facilities) 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 (CA/18/00868 for 456 residential dwellings, associated open space and commercial development) 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.

Members' Site Visit

7. A group of Planning Application Committee Members visited Sturry on the 15th July 2021 to acquaint themselves with the location of the proposed link road, its surroundings and the related highway alterations. Members were accompanied by the Head of Planning, Sharon Thompson, Principal Planning Officer Paul Hopkins and the case officer Helen Edwards. A summary of the visit is provided in Appendix 6.

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/21/01854 (KCC/CA/0136/2021)

Background

8. 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 Inspector's 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 Local Plan Policy T14. This planning application seeks to deliver this policy requirement.

9. 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 and the decision was issued on 8th March 2021.

10. The City Council 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.

11. 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, and this funding is still currently available (see further comment on this in paragraphs 48-52 below).

12. An earlier planning application for the construction of this part of the Sturry Link Road was submitted to KCC in May 2019 (under reference KCC/CA/0091/2021) but was refused by the Planning Applications Committee in March this year for the following reasons:

    1. The development makes inadequate provision for public transport infrastructure, contrary to policies T1 and T3 of the Canterbury District Local Plan, 2017
    2. The development fails to demonstrate that the navigation of the Great Stour River will not be compromised by the construction of the viaduct, contrary to policy LB13 of the Canterbury District Local Plan, 2017
    3. The proposed alterations at the A291/A28 junction make inadequate provision for local traffic movements, contrary to policies T1 and SP3 of the Canterbury District Local Plan, 2017

    This application seeks to address the previous reasons for refusal.

Proposal

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

14. 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.

15. 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.

16. 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.

17. 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. 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.

18. 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 'Land at Sturry' housing scheme, approved 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.

19. 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.

20. 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.

21. 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 vehicle traffic movements would become signal controlled, and there would also be signal controlled pedestrian crossing facilities. Whereas in the previous planning application there was a ban on all traffic turning left from Island Road towards the level crossing except for buses and cyclists, the revised application proposes that there would be no restrictions to movement which would be permitted in all directions. This would allow local traffic to access the village amenities of Sturry which lies south of the railway crossing but all non-local traffic westbound on the A28 would still be directed (via signage) 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.

22. 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.

23. 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

24. The application is supported by an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and has been updated for this revised application with an 'Environmental Statement

Update'. 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 is accompanied by a non-technical summary and appendices which contain 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. The application has been advertised in accordance with the requirements of the above Regulations.

Determination of planning applications – general considerations

25. Subsection 70(2) of the Town and Country Planning Act 1990 provides that in dealing with an application for planning permission the authority must have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations:

    (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

26. In addition, section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that any determination must be made in accordance with the development plan, unless material considerations indicate otherwise.

Provisions of the development plan

27. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

28. The general approach to be adopted is that if an application accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If it does not accord with the development plan, it should be refused unless there are material considerations that it should be granted. There is a presumption that an application will be determined in accordance with the development plan.

29. In the case of Tesco Stores Ltd v Dundee City Council in the Supreme Court, it was held that:-

    "The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by planning authorities in decision-making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and planning authorities. As in other areas of administrative law, the policies which it sets out are designed to secure

consistency and direction in the exercise of discretionary powers, while allowing a measure of flexibility to be retained."

Local Finance Considerations

30. A local planning authority, in dealing with an application for planning permission, is required to have regard, inter alia, to "any local finance considerations, so far as material to the application". Whether or not a proposed financial contribution is 'material' within the meaning of section 70(2) depends on whether the contribution (a) serves a planning purpose and (b) fairly and reasonably relates to the development to be permitted.

Other material planning considerations

31. One such other material consideration which must be taken into account in determining planning applications is the National Planning Policy Framework, which is discussed in detail below.

Planning Policy

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

(i) **National Planning Policy Framework (NPPF) July 2021** 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 81)*;

- public rights of way should be protected and enhanced, including taking opportunities to provide better facilities for users *(paragraph 100);*

- opportunities to promote walking, cycling and public transport use should be identified at the plan making stage and pursued *(paragraph 104);*

- consideration of whether appropriate opportunities to promote sustainable transport modes can be or have been taken up and safe and suitable access to the site can be achieved for all users (*paragraph 110);*

- 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 (*paragraph 110*);

- 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 (*paragraph 111*);

- 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 and which promote health and well-being *(paragraph 130);*

- 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 174);*

- the presumption in favour of sustainable development does not apply where a project is likely to have significant effects on a habitat site *(paragraph 182);*

- planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting 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 195).*

(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 City Council 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:

33. 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) 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 economies. 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 South East Local Enterprise Partnership (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 congestion, 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

34. There have been two rounds of consultation for this application, due to one document being omitted from the original submission. This required a further consultation to be carried out in accordance with the Environmental Impact Assessment Regulations. The consultee responses below incorporate comments made to both rounds of consultation.

Canterbury City Council fully supports this proposal and has given its reasons as follows:

The City Council has now granted planning permission for 1,086 homes at Sturry (CA/20/002826) and Broad Oak (CA/18/00868), this includes a portion [the east to west section] of the Sturry Link Road contained within the strategic site itself. The delivery of the whole of the Sturry Link Road, however, is fundamental to the delivery of this site as it is dependent upon the delivery of the relief road in its entirety to mitigate the effects of the proposal upon the surrounding highway network.

The developers of the Sturry/Broad Oak strategic housing site will largely fund the scheme, but without the relief road, this site as well as another 2000 homes planned for nearby Hersden and a further 3000 homes at Herne Bay would not have been put forward by the City Council into the 2017 Local Plan. The need for the Sturry Link Road is also recognised by Kent County Council who has identified its delivery as one of the transport priorities for the District. The A28 is currently the principal route linking Thanet, Canterbury and Ashford and the current traffic congestion at the Sturry level crossing significantly increases journey times between the districts. The Sturry Link Road will significantly reduce these journey times and improve connectivity across the districts therefore the Sturry Link Road is a crucial piece of infrastructure and is fundamental to delivery of the Council's Local Plan.

The viability of this site is one that is finely balanced with assessments for both sites being independently scrutinised and reductions in affordable housing being agreed to ensure the delivery of housing and associated infrastructure across the site is delivered. The primary factor for this reduction was due to the high infrastructure costs including £17.7m towards the onward construction of the Link Road.

An important contributor in ensuring the maximum amount of affordable housing is delivered has been the £5.9m of SELEP funding that is currently available for the viaduct contained within the road scheme. The loss of this funding will mean that an additional £5.9m will need to be funded by the developers and inevitably mean further reductions in the affordable housing that the community needs on the Broad Oak element of the strategic site. Which is currently set to provide 27% affordable housing falling below the policy requirement of 30%. The Sturry portion of the site has been independently assessed as being able to provide no affordable housing meaning that any additional monies is likely to need to be deducted from social infrastructure contributions

The City Council fully supports this proposal on a site based and strategic level due to the local and regional benefits that would arise from the delivery of the Sturry Link Road.

In addition we have received comments from City Council's Transportation Team stating: Canterbury City Council is very pleased that this application is being reconsidered. The proposal is vital for the City Council to be able to deliver its current Local Plan. The level crossing at Sturry has long been a bottleneck for traffic that has constrained any potential improvements in sustainable transport in this area. The construction of the link road and viaduct will bring significant improvements to bus reliability. Together with general traffic, buses can be held up for up to 20 minutes an

hour by the level crossing gates and the proposed bus lane on the viaduct will give the bus a priority that it does not have at present. The addition of a cycle lane will help to provide a safe cycle route linking Sturry and Canterbury, which is an ideal distance for cycle commuting. Both of these facilities will be critical for any developments to the north and east of Sturry to be able to demonstrate that they have sustainable options for travel. The City Council is fully in support of this application.

Sturry Parish Council object to the proposal. They state that the revised application has not addressed the first reason for refusal of the previous application, and the third reason for refusal has only been partly addressed. They state that the impact of the proposal varies for different areas of the Parish in both type and magnitude but the overall impact is negative. Chief beneficiaries of the proposal are those living outside the parish whose objective is to get through the village as quickly as possible. The new road infrastructure would inevitably encourage greater use of vehicles and increase levels of noise and air pollution against government targets for reducing emissions. The highway arrangements fail to ensure pedestrian safety which would result in residents either crossing main roads without any traffic controls, using a car instead, or being isolated at home. The proposals have not included a fourth lane for buses on the viaduct as discussed at the previous Planning Committee meeting and no alterations are proposed to the railway infrastructure which is responsible for high levels of peak time congestion. Delays at the junction of the A28 and A291 could be significantly reduced by modifications to the platforms and signalling at the railway station. No alterations to the A28/A291 junction should be made until the improvements to the rail infrastructure are completed, so that their effectiveness at reducing congestion can be assessed. Introducing traffic lights at this junction would cause difficulties with synchronising the lights and railway signalling; pedestrians would need to operate 4 sets of pedestrian crossings or cross without using them affecting pedestrian safety; and access would be restricted for some movements into the Co-op, potentially affecting its viability, and encourage cars through the estate roads to allow access. The representation has been included in full as Appendix 3.

Fordwich Town Council restates its objection as per the previous application for this road. Their previous objections (submitted for KCC/CA/0091/2019) were as follows:

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.

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. *[Officer comment: Please note that the A28/A291 junction in this revised application is now proposed to be open to all traffic.]*

Hackington Parish Council No comments received.

Westbere Parish Council No comments received.

Natural England Given the nature of the amendments this proposal has put forward in comparison to the previously refused scheme (CA/0091/2019) they note that the relevant mitigation measures appear to have been unaffected and they welcome the viaduct being a wide span structure which would enable the functionality of the flood plain and its inhabitants to be maintained. An Appropriate Assessment (AA) will be required to be undertaken by the competent planning authority and submitted to Natural England.

An Appropriate Assessment was submitted to Natural England (a copy is included as Appendix 2) and further comment received as follows:

Natural England concur with the County Council's conclusions of no adverse as set out in the Appropriate Assessment. In relation to the construction phase impacts this would be subject to the mitigation measures that are part of the CEMP being implemented; that the two shallow scrapes required to mitigate the temporary loss of floodplain grazing habitat being appropriately secured in any planning permission; and that the timings of any percussive piling avoids the winter months to mitigate for noise disturbance to overwintering birds. 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; the creation of the bridge parapet to prevent overspill into the snail habitat; and that the attenuation ponds are located above the floodplain of the River Great Stour and bunded above the flood level to prevent overtopping) 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.

KCC Biodiversity Officer notes that the Environmental Statement Update, which includes an update ecological walkover survey, confirms that the previously submitted ecological baseline remains valid and that there is sufficient ecological information accompanying the application with which to inform the determination of the application. Appropriate and achievable mitigation measures are proposed in the application and should be secured by condition. A European protected species mitigation (EPSM) licence from Natural England will be required to carry out the development due to the potential for impacts to otters.

Raise no objection subject to proposed conditions to secure the EPSM licence; the submission of a Construction Environmental Management Plan (Biodiversity); the submission of an Ecology and Landscape Management Plan; the submission of a Salinity Monitoring Plan; no piling to be undertaken during winter months to avoid

impacts on over-wintering birds; that the landscape planting specification for saline tolerant plants accords with the Appropriate Assessment; that the drainage strategy is in accordance with the Appropriate Assessment and Report to Inform Habitats Regulations Assessment (February 2020); that solid screens are provided on the viaduct to prevent overspill of surface water runoff; that there be no street lighting on the viaduct; and that a lighting design strategy for biodiversity be submitted.

Kent Wildlife Trust have concerns about the cumulative impacts from the Land at Sturry developments and would wish to be consulted on and provide advice in relation to the Ecology and Landscape Management Plan, which they expect to provide clarity on location and extent of land intended for on-site and off-site mitigation measures to achieve nutrient neutrality and biodiversity net gain (BNG). They acknowledge the creation of the 1.5ha wetland (shallow scrapes) to mitigate against the temporary loss of floodplain grazing marsh and the intention to restore the temporary loss of habitat impacted by construction works but note there is still no ambition to provide a net gain. They do not support any level of disruption to ecological features and note that beaver activity needs to be taken into account. They have continued concerns about contamination risks to the River Stour and disproportionate impacts on wildlife as a result. They expect to see fuels and chemical storage at least 10m from the watercourse, and a buffer of 5m from the river to prevent sediment runoff.

Environment Agency (Kent Area) raise no objection to the proposed development subject to the imposition of conditions to ensure the development is carried out in accordance with the submitted Flood Risk Assessment; that a detailed mitigation and management plan be submitted for the protected riparian mammal species know to use this section of the river; that the design of the attenuation ponds for saline treatment are adequate to prevent salts and other run off affecting the riparian and aquatic environment; that piling using percussive methods including a soft start should not be carried out without written consent of the County Planning Authority.

They also note that a detailed mitigation and management plan that outlines the methods that will be in place to prevent disturbance and potential destruction to otters using this section of the river, as set out in the Environmental Statement Update and the proposal will require licencing for otters as there is a known otter holt in the area of works. Although beavers are not currently recognised as native and therefore a protected species, they are protected from cruelty and a management plan to outline the protection of beavers from potential destruction is also required.

They maintain their position of no lighting on the viaduct and welcome the fact none is proposed.

Highways England raise no objection on the basis that the proposals will generate minimal traffic on the strategic road network in peak hours. They therefore consider that the development will not materially affect the safety, reliability and/or operation of the strategic road network in this location.

KCC Highways and Transportation Officer raises no objection to the proposal and reiterates that they remain strongly supportive of the proposals. The scheme remains a critical component of transport infrastructure required to mitigate the cumulative impacts of Local Plan housing already committed in the area. Recommend conditions be

imposed on any consent to secure the submission of a Construction Management Plan before development commences; the submission of details relating to the detailed design of the viaduct, road, footways, verges, junctions, embankments, crossings etc; and the implementation of traffic calming features and/or signage for the purposes of encouraging "Local Traffic Only" on the A28 south of the level crossing and along Sweechgate.

Additional comments received from the Highways and Transportation Officer including the implications for the highway network of permission not being granted for the Sturry Link Road in full, are included as Appendix 4. In summary the Officer advises that the impact upon overall network performance without the viaduct section would be:

- notably worse in both peak hours without the viaduct;
- the viaduct was forecast to carry over 1,200 vehicles per hour in the busiest periods. Without it, traffic has to rely on the Broad Oak and Sturry level crossings. Modelling suggests these crossings and approach corridors will be congested, leading to additional delay and lengthening of the peak period.
- The link road alone [without the viaduct] is unable to accommodate forecast growth without severe impact. It performs significantly worse than the previous forecasts, confirming the original position that the viaduct is critical infrastructure to support the Local Plan growth.
- In the afternoon peak hour without the viaduct, every vehicle travelling through the network is forecast to incur, on average, a 10 minute delay (over and above expected travel times which for the study area should typically be less than 5 minutes).
- In the more congested morning peak hour, this forecast average delay per vehicle is close to 20 minutes; approaching double that of the forecast scenario with the viaduct.
- In the morning peak hour, average speeds through the network which excludes the viaduct are forecast to drop to less than 6mph.

Further advice is provided on why the network will struggle without the viaduct during the morning and evening peak periods and the key impacts created is included in the appendix. It also draws attention to the following wider implications:

- Loss of £5.9m SELEP investment into Kent;
- £23.5m loss of developer contribution at risk;
- loss of new bus lane and cycle route;
- increased rat running through Broad Oak village;
- lost opportunity to mitigate accident cluster sites;
- worsening congestion; and
- increased incidents and severity of blocking back over rail crossings

UK Power Networks state that the proposed development is in close proximity to their substation and underground cables. They advise the applicant should obtain accurate records from UK Power Networks prior to the commencement of development and that all works should be undertaken with due regard to Health and Safety Guidelines.

Southern Water notes 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. As the proposals involve a sustainable drainage system, they note that the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse (*Officer note: This has been undertaken by the Council's Flood and Water Management Team*)

Public Rights of Way (East Kent PROW Team) note that public footpaths CB60 ad CB64 would be directly affected by the proposed link road and the footpath CB51 would be affected due to the widening of Shalloak Road. Raise no objection to the application but request that conditions be imposed on any consent to secure the submission of a PROW Scheme of Management during Construction to manage the routes affected and ensure alternative routes, temporary signage etc are in place during this phase of the works; as well as a PROW Scheme of Management for operation once the scheme is completed. 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.

KCC County Archaeological Officer No comments received.

KCC Conservation Officer states that he 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 Flood and Water Management Officer raises no objection to the application subject to conditions securing the renewal of the two downstream culverts on the Sturry Dyke (locations as agreed with the Stour Internal Drainage Board) prior to the commencement of development; and that prior to the road becoming operational a verification report be submitted to demonstrate that the drainage system constructed is consistent with that approved as part of the application.

River Stour Internal Drainage Board raise no objection to the development provided that they are fully consulted on the necessary works and that their formal land drainage consent is sought and obtained in advance of the works commencing. They are satisfied that there is a requirement for a discharge into the Sturry Road Dyke, and that with appropriate controls and maintenance, there will be no additional flood risk from this discharge. They advise that all works are undertaken prior to development commencing

on the new viaduct so that runoff during construction is appropriately managed and recommend a condition securing the renewal of the two downstream culverts on the Sturry Dyke (locations as agreed with them) prior to the commencement of development.

Kent Police Designing Out Crime Officer No comments received.

Network Rail state 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.

National Planning Casework Unit No comments received.

Air Quality (received from RSK on behalf of Amey Air Quality – the Council's Technical advisor) advises that the Air Quality Assessment Addendum report 2021 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 the approach is generally sound and has been undertaken in accordance with prevailing 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 phase 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 agree with the findings of the applicant in the Updated Environmental Statement that the changes in the noise levels due to the amended scheme (alterations to the junction layout of the A28/A291) do not alter the conclusions of the Environmental Statement which were that there would be significant noise changes both adverse and beneficial and that on balance they raise no objection to the application with respect to noise.

Amey – Landscaping confirm that as the landscaping scheme has not changed in this resubmitted application, they have no further comments to make in respect of the application. Their responses to the original application were as follows:

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.

35. In addition to the above consultee responses, we have received the following response from the South East Local Enterprise Partnership and Kent and Medway Economic Partnership.

South East Local Enterprise Partnership (SELEP) In advance of the determination of the planning application provides an update on the funding which has been awarded to the A28 Sturry Link Road project by the SELEP and outlines the conditions which are attached to this funding award. It advises:

In June 2016, the SELEP Accountability Board approved the award of £5.9m Local Growth Fund (LGF) funding to support delivery of the project.

The A28 Sturry Link Road project has been identified as a high-risk scheme within the SELEP LGF programme due to planning consent for the project still being outstanding. As a result, and in light of the LGF programme officially ending in March 2021, the SELEP Accountability Board have applied conditions to the retention of the LGF funding.

The SELEP Accountability Board have agreed that planning consent for the project must be in place by 10 September 2021. If planning permission has not been granted by this date, the LGF funding will be reallocated to alternative projects on the LGF prioritised project pipeline, including the Kent and Medway EDGE Hub, Mercury Rising Colchester and Southend Airport Business Park. This reallocation will take place during the SELEP Accountability Board meeting on 10 September 2021.

In the meantime, spend of the LGF funding awarded to the project has been placed on hold and £4.656m of the agreed allocation will continue to be held by SELEP until the Accountability Board are satisfied that the ongoing deliverability concerns have been addressed.

The A28 Sturry Link Road project will next be considered by the SELEP Accountability Board on 10 September 2021, with the outcome of the planning application expected to form a key part of the project update.

The Kent and Medway Economic Partnership (KMEP) has written in support of the Sturry Link Road proposal. A copy of the letter in full is attached at Appendix 5.

In summary, it advises that the KMEP Partnership secured £5.9m of Local Growth Funding (LGF) towards this project, however there are time-critical conditions attached to this funding.

The Partnership advises that if planning consent is not granted for the Sturry Link Road by the 10th September, this LGF funding will be reallocated on this date to other projects on the South East Local Enterprise Partnership's pre-agreed project pipeline. The vast majority of the £5.9m will be invested in Essex County Council, Southend-on-Sea Council and Thurrock Council's areas, only £475k will be retained within Kent and Medway.

Whilst it has been possible to secure extensions to the planning deadline in the past, this is not feasible on this occasion. The SELEP Local Growth Fund period ends in September 2021. The Partnership has experienced the loss of SELEP's LGF funding elsewhere in the county and seen the impact this has on the delivery of housing development without the necessary infrastructure.

The Partnership selected the Sturry Link Road project, above other alternative projects, because KMEP has always believed in investing in infrastructure first, and in considering the impact of new developments on existing local residents and communities.

It further advises that Canterbury City Council must deliver against its local plan allocations. Sturry and the Broad Oak developments will deliver 630 homes and 456 homes respectively and are two key sites within the local plan. The Canterbury City Council Planning Committee has granted planning consent for the two housing developments. This means that in excess of 1,000 homes will be built irrespective of the decision made by KCC's Planning Committee.

The difference made by KCC's Planning Committee will be the extent of the infrastructure provided to support the new residents, in addition to delivering strategic highway improvements that are identified in the County Council's Local Transport Plan.

The application before KCC is for the missing link or viaduct section between the A28 and the permitted housing development, the latter of which permitted the majority of the Sturry Link Road. If the KCC Planning Committee grants this final part of the Sturry Link, the new residents will be supported by a new road, a primary school, a secondary school and community facilities (such as a GP surgery). It also provides the infrastructure that was deemed necessary in the City Council's adopted Local Plan and will provide wider strategic highway benefits in the Canterbury area.

Conversely, if the Planning Committee refuses the application, then the traffic from the consented housing developments will have to access the A28 via the A291 Herne Bay Road and over the Sturry Railway Crossing – a well-recognised congestion hotspot or the equally unsatisfactory Shalloak Road. A primary school will be funded, however, the reallocation of the LGF, will mean that the secondary school and community facilities will not be directly funded in all likelihood. Consequently, the growth in the number of residents in the area will put pressure on the existing infrastructure (such as GP surgeries) and existing residents living in the surrounding area will suffer a detriment.

The representation also clarifies the reasons why KMEP selected the Sturry Link Road project, above other proposals back in 2015. KMEP was, and remains convinced, that the Sturry Link Road is required to support economic growth in the county, and for residents' safety.

Transport infrastructure plays a vital role in driving economic growth by improving the links that help to move goods and people around, and the transport system must be efficient but also resilient and responsive to infrequent and unexpected pressures.

The representation draws attention to the following:

- Transport infrastructure plays a vital role in driving economic growth by improving the links that help to move goods and people around, and the transport system must be efficient, resilient and responsive to infrequent and unexpected pressures;
- the A28 corridor, which runs through Sturry, is not efficient, nor is it resilient and responsive to unexpected pressures;
- the A28 is the main route from Canterbury city centre to the Thanet district and to Herne Bay. The A28 route passes over the Sturry level crossing on the Thanet to Ashford International line which serves Canterbury via Canterbury West. The line has both classic and High-speed (HS1) domestic services;
- the A28 through Sturry gets congested because the level crossing interrupts traffic when closed. On average, six trains pass each hour resulting in five or six level crossing activations of approximately 2.5-3 minutes in length. Effectively the level crossing is closed for almost one out of every three minutes; and
- approximately 20,000 vehicles per day use the level crossing at Sturry, so the closure of the road for circa 18 minutes per hour results in significant congestion and poor journey-time reliability, as well as residents living in proximity to the level-crossing experiencing poor air quality. Kilometre long queues are regularly reported in the press. The number of vehicles is expected to grow further when the additional 1,000+ houses are built.

Granting planning permission for the viaduct section of the Sturry Link Road would ensure that traffic generated from the new consented housing at Sturry and Broad Oak would be able to avoid the level crossing, by means of an alternative bridge, and improve access to Sturry station, thereby allowing the free flow of traffic. The removal of this bottleneck will also improve residents safety and address the poor highway design that results in the current accident cluster at A291/Sweechgate.

Local Member

36. The local County Member for Herne Village and Sturry, Mr Alan Marsh; and the adjoining County Members for Canterbury North, Mr Robert Thomas, and Canterbury City North, Mr Alister Brady were all notified of the application. No written comments have been received from Mr Thomas.

Mr Marsh has advised that as Chair of the Planning Applications Committee he is aware of community views on the proposals and is withholding his comments until the application is heard. He has advised that he intends to address the Committee.

Mr Alister Brady has made the following comments:

- Sturry train station causes the delays at the A28/A291 junction and possible solutions should be considered including improved barrier operation, extending the platforms; repositing signalling sensors; and further dialogue with Network Rail;
- That the junction would have limited capacity and would act as a bottleneck to the detriment of traffic flows;
- Lack of pedestrian guard railings at the pedestrian crossings;
- Issues with the junction layout and access to the Co-Op from some directions;
- Right turn access into the station forecourt would be removed;
- Impact of the junction alterations on pedestrian and cycle facilities including advance stop lines for cyclists;
- Query whether 20mph zones have been explored in areas of high pedestrian footfall;
- Concern that ecological interests will be protected during construction works and that pollutants won't enter the river;
- Lack of any further consultation with members of the public after 2017.

Ms Mel Dawkins, County Member for Canterbury City South, has written in and makes the following points:

- Concerned about the environmental impacts of the development;
- Excess traffic from the potential eastern bypass in the future;
- Need expert opinion on traffic management and the impact of pollution to assess potential health risks;
- Concerned about pollution levels from idling cars;
- More should be done with Network Rail to improve the signalling and platform lengths at Sturry Station, or consider putting the railway through a tunnel;
- She supports the residents and the Parish Council in their objections to the scheme.

Publicity

37. The application was publicised on 24th June by the posting of 16 site notices, and an advertisement in a local newspaper, in accordance with the Environmental Impact Assessment regulations. The application was re-publicised on 21st July following the same procedures.

Representations

38. In response to the publicity, 31 letters of representation have been received from 27 separate addresses. There have been 3 letters of support and 28 letters of objection to the proposed development, and the key points raised can be summarised as follows:

Support:

- Provision of the link road is supported;
- The Sturry Hill junction improvements will be beneficial for local residents;
- Scheme will help improve traffic through Sturry village

- Adding 1000 houses without improving the existing infrastructure would worsen the situation;
- The bypass would help reduce obstructions and improve response times for emergency vehicles;
- The alternative route would reduce congestion through Sturry;
- Reduction in traffic volumes through the village would improve the character of the High Street;
- Reduction of traffic through the village will improve air and noise pollution in this conservation area and provide an opportunity to improve footpaths and planting;
- Bypass would provide a quicker and easier route than through Sturry and provide a safe cycle lane.

Objection:

Principle of road scheme

- Application is an excessive and expensive waste of taxpayers' money;
- This is a white elephant of a project that will be redundant before it is completed;
- Canterbury's transport system needs to be re-thought to replace the use of private cars;
- Relief road will bring no benefit to the community or road users;
- Relief road will damage local businesses;
- Traffic will still be excessive in the area;
- Scheme lacks long term thought and is simply designed to speed traffic through the area, encouraging greater car use and pollution;
- The link road will just move the congestion further down the A28 towards Canterbury;
- Allowing all traffic movements (at A28/A291 Sturry Crossing) may undermine the benefits of the link road and cause unnecessary congestion;
- Proposals will do nothing to improve the flow of traffic on the A28 Island Road;
- Improvements to the road infrastructure approaching Sturry will bring partial benefits to Sturry but not to the village itself;
- A proper bypass is required which avoids Sturry Road and the centre of Canterbury, going south to pick up the A2 and improving problems for Wincheap too;
- Need a further link road to the north of the village to stop traffic entering Sturry at all;
- This would stop through traffic using Island Road and bring health benefits by reducing the number of idling engines from queueing traffic;
- Finance for the link road by local developers means they are excused from providing 30% affordable housing in the developments which affects local communities;
- Cost of scheme will be much more than suggested in the 2017 figures supplied in the application;
- Highlight existing shortfalls for residents in terms of poor water pressure, unrepaired roads and potholes, unsafe pedestrian routes on Shalloak Road, destruction of existing orchards, and suggest these should be sorted out before creating a new road (and more housing);
- Concerned about access into property at 1 Sturry Hill;
- Southern drainage pond should be designed to take less land;
- Slope of embankment should be increased so as to take less land;
- Any fencing round attenuation ponds would be visually obtrusive;

- Bund and planting should be provided for privacy of neighbouring properties;
- Parking next to the southern attenuation pond should not be permitted;
- Southern end of Sturry Hill too narrow for two lorries or buses to pass alongside;
- Crossing the road to access the co-op or bus stops for pedestrians will be difficult;
- Sturry Hill dangerous for pedestrians due to size of vehicles using the narrow road and the narrow pavement;
- Don't need viaduct as the east-west section of the link road approved by CCC would alleviate some congestion and provides a link between the A291 and Shalloak Road;
- There would be no overall gain as traffic would still then queue along the A28 to get into Canterbury;
- Missed opportunity to improve access to the station and encourage rail transport for the short hop to Canterbury;
- Park and Ride in the wrong location, past the pinch point of the Sturry crossing;
- Scheme lacks an attractive off-road cycle route to Canterbury;
- New roads always cause more traffic, more pollution and more delays as set out in CPRE (Campaign to Protect Rural England) booklet 'End of the Road';
- Agree with objections raised by Sturry parish Council;
- Lack of consultation with local residents;
- Link road is in the Local Plan as a requirement to facilitate the house building east of Canterbury but the number of houses required would be significantly less and therefore the road is not required.

A28/A291 Junction layout alterations

- Changes to the junction are not required;
- Junction alterations will do nothing to address traffic through Fordwich;
- Enforcement measures should be used to ensure only local traffic use the crossing rather than the link road;
- A scheme of road layout enhancements on the A28 south of the crossing should be brought forward to further dissuade non-local traffic and enhance the historic environment of the Sturry Conservation Area;
- Traffic lights at the junction will impede the flow of traffic and increase congestion, not help it;
- Junction alterations are not pedestrian friendly and have not put pedestrians as a top priority;
- No guard railings for pedestrians proposed;
- Visibility between drivers and pedestrians would be poor;
- Access to the co-op car park would be restricted and may result in drivers making U-turns;
- Junction layout very tight for HGV's;
- Station car park access and egress arrangements difficult;
- Junction alterations would be dangerous for cyclists due to the proposed sharp access to the station and the relocated bus stop;
- The relocated bus stop would be likely to result in more 'head-on' collisions due to cars trying to overtake the bus whilst stationary;
- Relocating the A291 north-bound bus stop south of the railway line will cause more delays as traffic will not be able to pass when the bus is stationary;
- Use of public transport has not been thought out within the junction design;

- Drivers will try and avoid queuing by rat running through Babs Oak Hill and Popes Lane in order to join the A291 and these roads are not suitable for high volumes of traffic;
- Rat running will also occur along Hawe Lane/Popes Lane due to the proposed traffic lights at the Sturry crossing junction.

Railway Station

- Arguments for not amending the train station platforms and signalling are bizarre and short sighted by KCC;
- The railway crossing is the cause of the problem, but no action is being taken to change this and alleviate congestion;
- Track activated sensors mean the barriers are down for longer;
- Train operators do not use shortened trains during off peak time which would not overhang the road;
- When the level crossing gates are closed traffic wishing to cross the railway will back up at the junction and prevent traffic using the proposed link road;
- The railway crossing, proposed traffic lights and pedestrian crossings will cause traffic to queue on Island Road, as they currently do;
- The SELEP funding should be used to improve the signalling at the railway station and increase the platform lengths so trains don't block the crossing when they stop;
- Safety platforms at the stations could be used to help increase platform length;
- Access to the station has not been improved and passengers cannot access the London bound platform when barriers are down.

Ecology and landscape issues

- Viaduct would be built where otters and beavers live and would damage their environment during construction and operational phases;
- Loss of habitat and wildlife that cannot be replaced;
- Viaduct would be visible in views from properties in Shalloak Road;
- Viaduct would be sited in an area of High Landscape Value;
- Attenuation ponds do not take into account flash flooding caused by climate change and will be inadequate as they only cater for a 1 in 30 or 1 in 100 year events;
- Potential disruptive effects on the Stodmarsh designated sites;
- Human intrusion on existing wildlife;
- Unclear if the 5m buffer along the river edge can be maintained next to the construction access route.

Pollution Issues

- Increase in air pollution due to traffic levels;
- Idling traffic at the junction of the A28/A291 will increase pollution;
- Air pollution will be elevated for traffic using the viaduct worsening its effects;
- Run off from new road will increase flooding issues;
- Drainage ditches won't be able to cope with water from the new road scheme;
- Increase in noise disturbance for residents;
- Environmental impact of building the road enormous;

- Don't believe the massive carbon footprint of the project can be justified;
- The viaduct would be an extension of the A28 and spread pollution into existing green space;
- Road surface pollutants and run-off will leach into the river;
- Temporary access route running alongside the Stour may cause waste and contamination issues for the river.

Discussion

39. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 32 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, local finance considerations and other material planning considerations arising from consultation and publicity.

40. 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; community impact of the scheme; and future works to the railway. In addition it must be considered whether this revised application addresses the previous reasons for refusal of the application KCC/CA/0091/2021.

41. For ease of reference the report has been split into the following sections:

Appendix 4 – Highways and Transportation additional comments
Appendix 5 – Kent & Medway Economic Partnership letter

Principle of Development and Need for the Sturry Link Road

42. 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. In addition, 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.

43. In addition to the principle of the Sturry link road being established and planned for 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. 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.

44. The South East Local Enterprise Partnership (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 (which have now been granted). The LEP has advised that should planning permission not be in place for the SLR (in its entirety) by 10 September 2021, the Local Growth Funding will be reallocated to other projects.

45. 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'.

46. 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.

47. 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 (including the 'Land at Sturry' and 'Broad Oak Farm' applications), 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 – Local Finance Consideration

48. 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'. In this case there is a finance consideration relevant to the determination of the application.

49. 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 Local Growth Fund (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 Canterbury City Council.

50. 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.

51. Further information has been submitted by both SELEP and KMEP in relation to this revised planning application (as reported at the end of the Consultee section) clarifying that there will be no further extension to the LGF funding if a decision has not been taken by 10th September, when the SELEP Accountability Board next meet. The LGF programme officially ended in March of this year, and the funding would be reallocated to projects in Essex and Medway if the Sturry Link Road is not approved before the Accountability Board meeting.

52. Kent and Medway Economic Partnership (KMEP) reiterate that the Sturry Link Road project was chosen for funding, above other alternative projects, because they believe in investing in infrastructure first, and in considering the impact of new development on existing local residents and communities. Canterbury City Council have permitted the housing developments at Sturry (630 homes) and Broad Oak (456 homes) in line with their commitments in the Local Plan and KMEP note that the missing link to providing the necessary infrastructure for these projects is the viaduct section of the Sturry Link Road, now before the KCC Planning Committee. Policies in support of the link road are in place as set out above, and the need for the link road was established through debate at the Local Plan Inquiry stage. SELEP have awarded funding to it based on the need already being established.

Previous Reasons for Refusal

53. As set out in the background section (paragraph 12), the previous application for the north-south section of the Link Road was refused planning permission by the Planning Applications Committee in March this year (2021). Three reasons for refusal were given and this revised application seeks to address those reasons. Each will be considered in turn here.

    Reason 1: The development makes inadequate provision for public transport infrastructure, contrary to policies T1 and T3 of the Canterbury District Local Plan, 2017

54. Policy T1 relates to transport strategy and sets out principles for, amongst other things, providing alternative modes of transport to the car by extending provision for pedestrians, cyclists and the use of public transport. Policy T3 specifically states that planning permission would not be granted for proposals that prejudice the effective implementation of bus improvement measures and fast bus links. The proposed development would provide pedestrian and cycle facilities along the length of the Sturry Link Road through a shared cycleway and footway which would run along the eastern side of the viaduct (and would continue along the southern side of the link road through the proposed housing development). In addition, a separate dedicated cycleway would be provided in an east west direction along the southern edge of the existing A28 at the location of the proposed roundabout, so that westbound cyclists are not required to use the roundabout.

55. Signal controlled pedestrian crossings would be provided at the altered junction layout at the A28/A291 and also within the route of the link road. The existing footpath on the

western side of Sturry Hill would be retained, and this would link into the new road layout for access to the 'Land at Sturry' development just to the north of Sturry Court Mews. As is currently the case, the footpath on the eastern side of Sturry Hill (at the southern end by the junction with Island Road) only extends as far as the bus stop located just to the south of 4 Sturry Hill. After this the properties frontages and driveways butt right up to the carriageway and although there are aspirations to provide a footpath on this side of the carriageway it has not been possible to do so as part of this application.

56. In terms of bus service provision, bus stops would be provided along the length of the east-west section of the link road; at the revised junction layout with the A291; and at either end of the viaduct element. These would be a mixture of layby and in-carriageway bus stops. As described in paragraph 20, the existing bus stop just to the north of the railway crossing (for northbound traffic up Sturry Hill) would be relocated to the southern side of the crossing as part of the junction alterations. The Design & Access statement confirms that Stagecoach, the main bus operator, are expecting to run a frequent bus service along the Sturry Link Road. The current 'Triangular' service would be diverted via the Link Road and would provide a bus every 15 minutes (daytime) between the new housing and Canterbury City Centre in one direction and Herne Bay in the other. Existing bus services would still serve Sturry on existing routes to preserve the current link between there, Herne Bay, Thanet and into Canterbury and to provide connections into the train station at Sturry.

57. The viaduct would have a dedicated in-bound bus lane provided, such that this part of the scheme would be three lanes wide. The viaduct has been designed in this way to align with City Council's future aspirations to provide a continuous bus lane route into Canterbury, and to extend the in-bound provision already existing in Canterbury. There is no dedicated bus lane coming out of Canterbury, and therefore no connecting infrastructure for a northbound bus lane across the viaduct to connect into. However, northbound buses would benefit from the improved journey time and reliability of the new route avoiding the level crossing, thereby complying with Policies T1 and T3 without the need for the provision of an additional lane.

58. Notwithstanding this, there are other factors that have been considered by the applicant as to whether a fourth lane on the viaduct to provide an additional bus lane would be practical or deliverable, and these relate to flood risk and surface water management; land availability; ecological and environmental impacts; in addition to budget, viability and value for money. The available budget would not cover the increased costs required to provide a wider viaduct to provide the additional lane, and neither is it supported by the business case approved by SELEP which unlocked the possibility of £5.9m funding for the project. To amend the scheme would require additional funds to be sought, which would be subject to availability and a further business case review, and the existing funding would be lost as a decision would not be possible before the 10th of September deadline.

59. A wider viaduct would require wider approach embankments and this would further reduce the available flood plain. More land for flood storage compensation would need to be provided adjacent to the existing floodplain and suitable land has not been identified and is unlikely to be available. Increased paved surfacing associated with a wider viaduct would also require the size of the water attenuation ponds to be increased

and therefore need a greater land take for the project. Such additional land would be required from several adjacent landowners but would either have a significant impact on Perryfield Farm or the Southern Water site as well as impacting land identified for commercial development in the Local Plan. The applicant notes that whilst they would seek to secure additional land by voluntary negotiation, a compulsory purchase order (CPO) would be required to give land and programmer certainty. For a CPO to succeed it must demonstrate that the scheme satisfied planning policy, takes the minimum land required, has funding such that there is a reasonable expectation that the scheme can be delivered within the validity period of a planning consent, and the interference with the human rights of landowners is justified. The applicants view is that this could not be justified in this case.

60. In terms of ecological and environmental impacts the applicant states that an increased 'shadow' below a wider viaduct would have an increased effect on the environment and ecology within the river Stour and along the riverbanks. This would potentially affect overwintering birds, otters, Desmoulin's whorl snail as well as fish and other flora and fauna. A further assessment on the impact on the Stodmarsh designated sites would also be required.

61. In terms of public transport provision, further consideration has also been given to the possibility of making changes to the platform lengths at Sturry Station so that the length of time the barriers needed to remain down could be reduced, and the applicants have submitted a Briefing Note regarding this as part of this revised application. At the railway crossing the barriers are not only down for the period of the trains passing through the crossing, but also remain down when trains overhang the platforms and across the crossing, meaning the barriers remain down for the duration of the trains 'dwell-time' at the station. The frequency of the level-crossing closure and its duration results in congestion on the A28, and it is anticipated that this will be exacerbated in the future if neither the link road, nor improvements to Network Rail infrastructure are delivered.

62. To resolve the problem of trains overhanging the platforms and causing prolonged level crossing closures the station platforms would need to be extended. This would be development for the rail operators to address. The issues noted with regard to extending the platforms are the uncertainty over whether sufficient room exists for standard width platforms between the rail track area and land ownership boundary of properties adjoining the rail corridor; potential impacts on other local crossings, such as Milner Court public (pedestrian) level crossing serving a public right of way; and challenges associated with providing alternative means of an escape from platforms on their new section if required to meet rail safety standards. If this could be undertaken by itself the estimated cost would lie in the region of £5million and the duration of such works approximately 3-4 years from inception to delivery. However, there is a wider context which would affect such delivery, which relates to the line section's signalling upgrade, as set out below.

63. Sturry station lies on a section of line that has disproportionately long signal sections relative to other parts of the Kent network. Network Rail has a planned programme of re-signalling works for Control Period 7 running from 2024-2029, which is expected to include the Sturry section of the line. Known as 'East Kent Re-signalling Phase 3' the project would look to modernise and, where the business case can be made and

funding found, deliver performance improvements. The re-signalling works are relevant to the proposed Sturry station upgrade as the station works would require changes to the signalling of the line but would also need to be designed to accommodate train service outcomes that the East Kent Re-Signalling Phase 3 could deliver. As such it is more practical to expect for the Sturry station scheme to be subsumed into the Phase 3 re-signalling programme. The scale of Phase 3 works is likely to be commensurate in cost terms with the former phases, and KCC's recent work with Network Rail suggests a cost of up to £200m. The Phase 3 programme has a current expected delivery date of 2027, however this funding is not yet set by Government and given the Covid 19 pandemic effects on the rail industry, there are likely to be some risks surrounding its scope and delivery.

64. The timescales for being able to deliver improvements to Sturry station are therefore considered to be at least 6 years away. Clearly with no certainty on that timing they would be unlikely to be in place to off-set traffic issues as a result of housing developments that are already approved and in some cases being built out in the vicinity of Sturry, resulting in an increase in traffic using the A28 Sturry railway crossing. It is therefore considered that improvements to the station cannot be seen as an alternative to the delivery of the Sturry Link Road as a means of diverting traffic away from the railway crossing. However, in the long term such alterations may still come forward and further help the congestion caused by the level crossing.

65. The applicant has clarified how the scheme provides for public transport infrastructure in accordance with the provisions of Policies T1 and T3 of the Canterbury Local Plan, in light of the reason for refusal. In addition, they have addressed discussions which took place at the previous planning applications committee regarding the aspiration to have a four lane viaduct rather than the currently proposed three lane viaduct. The applicant considers that the application before you complies with Policies T1 and T3 of the Canterbury Local Plan. In addition, any revised application to include a fourth lane would mean that the SELEP funding would be lost, due to the 10th September 2021 deadline. Whilst S106 monies from the 'Land at Sturry' and 'Broad Oak Farm' developments could still fund the scheme if the SELEP funding falls away, it would be at the expense of education and community facilities, as set out in the KMEP letter in paragraph 35. A further delay would allow the permitted housing at 'Land at Sturry' and 'Broad Oak Farm' (and other housing sites east of Sturry) to come forward without the necessary infrastructure in place which would have a resultant negative impact on the Sturry level crossing and the locality.

66. In my opinion, the current scheme would meet the policy requirements of Policy T1 and T3 of the Canterbury Local Plan, in that provision is being made for public transport infrastructure. I therefore consider that the applicant has sought to address the first reason for refusal of the earlier application and explain why the revised application would be acceptable in this regard.

    Reason 2: The development fails to demonstrate that the navigation of the Great Stour River will not be compromised by the construction of the viaduct, contrary to policy LB13 of the Canterbury District Local Plan, 2017

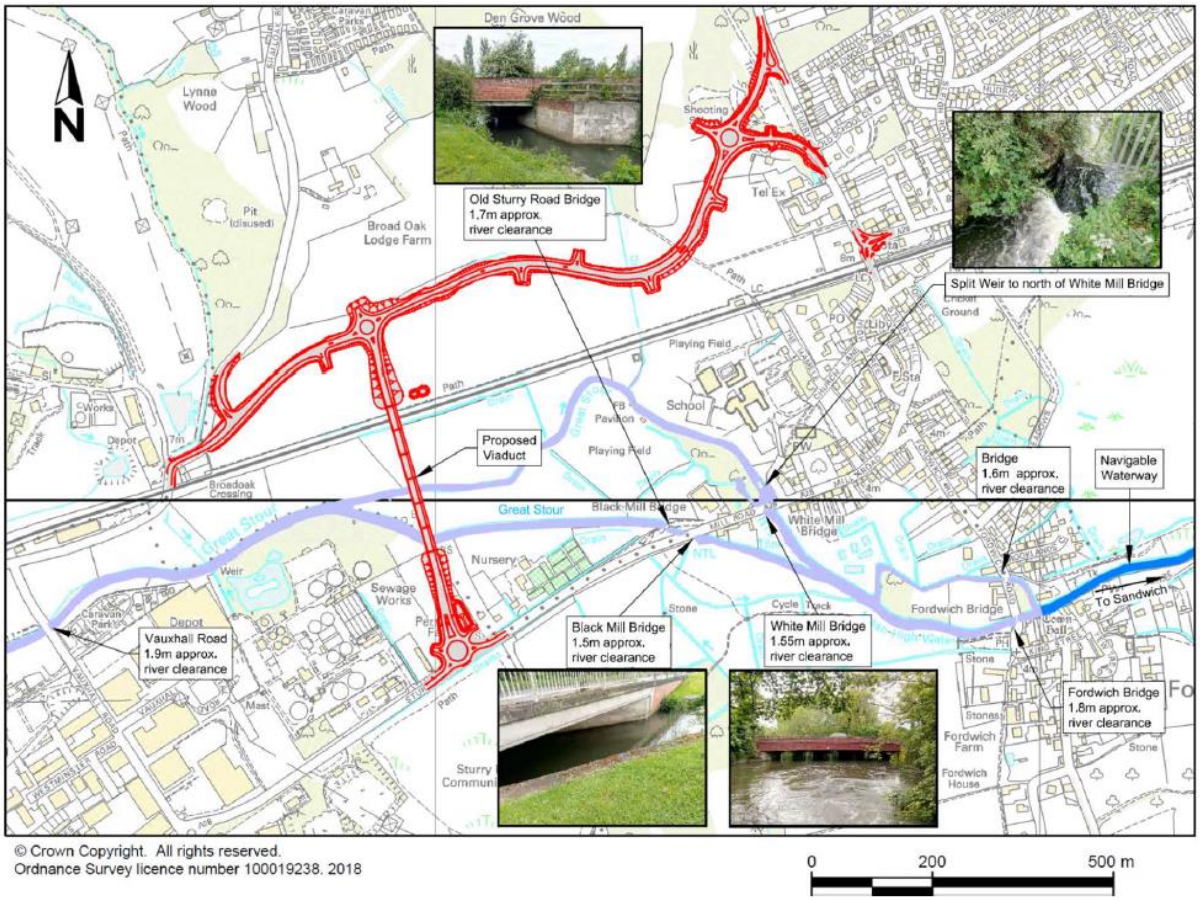
67. Concern was raised that it had not been demonstrated in the previous application that the construction of the viaduct over the Great Stour would not affect navigation of the

river by small craft. The Design and Access Statement for this application now includes details of the navigation of the Great Stour (page 13), in order to address this ground of refusal. This states that the majority of the riverbank is in private ownership and consequently the use of the river for boating and general access is significantly impacted – permission from every riparian land owner would in theory be required to navigate the river in this location. In Canterbury itself river navigation is generally by commercial punting companies, but downstream of Canterbury, from Fordwich in the tidal stretch of the river, there is a right of navigation for 19 miles following the river along the rest of its course out to the English Channel at Pegwell Bay. The Design & Access Statement states that Sandwich Port and Haven Commissioners oversee Pegwell Bay to three quarters of a mile above Sandwich, but there is no navigation authority directly responsible from the rest of the stretch to Fordwich, however the river is maintained for flood risk in this area by the Environment Agency.

68. The applicants go on to state that there are limited opportunities to navigate upstream (west) of Fordwich as the existing bridges on the A28 all have limited headroom. Fordwich Bridge has a river clearance of approximately 1.8m, White Mill Bridge has a clearance of approximately 1.55m, Black Mill Bridge 1.5m, and Old Sturry Road Bridge 1.8m. Likewise, further west near Canterbury the road bridge at Vauxhall Road has a limited clearance above the river of 1.9m. The map below illustrates this, along with annotating where the navigable section of the river is. In contrast the proposed viaduct would have a river clearance of 3.44m. It is clear from this that the viaduct would not affect navigation of the river that isn't already compromised by the height restrictions of existing bridges to both the east and west of the proposed location.

69. Policy LB13 states that development should show how the environment within the river corridors would be conserved and enhanced. It is considered that by providing a clearance above the river greater than that of surrounding existing bridges, the viaduct would conserve the status quo of access to the river in this location and would not compromise its use in any way. As such it is considered that the applicant has demonstrated the development would not affect naviagtion of the river in any way and would not be contrary to Policy LB13.

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/21/01854 (KCC/CA/0136/2021)



Extract from Design and Access Statement, page 13.

Reason 3: The proposed alterations at the A291/A28 junction make inadequate provision for local traffic movements, contrary to policies T1 and SP3 of the Canterbury District Local Plan, 2017

70. Under the previous application, the re-design of the A28/A291 junction involved all traffic movements becoming signal controlled and a restriction/ban of traffic turning left from Island Road southwards to the level crossing with the exception of buses and cyclists. All traffic westbound on the A28 approaching the junction would have been diverted up Sturry Hill (A291) to access the Sturry Link Road and the viaduct to cross the railway as an alternative to the level crossing. Concern had been raised in the representations received by local residents and elected representatives, that this would have a negative impact on local residents who would not be able to turn left to cross the level crossing and access the facilities within Sturry village that lie on the southern side of the crossing. Although this section of the scheme was due to be carried out only after the link road was in place and operational, and that a further assessment of the need for the alterations would have been required before they were implemented, the Planning Applications Committee considered that the scheme made inadequate provision for local traffic movements.

71. In order to address this the design of the junction alterations has been amended under this revised application, so that, as described in paragraph 21, there would be no

restrictions to traffic movement which would be permitted in all directions. This would allow local traffic to access the village amenities of Sturry which lies south of the railway crossing but all non-local traffic westbound on the A28 would still be directed (via signage) northbound up Sturry Hill (A291) to access the SLR and the viaduct to cross over the railway as an alternative to the level crossing.

72. The merits of this revised junction layout are discussed later in the report (paragraphs 254-255), but in terms of addressing the previous reasons for refusal, the fact that the junction now allows movements in all directions means that the applicant has overcome this reason for refusal.

Environmental Impacts Arising from the Link Road

73. In accordance with the requirements of the Environmental Impact Regulations 2017 the scheme requires an Environmental Statement as the Link Road falls under Schedule 2 of the Regulations. An Environmental Statement (ES) was produced for the original planning application (KCC/CA/0091/2019), with subsequent addendums (namely The ES Ecology Addendum, October 2019; Air Quality Assessment Addendum, February 2020; and updated Report to Inform Habitats Regulations Assessment, February 2020), and this has been resubmitted with updates for this new planning application.

74. Much of the original ES remains valid as the main changes between the previous application and this current one only relate to the layout and proposed alterations of the junction of the A28/A291, however each chapter has been updated with any revised or new technical guidance and legislation relevant to the topic since the original ES was written. This information is provided in a document entitled Environmental Statement Update (June 2021) which should be read in conjunction with the original 2019 ES. In addition, the chapters on air quality and noise and vibration include new assessments as a result of the remodelled traffic which would be permitted in all directions at the A28/A291 junction under this revised application. A new Non-Technical Summary (June 2021) has also been produced.

75. The Design Manual for Roads and Bridges (DMRB) has been updated since the 2019 ES was written, and guidance documents relating to the environmental assessment process have been reissued with new and updated guidance. Each updated chapter of the ES Update 2021 sets out how the guidance has been changed and covers any amendments to the way the assessment should be carried out. In addition to this guidance update, the list of environmental topics to be considered within the DMRB has also been updated, with some topics being renamed or consolidated with others. The list of chapters in the ES Update is therefore listed as follows:

- Air Quality
- Cultural Heritage
- Landscape
- Biodiversity (previously Ecology and Nature Conservation)
- Geology and Soils
- Material Assets and Waste (previously Materials)
- Noise and Vibration
- Population and Human Health (previously People and Communities)

- Road Drainage and the Water Environment
- Climate (previously Climate Change)
- Cumulative Effects (previously Interactions and Cumulative Effects)

Air Quality

76. As a result of the revised junction layout at the A28/A291 and the resultant changes this would have to traffic flows across the study area during the operational phase, an updated Air Quality assessment has been carried out for this chapter of the ES Update. Only the operational phase has been considered in this assessment because the assessment of impact during the construction phase is as originally set out in the 2019 ES. The issues considered at that time 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.

77. In terms of additional and updated air quality legislation, policy and guidance since the 2019 ES, the UK Government published their Clean Air Strategy in January 2019, which sets out comprehensive action that is required from across all parts of Government and society to help meet legally binding targets of fine particulate matter, ammonia, nitrogen oxides, sulphur dioxide and non-methane volatile organic compounds. The NPPF is referenced in this section in terms of Section 15 for 'Conserving and enhancing the natural environment', specifically paragraphs 170 and 181 in relation to their guidance on air quality issues. Since the publication of this Air Quality Assessment in the ES Update, a further revision of the NPPF has been published (July 2021). The content of these paragraphs remains as stated but the paragraph numbers are now 174 and 186 respectively. The ES Update notes that for consistency (and comparison) this review has been carried out using the original guidance which was used to present the findings in the 2019 ES and the February 2020 Addendum.

78. The operational traffic data across the study area has been provided by the transport consultants and the traffic modelling utilises newer 2019 base data from the recent Canterbury Strategic Model, thereby addressing previous concerns during the previous application about the appropriateness of the forecast data being based on 2015 data. The Do-Something model (see below) was then updated to reflect the revised A2/A291 junction layout. The impact on local air quality due to the redistribution of operational phase traffic across the study area has been modelled for the following scenarios:
    - Base year 2017
    - Opening year 2022 *without* the link road (Do Minimum) - 2022 traffic data using 2022 emission factors and background concentrations
    - Opening year 2022 *with* the link road (Do Something) - 2022 traffic data using 2022 emission factors and background concentrations
    - Assessment year 2031 *without* the link road (Do Minimum) – 2031 traffic data using 2030 emission factors and background concentrations
    - Assessment year 2031 *with* the link road (Do Something) - 2031 traffic data using 2030 emission factors and background concentrations

Defra provide the predictions for air quality pollutant concentrations and emissions up to 2030 and these have been used to model the future conditions in 2031, as they represent the extent of current knowledge.

79. The study area remains the same as that for the 2019 ES and the receptors used previously have been carried through to this assessment. 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. In order to assess if the baseline air quality conditions have changed a review of the Canterbury City Council 2020 Annual Status Report was undertaken. Whilst NO_2 concentrations have fallen across the study area since 2017, the ES update notes that concentrations remain elevated. The 2017 background concentrations have therefore been used to ensure a robust and conservative assessment has been provided.

80. The results of the air quality assessment show that in both the Do Minimum and Do Something scenarios in 2022 (without the road and with it respectively) the annual mean NO_2 concentrations are likely to exceed the Air Quality Objective (AQO) at four receptors in the Canterbury Air Quality Management Area (AQMA). For the future year scenarios, there are no predicted exceedances of the annual mean NO_2 AQO in either the 2031 Do Minimum or 2031 Do Something scenarios. Additional commentary on the implications of the proposed development on the Canterbury AQMA are set out below in paragraph 85. In Sturry, the proposed link road would lead to a predicted reduction in NO_2 concentrations at 3 of the receptors in the 2022 Do Something scenario, and a similar picture of improving NO_2 concentrations is seen at these receptors when comparing the 2031 Do Something and Do Minimum predictions, albeit the magnitude of change is not as great.

81. In terms of particulate matter concentrations, the revised modelling has shown that annual mean PM_{10} and $PM_{2.5}$ concentrations (fine and ultra-fine Particulate Matter respectively) at all modelled receptors are predicted to be well within their respective Air Quality Objectives for all scenarios in the both the opening year (2022) and the future year (2031). The impact of nitrogen deposition on the ecological receptors (West Blean and Thorndon Woods SSSI, Stodmarsh SPA, Ramsar, SAC and National Nature Reserve) was also re-assessed in the ES Update and concentrations were shown to be well below the critical level in both the opening year Do something and Do minimum, and the future year 2031 Do something and Do minimum scenarios. It concludes that traffic emissions from the Sturry link road would not have a likely significant effect on nitrogen deposition at the ecological sites and also that there would be little difference in depositions rates when comparing the Do Minimum and Do Something scenarios in the opening year and future year.

82. Overall the Assessment states that based on the revised modelling the significance of the proposed Link Road within Sturry village is predicted to be slight beneficial, whilst the significance of the Link Road on the Canterbury AQMA is predicted to be slight adverse. However, there are no predicted significant impacts from the scheme as a whole, which is consistent with the findings from the 2019 ES and 2020 Addendum.

83. As previously, RSK undertook a review of the ES Update in relation to the Air Quality Assessment and confirmed that it has been prepared in accordance with prevailing best practice and followed accepted recognised approaches. They have not raised any overriding concerns about the findings of the report and have made recommendations for suggested conditions on any consent issued.

84. 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 Update 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.

85. RSK suggest in its 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 to 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.

86. Representations have again been received from neighbouring residents with regard to the possible pollutant effects of implementing the road scheme. However, 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

87. The ES Update confirms that whilst there are some minor amendments to the cultural heritage assessment process under the new DMRB guidance (LA 106 Cultural Heritage Assessment), the overall assessment methodology is the same and the methodology used in the 2019 ES therefore remains valid. There is no update to the statutory or planning context relating to cultural heritage as set out in the 2019 ES. The baseline study area for cultural heritage also remains valid and unchanged and the potential

impacts of the scheme on cultural heritage assets have not changed since the 2019 ES was published.

88. None of the consultee responses received for this application have raised any new or additional issues than had been previously considered. No new comments were received from the KCC Archaeological Officer, however, the revisions to the application following the earlier refusal would not (in my opinion) alter the previous comments received as the new scheme only amends the A28/A291 junction layout which was not a concern in archaeological terms. Although there is no restriction on traffic being able to drive through Sturry village under the current proposal it is anticipated that a significant proportion of traffic would opt to use the SLR and there would still be a diversion of traffic away from the historic centre of Sturry. Both the Archaeological and Conservation Officers concurred with the findings of the 2019 ES. It is therefore considered that the previous assessment of the scheme on cultural heritage grounds for the earlier planning application remains valid and relevant for the determination of the revised application and has therefore been reproduced below, and the planning officer concurs with the findings of the ES.

Cultural Heritage Assessment

89. 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.

90. 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.

91. 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.

92. 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.

93. 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.

94. 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.

95. 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.

96. 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.

97. 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.

98. The Archaeological 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

99. The ES Update advises that the assessment methodology under the new guidance (LA 107 Landscape and Visual Effects) includes additional categories to determine Landscape sensitivity and Visual sensitivity. There have been no updates to the statutory and planning context relating to Landscape and the baseline study area has not changed. No new receptors were identified and the existing receptors from the 2019 ES were reviewed using the updated guidance. The ES Update states that the assigned sensitivities of the landscape and visual features remain unchanged from the 2019 ES under this new assessment methodology, and therefore that section of the document remains valid, as do the potential mitigation measures which had been outlined and residual effects. It is therefore considered that the previous assessment of the scheme on landscape grounds for the earlier planning application remains valid and relevant for the determination of the revised application and has therefore been reproduced below, and the planning officer concurs with the findings of the ES.

Landscape Assessment

100. 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.

101. 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.

102. 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.

103. 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.

104. 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.

105. 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 it is anticipated that the construction of the north-south section 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.

106. 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.

107. 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.

108. 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.

109. 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.

110. 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

111. 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.

112. 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 is also anticipated to 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.

113. 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.

114. 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.

115. 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.

116. 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 permitted by Canterbury District Council in line with the Local Plan. 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.

Biodiversity

117. As noted above, the original 2019 ES was updated in October 2019 with an 'ES Addendum: Ecology and Nature Conservation'. In this section where I refer to the 2019 ES I am referring to both the original document and the Addendum. The guidance for methodology assessment of Biodiversity has now been changed to LA 108 Biodiversity which has included some minor amendments to the ecological assessment process, however the overall methodology has not changed and as a result the ES Update states that the original methodology used in 2019 remains valid. The statutory and planning framework has not substantively changed since 2019, although the ES Update does note that following the UK's exit from the European Union, sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) under the Conservation of Habitats and Species Regulations 2017 (as amended) no longer form part of the EU's Natural 2000 ecological network. They are now included in and protected as part of the UK's national site network. Ramsar sites do not form part of the national site network but are afforded the same protection as SACs and SPAs.

118. At the request of the KCC Biodiversity Officer an ecological walkover survey was undertaken in May this year to determine if there had been any significant changes to habitats and their potential to support protected or otherwise notable species since the previous assessment. The whole of the link road route was surveyed (except for minor land access restrictions as per the original surveys in 2018 and 2019) and the survey confirmed that the habitats within the zone of influence of the scheme remained largely unchanged from those recorded in the 2019 ES and as shown on the Habitat Survey Plan, save for a few patches of dense bramble scrub along the route where it would cross the river. There was fresh evidence of both otter and beaver along the river, and

no change was noted to the habitat supporting the Desmoulin's whorl snail. No substantive changes to buildings, structures or trees with bat roost potential were observed and a small number of breeding birds were observed. No new evidence of badger were noted during the walkover and the habitat suitability for other small mammals remains as previously reported. A desktop review of existing data sources was also undertaken. The ES Update concludes that "no substantive changes to the baseline conditions have been identified that would alter the findings of the Report to Inform Habitats Regulations Assessment in relation to European and Ramsar sites, which forms part of the 2019 ES submission and was updated in 2020". The February 2020 version of this report therefore remains valid as part of this revised planning application.

119. There are no substantive changes to the ecological baseline conditions and no new ecological receptors have been identified therefore the 2019 ES and Addendum remain valid, as do the proposed mitigation enhancement and monitoring requirements for the scheme. The Appropriate Assessment undertaken by the County Council (September 2020) and agreed by Natural England (November 2020) also therefore remains valid and has been re-submitted to Natural England in relation to this revised application. They have once again advised they concur with the County Council's conclusions. The impact on ecology and biodiversity and nature conservation interest are therefore considered acceptable. It is therefore considered that the previous assessment of the scheme on biodiversity grounds (previously titled Ecology and Nature Conservation) for the earlier planning application remains valid and relevant for the determination of the revised application and has therefore been reproduced below, and the planning officer concurs with the findings of the ES. As per the recommendation set out in paragraph 270 at the end of this report, Members are asked to adopt the attached Appropriate Assessment, included as Appendix 2 to this report.

Ecology and Nature Conservation Assessment

120. 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.

121. 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.

122. 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.

123. Following the initial consultation process (this refers to the previous application KCC/CA/0091/2019) and in response to comments received by Natural 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. 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.

124. 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.

125. 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. 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.

126. 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. An assessment (Appendix 2) 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.

127. 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.

128. 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.

129. 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.

130. 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.

131. 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 (both the combined housing and KCC road scheme) 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.

132. 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) determined by the City Council, 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 (which includes part of the link road).

133. The County Council's own Record of Appropriate Assessment was submitted to Natural England at the end of September 2020 and they advised (November 2020) that they concur with the findings of the County Council (given the date of response, they would 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 concurred 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.

Geology and Soils

134. Since the publication of the 2019 ES there have been no changes to the statutory or planning framework in relation to geology and soils. There have been no changes to the baseline conditions as set out in the 2019 ES. The methodology guidance for preparing the ES has been updated to LA 109 Geology and Soils, and this includes updates to the sensitivity categories of the geological receptors and additional descriptions to determine the magnitude of impact, which are provided in the ES Update. The updated guidance also removes the requirement to assess geomorphology, hydromorphology and landform. The assigned sensitivities for geology and soils as outlined in the 2019 ES remain valid and unchanged. However, where the 2019 ES details the receptors at risk from contamination the ES Update states that the Great River Stour should be increased from 'medium sensitivity' to 'high sensitivity' in line with the updated DMRB guidance. Despite the updates, the ES Update states that the impact assessment carried out in the 2019 ES remains valid, the conclusions unchanged and the magnitude of impact on the identified receptors remains the same as for the 2019 ES.

135. The mitigation measures for geology and soils have not changed and as a result there is no change to the concluded results set out in the 2019 ES. Although the sensitivity of the Great Stour River is increased to high under the new guidance, the magnitude of impact remains the same. With the mitigation in place as set out in the 2019 ES, effects on the river from potential contamination remain as 'not significant'. It is therefore considered that the previous assessment of the scheme in relation to geology and soils for the earlier planning application remains valid and relevant for the determination of the revised application and has therefore been reproduced below, and the planning officer concurs with the findings of the ES.

Geology and Soils Assessment

136. 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.

137. 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.

138. 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.

139. 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.

140. 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.

141. 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'.

142. 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.

143. 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.

144. 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.

145. 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.

Material Assets and Waste

146. The ES Update notes that there is one update required in relation to the statutory and planning context outlined in the Materials chapter of the original 2019 ES. English and Welsh Law was updated on 1st October 2020 to include changes to the Waste Framework Directive (WFD) made in 2018, which include changes to articles 5 and 6 relating to cover by-products and end of waste criteria respectively. Guidance on the environmental assessment of material resource is now covered by updated DMRB guidance LA 110 Material Assets and Waste. The study area remains the same and the methods of baseline collection data in the original ES also remain valid. The revised guidance includes the removal of structured simple and detailed assessment stages and states that the assessment should be based on available information on re-useable materials, quantities of waste and location capacity of disposal sites. The new guidance doesn't include criteria for assigning sensitivity or magnitude impacts, but criteria for assessing an overall significance is provided, and this is illustrated in the ES Update.

147. Under the new guidance an evaluation of the receptors is no longer required and the need for the assessment to determine the magnitude of impact is also no longer required. Despite this, the ES Update notes that the impacts discussed within the 2019 ES remain valid and that that the proposed mitigation measures also remain valid and unchanged. Using the updated criteria for assigning an overall significance (as set out in table 10.1 of the ES Update) it is assessed that the significance of effects remains slight for both materials and waste. It is therefore considered that the previous assessment of the scheme in relation to materials for the earlier planning application remains valid and relevant for the determination of the revised application and has therefore been reproduced below, and the planning officer concurs with the findings of the ES.

Materials Assessment

148. 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.

149. 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.

150. 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.

151. 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.

152. 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.

153. 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.

154. 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.

155. 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

156. As a result of the revised junction layout at the A28/A291 and the resultant changes this would have to traffic flows, an updated Noise and Vibration assessment has been carried out for this chapter of the ES Update. There have been no updates to planning policy and legislation applicable to noise since the publication of the 2019 ES. Although assessment methodology has been updated to DMRB LA 111, the ES Update notes that as this is a re-assessment of the original work in the 2019 ES, for consistency the original methodology has been used.

157. The ES Update notes that the changes in traffic assignments as a result of the updated junction layout would see an increase in traffic through Sturry and a reduced level along the proposed link road, compared to that originally set out in the 2019 ES. Traffic data has changed for the Do Minimum future year (2031) and the Do Something future year (2031) but traffic data has not changed for the opening year, therefore the update paper focuses on the future results, and the original receptors used in the 2019l ES have been assessed again.

158. The ES Update states that in the long term (future year 2031) do minimum scenario (without the road) there would be a negligible increase in noise levels at receptors, whilst the 2019 ES had predicted no change. In the long term (future year 2031) do something scenario (with the road) the number of receptors predicted to experience a perceptible increase in noise levels is higher than originally predicted in the 2019 ES by 23 receptors (269 in total). The predictions show that there would be a decrease in noise levels at 339 residential receptors (previously 250) and 101 of these are predicted to experience a perceptible decrease in noise levels (previously 70). The majority of the representative receptors are predicted to experience the same magnitude of change as set out in the 2019 ES, with the exception of two (4 Shalloak Road and 22 Deansway Avenue) which changed from a negligible adverse change to a minor adverse change.

159. In terms of traffic airborne nuisance, the updated results showed that in the do minimum scenario, without the road, 266 properties were predicted to experience an increase in

nuisance level of <10%, whilst the original ES had predicted that 218 properties would experience no change without the road. In the do something scenario (with the road) the number of properties predicted to experience changes in nuisance levels are as follows:

- Number of receptors predicted to experience an increase in nuisance level between 10<20% decreased from 20 to 1
- Number of receptors predicted to experience an increase in nuisance level of <10% decreased from 191 to 138
- Number of receptors predicted to experience a decrease in nuisance level increased from 22 to 118.

160. The Noise Insulation Regulations compare the pre-construction scenario with the worst in the first fifteen years after the opening of the scheme. In the 2019 ES 2017 was used for the pre-construction scenario and 2031 for the post construction scenario. The updated noise predictions show that there are 4 properties that would potentially qualify for noise insulation under the Noise Insulation Regulations 1975 (the previous assessment identified 8 properties). These receptors are located along A291 Sturry Hill, Island Road and Shalloak Road. The ES Update concludes that the assessment conclusions of the original 2019 ES remain valid, which was that there would be significant noise changes, both adverse and beneficial, and that mitigation measures as originally set out to reduce noise impacts on surrounding receptors should be considered.

161. The updated Noise Assessment has been considered by the County Council's noise consultants who concur with the results of the update which are that the changes in noise levels due to the amended junction layout do not alter the conclusions of the 2019 ES which were that there would be significant noise changes, both adverse and beneficial, and that they raise no objection to the application on noise grounds. They do however reiterate their comments on the earlier application that there are properties that would not qualify for grant provision under the Noise Insulation Regulations 1975, but which would still be adversely affected. Their concern is that these properties could experience long term adverse effects but without any provision of any form of mitigation. The 2019 ES had originally advised that 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 2019 ES suggested 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.

162. 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 Sturry Link Road in its entirety becoming operational.

163. 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

164. For completeness and to outline the assessment made for the construction phase in relation to noise, relevant sections of the previous assessment of Noise and Vibration from the earlier application has been included below, and the planning officer concurs with the findings of the ES as set out.

Noise and Vibration Assessment

165. 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.

166. 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.

167. 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.

168. 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.

169. 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.

170. 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.

171. 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.

Population and Human Health

172. Since the publication of the 2019 ES this topic has been renamed 'Population and Human Health' rather than the original 'People and Communities' and the revised guidance (DMRB guidance LA 112) has changed what is assessed within this topic, which now considers the impacts on land use and accessibility, and human health in two distinct sections. The statutory and planning context is therefore also required to be updated to cover population and human health, therefore the legislation includes The Equality Act 2010, Acquisition of Land Act 1981, Countryside and Rights of way Act 2000, and Localism Act 2011, and in the planning policy context relevant chapters of the NPPF and the Canterbury District Local Plan 2017.

173. The assessment methodology has also been updated since the 2019 ES and is split into two sections to cover land use and accessibility, and human health. For land use and accessibility the assessment needs to cover private property and housing; community land and assets; development land and businesses; agricultural land holdings; and walkers, cyclists and horse riders. With regard to human health the assessment needs to cover ambient air quality and Air Quality Management Areas; Ambient noise and areas sensitive to noise; sources of pollution; landscape amenity; and severance/accessibility and the ability of communities to access community land, assets and employment. The methods for determining baseline conditions have not changed since the 2019 ES, but additional online resources have been used to update this chapter in the ES Update in order to provide a health profile of the surrounding community in accordance with LA 112.

174. The changes to the assessment methodology include additional categories to determine the sensitivity of receptors and the magnitude of impacts and these are detailed in the ES Update in tables 12.3 and 12.4. Receptor values range from very high to negligible, whilst the magnitude of impact ranges from major to negligible and then no change. In addition the new guidance removes the need for assessment of vehicle travellers; changes the description of Non-Motorised Users (NMU's) to Walkers, Cyclists and Horse Riders (WCH); and the guidance only considers changes to journey distance rather than journey amenity which was previously covered. New baseline data is required for human health and a qualitative assessment of human health has been introduced.

175. The health profile of the surrounding population has to be established in order to determine its sensitivity to change and the sensitivity of the population has to be reported as low, medium or high. Once the population sensitivity and changes to health determinants likely to occur as a result of the project have been established, the likely health outcome needs to be identified in line with the following categories:

Health outcome category	*Health outcome description*
Positive	A beneficial health impact is identified
Neutral	No discernible health impact is identified
Negative	An adverse health impact is identified
Uncertain	where uncertainty exists as to the overall health impact

176. Although the baseline conditions relating to human health as set out in the 2019 ES have not changed, the ES Update has provided the baseline conditions relating to human health as required by the new guidance. The study area lies within the Sturry ward of Canterbury City Council and information from Public Health England has been used to establish a health profile (provided in tables 12.6 and 12.7) which include comparisons for Sturry ward against England as a whole on a range of factors such as life expectancy, hospital admissions, long term illnesses and deaths by various causes. The ES update notes that health is a complex topic influenced by a number of health determinants including factors such as air quality emissions, noise and vibration levels and access to recreational facilities, greenspace, education and healthcare facilities. Baseline data regarding other elements of human health are also covered in separate chapters of the original ES in 2019 and this updated ES, specifically the chapters on air quality, noise and vibration and landscape/landscape amenity.

177. No new receptors have been identified therefore all those outlined in the original 2019 ES remain valid and all have been reassessed against the updated guidance, with the assigned sensitivities remaining unchanged from that outline in the 2019 ES. As human health was not assigned a sensitivity in the 2019 ES, it has been considered in the ES Update based on the baseline information set out and is determined to be of medium sensitivity. The impact assessment for people and communities in terms of both the construction and operation phase of the proposed scheme remains valid as set out in the 2019 ES, with the ES Update noting that the revised junction layout would not result in any additional land take and the drainage pond to the north of the railway (previously omitted from the drawings when the first ES was produced) and the area highlighted for ecological improvements (now formally indicated on the drawings) would not affect the assessment previously made. The assessment on human health, not previously covered in the 2019 ES, is provided in the Update paper, and summarised below.

178. During construction the presence of plant and machinery and the undertaking of construction activities have the potential to adversely impact human health through reductions in air quality due to the equipment being used (dump trucks, excavators, asphalt spreaders etc), and increases in noise and vibration, especially if plant are operating together for periods of time. There would also be landscape and visual impacts during construction, although such construction impacts are only considered to be short term. During operation, the re-allocation of traffic flows as a result of the link road and junction alterations are expected to improve local air quality in the study area, enhance public transport provision, improve access for the community, improve pedestrian crossing points and enhance opportunities for WCH. As set out in the 2019 ES, the provision of new pedestrian and cycle infrastructure is expected to have a beneficial effect on human health, by encouraging more active forms of travel. The 2019 ES assessment of mitigation and the residual effects of the scheme remain valid, but in terms of human health which was not previously assessed, the ES Update states that a *neutral* health outcome is determined for construction phase and a *positive* outcome for the operational phase, as a result of the new pedestrian and cyclist infrastructure.

179. Whilst there have been some changes to the assessment methodology for this chapter as outlined above, the assessment previously made for 'People and Communities' based on the 2019 ES still remains valid and as such the previous assessment of the scheme for the earlier application remains valid and relevant for the determination of the

revised application, and has been included below for completeness, and the planning officer concurs with the findings of the ES. As before, as assessment of the local representations received from the community to the proposed link road and in particular the proposed alterations to the A28/A291 junction, are provided separately in the 'Planning Assessment' section below, paragraphs 225-250.

People and Communities Assessment

180. 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.

181. 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.

182. 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.

183. 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.

184. 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.

185. 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.

186. In terms of operational impacts, the entire road scheme (this application and the east to west route consented by CCC) 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' housing 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.

187. 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.

188. For vehicle travellers the aim of the link road is to redistribute traffic away from the centre of Sturry and relieve 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.

189. 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.

Road Drainage and the Water Environment

190. The ES Update document notes that there is one update required in relation to the statutory and planning context since the 2019 ES as a result of the UK's departure from the European Union. The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 have been retained under the Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019. The revised assessment methodology under the DMRB is LA 113 Road Drainage, which provided minor updates to the methodology relating to the sensitivity criteria and the impact magnitudes – the updated versions of which are outlined in the ES Update paper. A review of the baseline data set out in the 2019 ES in relation to the water environment (drainage, hydrology, surface water abstractions, hydrogeology, aquifer vulnerability, groundwater abstractions and flooding) showed that the original data remained valid and unchanged.

191. The sensitivity of the receptors outlined in the 2019 ES have been reviewed in light of the revised methodology, and for surface water this means the Great Stour is updated to High Sensitivity. The sensitivity of ground water and flood risk remain unchanged and as set out in the 2019 ES. The updated sensitivity of the Great Stour does not alter the outcome of the assessment for surface water previously undertaken and the original assessments for flooding and surface water and groundwater remain valid and as set out in the 2019 ES. The attenuation basin north of the railway (which had originally been omitted from the plans when the earlier application was submitted but then subsequently included) does not alter the impacts of the original ES. Mitigation for construction and operation in relation to the water environment remains unchanged from the previous scheme and the residual impacts as outlined in the 2019 ES remain valid and unchanged. As such the previous assessment of the scheme on the grounds of road drainage and the water environment for the earlier planning application remains valid and relevant for the determination of the revised application and has therefore been reproduced below, and the planning officer concur with the findings of the ES as set out.

192. There have been no consultee comments raising any issues that have not been addressed through the information submitted or the proposed conditions and although we have received comments regarding the removal of trees and the impact this would have on drainage and flooding in the area, the assessment made in the Flood Risk Assessment and the original 2019 ES and the ES Update 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.

Road Drainage and the Water Environment Assessment

193. 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.

194. 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.

195. 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 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.

196. 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.

197. 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.

198. During the operation phase the proposed drainage strategy would tie into the existing drainage infrastructure. 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 34 (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.

199. 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.

200. 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.

201. 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.

202. 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.

203. 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.

204. 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.

Climate

205. The ES Update document notes that there is one update required in relation to the statutory and planning context since the 2019 ES. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 is a development of the 2008 act and specifically amends the 2050 greenhouse gas emissions reduction target in the Climate Change Act from at least 80% to 100%. This target otherwise known as 'net zero' would constitute a legally binding commitment to end the UK's contribution to climate change. The updated DMRB assessment methodology guidance is LA 114 Climate, which focuses on the impact of the project on climate (greenhouse gas emissions) and the vulnerability of the project to climate change. The ES Update notes that both of these elements were considered in the 2019 ES and therefore the assessment methodology undertaken in 2019 remains valid. No updates are required to the baseline conditions relating to climate either.

206. The 2019 ES did not outline any specific mitigation measures in relation to climate, therefore the following mitigation measures have been set out in the ES Update paper. It states that measures will be employed to reduce the use of materials and the generation of waste in relation to the scheme which would affect the carbon impacts from the proposed scheme. The importance of careful management of materials to promote and re-use and reduce waste is now widely recognised across the construction industry, and there are legislative and fiscal policies to help encourage maximising re-use on site, re-use and recycling off site and limitations on material to landfill. It goes on to state that the Contractor would apply the principles of the 'Waste Hierarchy' (Prevention, Preparing for Re-Use, Recycling, Other Recovery, Disposal) to minimise waste generation and where this isn't possible, alternative re-use and recycling options would be sought off site, with disposal the final option. Where possible the key material elements shall be specified to be responsibly sourced from suppliers with a minimum ISO 14001 certification – an international standard for environmental management systems.

207. The ES Update acknowledges the importance of the Construction Environmental Management Plan (CEMP) for the scheme which would ensure that all specific environmental objectives, risks, proposed mitigation and commitments are taken into account. In addition, a Site Waste Management Plan (SWMP) would be required to ensure construction waste is managed effectively. The purpose of the SWMP would be to ensure that each potential waste stream is evaluated against the 'waste hierarchy' and would need to set out how all construction phase materials would be managed. The remainder of the previous chapter on Climate Change in the 2019 ES remains valid, and the conclusions of that assessment have not changed. It is therefore considered that the previous assessment of the scheme on the grounds of climate change for the

earlier planning application remains valid and relevant for the determination of the revised application and has therefore been reproduced below, and the planning officer concurs with the findings of the ES.

Climate Change Assessment

208. 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.

209. 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.

210. 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.

211. 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.

212. 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.

213. 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). 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.

214. 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.

215. 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.

216. 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 this viaduct section of 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, and would in my view result in a poorer environmental solution for the local community. The road itself is not the emission generator.

217. 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 reiterated that the requirement for this road scheme has been established through its allocation in the adopted Local Plan, where the principle and need for the highway infrastructure to underpin the Local Plan growth has already been agreed and accepted as sustainable.

218. 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.

219. 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 necessary to support committed (and consented) growth in the area. 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 wider community and environmental benefits of the scheme need to be considered as well, such as diverting traffic away from the centre of Sturry village, improving congestion and allowing drivers to avoid the level crossing; and incorporating cycle infrastructure and a new bus lane to encourage a shift away from the car and towards more sustainable transport modes.

Cumulative Effects

220. The cumulative effects set out in the 2019 ES included two types - 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. Under the revised assessment methodology guidance in DMRB for this topic, LA 104 Environmental Assessment and Monitoring, there have been some minor amendments to the cumulative effects assessment, such that type 1 effects are now referred to as effects from a single project, and type 2 effects as effects from different projects. Under the revised guidance there is no criteria for determining the significance of cumulative effects.

221. The type 1 effects as discussed in the 2019 ES have not changed and this assessment remains valid. In relation to type 2 effects, the list of proposed or approved planning applications that were highlighted in the 2019 ES can now be updated as follows. The 'Land at Sturry' application was described in the 2019 ES as up to 700 houses, a primary school, medical hub, community building, car park and associated amenity spaces. The number of housing units was subsequently reduced in a second planning application determined by CCC, and is now 'up to 630 houses', however this amendment would not alter the impact assessment carried out in the 2019 ES. Land at 'Broad Oak Farm' received planning permission in March 2021, alongside the revised 'Land at Sturry' application. The Richborough Connection project is underway and due for completion in winter 2021, and the 'Land at Hoplands Farm' development commenced in 2018 and is ongoing.

222. Since the original 2019 ES a further housing development scheme has been submitted and is awaiting a decision at the site of the 'Former Sturry Road Social Club' for 10

dwellings. It is possible that construction of this scheme may overlap with the proposed link road construction and the other housing developments already set out n the 2019 ES. However, given the minor footprint of the development it is considered unlikely to alter the cumulative effects discussed within the 20919 ES. It is therefore considered that the previous assessment of the scheme on the grounds of cumulative impacts and interactions for the earlier planning application remains valid and relevant for the determination of the revised application and has therefore been reproduced below, and the planning officer concurs with the findings of the ES.

Cumulative Impacts and Interactions Assessment

223. 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.

224. 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.

225. 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.

226. 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.

227. 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.

228. 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.

229. 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.

Summary of Environmental Statement

230. The previous conclusions of the 2019 ES remain valid, given that none of the updates provided in the ES Update Paper have resulted in changes to the previous assessments made. Construction impacts would be addressed through the implementation of the Construction Environmental Management Plan (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.

231. The residual operational environmental effects (in combination with the land at Sturry development) are summarised in the original 2019 ES. 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 City Council consents); the loss of the Greenfields shooting ground (also as a result of the City Council consents); 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

232. As set out in paragraphs 42-47 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 adopted 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, subject to planning permission, 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 Canterbury Local Plan 2017, Local Transport Plan and Canterbury Corporate Plan. The delivery of the whole of the Sturry Link Road is considered fundamental to the City Council's adopted Local Plan Strategy and is necessary infrastructure to mitigate the effects of development upon the surrounding highway network and to enable the allocated growth and consented housing at Broad Oak and Sturry to come forward in a sustainable manner. There is also strong support from the Kent and Medway Economic Partnership as set out in paragraph 35 above and the need to deliver an infrastructure first approach for new developments to the benefit of existing and new communities.

Highway and Transportation Benefits and Impacts

233. 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 and planned for through the relevant policies of the adopted 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', for which planning permission has already been granted. 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.

234. This application also seeks to address the previous reasons for refusal of the earlier planning application submitted in May 2019, two of which were highway and transport related, and an assessment of this has been provided in paragraphs 53-72 above. In support of this revised application, a Supplementary Transport Appraisal has been submitted, along with an updated Design and Access Statement, and these documents have been reviewed by the Highways and Transportation officer. He states that the appraisal has been appropriately updated with the latest traffic volumes and reflects the amended layout to allow all movements at the A28/A291 junction at the Sturry crossing. The modelling assessment (using the latest 2019 data) has been re-forecast to provide the performance forecasts for 2031, the end year of the Local Plan. The outcome of this re-modelling demonstrates that the road network would perform better in the AM than it would have done under the previous junction restrictions of the refused application, and

would have a similar performance in the PM. The modelling also demonstrates that there would be a reduction in vehicle delay compared to the 'Do Minimum' scenario (i.e. where the link road and junction alterations are not carried out), and he states, continues to justify why the scheme should be implemented.

235. Under the revised modelling, the results showed a slight increase in vehicle flows along Sweechgate and inevitably through Sturry village, where drivers can choose which way to travel, unlike the previous junction arrangement where only buses and cyclists would have been permitted to turn left across the railway when approaching from Island Road. Consequently, the Highway Officer suggests that additional signage and traffic calming measures may be required to ensure that through traffic remains on the proposed Link Road. The scheme also represents additional priority measures for public transport beyond that currently on the network, he states. The inclusion of the southbound bus lane on the viaduct adds a significant stretch of new infrastructure and as such is in full compliance with Canterbury's Local Plan policies T1 and T3, and paragraph 5.75 of the Transport Strategy, adding to the existing in-bound facilities on the A28. It further supports policy 5.3 of the Transport Strategy with regard to improving bus journey time reliability, by removing existing delays associated with the A28/A291 junction and the level crossing. 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.

236. In order to ascertain the implications of not gaining planning permission for this north/south section of the Sturry Link Road, further modelling work using the VISSIM microsimulation model has been carried out by the County Highways team. The assumptions this modelling has been based on are the existing permissions for 'Land at Sturry' and 'Broad Oak', that the wider Local Plan is delivered up to 2031; the east-west section of the link road is delivered as part of the 'Land at Sturry' development; the viaduct is not delivered; both level crossings remain open and provide the only means of crossing the railway line in the locality; that downtime at the railway crossing remains as existing (despite the risk National Rail may increase this to manage safety risks in the future); and that no modification to the A28/A291 junction takes place.

237. The outcome of the modelling shows that in both peak hours, the highway network performance is notably worse without the viaduct. The viaduct was forecast to carry over 1200 vehicles *per hour* in the busiest periods. Without it traffic would rely on the Broad Oak and Sturry level crossings, and modelling suggests that these crossings and approach corridors would be congested leading to additional delay and lengthening of the peak period. The link road alone (without the viaduct) is unable to accommodate the forecast growth without severe impact. It performs significantly worse than the previous forecasts and confirms the position that the viaduct is critical infrastructure to support Local Plan growth. In the afternoon peak hour without the viaduct, every vehicle travelling through the network is forecast to incur, on average, a 10 minute delay (over and above expected travel times which for the study area should typically be less than 5 minutes). In the more congested morning peak hour, this forecast average delay *per vehcile* is close to 20 minutes – approaching double that of the forecast scenario with the viaduct. In the morning peak hour, average speeds though the network which excludes the viaduct are forecast to drop to less than 6mph. Attached in appendix 4 is

the full summary of the modelling and further explanation of the reasons why the network would struggle without the viaduct in the am and pm peak. It is also noted that the wider implications of not permitting the vidauct would be the loss of £5.9m SELEP investment into Kent; the loss of the new bus and cycle lane; increased rat running through Broad Oak village; worsening congestion; and increased incidents and severity of blocking back over the rail crossings.

238. In summary the Highways and Transportation Officer states that they remain strongly supportive of the proposals. The scheme remains a critical component of transport infrastructure required to mitigate the cumulative impacts of Local Plan housing already committed in the area. The housing numbers already committed which would expect to generate traffic through the Sturry crossing (including sites as Strode Farm, Herne Bay Golf Club, and Hersden as well as the 'Land at Sturry' and 'Broad Oak') now totals 3164 homes. Of those sites only the Broad Oak scheme has a restriction on the number of units which can be built without the full Sturry Link Road being in place (of the 456 homes 326 can be built out unrestricted) meaning 3034 homes can be provided and would potentially need to utilise the existing railway crossings.

239. In support therefore of the application, the Highways and Transportation Officer recommends the inclusion of conditions on any planning consent given which should include the submission of a Construction Management Plan before development commences; the submission of details relating to the detailed design of the viaduct, road, footways, verges, junctions, embankments, crossings etc; and the implementation of traffic calming features and/or signage for the purposes of encouraging "Local Traffic Only" on the A28 south of the level crossing and along Sweechgate. These are included in the recommendation below.

240. A number of objections were received in relation to highway and transportation matters, which are addressed in turn below. As set out above signage would be used at the A28/A291 junction to encourage all non-local traffic to use the new link road rather than the level crossing. Although outside the scope of this application, there would also be an opportunity to use funding from other developer contributions for traffic calming within the village of Sturry to further dissuade non-local traffic from using this route should this be necessary. Concern about the potential for 'rat-running' as a result of the proposal has been raised, with residents suggesting traffic would try and 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.

241. Despite the concerns raised in the objections received, provision would be made for pedestrians and cyclists throughout the scheme as set out in paragraphs 54-66 above, where it has been assessed how the first reason of refusal has been addressed. The traffic controlled pedestrian crossing would provide a safe means for navigating the junction for pedestrians, which the applicant notes was a key preference raised during the public consultation exercise.

242. A number of concerns were raised regarding the A28/A291 junction becoming signal controlled with traffic lights, which objectors felt would increase congestion rather than reduce it. The Highways and Transportation officer states that traffic lights would balance out the flow of traffic so that each arm of the junction is given the required level of priority. Southbound movements out of the A291 currently have no priority and this leads to excessive queuing on that arm of the junction with associated safety implications. Without the traffic lights the delays caused by queuing traffic southbound on the A291 would increasingly block back to the new roundabout at the start of the east-west link (through the 'Land at Sturry' development) which would then subsequently result in queueing back down Sturry Hill. The two junctions would become heavily congested to the extent that the network would simply not function. He states that controlling the flows with traffic lights would improve the safety and operation of the vehicles through the junction as well as improving pedestrian crossing facilities.

243. Further comments were received suggesting that now the 'Land at Sturry' housing scheme has been approved there would be an east-west link through the development for traffic to use, which would provide a cut through to Shalloak Road (avoiding Sweechgate) for vehicles to then cross the Broad Oak railway crossing, and that therefore the viaduct would not be required. The Highways and Transportation Officer states that only providing the east-west section of the link road would exacerbate traffic over the Broad Oak unmanned crossing which National Rail has already highlighted as a significant concern. Non delivery of the viaduct would also exacerbate congestion along Vauxhall Road. He states that the viaduct is required as it would provide significantly greater levels of resilience to a network that is currently highly sensitive to any interruption. The provision of the viaduct would remove significant levels of traffic from the railway crossings, providing improvements to journey time reliability and time savings, along with the removal of the high risks associated with congested traffic moving over the railway crossings. It would also facilitate the continuation of the existing in-bound bus lane into Canterbury and provide a direct connectivity for vehicles to use the Sturry Park and Ride (once open again), providing an option to reduce onward vehicular traffic into the city centre. Finally, the three lane viaduct would reduce response times for emergency vehicles which are currently held up with all other traffic trying to cross the railway crossings.

244. As set out previously in the report, the existing bus stop which is located north of the Sturry railway crossing (at the bottom of Sturry Hill) is proposed to be relocated to the southern side of the crossing as part of the application being determined. The bus stop locations for the whole of the link road have been agreed following discussions with the bus operators Stagecoach and with Network Rail. The bus stops are located to give access to the railway station, to service the proposed split in bus routes and to provide safe access for bus users, whilst minimising disruption to traffic flow and without impacting on the operation of the railway. In its current position north of the railway there is a risk of traffic queuing behind the bus in the bus stop, and backing up across the level crossing, which is clearly a significant and serious risk to the safety of the public and the operation of the railway. In addition it should be noted that through-traffic would be directed along the new link road, therefore only local traffic should be using the level crossing and therefore a much reduced number of vehicles are likely to be 'caught behind' a bus in its relocated bus stop south of the crossing.

245. The applicant has advised that access arrangements into and out of 1 Sturry Hill would be no different to that proposed under the earlier application and access would not be restricted. The applicant has also provided comments on the A28/A291 junction layout which had been critiqued by transport consultants acting on behalf of the Co-Op in their representation. The applicant states that traffic islands were provided as part of the planning consent for the Co-Op originally and the current junction proposal replicates the island arrangement and current restrictions in and out of the Co-Op. Whilst there is no U-turn ban at the junction the constrained nature of the junction means it is not advisable to do so, despite some shoppers and residents undertaking the manoeuvre. The alternative route up to the new roundabout on Sturry Hill to approach from the north and access the Co-Op would only add a few minutes to journey time and would avoid dangerous manoeuvres. Pedestrian guard railings would be considered as part of the detailed design but the applicant notes that the Traffic Signs Manual chapter 6 traffic control (2019) Chapter 6 states that the use of guard railings should be minimised as far as possible. A pragmatic approach has been taken in accepting reduced intervisibility between drivers and other users to ensure the required visibility of the traffic lights can met. They also note that in urban areas the Traffic Signs Manual chapter 6 traffic control (2019) Chapter 6 notes that reduced intervisibility may occur. Swept path analysis confirms HGV manoeuvres through the junction and across the railway crossing are achievable. Stop lines for the railway crossing would all be included in the detailed design and advanced stop lines for cyclists would also be considered, although it is noted that the ability to provide comprehensive cycle facilities at this junction is limited due to the urban environment and constrained nature of the site. Access arrangements for the station forecourt are as agreed with Southeast Trains who operate the forecourt, and a new station car park would be provided as part of the 'Land at Sturry' development scheme. Finally, they note that a further road safety audit would be undertaken at stage 2 following completion of the detailed design. Whilst the comments of the Transport Consultants acting on behalf of the Co-Op are noted, it is considered that the junction layout has been designed to function safely and all associated movements across the railway line and into/out of the station and shop have been considered by the applicant, as well as movements through the junction by cyclists, pedestrians and buses. No objection has been made by the Highways and Transportation Officer on any of the comments raised.

246. Taking all of the submitted technical information into account, the representations received and the responses provided by the applicant and the Highways and Transportation Officer, it is considered that the scheme would accord with paragraphs 104, 110 and 111 of the NPPF(2021), Policies T1, T3 and T14 of the Local Plan, as well as Policy T17 which required the application to be supported by a Transport Assessment.

Railway Station Improvements

247. Paragraphs 61-64 above have set out what would be required to improve the station at Sturry by extending the platforms, the timescales for such work and the costs involved. Whilst clearly such improvements would benefit the functioning of the crossing (at the very least by removing the time trains overhang the crossing whilst stationary at the platform) such improvements are outside the control of the Highway Authority and the applicant. In addition, any improvements to the station and the signalling on the railway, could also remove restrictions on the line which would allow for an increase in service,

putting additional demand on the crossing. Whilst Sturry Parish Council suggest that any works to the A28/A291 junction should be delayed until the station improvements are implemented, the timescales for delivering such works are considered at best some 6 years away (based on the current expected delivery date of the Phase 3 re-signalling works being 2027). There is no guarantee at this time that they will ever come forward and they would therefore do nothing to alleviate traffic that would be generated from the housing developments that have already been permitted, especially those at 'Land at Sturry' and 'Broad Oak'. The link road and viaduct crossing the railway and river provide a much needed alternative route which avoids the level crossings at both Sturry and Broad Oak and would provide some resilience in the highway network. Such resilience was considered necessary as part of the adopted development plan strategy and is needed to accommodate the growth associated with the current Local Plan.

248. In relation to objections received on this matter it should be clarified that action can't be taken by the Highway Authority or the applicant to undertake the railway improvements. It is the responsibility of Network Rail to plan and carry out such works. The proposed traffic lights at the junction have however been discussed with Network Rail and accepted in principle by them. It has also been accepted that there will be a connection between the level crossing signal box and the road traffic signals to ensure safe operation of the crossing and to optimise the performance of the junction. Providing a tunnel for the railway line underneath Sturry is not a feasible option. The SELEP funding was awarded in 2016 specifically for the link road and cannot be reallocated towards the suggested railway improvements. Finally, it is acknowledged that access to the station, particularly accessing the London bound platform, is restricted when the barriers are down, and at present the only ticket machine is on the northern side within the station. Network Rail have been asked to provide a ticket machine on the southern platform on a number of occasions. The Highways and Transportation Officer has confirmed that this is still an aspiration and they will continue to follow this up with Network Rail. Should Members accept the recommendation, I propose that an informative be imposed to encourage continued dialogue between the County Council and Network Rail to deliver improvements to the Sturry station, including the provision of a ticket machine on the southern platform.

249. Notwithstanding all the comments above, it should be noted that the suggested railway improvements 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.

Visual Impact of the Road Scheme

250. As acknowledged in the ES summary for landscape above, 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 likely to be underway. 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.

251. 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 however 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 – these having been allocated in the adopted Local Plan since 2017 and now approved by Canterbury CC. 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.

252. Neighbour representations have been received in relation to the visual impact of the viaduct from properties in Shalloak Road, and whilst these are acknowledged it should be noted that the viaduct is not being built in isolation but would be viewed in the context of the housing development at Broad Oak Farm and Land at Sturry which are already approved, and which would in themselves alter the outlook from these properties. The link road would only be lit where it joins the A28 at the new roundabout by Perryfield Farm and at the northern end where it joins the east-west part of the scheme through the 'Land at Sturry' housing development. The viaduct itself would not be lit and as such the visual impact from lighting would be kept to a minimum.

253. As set out in the Design and Access Statement, six options for the design of the bridge were originally considered, and assessed against constructability, construction risk and cost, maintenance risk and whole life costs, environmental impact and aesthetics. The appearance of the viaduct has been taken into account during the development of the scheme and the scheme chosen was considered to be the least visually intrusive in this area of high landscape value and one that would minimise environmental impact. There was no requirement in the adopted CCC Local Plan to provide a 'statement' bridge in this location although a tower cable stay design was one of the 6 options considered at the outset. It is considered that this viaduct design, which is simple, meets bridge standards in Highway design terms and minimises impact on surrounding biodiversity is appropriate for the area.

Community Impact of Road Scheme

254. The issues raised previously on the refused application regarding the impact of the junction alterations on the local community have been addressed in this new application. The junction now being proposed would allow traffic movements in all directions and therefore wouldn't impact or restrict community movements across the junction and within the village of Sturry, as had previously been feared. As set out above, there have still been objections received in relation to the revised junction layout regarding the traffic lights, bus stop location, and pedestrian crossings, but these have all been included in the design to ensure the junction works at its optimum level to reduce

congestion as much as possible and provide safe access through the junction for all users.

255. As noted before, 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

256. 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 bats, birds, otters, migratory fish and Desmoulin's whorl snail. As such the impact on ecology has been assessed for the planning application submission through the 2019 Environmental Statement, the ES Addendum for Ecology, the Report to Inform Habitats Regulations Assessment (as amended) and the ES Update 2021. Consultation on these documents has been carried out with the County Council's Biodiversity Team, the Environment Agency and Natural England. There is 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.

257. Kent Wildlife Trust have also been consulted on the application and have noted that although the scheme would mitigate for any impact it creates, no net gain for biodiversity would be achieved. They state that they wish to be consulted on the details provided in the Ecology and Landscape Management Plan (which is proposed to be secured via condition) and it is considered that this can be used to secure measures to achieve biodiversity net gain. Beavers have been taken into account in determining the application and are also listed as a species to be protected or mitigated for through the Construction Environmental Management Plan (CEMP (Biodiversity)), also required to be submitted to the County Planning authority via condition, if the application is permitted.

258. One neighbour representation received queried whether a 5m buffer could be retained along the river's edge when the construction access road was in place. This has been clarified with the applicant who confirms that the construction access shown on the submitted drawings (although not dimensioned) is intended to be 8m wide, which would allow the 5m buffer adjacent to the river to be retained and provide a 3m wide construction track. This buffer strip would ensure that waste and contamination are kept away from the river itself. Furthermore, full details of the temporary access track and other temporary works would need to be agreed with the Environment Agency (EA) and

licences sought as appropriate, therefore extra checks would be undertaken to ensure proper protection of the river bank before works would commence. No objections or comments on this ground have been raised by either the EA or Natural England.

259. With regard to the representation received stating that the attenuation ponds have not been designed to cope with flash flooding caused by climate change, it should be noted that a Flood Risk Assessment has been provided for the application, and the design complies with current guidelines on the assessment of flood risk and includes an agreed allowance for climate change. The EA have not raised any objections to the details of the Flood Risk Assessment.

Neighbour Representations not previously addressed

260. 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 considerable policy backing for such a scheme. The predicted cost of the scheme was produced by independent costs consultants with allowance for risk and inflation and the funding mechanism (including financial contributions required by the housing developers) was tested through the inquiry into the Local Plan and accepted by the Planning Inspector.

261. Whilst Canterbury City Council has recently identified potential relief roads for Canterbury as a whole to both the east and west of the City, these plans are being pursued through the Local Pan Review to address future planned growth, not that already committed in the current Local Plan. That Local Plan work is at an early stage in the plan making cycle. They have yet to be considered by the Planning Inspectorate as part of the Local Plan Review and there is no certainty that they would/could be delivered at this stage. They cannot be considered as an alternative to the Sturry Link Road, which is required to alleviate existing traffic congestion problems at the Sturry crossing and to accommodate housing growth allocated in the current adopted Local Plan. However, it is acknowledged that in the long term, any wider relief roads which direct through traffic away from the city centre would undoubtedly have beneficial consequences for Sturry, Broad Oak and the surrounding villages.

262. Additional traffic will be generated by the already approved housing schemes at 'Land at Sturry' and 'Broad Oak' (for up to 630 and 456 homes respectively) and the link road would provide a much needed alternative means of crossing both the river and the railway line, and would provide journey time reliability. It is therefore considered that it would bring benefit and relief to local community and road users. The A28/A291 revised junction layout has been undertaken to address community concerns raised previously which led to the refusal of the earlier application. Whilst allowing all traffic movements may not provide the full benefit of the link road, the viaduct would provide an alternative route for much of the A291 through-traffic which would itself alleviate the congestion at the Sturry crossing.

Conclusion

263. This revised application proposes the construction of a new link road for Sturry which would provide an alternative route over the railway line and Great Stour River to avoid

the current congestion of the Sturry level crossing. It has been submitted to address the three grounds of refusal of planning application KCC/CA/0091/2019. In summary these grounds related to the inadequate provision of public transport infrastructure; failing to demonstrate that navigation of the river would not be compromised by the viaduct; and that the alterations to theA28/A291 junction would make inadequate provision for local traffic movements. The proposal has given rise to a variety of planning issues including environmental matters, highway and transportation issues, landscape, design and 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 to deliver the necessary infrastructure to support sustainable growth in this part of Canterbury District. 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 granted planning permission by the City Council 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. The 630 homes at 'Land at Sturry' and 320 of the 456 homes at 'Broad Oak' can come forward irrespective of a decision to permit the viaduct section of the Sturry Link Road before Members.

264. 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.

265. 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.

266. 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. The Sturry Link Road is considered by South East Local Enterprise Partnership (SELEP) and Kent and Medway Economic Partnership (KMEP) 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 SELEP Accountability Board have agreed that planning consent for the project must be in place by 10 September 2021 and there will be no extension to the funding beyond this date.

267. KMEP reiterate that the Sturry Link Road project was chosen for funding, above other alternative projects, because they believe in investing in infrastructure first, and in considering the impact of new development on existing local residents and communities. Canterbury City Council have permitted the housing developments at Sturry (630 homes) and Broad Oak (456 homes) in line with their commitments in the Local Plan and KMEP note that the missing link to providing the necessary infrastructure for these projects is the viaduct section of the Sturry Link Road, now before the KCC Planning Committee. The award for funding is based on the need for this link road already being established through the Local Plan; that it is required to support economic growth in the County; and for residents' safety. Granting permission would secure the funding and ensure that an alternative route across the level crossing for the 20,000 vehicles which use this road every day can be provided, which would build in resilience and efficiency to the transport network.

268. Having examined the information within the submitted Environmental Statement, and Environmental Statement Update 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.

269. 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, the guidance contained within the NPPF and is sustainable development. Furthermore, I am of the opinion that this revised application has addressed and overcome the previous reasons for refusal of the earlier application KCC/CA/0091/2019. I therefore recommend that planning permission be granted.

Recommendation

270. I RECOMMEND that MEMBERS ADOPT THE ATTACHED Appropriate Assessment made under The Conservation of Habitats and Species Regulations (2017) and that PERMISSION BE GRANTED **SUBJECT TO** 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 take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP(Biodiversity)) has been submitted to and approved in writing by the County Planning Authority. The CEMP (Biodiversity) will, amongst other measures, ensure the protection of and/or mitigation for:
    - Great Stour, Ashford to Fordwich Local Wildlife Site
    - Bats
    - Reptiles
    - Beavers
    - Retained habitats

  The CEMP (Biodiversity) will be informed by up-to-date ecological surveys (as appropriate) and will include the following:
    a) Risk Assessment of potentially damaging construction activities
    b) Identification of 'biodiversity protection zones'
    c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
    d) The location and timing of sensitive works to avoid harm to biodiversity features
    e) The times during construction when specialist ecologists need to be present on site to oversee works
    f) Responsible persons and lines of communication
    g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
    h) Use of protective fences, exclusion barriers and warning signs.

  The CEMP (Biodiversity) will be adhered to and implemented throughout the construction period in accordance with the approved details.
- No development shall commence until an Ecology and Landscape Management Plan (ELMP) 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 habitat restoration and enhancement within the Great Stour, Ashford to Fordwich Local Wildlife Site;
    - 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 55 of the Conservation of Habitats and

Species Regulations 2017 (as amended) to enable the works to proceed lawfully.

- 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.
- Prior to first use of the development hereby permitted a "lighting design strategy for biodiversity" for the site will be submitted to and approved in writing by the County Planning Authority. The lighting strategy will ensure no street-lighting on the viaduct and will:
  - Identify those areas/features on site that are particularly sensitive to lighting impacts (including any biodiversity enhancement features)
  - Show how and where external lighting will be installed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals)

  All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and will be maintained thereafter in accordance with the strategy.

<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.
- The development shall be carried out in accordance with the submitted Flood Risk Assessment and the mitigation measures it details.

Highways and Transport Related

- 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 implementation of traffic calming features and/or signage for the purposes of encouraging 'Local Traffic Only' on the A28 south of the level crossing and along Sweechgate.
- The viaduct, roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining structures, service routes, surface water outfall, embankments, visibility splays, accesses, carriageway gradients, crossings, cycle paths, bus lanes, bus laybys, bus clearways and street furniture to be laid out and constructed in accordance with details to be submitted to and agreed in writing 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:
    - Routing of construction and delivery vehicles to/from the site
    - 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

271. 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;
- The applicant should consider the provision of an additional footpath along the eastern side of Sturry Hill south of the proposed roundabout on the A291;
- The applicant and the Highway Authority are encouraged to continue dialogue with Network Rail to deliver improvements to the Sturry station, including the provision of a ticket machine on the southern platform.

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

Background Documents: see section heading

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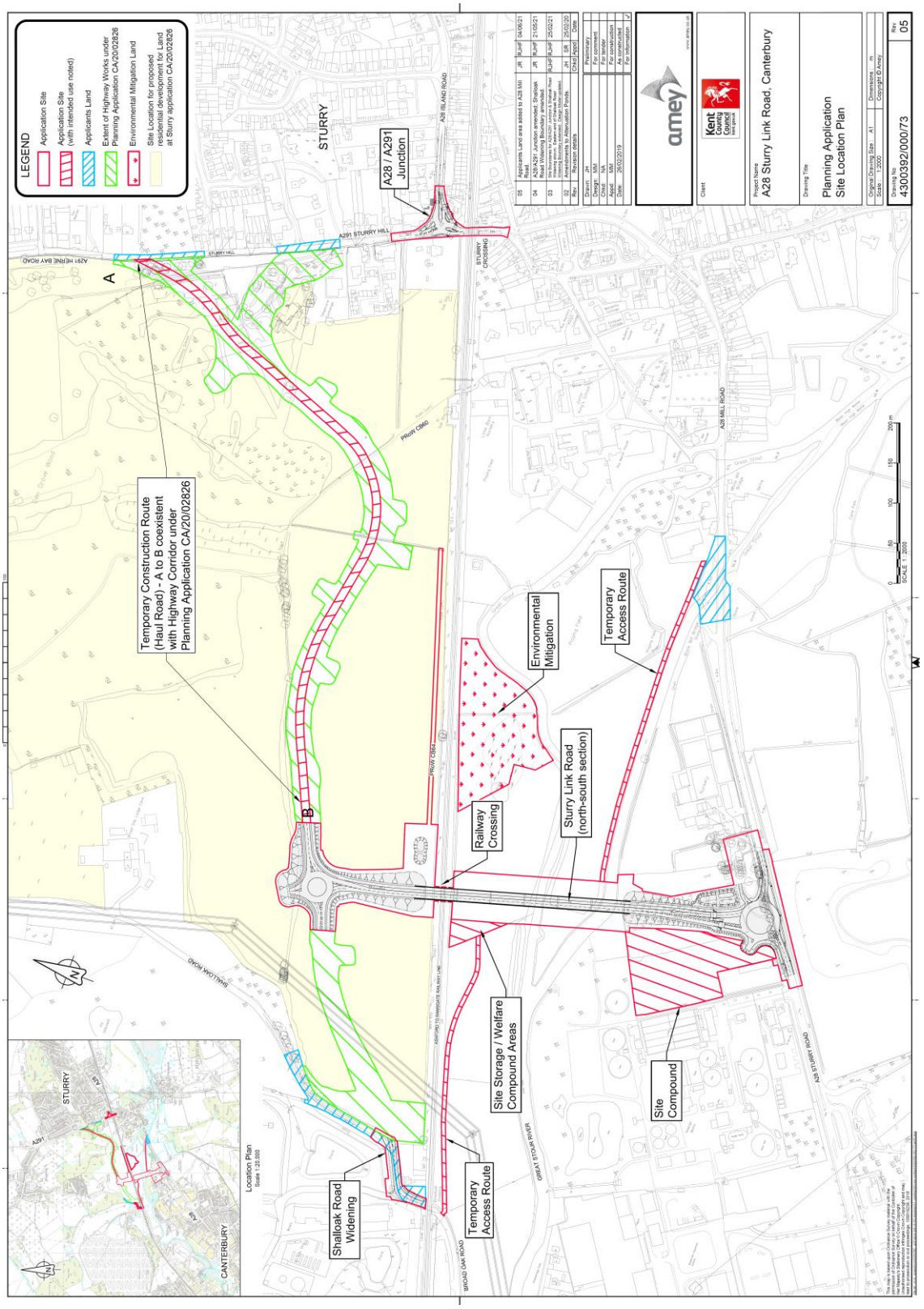
Construction of part of a new road (A28 Link Road) including viaduct between A28 Sturry Road and A291 Sturry Hill and associated on-line improvements at A28 Sturry Link Road, Sturry, Canterbury – CA/21/01854 (KCC/CA/0136/2021)

Appendix 1 – Application Plans

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/21/01854 (KCC/CA/0136/2021)

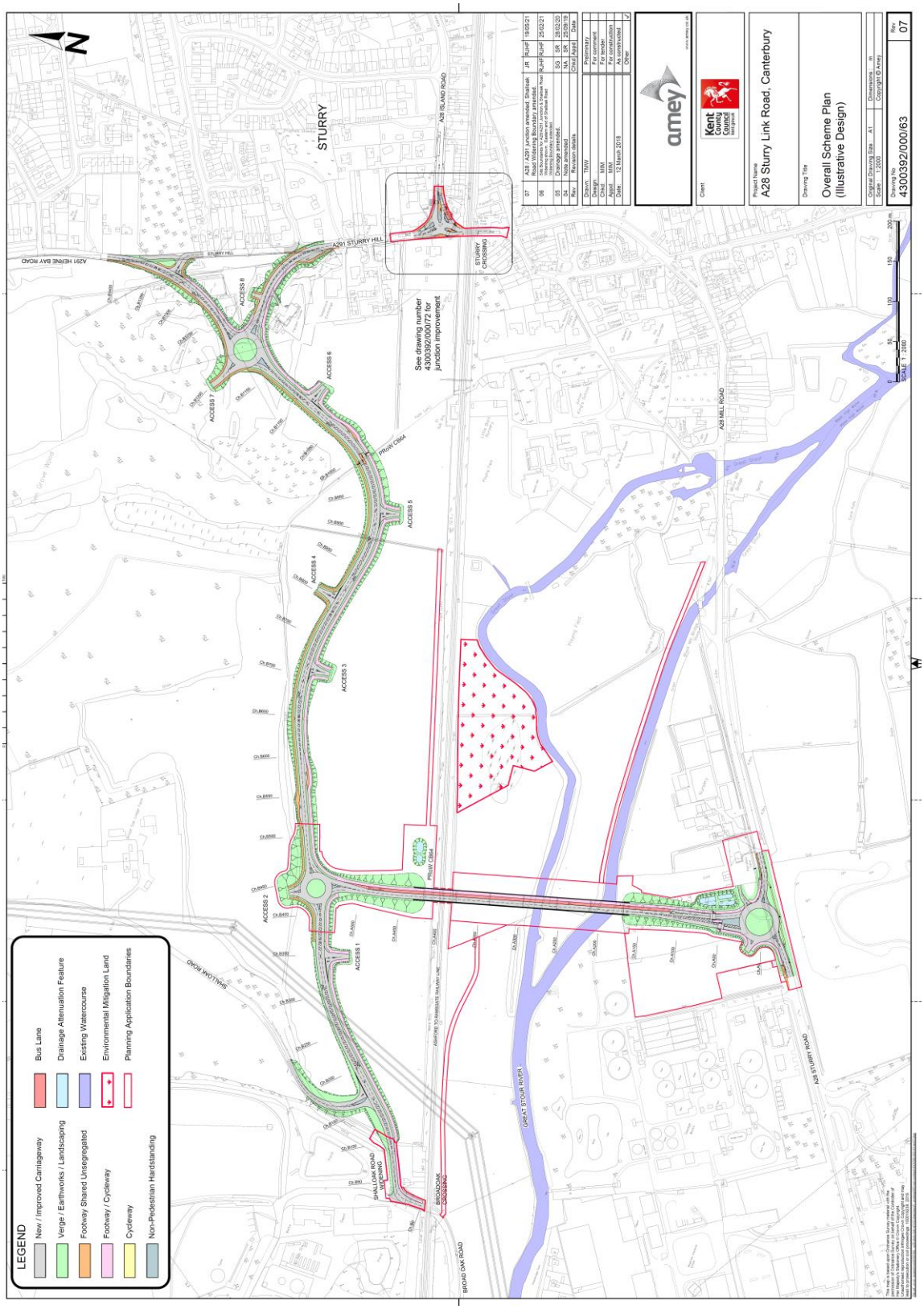
Site Location Plan



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 – CA/21/01854 (KCC/CA/0136/2021)

Scheme Plan



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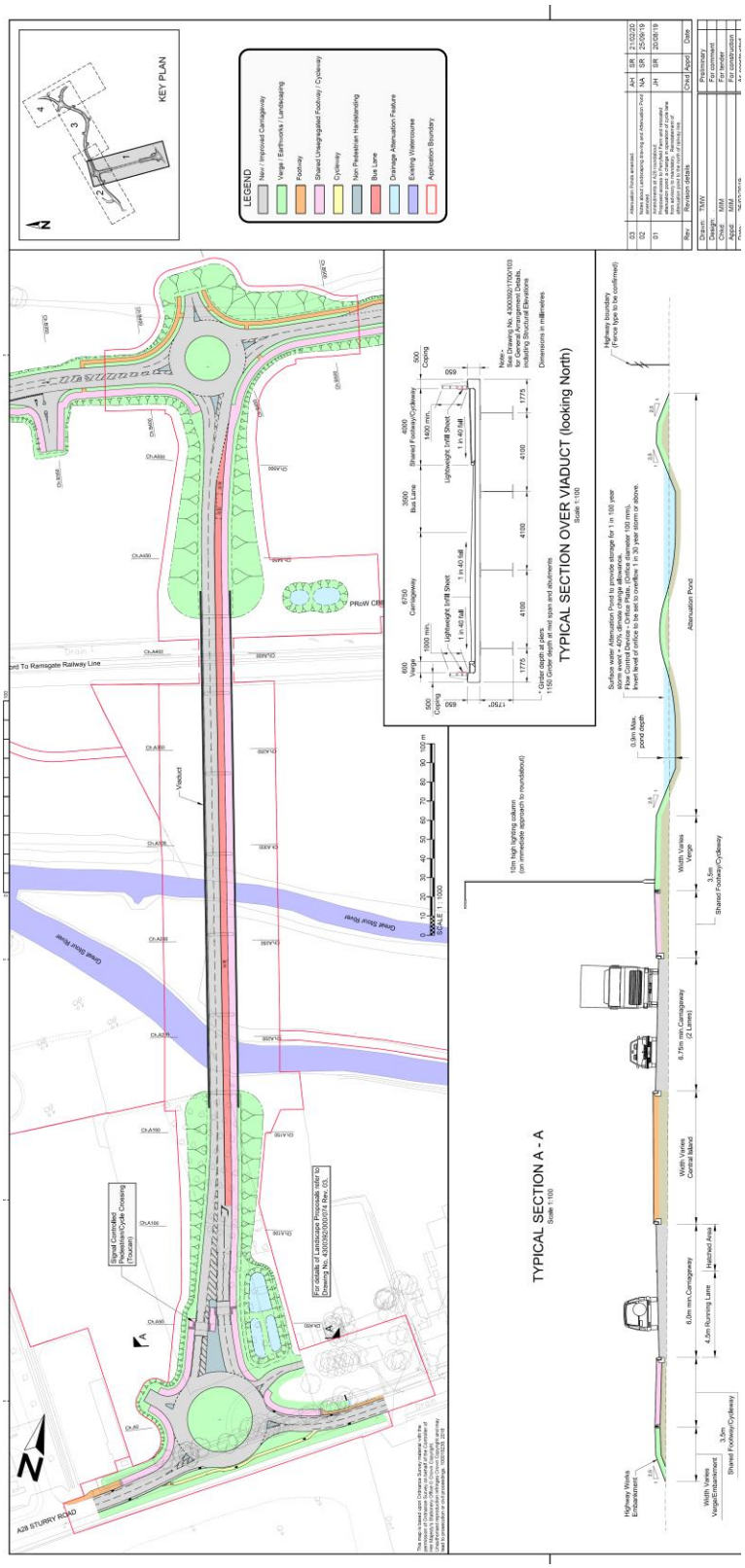
Road Layout from A28 across the river and railway line into 'Land at Sturry'



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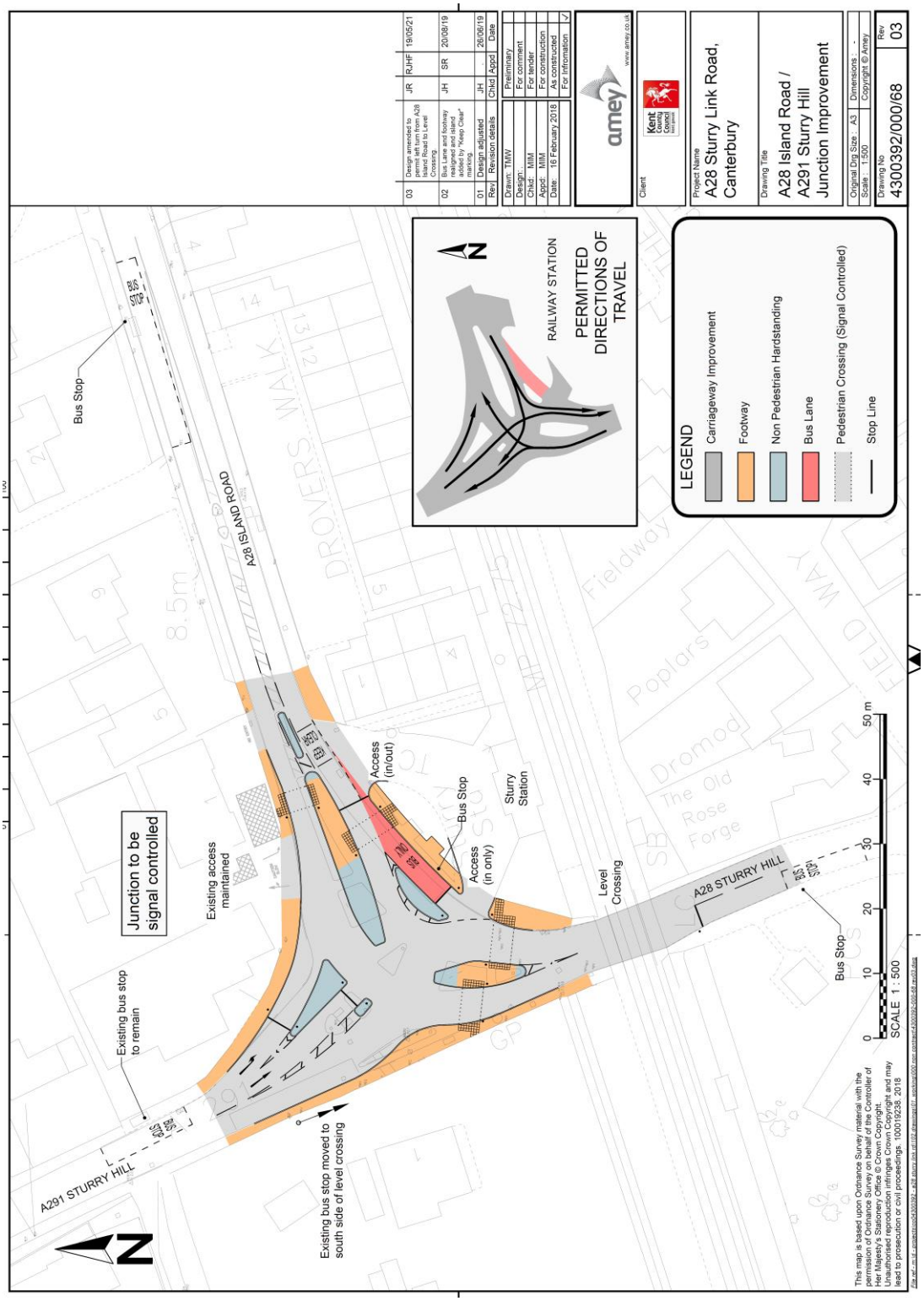
A28/A291 Junction Layout Alterations



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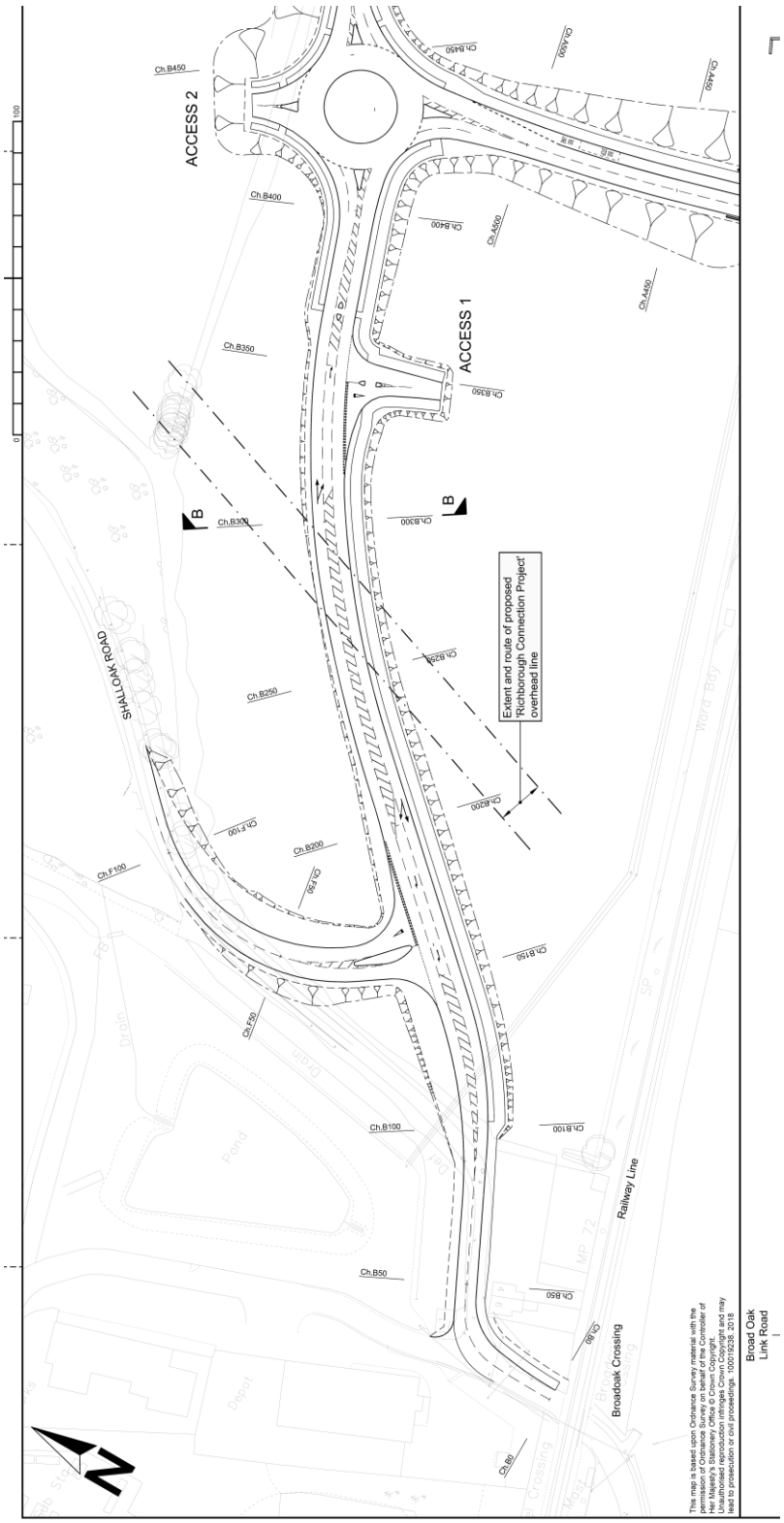
Shalloak Road Widening



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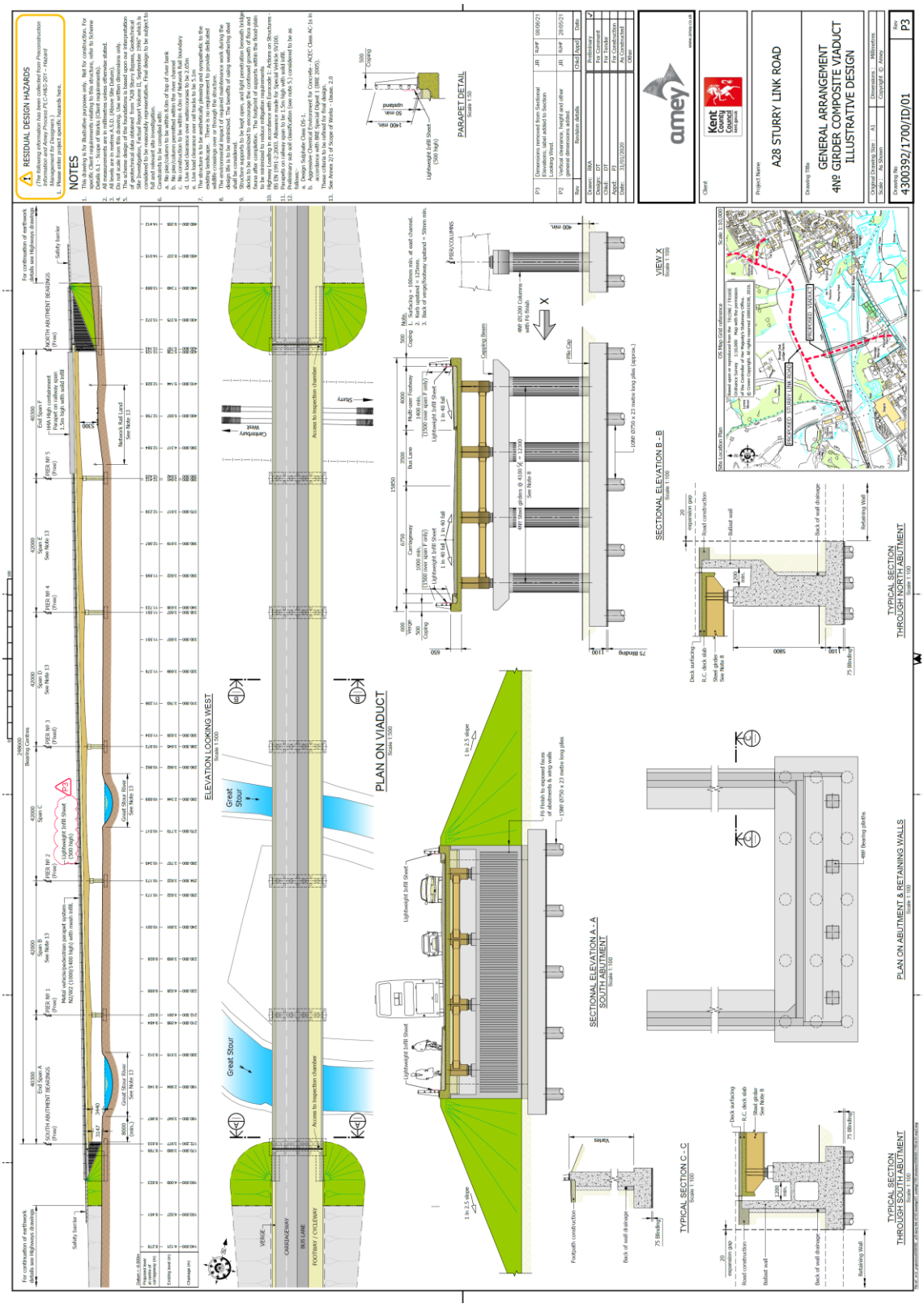
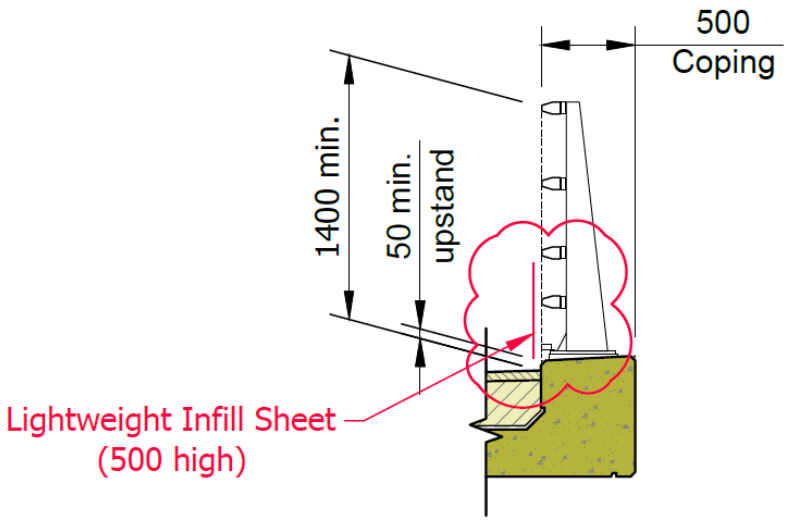
Viaduct General Arrangement



Parapet Detail



PARAPET DETAIL

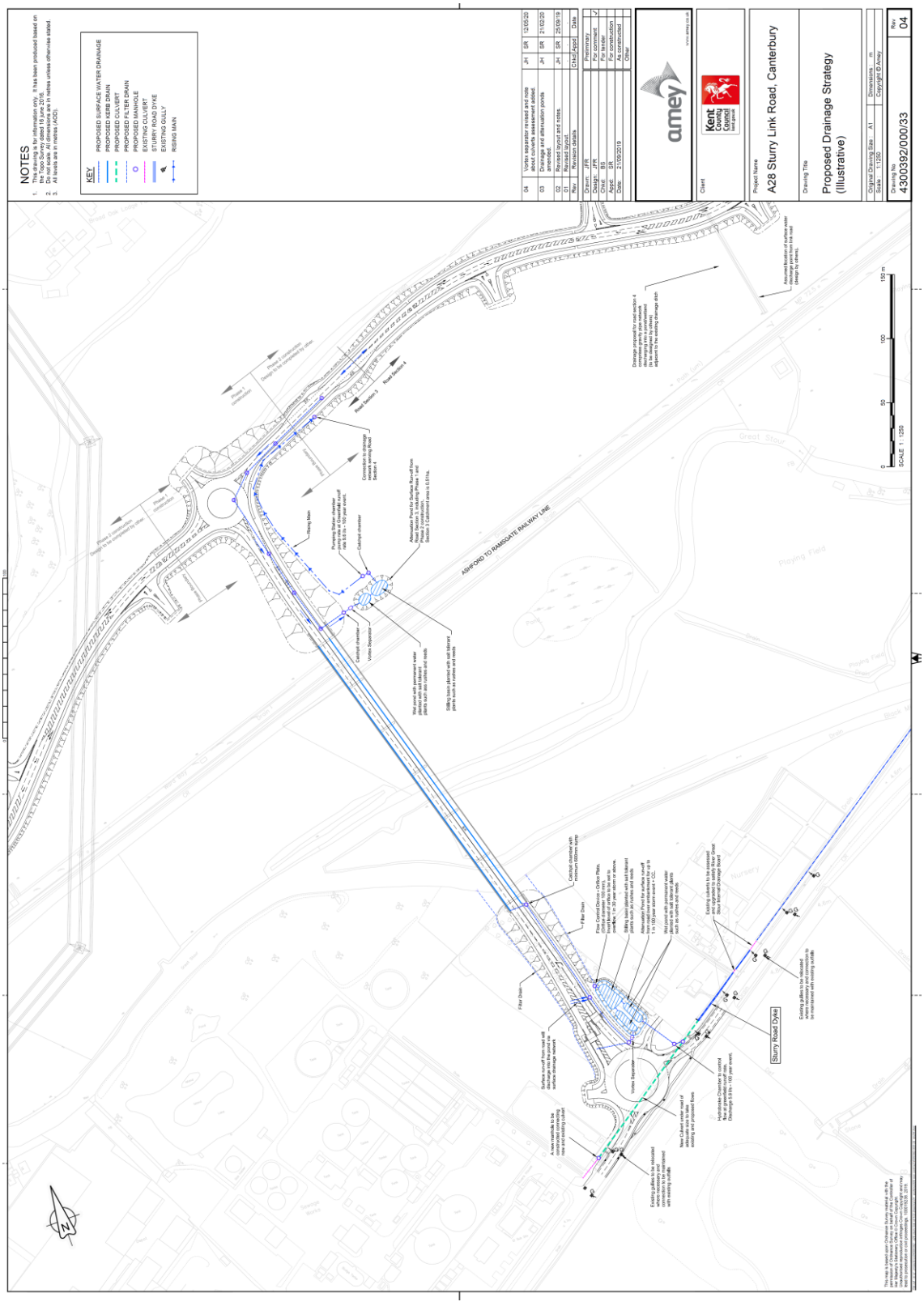
Scale 1:50

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/21/01854 (KCC/CA/0136/2021)

Landscape Strategy

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/21/01854 (KCC/CA/0136/2021)

Drainage Strategy



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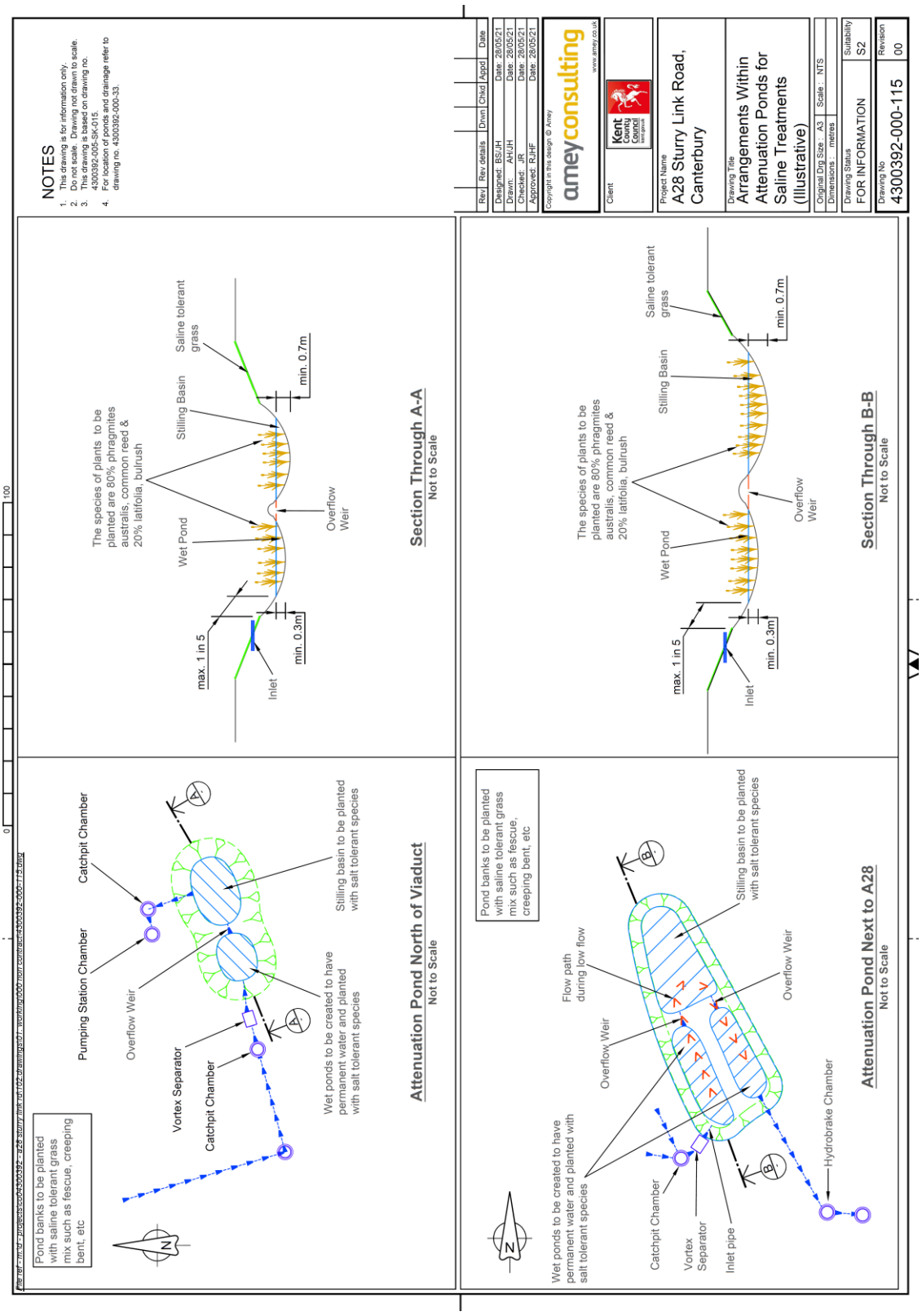
Arrangements within Attenuation Ponds for Saline Treatment



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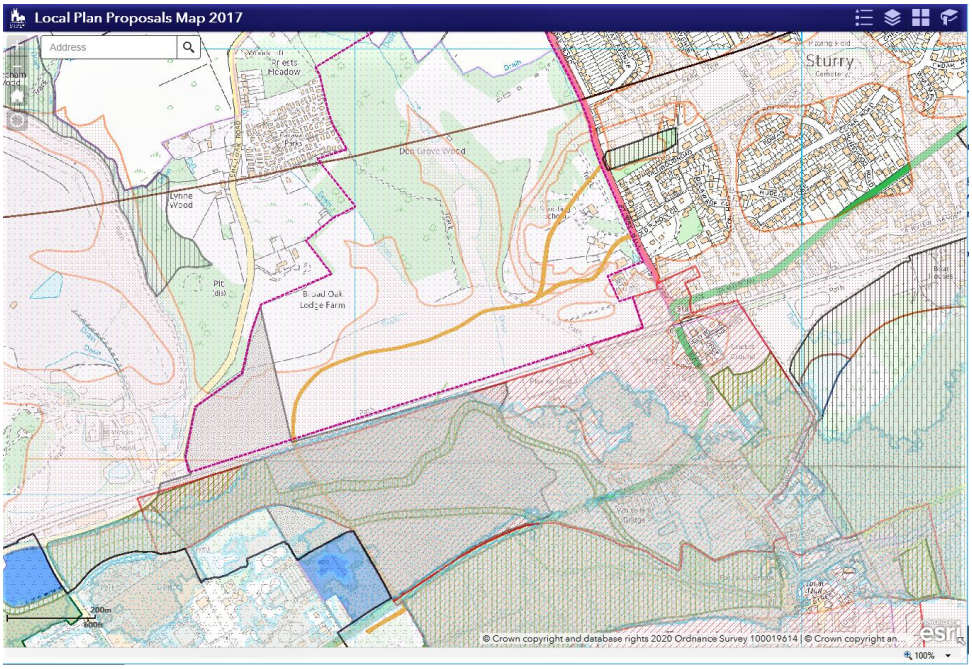
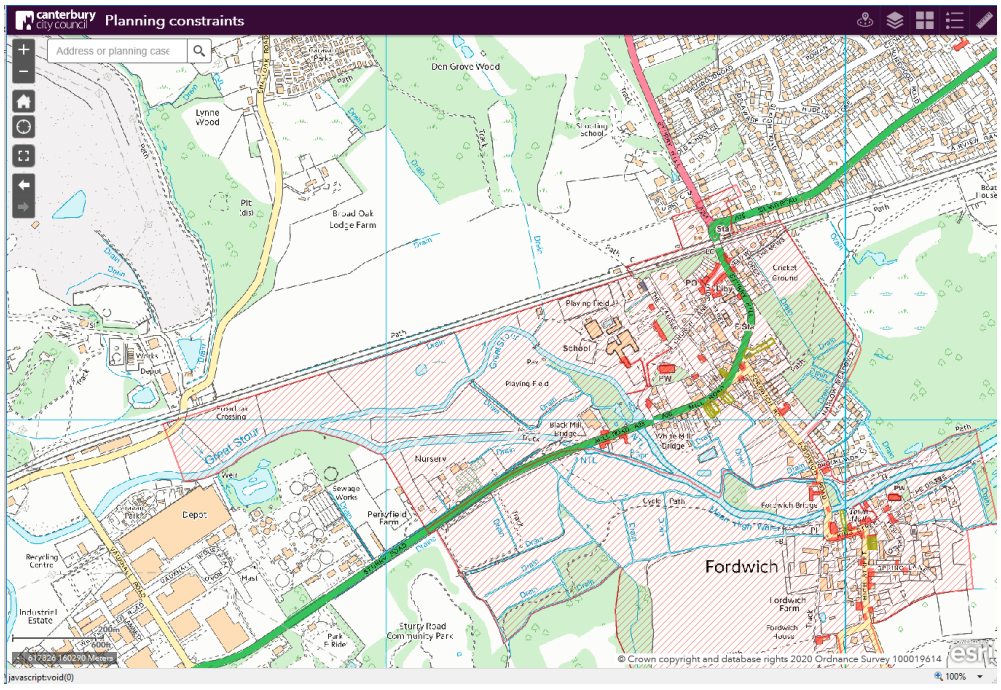
Canterbury City Council Local Plan Extract



Road Safeguarding Area T14
Sturry Relief Road

Strategic Allocation SP3
Land at Sturry/Broad Oak

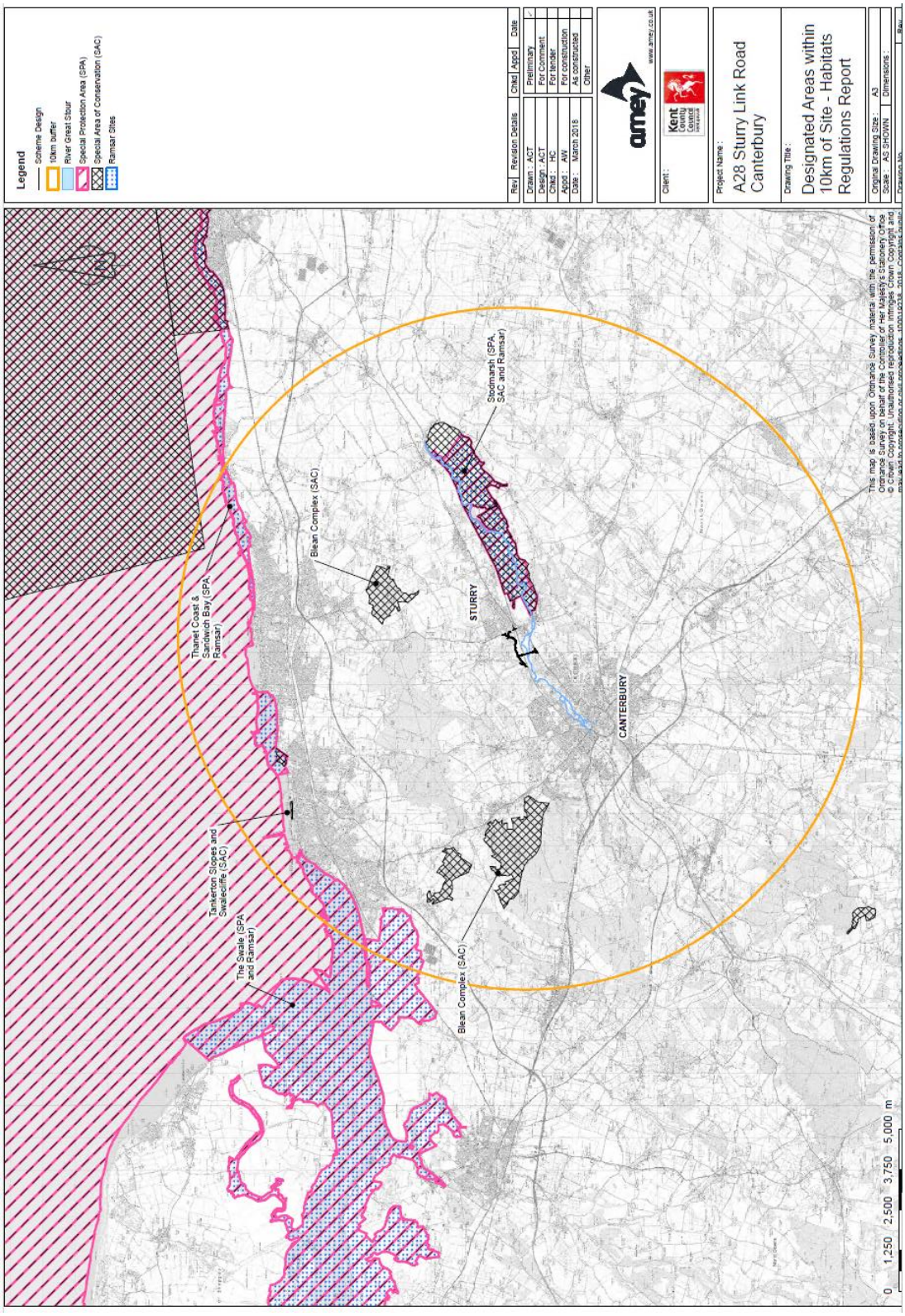


Conservation Area

Listed buildings

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/21/01854 (KCC/CA/0136/2021)

Designated Sites within 10km of the Proposed Sturry Link Road



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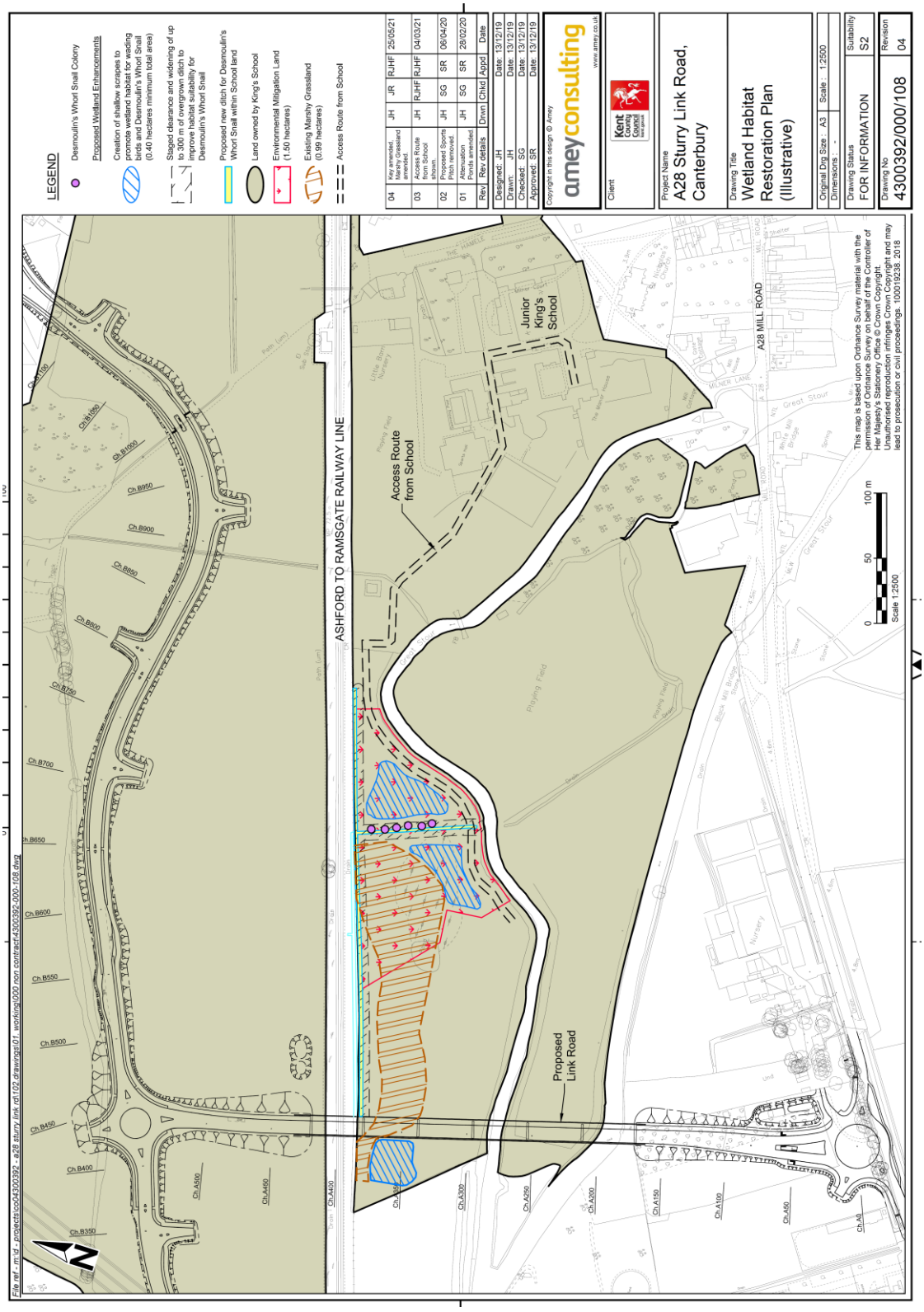
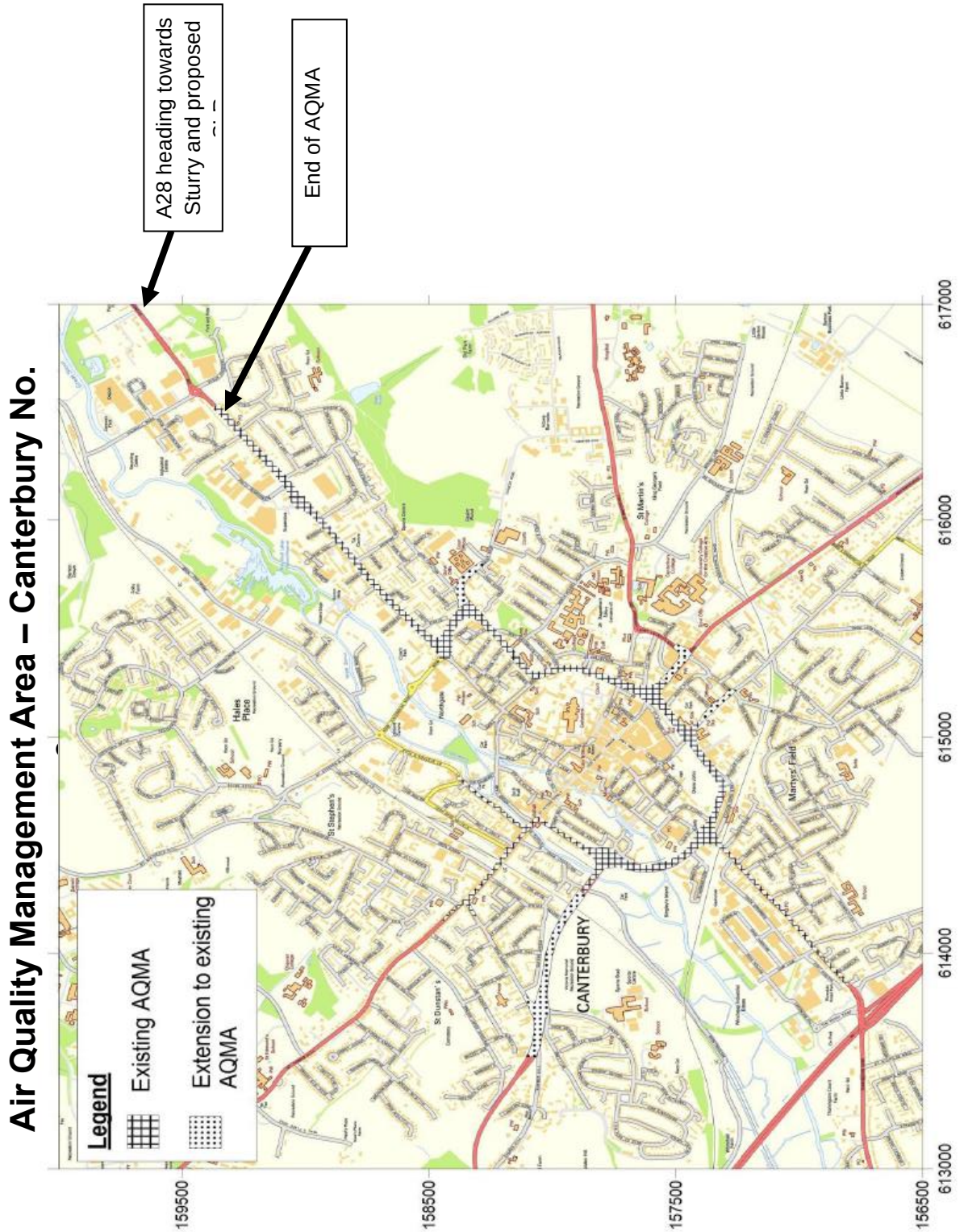
Wetland Habitat Restoration Plan



Canterbury Air Quality Management Area



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Appendix 2

Record of Appropriate Assessment

PLANNING APPLICATIONS GROUP

RECORD OF APPROPRIATE ASSESSMENT

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

28th July 2021

Adoption date: 2nd September 2021

CONTENTS

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/21/01854 (KCC/CA/0136/2021)

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/0136/2021 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/0136/2021
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:	July 2021
Linked HRAs:	Linked to the A28 Sturry Link Road application are the Canterbury City Council-submitted applications (CA/20/02826/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 19th August 2021).

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	Stodmarsh SAC

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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**
	wetland sites with relevant hydrological links to the project, irrespective of distance from the project location	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 visitor pressure generated by the project	Thanet Coast & Sandwich Bay SPA Thanet Coast & Sandwich Bay 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		

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**

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: • 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	The Blean Complex SAC qualifies under Article 4(4) of the Habitats Directive for its

European site	Qualifying features
SAC	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 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/0136/2021)	**Operation of *A28 Sturry Link Road, Sturry* (KCC/CA/0136/2021)**	**Sturry and Broad Oak strategic allocation sites (CA/20/02826/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.	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.

		7. Works to enhance wetland habitat affects DWS/their habitat.	
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 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.	**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 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.	**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 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.

		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.	**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 objectives (no conservation objectives specified for the Ramsar site)	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: 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

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

	• 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/0136/2021)	**Operation of *A28 Sturry Link Road, Sturry* (KCC/CA/0136/2021)**	**Sturry and Broad Oak strategic allocation sites (CA/20/02826/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 water quality in the SPA/Ramsar. 4. Sediment dispersal and pollution	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). 3. Foul sewage from the operational strategic site affects water quality in

	affects the water quality of the functionally linked habitats adjacent to the site that supports overwintering birds.		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).

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

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/21/01854 (KCC/CA/0136/2021)

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*.		
Qualifying feature	**Possible effect of the projects**		
	Construction of *A28 Sturry Link Road, Sturry* (KCC/CA/0136/2021)	**Operation of *A28 Sturry Link Road, Sturry* (KCC/CA/0136/2021)**	**Sturry and Broad Oak strategic allocation sites (CA/20/02826/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	**SPA conservation objectives**

[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.]

& Sandwich Bay SPA & Ramsar			
SPA conservation objectives (none 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 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 • 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/0136/2021)	**Operation of *A28 Sturry Link Road, Sturry* (KCC/CA/0136/2021)**	**Sturry and Broad Oak strategic allocation sites (CA/20/02826/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	**No likely significant effect** due to distance between link road and	**1. Likely significant effect** as a result of increased recreational activity as strategic site

	boundary (approx. 7.4km)	SPA boundary (approx. 7.4km)	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 site)	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: • 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/0136/2021)	**Operation of *A28 Sturry Link Road, Sturry* (KCC/CA/0136/2021)**	**Sturry and Broad Oak strategic allocation sites (CA/20/02826/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	**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] 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

	8.6km)		

[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	**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	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?
				pollutants from vehicles (i.e. oils) is released into River Great Stour and travels downstream to 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.	• 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 / 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.	

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?
				(SA) Foul water from the operational site that reaches the SAC via the WwTW	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 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.	

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?
					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 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	

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?
	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)** 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.	None
		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	**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	**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	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?
			associated with the habitats, are sensitive to the effects of changes in water quality from sediments and pollution.	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 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.	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 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	

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?
					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 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	

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?
					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 habitat (**in**	Loss of functionally linked habitats.	Floodplain and wet grassland south of the railway are used by qualifying bird species, with snipe, shoveler, mallard,	**Construction (SLR)** Temporary loss of habitats as a result of site clearance for enabling works and site compounds.	**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 of soft ground around the river to avoid compaction and degradation of habitat.	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?
	functionally linked habitats that supports birds that are qualifying features of the SPA & Ramsar site)		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).	**Operation (SLR)** Permanent habitat loss (approx. 0.6ha) as a result of bridge piers and associated embankments.	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	**Construction (SLR, SA)** Disturbance of birds using wet grassland and reedbed habitats along River Great Stour during construction activities,	**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:	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?
			to disturb their feeding and breeding 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.	particularly piling and carriageway surfacing. **Operation (SLR)** Traffic noise on the road and bridge lead to disturbance and displacement of birds.	• Sensitive areas for overwintering birds clearly delineated with appropriate signage. • 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	

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?
					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. 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	

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?
					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)** 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	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	**(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	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

Wintering golden plover, turnstone, ringed plover, grey plover, sanderling, Lapland bunting			leading to effects on populations.		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 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:

Letter from Thomas Scott-Heagerty, Natural England to Helen Edwards Kent County Council dated 19th August 2021 (consultation response to Kent County Council's Appropriate Assessment).

Environmental Statement Update April 2021

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.

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/21/01854 (KCC/CA/0136/2021)

Date: 19 August 2021

Our ref: 361638

Your ref: KCC/CA/0136/2021

Helen Edwards
Kent County Council

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

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 28 July 2021 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).

As set out in our previous response issued 22 July 2021(357660) the key mitigation measures required for this application are the following:

- The implementation of a site sensitive Construction Environmental Management Plan (CEMP)
- Avoidance of road runoff entering Desmoulin's whorl snail habitat (alone and incombination) for the Link Road and the associated housing development. This is required for the functionally linked population, the habitat to be created by the enhancement measures, and that within the designated site.
- Road drainage for the associated housing to be separated from the general SuDS drainage for these schemes. This was necessary as the road drainage system from the housing development is also subject to winter maintenance. We note that the Link Road and housing development's road drainage will be connected and discharge to the east of the functionally linked habitat.
- Attenuation ponds to be located outside of the floodplain and to be constructed to avoid overtopping. This is of considerable importance as flooding/overtopping events could wash salt directly into the snail's habitat to the south of the attenuation pond.
- The maintenance/monitoring of the drainage systems and attenuation ponds will need to
  be provided in perpetuity to ensure ongoing efficacy.

- The creation and maintenance of bridge parapet to prevent viaduct overspill into Desmoulin's whorl snail habitat.
- Attenuation ponds to be profiled and planted with saline tolerant species (to be agreed with Natural England) and designed in order to maximise the potential for saline uptake before discharge into the Stour.
- The implementation and management of proposed wetland creation and habitat improvement works in accordance with Section 6.2.1 of the Information to Inform the appropriate assessment
- The creation and management of shallow scrapes to mitigate for loss of habitat for functionally linked interest feature bird species
- The timings of noisy works outside of the winter months in order to mitigate for noise disturbance
- The implementation of proposed Sustainable Drainage Systems (SuDS)
- The implementation of an appropriate interest feature sensitive lighting strategy

Having now considered the competent authority's appropriate assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advice is as follows.

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 following actions are taken;

- the mitigation measures that are part of the proposed Construction Environmental Management Plan (CEMP).
- the creation of the two shallow scrapes required to mitigate for temporary loss of floodplain grazing habitat and temporary displacement of birds are appropriately secured in any planning permission given.
- The timings of percussive piling avoids winter months to mitigate for noise disturbance to overwintering birds.

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), and discharging into upstream of DWS habitat is avoided. 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
- Attenuation ponds located above the floodplain of the River Great Stour, and bunded above the flood level to prevent overtopping

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 at thomas.scottheagerty@naturalengland.org.uk

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

Yours sincerely

Thomas Scott-Heagerty

Lead Advisor – Sussex & Kent Area Team

Appendix 3

Sturry Parish Council Representation

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/21/01854 (KCC/CA/0136/2021)

SPC response to KCC/CA/0136/2021

Contents

Introduction

The impact of the proposals in this application upon the Parish of Sturry will include changes in the patterns of vehicular traffic movement, changes in the way pedestrians are accommodated in the region of the Sturry rail crossing, landscape, ecology, noise levels and air quality. The impact on landscape and ecology will be principally in the area around the proposed viaduct, the impact on patterns of traffic movement, accommodation of pedestrians, noise levels and air quality will be to the whole of the residential area between the junction at Sweechgate and the proposed new roundabout where the viaduct meets the existing A28 on Sturry Road. In compiling this response Sturry Parish Council has made every effort to present a balanced view of the proposals in KCC/CA/0136/2021 and to represent the views of Parish residents.

Background

A previous application for this scheme, KCC/CA/0091/2019 was refused by Kent County Council. The reasons for refusal were:

"The development makes inadequate provision for public transport infrastructure, contrary to policies T1 and T3 of the Canterbury District Local Plan, 2017.

The development fails to demonstrate that the navigation of the Great Stour River will not be compromised by the construction of the viaduct, contrary to policy LB13 of the Canterbury District Local Plan, 2017

The proposed alterations at the A291/A28 junction make inadequate provision for local traffic."

Sturry Parish Council objected to this application. Our objection was supported by the third reason for refusal, namely, that the proposed alterations at the junction of the A291 and A28 make inadequate provision for local traffic. It was disappointing that none of our other objections were considered material as they pointed out non-compliance with statutory requirements, good practice and guidance.

The Proposal

The original proposal has been amended to take account of concerns raised by Natural England over the impact of the scheme on the Stodmarsh Nature Reserve. This has entailed minor alterations to the management of water run-off and ecological mitigation associated with the viaduct and widening of the Shalloak Road junction. The arrangement proposed for the A291/A28 junction has been amended to remove the ban on Canterbury bound traffic on the A28 turning left into Sturry village. The Environmental Statement Non-Technical Summary States

"1.4.4 It should be noted that for the new application, the layout of the link road from the A28 Sturry Road to the A291 Sturry Hill Road remains largely unchanged from that submitted in 2019 in the original planning application. There have been some minor changes to the drainage with an additional attenuation pond provided to the north of the railway, and a minor change in the extent of the red line boundary at the west to accommodate widening on the Shalloak Road. The red line boundary also now includes land for ecological enhancements."

We are satisfied that the second reason for refusal ***"The development fails to demonstrate that the navigation of the Great Stour River will not be compromised by the construction of the viaduct, contrary to policy LB13 of the Canterbury District Local Plan, 2017"*** has been addressed by the new application.

The first reason for refusal ***"The development makes inadequate provision for public transport infrastructure, contrary to policies T1 and T3 of the Canterbury District Local Plan, 2017."*** has not been addressed and the third reason, "***The proposed alterations at the A291/A28 junction make inadequate provision for local traffic"*** has only been partly addressed.

Impact on Sturry Parish

The table below sets out in broad terms how the various impacts of the scheme are distributed within the parish

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/21/01854 (KCC/CA/0136/2021)

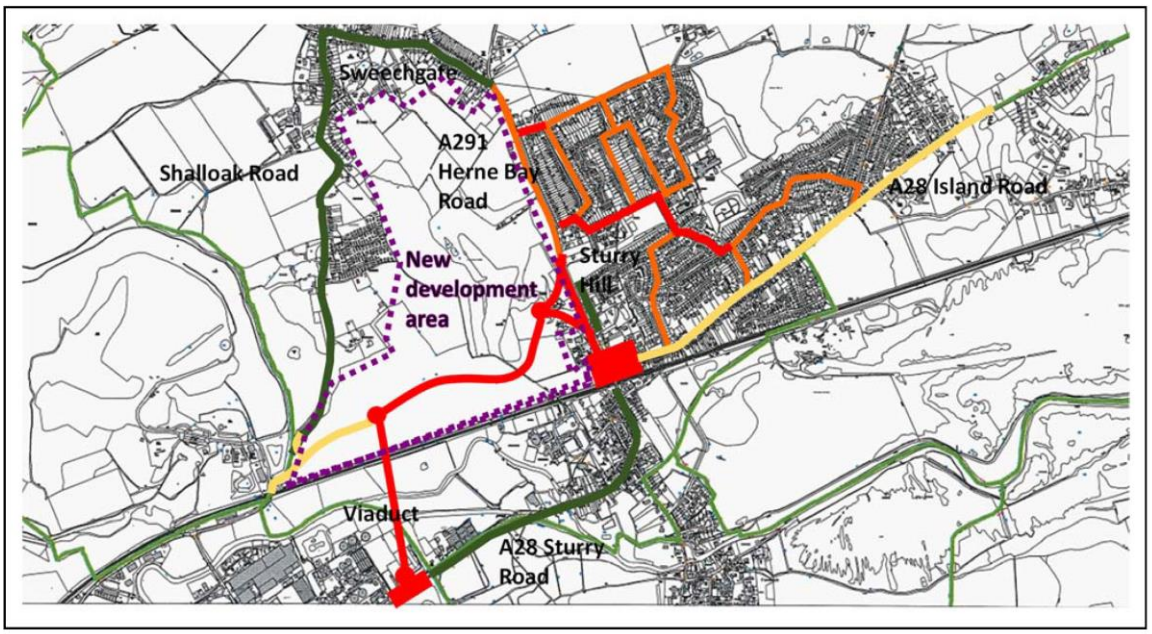
Table 1

	Changes in Traffic	*Accommodation of pedestrians*	*Landscape*	*Ecology*	*Noise pollution*	*Air pollution*
Sweechgate and Shalloak Road	Positive – reduction in traffic flow	Positive – easier crossing of the road	No impact	No impact	Positive – reduction in traffic flow	Positive – Reduction in traffic flow
Sweechgate to Sturry Hill Junction	Negative – becomes a more attractive route than Shalloak Road, plus additional traffic from new development in Broad Oak	Negative – increase in traffic flow will make pedestrian crossing more dangerous with poorer walking environment	No impact	No impact	Negative – increase in traffic flow	Negative – increase in traffic flow
Sturry Road (north) Junction to Junction of A291 with A28	Negative – large additional traffic flow from A28	Negative – increase in traffic and loss of pavement – far more dangerous with poorer walking environment	No impact	No impact	Negative large increase in traffic flow	Negative – large increase in traffic flow
Junction of A291 and A28	Negative- complications of increasing the amount of traffic turning right	Negative – crossing will be more complicated and take longer	Negative – more visually intrusive signage and traffic lights	No impact	Negative – more stopping, starting and acceleration of traffic	Negative - more stopping, starting and acceleration of traffic
Sturry rail crossing to proposed round about at Perryfields	Positive – traffic diverted to Sturry Hill and new development in Sturry	Positive – will be easier to cross and better walking environment	No impact	No impact	Positive – less traffic flow	Positive - less traffic flow
New major development in Broad Oak	No impact	No impact	No impact	No impact	No impact	No impact
New major development in Sturry	Negative – the viaduct will draw Canterbury - bound through traffic through residential area	Negative – increase in traffic will make crossing more dangerous with poorer walking environment	Negative – visual intrusion of viaduct – especially on PROW CB61	No impact	Negative – accommodation of high levels of through traffic	Negative - accommodation of high levels of through traffic
A28 Island Road	Uncertain	Uncertain	No impact	No impact	Uncertain	Uncertain
Viaduct	NA	Negative - more complicated to walk along A28 and poorer walking environment. Viaduct will not be a pleasant walking environment.	Negative – very intrusive construction in designate area of high landscape value.	Negative – potential for wide ranging impact and success of mitigation uncertain.	Negative at roundabout with A28 at Perryfields – more stopping/starting and acceleration of traffic	Negative at roundabout with A28 at Perryfields – more topping/starting and acceleration of traffic
Sturry Estate	Negative – rat running	Uncertain	No impact	No impact	Negative – rat running	Negative – rat running

High negative impact | Moderate negative impact | Impact Uncertain | Positive impact

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/21/01854 (KCC/CA/0136/2021)

Figure: Plan of areas in Sturry Parish showing expected impact of the Link Road proposals



Expected cumulative impact of the Link Road proposals

- Areas of worst negative impact
- Areas of moderate negative impact
- Areas where impact is uncertain
- Areas of positive improvement

Note : The areas of the estate affected will be largely due to rat running to avoid detouring around the proposed roundabout inside the new development and to avoid the proposed traffic lights. The worst affected areas will be around the pinch point adjacent to the recreation ground and the junctions with the A291.

Table is based on knowledge of the existing situation, experience of the effect of recent and anticipated additional traffic flow through Sturry and Broad Oak from proposed new development and road building in Hersden and Herne.

It is evident from the table and plan that the impact of the proposal varies from place to place in both type and magnitude. Considering the balance of impacts, the overall impact is negative and while the proposal would benefit some areas of Sturry and Broad Oak, this should be considered against the resulting environmental damage in other areas. It is evident that the chief beneficiaries are those living outside the parish whose objective is to get through the village as quickly as possible en route to Canterbury and destinations beyond. This benefit will only materialise if congestion is actually relieved and depends on KCC and CCC introducing a new road infrastructure which will inevitably encourage greater use of vehicles and increase levels of noise and air pollution in defiance of all current and vitally important government targets for reducing emissions.

The Sturry Link Road, apart from relieving congestion at Sturry Rail crossing, was intended to enable full development of the Land at Sturry. The highway arrangements made have failed to ensure pedestrian safety at the point where the diverted A28 and A291 traffic leaves Sturry Hill and enters the new development. To follow a safe route up and down Sturry Hill, pedestrians will need to make an approximately 600m long detour into the new development area. In all probability, residents will take one of three other choices:
to chance crossing two separate major traffic streams without the benefit of any traffic controls,
to avoid walking and undertake more journeys by car or
to stay at home and be isolated from the services and social contact they need.
We are disappointed that this this area has not been included in the planning application and no proposals brought forward to remedy the situation. To many residents this represents a travesty of good planning which is contrary to 110 of the National Planning Policy Framework and 5.8 of the Canterbury and District Transport Strategy 2014 – 2031. As the Highways Authority for this area it is Kent County Council's responsibly to require that new development provides a safe, convenient environment for pedestrians.

The Transport Assessment says
3.4.2 "A footway is present on the western side of the A291 Sturry Hill until the junction with Sweechgate to the north of Sturry. The footway is of reasonable width and of fairly good quality. Close to Popes Lane there is also a footway on the eastern side. No formal crossing facilities are located here but just north of Popes Lane are dropped kerbs and an island refuge which provides a crossing point to access the bus stops further north on either side of the road. For bus passengers walking from the north to these bus stops, it is unlikely they would walk past the bus stop in order to cross at this location."

This represents the situation as it is now, it does not give a true account of the situation that will exist at the time when any of the proposed changes contained in this application are implemented. This new situation is relevant to the application and should have been mentioned in the Transport Assessment.

Public transport

The reasons for refusal are not specific about which aspect of public transport infrastructure provision is inadequate. Those who attended the KCC Planning Committee of March 2021 will be aware that this was in relation to the lack of any bus lane on the coast-bound carriageway of the viaduct, reasons for needing this were given at the Committee meeting. This lack of provision has not been addressed in the new proposal. In addition, the proposal needs to consider the railway infrastructure at the Sturry level crossing since this is responsible for the high levels of peak time congestion at the junction of the A291 and A28. We acknowledge that the new application includes a briefing note on the situation and possible future plans of Network Rail. We

disagree with the conclusion of this Note that the timescale for future improvements makes a case for building the Link Road, it especially doesn't make the case for the proposed changes to the junction of the A291 and A28.

Sturry Level Crossing – junction of the the A291 and A28

Fig 17 in the Transport Assessment shows that the capacity of the level crossing is not currently exceeded and while there are delays, especially at peak times, the length of these delays could be significantly reduced by modifications to the platforms and signalling at the rail station.

Fig 17 Transport Assessment

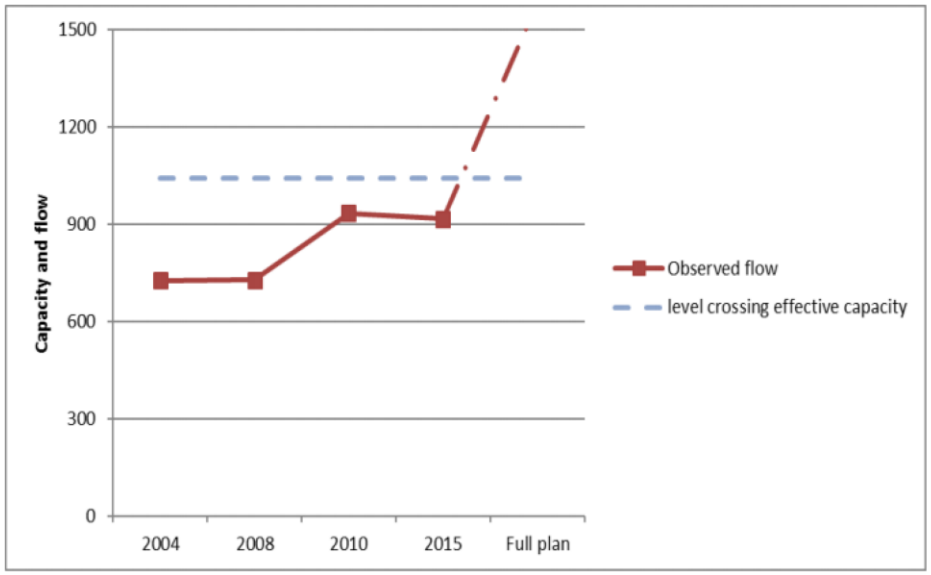


Figure 17 Sturry level crossing – link flow vs capacity (AM peak) – with forecast flows

Recording traffic flow only goes up to 2015 so there is currently no measurement of traffic flow. We note that the intention is not to alter this junction until after the Link Road and development in Sturry and Broad Oak is completed. The traffic flow needs to be measured again and a further assessment of the crossing capacity made when this development is completed and the improvements to rail infrastructure have been implemented. Only then should a decision be made as to whether the alterations to this junction should go ahead.

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/21/01854 (KCC/CA/0136/2021)

Request from Sturry Parish Council

We ask that if this application is granted it is subject to a condition which requires implementation of the junction alterations to take place only after improvements in the rail infrastructure are completed and a subsequent new traffic assessment is carried out to test their effectiveness in reducing congestion.

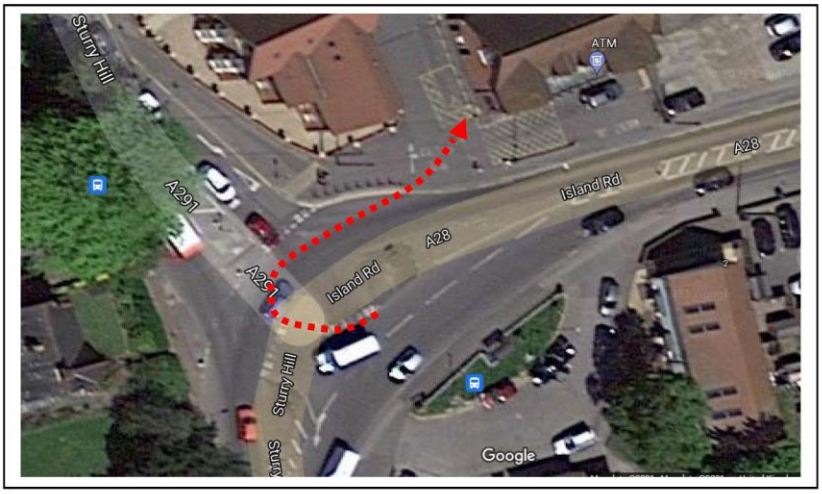
The reasons for this are:

1. As things stand, the design of the junction allows traffic to turn left from the eastbound A28. This is a welcome improvement, however, the introduction of traffic lights introduces possibly insurmountable difficulties in bringing the signalling and crossing closures into sync to avoid sequential delays in both directions, to traffic needing to use the crossing.

2. Inconvenience to pedestrians caused by the need, in some instances, to operate four sets of pedestrian lights will be a severe deterrent to use of the formal crossing arrangements and will encourage pedestrians to take the far less safe option of crossing during gaps in the traffic. The poor pedestrian arrangement supposedly to improve safety is likely be counterproductive. Daily essential journeys by pedestrians are the ones that matter. The 2017 traffic census at the level crossing records a weekday average of pedestrian movement over the crossing of 725, (Design and Access Statement June 2021) This approximates to the number of people who will daily have to negotiate an arrangement which will profoundly affect their ability and willingness to undertake journeys on foot and their confidence in doing so.

3. Traffic travelling west along the A28 will no longer be able to U turn to access the Co-Op car park. This is currently a very well used route and its removal will deter continued use of the Co-Op by some of its regular customers, this in turn will affect the viability of the shop and put one of our most vital retail facilities at risk. It will also encourage more traffic through the residential estate as customers of the Co-Op coming from the east will tend to divert to enable them to approach the shop from the north.

   The same problems will be experienced by residents of Sturry Court Mews who will no longer be able to access their homes from the east.



Route currently available to customers of the Co-Op and residents of Sturry Court Mews. This route will be removed by the proposed junction re-design so that these premises can only be accessed by vehicles from the north and south.

Station forecourt
There is insufficient room in the forecourt for people to turn if it is full of cars and this necessity needs to be removed.

Comments from residents

In addition to the comments above Sturry Parish Council have received the following direct comments from members of the public.

Comment 1
"Just reading the planning application for light control at the Sturry junction. I use this road all of the time and people are ok at not stopping on the tracks. But from time to time people do end up accidentally on the tracks for a few seconds as traffic stops for people to turn in or out of the shop or busses crossing the junction. If we add lights to this junction then we would increase the amount of time cars have to wait coming from Canterbury. If one car stops quicker than the car behind was expecting then cars may accidentally end up stopped on the track. As the traffic lights will be very close to the track then this will increase the likelihood of this situation happening. I think that it is very dangerous especially as some trains do not stop at Sturry and could be travelling very fast. I'm less concerned about the pedestrian access and more concerned about the risk of a major accident. I very much hope that traffic lights are not installed on this junction.

Not sure what the process is around making comments. But my name is [redacted] and I live in Fairview Gardens. Please feel free to email me if you would like further explanation of why I feel this is an issue."

"I suppose that the proposed changes:- "The A28 through Sturry gets congested because the level crossing interrupts traffic. The new road would allow traffic to avoid the level crossing and improve access to Sturry station." Implies a problem, that the level crossing causes congestion and that the station is inaccessible.

Comment 2
"The proposed solution does not address these problems. Traffic lights at the station junction will increase congestion, i.e. traffic stopped in one direction or the other for 60 minutes every hour; the present level of stopped traffic due to the crossing is just 10 minutes every hour (94 train movements per day). Access to the station has not changed, i.e. if a passenger buys a ticket from the machine to a destination towards London and then crossing barrier descends, access to the appropriate platform is denied.

In the light of climate change, which is becoming an all too apparent global threat as I type these words, different solutions need to be found to non-active travel. This proposal is a white elephant of a project that could quite possibly be redundant before it is completed. It is the time to rethink Canterbury's transport systems and build something to replace use of private cars.

As to the pressure of extra housing on the transport system the solution is quite simple. Please suggest to the developers that as they need to cram in so many houses (slums of the future) that already the provision for

attached gardens are minimal. So if the developers didn't provide car parking space or garages as well, they could build even more homes and discourage extra congestion on roads leading into Canterbury."

I leave you to draw the conclusion that this email is to protest the sanity of Canterbury City Council's Sturry Link Road planning proposals."

Comment 3

"Junction on Herne Bay Hill will not work for pedestrians.

The traffic junction will not work for the amount of traffic generated by the new housing and the increase in traffic from the flyover and Link Road would back up either end of the existing roads."

Comment 4

"To Whom It May Concern

Further to the flyer posted through our letterbox, I have the following comments to make in relation to the Sturry bypass and more importantly the lack of a wider scheme around the entire Sturry village.

Firstly, it's great to see imminent improvements to the road infrastructure approaching Sturry. Whilst the current planned scheme will bring partial benefits to Sturry, it lacks a wider solution to the village itself, and I do not see the current scheme delivering any improvements Sturry desperately needs.

What the village ultimately needs is a further link road around the north of the village (Broad Oak junction with Herne Bay Road heading north of Popes Lane and connecting to Island Road at Westbere). In this respect, I enclose your plan with thick black line indicating where I feel the remaining bypass should be constructed.

The completion of this second phase will bring huge benefit to the local community including:

- Reduced carbon footprint as it will alleviate traffic backing up Island Road everyday during peak hours.
- Reduced road traffic accidents along Island Road. I can safely say that I estimate 90% of daily traffic use along Island Road between Fairview Avenue and Babs Oak Hill speed well in excess of 40mph limit. The footpaths here are also very narrow. It is s game of chance that to date, nobody has been killed here. In the short-term this section of road desperately needs traffic calming like Canterbury City Council have done on Whitstable Road.
- Positive impacts on people's health through reduced vehicle emissions due to idle queueing traffic.

The cost of the second phase can quite easily be funded by all the developers identified in the next local plan.

It's really a no brainer and a second phase must go ahead."

Comment 5

"Dear Sir,

I have received an up-date of Sturry plan to divert traffic from centre of the village.
I cannot believe we are still peddling this utter waste of money which will do nothing to relieve the increasing traffic on the A28. What is required is a proper by-pass starting on the A28 in the area of Perry's Garage , Westbere and proceeding north of Hawe Lane/Popes Lane with a round-a-bout junction with the Herne Bay Road in the gap between Sturry and Broad Oak then proceeding south and over the railway to join the Sturry Road. This is would benefit everyone, local residents and through traffic whilst leaving the centre of the village undisturbed. We should stand firm and insist this and nothing but this will be accepted."

Comment 6

"Dear Sir/Madam,

I have seen a report today that shows quite blatantly that this "flyover" is a mistake. I wish to register my opinion that this is a total waste of rate payer's money.

A gentleman called [redacted] has taken stock of what is going on at the crossing and shown the whole of Broad Oak, Sturry and Hersden that this plan is ludicrous, not only that but it stinks of some company getting a "back hand". Please, please stop this before it's too late.

If my email has come to the wrong dept and there is a petition to sign please would you be kind enough to let me know.

Kind regards and many Thanks "

Comment 7

"We are disturbed at the proposal to build a viaduct across the river when this will destroy the otter holt that exists there. Given the level of protection these animals supposedly have there is no way that this scheme should go ahead. Any environmental study done should be totally independent, not paid for by the builders who obviously have a vested interest in it going ahead. From what we have seen, the environmental study was carried out in 2019, therefore well out of date. "

Appendix 4

Additional Highways and Transportation comments: Implications for the highway network of permission not being given for the viaduct

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Additional comments received from KCC Highways and Transportation Officer setting out the implications for the highway network of permission not being granted for that part of the Sturry Link Road which includes the viaduct subject of this application.

Forecasting Assumptions without Viaduct

- Development on Land at Sturry and Land at Broad Oak are consented.
- The wider Local Plan is delivered up to 2031.
- The Link Road Road between Herne Bay Road and Shalloak Road will be delivered in accordance with the approved plans.
- The viaduct across the railway and Great Stour river will not be delivered.
- Both level crossings will remain open and provide the only means of crossing the railway line in the locality. However, it is assumed that downtime at the crossings will remain as existing, despite the risk that Network Rail will increase downtime to manage safety risks in the future.
- No modification (signalisation) of the Island Road/Sturry Hill junction will be in place.

The implications of this scenario have been modelled using the VISSIM microsimulation model, updated and rebased to 2019 and forecasting the 2031 situation, responding to comments from the previous committee.

Overall Network Performance without Viaduct

- In both peak hours, the network performance is notably worse without the viaduct.
- The viaduct was forecast to carry over 1,200 vehicles per hour in the busiest periods. Without it, traffic has to rely on the Broadoak and Sturry level crossings. Modelling suggests these crossings and approach corridors will be congested, leading to additional delay and lengthening of the peak period.
- The link road alone [without the viaduct] is unable to accommodate forecast growth without severe impact. It performs significantly worse than the previous forecasts, confirming the original position that the viaduct is critical infrastructure to support the Local Plan growth.
- In the afternoon peak hour without the viaduct, every vehicle travelling through the network is forecast to incur, on average, a 10 minute delay (over and above expected travel times which for the study area should typically be less than 5 minutes).
- In the more congested morning peak hour, this forecast average delay per vehicle is close to 20 minutes; approaching double that of the forecast scenario with the viaduct.
- In the morning peak hour, average speeds through the network which excludes the viaduct are forecast to drop to less than 6mph.

Why Does The Network Struggle Without the Viaduct? AM Peak

- In the morning peak, demand is predominantly towards the City Centre from the east and north, such that the Island Road/Sturry Hill junction is a key bottleneck. This issue is existing, but is notably compounded in the scenario without the viaduct.
- The consented link road was designed to facilitate the viaduct delivery and to be supported by signal control at Island Road/Sturry Hill. It is not designed, nor is it forecast to function effectively, in isolation.

- Key issues with this scenario are:
    - More traffic from the north crosses at Sturry level crossing due to the lack of the viaduct;
    - The link road is expressly designed to discourage use of Shalloak Road and deter traffic from 'rat-running' through Broad Oak. In the absence of the viaduct this further displaces traffic on to Herne Bay Road and to the Sturry level crossing;
    - The link road is designed with a roundabout in close proximity to Island Road to encourage traffic to re-route from the A28 through Sturry. Without the viaduct or signal control of the Island Road junction, this arrangement creates more congestion;
    - Even without the viaduct, the link road encourages some traffic from the A28 to turn right to the north at Island Road, particularly when the level crossing closes. With no signal control scheme, this additional conflicting movement creates further congestion.
- The combination of queuing on Herne Bay Road; the level crossing closures; increased right turn movement from Island Road and the proximity of the new roundabout, leads to the road network rapidly becoming congested. Queues 'loop' around the roundabout and block back on themselves at the Island Road, creating a technical '*gridlock'* situation bringing the traffic to standstill.

Why Does The Network Struggle Without the Viaduct? PM Peak

- Canterbury has two road corridors (known as 'radial' routes) in the east; the A28 (Sturry Road) and Broad Oak Road. Both serve for access to the City Centre, although the A28 does so more for areas to the south and Broad Oak Road for areas to the north.
- Traffic leaving the City switches between these two radial routes depending on overall destinations (see image). For instance, those heading towards Herne Bay will often converge towards the Broad Oak Road radial route, if necessary 'switching' from the A28 (shown in red).
- This 'switching' between the radial routes occurs on a very limited number of 'connecting' roads, due to the presence of the river and railway line. These are Kingsmead, Vauxhall Road and Sturry level crossing, which are constrained and already suffer congestion.
- The overall link road proposal is intended to enhance the northern Broad Oak Road radial route to reduce demand on the A28 at Sturry; supported by a new connecting road in the form of the viaduct.
- In the scenario without the viaduct, the enhancement of the 'Broad Oak Road' radial link occurs but without the vital benefit of a new connecting road.
- The result is significantly increased pressure on Vauxhall Road, which is unable to accommodate the demand due to numerous business activities, accesses, including mini-roundabouts. In the modelled scenario congestion rapidly forms on Vauxhall Road, most notably southbound, creating queues that, early in the peak hour, extend back to Broad Oak Road, across the level crossing and onto Shalloak Road and the new link road.

Wider Implications

- Loss of £5.9m SELEP investment into Kent

- £23.5m loss of developer contribution at risk
- Loss of new bus lane and cycle route
- Increased rat running through Broad Oak village
- Lost opportunity to mitigate accident cluster sites
- Loss of contributions towards Education
- Worsening congestion
- Increased incidents and severity of blocking back over rail crossings

Appendix 5

Kent and Medway Economic Partnership Letter to Head of Planning

KMEP Kent & Medway Economic Partnership

A partnership between the business community and local government
& a federated arm of the South East Local Enterprise Partnership

Sharon Thompson
Head of Planning Applications
Kent County Council
Sessions House
County Hall
Maidstone
ME14 1XQ

17 August 2021

Dear Head of Planning Applications

Planning Application for Sturry Link Road

As Chairman of Kent and Medway Economic Partnership (KMEP), I am writing in support of the Sturry Link Road proposal to be discussed by the KCC planning committee on 2nd September 2021. I would be grateful if the views of KMEP could be taken into consideration during the determination of the planning application.

The KMEP Partnership secured £5.9m of Local Growth Funding (LGF) towards this project, however there are time-critical conditions attached to this funding.

If planning consent is not granted for the Sturry Link Road by the 10th September, this LGF funding will be reallocated on this date to other projects on the South East Local Enterprise Partnership's pre-agreed project pipeline. The vast majority of the £5.9m will be invested in Essex County Council, Southend-on-Sea Council and Thurrock Council's areas - namely £1.65m will be invested in the University of Essex's Parkside project; £1.6m will be invested in Southend Airport Business Park, £1m invested in widening the A13 to Southend; £621k in other Essex projects; only £475k will be retained within Kent and Medway.

Whilst it has been possible to secure extensions to the planning deadline in the past, this is not feasible on this occasion. The SELEP Local Growth Fund period ends in September 2021.

We have experienced the loss of SELEP's LGF funding in the past. To give one example, £10.2m of LGF funds were allocated to KCC's A28 Chart Road project in Ashford. Due to a developer not providing a bond in a timely manner, Kent County Council had to repay the LGF funding, and SELEP chose to reallocate the LGF to other projects from East Sussex to Essex.

This has presented the scenario where Kent County Council must choose between not providing the much-needed highway infrastructure, or the county council must use its own funding to make up the difference which I know is challenging in the present fiscal climate. To date, KCC has not been able to secure any alternative funding sources for the A28 Chart Road project, so the houses are being built, but the infrastructure has not been provided.

This is what concerns me most. The loss of funding if Sturry Link Road planning consent is not granted, whilst most unfortunate, is not my overriding concern.

The partnership selected the Sturry Link Road project, above other alternative projects, because KMEP has always believed in investing in infrastructure first, and in considering the impact of new developments on existing local residents and communities.

I am sure planning committee members will be aware of residential developments that have been built, where the houses come first, and then the infrastructure follows at a later date, or is not provided at all in the most unfortunate of scenarios. The media contains many stories of residents who have moved into new housing developments to find that core infrastructure (whether it be a GP's surgery, school place, or transport connectivity) is missing.

I fear this scenario could be true for the Sturry and Broad Oak developments.

Canterbury City Council must deliver against its local plan allocations. Sturry and the Broad Oak developments will deliver 630 homes and 456 homes respectively, and are two key sites within the local plan. The Canterbury City Council Planning Committee met on 9th February and agreed each residential development should be built. Planning consent for the houses was granted. I am not a planning expert, but from my understanding, this means that in excess of 1,000 homes will be built irrespective of the decision made by KCC's planning committee.

The difference made by KCC's planning committee will be the extent of the infrastructure provided to support the new residents, in addition to delivering strategic highway improvements that are identified in the county council's Local Transport Plan.

The application before KCC is for the missing link or viaduct section between the A28 and the permitted housing development, the latter of which permitted the majority of the Sturry Link Road. If the KCC planning committee grants this final part of the Sturry Link, the new

residents will be supported by a new road, a primary school, a secondary school and community facilities (such as a GP surgery). It also provides the infrastructure that was deemed necessary in the City Council's adopted Local Plan and will provide wider strategic highway benefits in the Canterbury area.

Conversely, if the KCC planning committee refuses the application, then the traffic from the consented housing developments will have to access the A28 via the A291 Herne Bay Road and over the Sturry Railway Crossing – a well-recognised congestion hotspot or the equally unsatisfactory Shalloak Road. A primary school will be funded, however, the reallocation of the LGF, will mean that the secondary school and community facilities will not be directly funded in all likelihood. Consequently, the growth in the number of residents in the area will put pressure on the existing infrastructure (such as GP surgeries) and existing residents living in the surrounding area will suffer a detriment.

I would also like to clarify the reasons why KMEP selected this project, above other proposals back in 2015. KMEP was, and remains convinced, that the Sturry Link Road is required to support economic growth in the county, and for residents' safety. Transport infrastructure plays a vital role in driving economic growth by improving the links that help to move goods and people around, and the transport system must be efficient but also resilient and responsive to infrequent and unexpected pressures.

The A28 corridor, which runs through Sturry, is not efficient, nor is it resilient and responsive to unexpected pressures.

The A28 is the main route from Canterbury city centre to the Thanet district and to Herne Bay. The A28 route passes over the Sturry level crossing on the Thanet to Ashford International line which serves Canterbury via Canterbury West. The line has both classic and High-speed (HS1) domestic services.

The A28 through Sturry gets congested because the level crossing interrupts traffic when closed. On average, six trains pass each hour resulting in five or six level crossing activations of
approximately 2.5-3 minutes in length. Effectively the level crossing is closed for almost one out of every three minutes.

Approximately 20,000 vehicles per day use the level crossing at Sturry, so the closure of the road for circa 18 minutes per hour results in significant congestion and poor journey-time reliability, as well as residents living in proximity to the level-crossing experiencing poor air quality as vehicles idle waiting for the crossing to open. Kilometre long queues are regularly reported in the press. The number of vehicles is expected to grow further when the additional 1,000+ houses are built.

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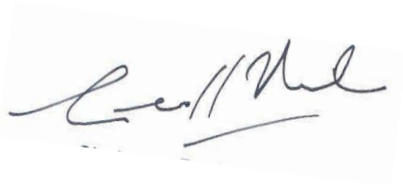
Granting planning permission for the viaduct section of the Surry Link road would ensure that traffic generated from the new consented housing at Sturry and Broad Oak would be able to avoid the level crossing, by means of an alternative bridge, and improve access to Sturry station, thereby allowing the free flow of traffic. The removal of this bottleneck will also improve residents safety, and address the poor highway design that results in the current accident cluster at A291/Sweechgate, which I understand is a material consideration.

I would therefore urge you to look favourably on the proposal and thank you for your consideration.

Yours sincerely



Geoff Miles
Chairman of the Kent & Medway Economic Partnership
South East Local Enterprise Partnership Federated Board Chairman
Chairman of the Kent & Medway Business Advisory Board

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/21/01854 (KCC/CA/0136/2021)

Appendix 6

Summary of Members site visit

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 – CA/21/01854 (KCC/CA/0136/2021)

1. A group of Planning Application Committee Members visited Sturry on the 15th July 2021 to acquaint themselves with the location of the proposed link road, its surroundings and the related highway alterations. Members were accompanied by the Head of Planning, Sharon Thompson, Principal Planning Officer Paul Hopkins and the case officer Helen Edwards.

2. The key features pointed out to Members on the visit were the location of the proposed roundabout on the A28 and the route of the viaduct across the river and railway line; the junction of the A28/A291 in Sturry village; the new access points for the 'Land at Sturry' development along Sturry Hill; and the location of the proposed road widening along Shalloak Road. Members' attention was also drawn to the heights of existing bridges over the river in the locality and the locations of the permitted housing schemes at 'Land at Sturry' and 'Broad Oak'. Members were able to walk along the A28 to see the proposed elements on this road and were driven round the wider area by coach – this being down Sturry Hill, through the A28/A291 junction and across the Sturry level crossing, along the A28, along Vauxhall Road, through the Broad Oak crossing, up Shalloak Road and along Sweechgate to return to Sturry Hill.

3. The Members in attendance were: Mr Marsh, Mr Chittenden, Mr Wright, Mrs Binks, Mr Simkins, Mr Booth, Mr Cole, Mr Crow-Brown, Mr Harman and Mr Richardson.