



Report to the First Secretary of State and the Secretary of State for Transport

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HIGHWAYS ACT 1980 ACQUISITION OF LAND ACT 1981

THE A2 TRUNK ROAD (PEPPERHILL TO COBHAM AND SLIP ROADS) ORDER 20..
THE A2 TRUNK ROAD (PEPPERHILL TO COBHAM) (DETRUNKING) ORDER 20..
THE A2 TRUNK ROAD (PEPPERHILL TO COBHAM SIDE ROADS) ORDER 20..
THE A2 TRUNK ROAD (PEPPERHILL TO COBHAM) COMPULSORY PURCHASE ORDER
(NO) 20..

AND

THE A2 TRUNK ROAD (PEPPERHILL TO COBHAM AND SLIP ROADS)
SUPPLEMENTARY ORDER 20..

Date of Inquiry: 26 May 2005, 2, 3, 8 & 9 June 2005

Ref: HA 65/11/74

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CASE DETAILS

- These draft Orders would be made under Sections 10, 14, 41, 125, 239, 240, 246 of the Highways Act 1980, as extended and supplemented by Section 250 of the Act, and under Section 2 of the Acquisition of Land Act 1981 and are known as:
The A2 Trunk Road (Pepperhill to Cobham and Slip Roads) Order 20..
The A2 Trunk Road (Pepperhill to Cobham) (Detrunking) Order 20..
The A2 Trunk Road (Pepperhill to Cobham Side Roads) Order 20..
The A2 Trunk Road (Pepperhill to Cobham) Compulsory Purchase Order (No) 20..
The A2 Trunk Road (Pepperhill to Cobham and Slip Roads) Supplementary Order 20
- The Secretary of State for Transport (hereafter referred to as "the authority") proposes to make the Orders.
- The four principal Orders were published on 14 October 2004 and the Supplementary Order on 2 December 2004.
- The A2 Trunk Road (Pepperhill to Cobham and Slip Roads) Order 20..(the Line Order) and The A2 Trunk Road (Pepperhill to Cobham and Slip Roads) Supplementary Order 20..(the Supplementary Order¹) would, if made, provide that certain roads, which the authority proposes to construct, would become trunk roads.
- The A2 Trunk Road (Pepperhill to Cobham) (Detrunking) Order 20..(the Detrunking Order) would, if made, provide that a specified length of the A2 Trunk Road would cease to be a trunk road.
- The A2 Trunk Road (Pepperhill to Cobham Side Roads) Order 20..(the Side Roads Order (SRO)) would, if made, authorise the authority to improve highways, stop-up highways, construct new highways, stop-up private means of access to premises, provide new means of access to premises, at Gravesend or in the vicinity of the new trunk road, provide for the transfer of each new highway to the Kent County Council (KCC) as highway authority and provide that certain of the new highways shall be designated as classified roads.
- The A2 Trunk Road (Pepperhill to Cobham) Compulsory Purchase Order (No) 20..(the Compulsory Purchase Order (CPO)) would, if made, authorise the authority to purchase compulsorily the land and rights over land for the purpose of construction of the proposed Scheme, the improvement of the Trunk Road, the use by the authority in connection with such construction, improvement of highways, execution of other pertinent works and mitigation of any adverse effects arising out of the Scheme.

¹ The Supplementary Order relates to the London-bound connector road from Cobham South Service Area that was omitted from the principal Order.

Summary of Recommendations: I recommend that the Orders be made subject, in the case of the SRO, to the substitution of SITE PLAN 2A REV for the original SITE PLAN 2A.

1 PREAMBLE

1.1 I held concurrent local inquiries on 26 May and 2, 3, 8, and 9 June 2005 at the Istead Rise Community Centre, Worcester Close, Istead Rise, Gravesend, Kent to hear representations and objections concerning an application made by the authority to make the above-mentioned Orders.

1.2 The purpose of the proposed Scheme, the A2 Pepperhill to Cobham Widening (A2PCW), is to add a fourth lane to both sides of the A2 Trunk Road between Pepperhill and Cobham, in order to address peak hour congestion and highway safety concerns and to provide enhanced access to nearby major regeneration areas. It would be designed to be compatible with the adjacent existing four lane sections of the trunk road and the nearby motorway network.

1.3 The Scheme would provide four lanes in each direction, together with associated hard shoulders. From its western end, at Pepperhill, it would diverge to the south of the existing A2, away from residential areas on the fringe of Gravesend, to run parallel and closer to the Channel Tunnel Rail Link (CTRL). The proposed scheme would rejoin the existing line of the A2 immediately east of Marling Cross. The remaining section to Cobham would be widened on-line. Improved junctions would connect existing routes to the Scheme.

1.4 I was appointed to conduct the inquiries in accordance with Section 13(2) of the Acquisition of Land Act 1981 and paragraph 7 of Schedule 1 of the Highways Act 1980. The concurrent inquiries are, for convenience, referred to in this report as the inquiry. The administration and programming of the inquiry were capably dealt with by the independent Programme Officer, Ms Brenda Taplin. A Pre-Inquiry meeting was held by Mr J Watson on 14 March 2005 [X2].

1.5 I made separate unaccompanied inspections of the sites affected by the proposals on Wednesday 25 May 2005, before the opening of the inquiry, and on a number of other occasions during the course of the inquiry. At approximately 11pm on 8 June 2005 I also inspected, on a nearby section of the M2, lighting of a similar standard to that proposed on this Scheme [X7/3, Inspector Question 30]. I carried out accompanied site visits on 2 and 8 June 2005.

1.6 There were 13 objections to the Orders outstanding at the commencement of the inquiry; 3 statutory objections [OBJ1, 5 & 12] and 10 non-statutory objections.

1.7 Seven non-statutory objectors appeared at or gave evidence to the

inquiry. Gravesham Borough Council (GBC) [OBJ7] and KCC [OBJ8] presented a joint objection and, following detailed discussions, submitted a signed agreement with the authority that enabled these objectors to conditionally withdraw their objection. Following submissions and discussions at the inquiry the British Horse Society (BHS) [OBJ13] conditionally withdrew its objection [OBJ13/2]. Mr M Harding [OBJ4] and Mr T Blencowe [OBJ14] presented their cases jointly; Mr Adam Holloway MP also appeared and spoke briefly in support of their case. He did not present any separate evidence beyond that put forward by the objectors. Mr C Rose [OBJ10] and Tollgate Service Station North (TSSN) [OBJ11] presented separate cases.

1.8 The following objectors were not represented at the inquiry and their objections have been dealt with as written representations in my report; BP Oil UK Ltd (statutory objector regarding Turnpike Service Station) [OBJ1], Cobham Parish Council [OBJ2], Tollgate Hotel (statutory objector) [OBJ5], English Nature (EN) [OBJ6], Kent Thameside Delivery Board [OBJ9] and Esso Petroleum Company (statutory objector regarding Cobham Service Stations – westbound and eastbound) [OBJ12].

1.9 The main grounds of objection related to impact of the proposed Scheme and its construction on the living conditions of the occupiers of nearby dwellings, on access to and trade at roadside services, on the operation of a hotel, on an adjacent SSSI and on horse riding opportunities in the surrounding area.

1.10 There were 3 letters of support for the Scheme [SUPP1-SUPP3] and 13 other representations [REP1-REP13].

1.11 The authority, which was represented at the Inquiry by the Highways Agency (HA), confirmed that it had complied with all necessary statutory formalities [HA/2]. Legal submissions were made on behalf of Mr Simon Privett, with a response on behalf of the authority; these are set out at Section 3 of this report.

1.12 This report contains a brief description of the site and its surroundings, the gist of the cases presented, including legal submissions, together with my conclusions and recommendations. Lists of inquiry appearances and documents are attached, as is a Glossary of acronyms used in this report. All documents and plans submitted to the inquiry, including proofs of evidence, are attached. The proofs are as originally submitted, in other words unless expressly stated they do not take account of how evidence may have been affected by cross-examination or other aspects of the inquiry.

2 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The 6.5km length of the A2 Trunk Road² that would be the subject of

² The A2 Trunk Road is part of the strategic core road network, as identified in "A New Deal For Transport; Better For Everyone" DETR [D35], linking London and Dover in Kent. The route starts in central London and crosses the M25 at Junction 2 (M25 J2) east of Dartford. It then runs southeast, to the Medway towns joining the M2 at its start point, west of Rochester [HA/POL/P, Section 3.1].

the Scheme lies between the Pepperhill Junction, some 6km to the east of the M25 Junction 2 (J2), and the Cobham Junction, approximately 2km west of the start of the M2. This length of the A2 is currently a three-lane dual carriageway with hard shoulders. The immediately adjacent lengths of the route have been widened to dual four-lane standard, except the short length of the A2 through Cobham Junction, at the eastern end of the proposed Scheme.

2.2 The road skirts the southern edge of Gravesend with dwellings spreading up to the boundary of parts of the route. The line of the CTRL runs parallel to the south side of the A2. The present spacing of the railway varies from some 150 to 350 metres from the road. These two major elements of infrastructure, the A2 Trunk Road and the CTRL, present a transport corridor which forms a distinctive boundary between the suburbs of Gravesend to the north and countryside to the south. The tract of land between the CTRL and the road, which has been called 'the Sandwich Lands' by GBC, is partially arable farmland and partially open grass land with some young planting and landscaping. It is crossed in several places by footpaths. Part of it has been designated a Linear Park which was provided as part of the recently completed CTRL Scheme.

2.3 Connections of the trunk road with the local roads are by split level (grade-separated) junctions. These provide full access to both carriageways at the Tollgate and Marling Cross Junctions, with the ends of the scheme tying in to the Pepperhill and Cobham Junctions, which are also grade-separated. There is also a grade-separated connection via slip roads between Thong Lane and the coast bound carriageway. Slip roads to and from Cobham Services (North and South) join and leave both sides of the A2 between the Marling Cross and Thong Lane Junctions. It is noticeable that junctions are relatively closely spaced on the subject length of road.

2.4 Footways are provided along the north verge of the A2 throughout this section, and along the south verge between Marling Cross and Thong Lane. These are generally narrow, and I observed that some are overgrown in parts. There are also a number of private accesses connected directly to the main carriageway.

2.5 When compared to the rest of the A2 and the M2, the subject length of road is built to old standards, it has tighter radii, is more undulating and has more restricted forward visibility.

3 LEGAL SUBMISSIONS

As I said at the inquiry, matters of law are not for me to determine. I nevertheless address the submissions regarding these issues in paragraphs 9.2-9.7 of this report.

The material points are:

Submissions on behalf of Mr Simon Privett, Tollgate Service Station (North) (TSSN) [OBJ11]

3.1 Before stopping up a route under s 14(6) of the Highways Act 1980 (The 1980 Act), the decision maker must be satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.

3.2 As regards the A2 this must be looked at in the round. The test must also take account of A2 journeys in their entirety and an important element of this consideration is that part which the Services (TSSN) plays in those journeys.

3.3 Turning to the issue of the stopping up of a private means of access to premises; even if the alternative route were considered to be reasonable, this would not proscribe a claim for compensation.

3.4 The Order as drawn [D13, SRO SITE PLAN 2A] would effectively close off approximately 66% of the eastern access point to TSSN. Therefore the Order should be amended. A finding of fact should be made with respect to this issue.

3.5 The **Vasiliou** case (*Vasiliou v Secretary of State for Transport* [1991] 2 All ER 77) [OBJ11/2] can be a material consideration in a finely balanced case. If the harm to the environment is very finely balanced against the Scheme's benefits this case would support the objector's arguments.

Submissions on behalf of The Authority

3.6 The objection was put firmly in the context of s 14(6) of the 1980 Act. However, as Mr Williamson for Mr Privett rightly observed in his closing submissions, the s 14(6) test relates to the reasonable convenience of the proposed Scheme as a whole, not just the revised access arrangements to Mr Privett's TSSN site. The relevant question is whether the route that is proposed for the A2, that which replaces the existing A2, would be reasonably convenient.

3.7 Seen in that way, the evidence before the inquiry answers that question overwhelmingly in the affirmative. There are no alternative proposals by objectors to the main line alignment. There is broad agreement, including by Mr Privett, that the new A2 alignment would be beneficial. It simply cannot be said that the revised access arrangements for Tollgate North are so bad that they would make the route, proposed for the A2, less than reasonably convenient when looked at overall.

3.8 It follows from this that the HA agrees that the impacts upon Mr Privett's business are material considerations in the context of s 14(6) of the 1980 Act. This is not on the basis of **Vasiliou** [OBJ11/2], which concerned different statutory provisions (in that case, s 209(1) of the Town and Country Planning Act 1971 (set out at 82j of the report)). It is simply on the basis that in this case, the degree to which the TSSN may meet part of the need for trunk road services on the A2 obviously depends on whether the business closes down, or the degree to which trade is lost from the site to Cobham North services.

3.9 A subsidiary point arose in relation to the egress from Mr Privett's site. An agreed position has been reached, illustrated by drawing 205053/02 Rev B,

at OBJ11/A1 Sup, Appendix 16. It was accepted that this arrangement would represent a 'reasonably convenient means of access to the premises'.

3.10 The HA will work up the detailed design of the proposals in this area in conformity with that drawing. Such an approach does not require any further land to be acquired. As explained below, it would require a very minor amendment to Site Plan 2A of the draft Side Roads Order; see SITE PLAN 2A REV, attached to the draft Order [D13].

3.11 However, what lay behind the objector's concerns in this respect was more the matter of compensation than the question of confirming the Orders, as Mr Williamson made plain. He seeks a finding of fact that the effect of the proposals would be to stop up part (and therefore in practice the whole) of a private access to the objection site, namely the southern egress onto what is currently the A2 on-slip. Mr Williamson indicated that a finding that the proposals would in effect constitute a stopping up would possibly found a compensation claim.

3.12 Strictly speaking, it is unnecessary to make the finding of fact that is sought. Compensation is not a matter for this inquiry. The only relevance to this inquiry of the point would have been if the (now agreed) egress arrangements had not been agreed to provide a reasonably convenient means of access to the premises; that might have meant that the Secretary of State would refuse to confirm the Order under s 14 of the 1980 Act. Here, this subsidiary issue has no bearing on the relevant considerations before the inquiry, because it is common ground that even if there was a partial stopping up the agreed arrangements are reasonably convenient as a means of access to the premises.

3.13 However, in order to inform the Secretary of State fully, the HA's position is that the proposed (agreed) arrangements do not constitute a stopping up of the access to the objector's site, for the following reasons.

3.14 The Order plan [D13, SITE PLAN 2A] shows a heavily hatched area to be stopped up. This area in the region of the objector's southern access has been drawn to coincide with the area needed for egress for HGVs once the scheme has been implemented.

3.15 That area has been re-drawn in the agreed access arrangements, but not in a way that limits the private access. With the Scheme it would remain possible to leave the objector's site through the southern egress across the full width of its current layout. Having left the site, there would be an area of retained highway between the objector's land and the area which would be stopped up.

3.16 Indeed, the agreed access arrangements would increase the width of the objector's egress from around 4 metres to around 9 metres. That is because some of the kerbed 'nib' that lies in the highway would be taken up by the enlarged vehicle access. That amendment to the layout would not of course stop up the access; quite the reverse. It would not stop up any of the private access, but would simply utilise some highway land to enlarge it.

3.17 It is agreed that all vehicles, including HGVs, would be able to get out of the objector's site through the new widened access point. It follows that there would be no stopping up, whole or partial of the private access.

3.18 A comparison between SITE PLAN 2A in the draft A2 Trunk Road (Pepperhill to Cobham Side Roads) Order 20 and the agreed access arrangement in OBJ11/A1 Sup, Appendix 16 indicates that, notwithstanding the fact that there would be no stopping up of the private access, the agreed arrangements trespass in two small areas on land currently proposed to be stopped up as highway (to the west of the access from a point in the pink hatched hammerhead level with the west edge of the services box in the footway to the western end of the pink hatched hammerhead; and the pink hatched area between the southernmost end of the green hatched area and the re-aligned blue footpath). These areas require to be excluded from the stopping up order and replacement SITE PLAN 2A REV takes account of this. The Schedule to the Order does not require amendment. The revised plan 2A to the Order is the only change required to the Orders or associated plans as a result of the inquiry.

3.19 What in the end follows is that, although not necessary in this context, the correct finding of fact is that no stopping up of the objector's southern access would occur as a result of this scheme.

4 THE CASE FOR THE PROMOTING AUTHORITY

The material points are:

The Proposed Scheme³

Highway Layout

4.1 The Scheme would involve the widening of both carriageways of the A2 to four lanes over a distance of some 6.5km between the Pepperhill and Cobham Junctions.

4.2 The length of approximately 4.5km eastward from Pepperhill to Marling Cross would be constructed off-line to follow as closely as practical the line of the CTRL. From the Marling Cross Junction the improvement would follow the line of the existing trunk road to the Cobham Junction.

4.3 The existing Downs Road / Hog Lane would be closed and realigned from the CTRL bridge to immediately south of the junction between Hog Lane and Landseer Avenue. From Downs Road the proposed scheme would pass into cutting and climb steadily towards Tollgate, where it would pass over the A227, Wrotham Road, on embankment. A number of buildings would need to be demolished in the Tollgate area as a result of the scheme; these would include the Tollgate South petrol filling station and parts of the Tollgate Hotel.

4.4 The proposed Tollgate Junction would comprise a two-roundabout dumbbell arrangement with a new access to the Tollgate Hotel from the northern

³ A full description of the Scheme is set out in the Engineering evidence [HA/ENG/P, Chapters 4 & 5] and in the ES Volume 1 [D17, Section 2]. Plans of the scheme are at Appendix B to HA/ENG/P.

roundabout. Access to Tollgate Service Station (North) would be retained from the existing Wrotham Road/Coldharbour Road roundabout, which lies to the north of the proposed junction arrangement.

4.5 From Tollgate the proposed line of the A2 would continue parallel and adjacent to the CTRL, its alignment would be influenced by the CTRL balancing pond at Singlewell and the site of the proposed CTRL maintenance depot. An abandoned café/filling station adjacent to the south side of the A2 at Singlewell would be demolished, as would The Retreat, situated immediately to the south east of the existing Marling Cross Junction.

4.6 The Marling Cross Junction would also take the form of a dumbbell junction with an additional roundabout to the north east of the proposed junction, linking to Valley Drive, from which access to the adjacent lorry park would be retained.

4.7 From Marling Cross eastwards, the new road would follow the line of the existing A2 both horizontally and vertically; all necessary widening would be undertaken on the southern side of the road. This would require the demolition of The Lodge, which lies adjacent to the A2 to the west of Thong Lane.

4.8 The Marling Cross Junction and the Cobham Services are too close together for slip roads to be safely provided for both. Therefore dedicated parallel service roads would be combined with links to the east-facing slip roads from the Marling Cross Junction, which lies some 700m to the west.

4.9 The slip roads at Thong Lane are below standard and would be closed in order to improve safety. Access to Thong village and the Inn on the Lake would be provided via the Cobham Junction. Thong Lane would be diverted slightly to the west and widened.

4.10 The proposed A2PCW improvements would tie in with the recently completed A2/M2 improvements at the Cobham Junction, which would also be the subject of further independent on-line improvements⁴.

Pedestrian, Cycle and Equestrian Facilities

4.11 A 3.5m combined cycle track and footway would be created along the former northern carriageway of the existing A2 between Pepperhill and Marling Cross. Furthermore an equestrian route would be provided along the south side of the existing A2 from Downs Road to Church Road footbridge. The remaining areas of the northern carriageway and the whole of the southern carriageway of the former A2 would be landscaped and much of it would be designated as a new Linear Park.

⁴ The HA propose to implement a complementary improvement of the A2 through Cobham Junction which would be effected entirely within highway boundaries. This proposal does not form part of the Orders that were considered at this inquiry and the Scheme under consideration in this Report can stand alone and does not rely on this proposed improvement through Cobham Junction. The details of the Cobham Junction Improvement are set out in D34.

4.12 All access points to the proposed cycle track and footway would be furnished with appropriate barriers to prevent access by motorcycles.

4.13 The existing subways at Hog Lane and Church Road would be demolished; the ground levels on either side of the former trunk road would be reshaped to accommodate the new cycle track.

4.14 From Marling Cross a shared footway/cycleway would be provided along the north side of the road, leading to Cobham Services (North), Thong Lane and the Cobham junction.

4.15 A footway would be provided to Cobham Services (South) via Henhurst Road along the south side of the proposed link road; it would continue to Thong Lane, making use of the proposed drainage pond access track.

4.16 The footpaths that cross the field to the east of the Tollgate Hotel would be diverted and a new footpath created. This would cross the A2 on a footbridge immediately opposite the existing CTRL bridge. Footpath NU18 at Singlewell would be stopped up north of the CTRL and diverted over the new A2 to the main cycle track.

4.17 A new equestrian path would be provided, utilising the route of the existing footway and the redundant carriageway between Downs Road and the CTRL bridge, with the route continuing to Church Road [HA/5]. KCC has undertaken to consider dedication of the route as a bridleway [HA9 & OBJ08/2].

The Scheme Background

The Route and Adjacent Improvements

4.18 The A2 through this area was widened to dual 3-lane carriageway standard during the 1960s. In the late 1990s a fourth lane was added to the coast-bound carriageway between the Bean and Pepperhill Junctions. The sections at either end of the Pepperhill to Cobham section have been widened to dual 4-lane carriageways with hard shoulders. In September 2004 the Secretary of State announced his decision to proceed with proposals to provide a fourth lane on the A2 between Bean Junction and the M25 [HA/POL/P, Section 3.4].

History of the Proposed Scheme

4.19 In 1996 the Secretary of State for the Environment, Transport and Regions announced the intention to widen the existing A2 between Bean and Cobham from three lanes to four in each direction. This scheme was included in the DfT's 'Targeted Programme of Improvements' (TPI) following the Government's strategic review of the roads programme in 1998 [D36, pages 85-86].

4.20 Following early design work it was decided to split the scheme into two phases. The first phase, which stretched from Bean to Pepperhill, enabled construction to remain within highway limits. Phase 2 covers the balance of the route length between Pepperhill and Cobham and is the subject of the Orders before the inquiry [HA/POL/P, Section 3.5].

Public Consultation on Route Alternatives⁵

4.21 Three route options were taken forward to public consultation in March 2001. All options would use asymmetric widening between Marling Cross and Thong Lane with symmetric widening from Thong Lane to Cobham; this latter element was subsequently changed to asymmetric widening to reduce impact on public utilities plant in the northern verge.

4.22 The Blue Route would retain the northern limit of the carriageway as existing between Pepperhill and Thong Lane with the exception of short lengths of symmetric widening through the Tollgate, Marling Cross and Thong Lane Junctions.

4.23 The Purple Route would move the A2 main line away from the residential areas by providing parallel widening to the south of the existing mainline carriageway.

4.24 The Red Route would provide a new off-line dual carriageway between Pepperhill and Marling Cross, running parallel to the CTRL.

4.25 Over 1000 people attended exhibitions in local venues. Approximately 700 questionnaires were returned from local residents and businesses, local authorities, parish councils and others with an interest in the proposals. The Red Route was considered the best choice by more than 90% of respondees [HA/POL/P, Section 3.6].

4.26 In January 2002 the Red Route was announced as the Preferred Route for the Scheme [D30]. A Pre-Orders exhibition was held locally in July 2004 and the Orders exhibition was mounted in October 2004.

Need for the Scheme

4.27 The proposals for the Scheme have been developed over a number of years and are considered to be the best solution to the problems encountered. It is the examination of these problems that defines the need for the scheme.

4.28 Traffic flows currently exceed 100,000 vehicles per day along the A2 between Pepperhill and Cobham, which is currently congested at peak periods. The forecast increase in traffic flows on the road and major new developments planned in the region will further worsen the existing situation on the A2.

4.29 The widening, which would be to a standard compatible with the adjacent sections of the route, would provide the necessary capacity on this stretch of road.

4.30 This would reduce journey times, improve reliability and provide enhanced access to the major regeneration area of Kent Thameside, as part of the Thames Gateway Planning Framework. The Scheme would improve access to other

⁵ The route options are summarised in the leaflet '*Public Consultation on Widening Options*' March 2001 [D29] and are described more fully in HA/ENG/P, Chapter 6. The route options are illustrated in HA/ENG/A, Appendix C.

regeneration areas in North and East Kent, helping to support jobs and prosperity.

4.31 The Scheme would also enhance safety along the route by improving the existing road junction layouts; adopting current design standards where constraints allow.

4.32 Furthermore the proposals would address major local environmental needs, by moving the A2 Trunk Road away from residential areas. This would result in the significant reduction in noise and improvement of air quality for hundreds of local residents. The Scheme would also improve provisions for non-motorised users, pedestrians, cyclists and horse riders.

4.33 Ebbsfleet International Railway Station and associated major commercial developments are currently being constructed on and adjacent to the CTRL, a short distance away to the north west. It will eventually host some 9000 parking spaces. It will take direct access from the A2 to the west of Pepperhill. The proposed A2PCW Scheme would provide improved access from the national motorway and trunk road network to this regionally important element of transport infrastructure. It would also support the other elements of an integrated and sustainable public transport-based strategy for the Kent Thameside regeneration area.

4.34 In summary the principal areas of need arise from considerations of:

- Traffic congestion,
- Safety,
- Transport reliability, and
- Regional regeneration.

Scheme Objectives

4.35 The Scheme's objectives are established by the Government's new approach to appraisal, which is described in "A New Deal for Trunk Roads in England: Guidance on the New Approach to Appraisal" (NATA) [D107] issued by DETR in July 1998. The new approach works within the framework of the following objectives for transport:

- environment- to protect and enhance the built and natural environment;
- safety- to improve safety for all travellers;
- economy- to contribute to an efficient economy and to support sustainable economic growth in appropriate locations;
- accessibility- to promote accessibility to everyday facilities for all, especially those without a car; and
- integration- to promote the integration of all forms of transport and land use planning, leading to a better, more efficient transport system.

The Policy Framework

National Policy

4.36 "A New Deal for Trunk Roads in England" (1998) [D36] helped to spell out more fully the policies in the Transport White Paper "A New Deal for Transport: Better for Everyone" (1998) [D35]. It included a priority to tackle immediate problems through the TPI. The A2PCW Scheme has been promoted on this basis; it forms part of the TPI and therefore accords with national policy on trunk roads.

4.37 More recently The Government's long term strategy for the transport network was set out in the July 2004 White Paper, the "Future of Transport: a Network for 2030" [D41]. The White Paper identifies a number of policy measures, which will provide the basis for delivering enhancements to the road network; the Scheme would meet the following objective:

- New capacity where it is needed, assuming that any environmental and social costs are justified: the scheme provides additional capacity to a road that is becoming congested; the proposal is supported by a balanced appraisal of the solution.

4.38 "Transport 2010 The 10 Year Plan" [D38] published in July 2000 set out the resources to be committed up to 2010 to deliver the Government's priority for improved road, rail and other public transport. Annex 2 sets out the Government's Public Service Agreement Targets in relation to Transport. In summary those relevant to road transport are:

- To reduce road congestion on the inter-urban network (trunk road network) and in large urban areas in England below current levels; the Scheme would provide appropriate new capacity and reduce congestion on the A2 Trunk Road [HA/TRA/P, Sections 3 & 4].
- To improve air quality by meeting National Air Quality Strategy targets; the proposals would reduce the number of properties experiencing air quality action levels [HA/NAQ/P, Sections 7 & 8].
- To reduce greenhouse gas emissions from 1990 levels by 12.5% (by cleaner vehicles and more efficient fuels through tax incentives and grants).
- To reduce the number of people killed or seriously injured in road accidents by 40% by 2010. Analysis of the Scheme gives estimated accident reduction consistent with this target [HA/TRA/P, Section 6].

4.39 The A2PCW Scheme would therefore accord with appropriate national trunk road and transport strategies and policies.

National Planning Policies

4.40 Although there would be a negative impact on the Green Belt (PPG2) [D143] and to a very limited extent on PPS7 "Sustainable Development in Rural Areas" objectives [D84], the Scheme would comply with the principles of PPS1 "Delivering Sustainable Development" [D83]. It would accommodate the additional

journeys associated with local economic development, while serving to reduce the environmental impacts of congestion, thereby reflecting Transport Policy identified in PPG13 "Transport" [D147].

4.41 The environmental impact on Nature Conservation (PPG9) [D145] is assessed as neutral, where initial habitat loss would be offset by the Scheme's mitigation measures. Likewise the impact on Archaeology (PPG16) [D149] is assessed as neutral, as no scheduled sites would be affected and measures would be taken to excavate and record any finds to mitigate effects. There would be significant benefit in the reduction of Noise (PPG24) [D152], as the road would be up to 220m further away from the main residential areas.

4.42 On balance the Scheme would comply with national planning policies [HA/POL/P, Section 2.4].

Regional Planning Policies

4.43 The improvement to the A2 along this corridor would be strongly supportive of the regional policies in Regional Guidance for the South-East (RPG9) [D120] and The Thames Gateway (RPG9a) [D85] associated with maintaining economic growth, encouraging sustainability, improving the environment and improving communications.

4.44 The Scheme would also support objectives for the Regional Economic Strategy for South East England 2002-2012 (SEEDA) [D115] in providing effective infrastructure in the major Thames Gateway North Kent Regeneration Area, and the Draft Regional Transport Strategy "From Crisis to Cutting Edge" (SEERA 2003) [D86] in supporting the Ebbsfleet International Railway Station as a principal hub in the regional transport network.

Local Planning Policies⁶

4.45 The A2PCW Scheme would fully accord with Kent County Council Structure Plan (SP) Policies for the Development of the Thames Gateway (Policy S5) and policy supporting improvements to the strategic road network (Policy S7) [D17].

4.46 The Scheme would also sit squarely with SP policies seeking to enhance the environmental quality of transport routes (Policy T3) and to ensure that inter-urban routes are designed to capacity for the next 15 years (Policy T4) [D17]. Routeing the scheme away from residential areas would reduce the environmental impacts of the road, while the design would accommodate forecast growth over the following 15 year period.

4.47 The Scheme would also support objectives in the Gravesham Borough Council Local Plan (LP) for effective use of the highway network and improved roads (LP First Review - Policy T0) [D17], and for developing the safeguarded scheme between Pepperhill and Cobham (LP Second Review - Policy

⁶ A full analysis of the relevant local planning policies is set out in the ES Volume 1 [D17].

T10) [D17].

4.48 Conflict with Green Belt Policy, as reflected at local level, must be seen in the above context. Whilst the Scheme would constitute inappropriate development in the Green Belt as defined in PPG2 [D143], it is clear that the need for the Scheme and the substantial benefits that it would bring about, would constitute the very special circumstances required to justify the loss of Green Belt land in this case [HA/4, Response to Inspector Question 1 in X7/1].

Traffic Assessment

Existing Traffic Conditions⁷

4.49 Transport data were collected between October and December 2003 in the vicinity of the A2 corridor and covered all transport modes. The surveys undertaken covered all the relevant transport movements required to gain a comprehensive picture of the existing situation; eleven types of survey were undertaken. Surveys were not affected by seasonal influences⁸.

4.50 From the traffic counts undertaken at the main road junctions with the A2 in the Scheme corridor it was shown that all the junctions handle large volumes of traffic associated with the A2 Trunk Road as well as local traffic. Traffic flow information collected also revealed that there is a distinct tidal movement of traffic towards London in the morning peak hour and away from London in the evening peak hour.

4.51 The traffic levels observed amounted to approximately 105,000 vehicles per day and are currently at the effective capacity for a modern 3-lane all purpose dual carriageway⁹.

4.52 The results from the journey time surveys indicate that during peak periods there can be substantial variations in journey times as a result of congestion on the A2 and delays regularly occur at the major junctions, such as the Tollgate and Marling Cross Junctions, during the morning and evening peak periods. The congestion and queues, which generally exhibit peak tidality, are exacerbated when incidents occur on the A2 and the surrounding road network.

4.53 Furthermore this congestion taken together with the sub-standard highway design characteristics of this section of trunk road has a deleterious effect on operation and safety¹⁰.

⁷ Chapter 3 of HA/TRA/P

⁸ Response to Inspector Question 10, HA/4

⁹ The background to the effective capacity issue is set out in HA/4, Response to Inspector Question 12 in X7/2.

¹⁰ A critique of operational and safety shortcomings is set out in HA/4 in response to Inspector Question 9 in X7/2.

Future Traffic Conditions and Highway Standards¹¹

4.54 A full area SATURN traffic model was developed and comprehensively calibrated with observed traffic count and journey time data. The traffic model was also rigorously validated and achieved an acceptable level of accuracy as specified in Design Manual for Roads and Bridges (DMRB) [D106]. Consequently the 2003 traffic model was a robust and reliable foundation for the forecasting of traffic on the highway improvement scheme within the study area.

4.55 In addition to the overall background growth in traffic, there would be additional future year vehicle movements in the A2 study area that would arise as a consequence of significant new land use developments around the A2 in Gravesend, Dartford and Kent. Both factors have been included within the traffic forecasts; however there has not been a 'double counting' of trips¹².

4.56 The method for obtaining traffic forecasts for the A2 Pepperhill to Cobham Widening Scheme was undertaken in accordance with current Department for Transport (DfT) guidance as set out in the DMRB [D106].

4.57 Using the updated traffic model, traffic forecasts were prepared for the AM peak hour (0800-0900), the PM peak hour (1700-1800) and the Inter-peak hour (1200-1300) for 2007, 2012, 2022 and 2032, under low and high traffic growth conditions. Careful checks were made on the traffic forecast outputs to ensure they were dependable and consistent.

4.58 The results of the traffic forecasts showed that the proposed A2 Pepperhill to Cobham Widening Scheme would be appropriate for both opening year and design year, low and high growth traffic forecasts and would provide operational benefits relative to the 'do minimum' network alternative, without any degree of over-design.

Economic Assessment of the Scheme¹³

4.59 There are three main elements to the economic evaluation process:

- i) TUBA matrix-based economic evaluation of vehicle travel time savings, distances, operating cost savings and construction expenditure costs (capital costs), which would arise from the A2PCW Scheme [D114];
- ii) COBA link/node network based economic evaluation of road accident savings, which would arise [D107]; and
- iii) QUADRO economic evaluation of Scheme-based construction delay costs and maintenance delay savings, which would accrue [D107].

¹¹ Chapter 4 of HA/TRA/P

¹² The 'double counting' matter is set out more fully in HA/4 in the response to Inspector Question 16 in X7/2.

¹³ The Economic Evaluation of the Scheme is at Chapter 5 of Document HA/TRA/P.

4.60 The 30-year economic evaluation (for road users) of the A2PCW Scheme, as output from TUBA, COBA and QUADRO, showed that the scheme would provide very good value for money throughout the range of low and high traffic forecasts. The scheme would provide a weighted Net Present Value of £81.58 million with a corresponding Benefit to Cost Ratio of 2.09:1 (abbreviated to 2.09).

4.61 These results were reported in the ES in October 2004 [D17]. However the economic evaluation has subsequently been re-run to take into account revisions to the TUBA, COBA and QUADRO computer programmes which have been issued by the DfT. In order to comply with the new directive the economic evaluation has been reworked to assess the scheme for a 60-year period and provide a "most likely" central case growth scenario.

4.62 The 60-year updated economic evaluation (for road users) for the Scheme showed consistency with the 30-year appraisal and indicated that the scheme would provide very good value for money throughout the range of central, low and high traffic forecasts. The scheme provides a 'most likely' central case Net Present Value of £265.4 million with a corresponding Benefit to Cost Ratio of 3.76.

4.63 The DfT has also introduced INCA, an assessment tool to evaluate the benefit of new schemes in accommodating incidents on the highway. An INCA assessment has been undertaken which indicates that there would be a considerable potential benefit to road users that could be achieved with the proposed scheme in place. The INCA assessment is considered as a supplement to the main economic evaluation. The above economic assessment does not rely upon or use the figures. Overall the economic justification of the Scheme is robust.

4.64 In addition to the economic evaluation, the DfT requires that an Economic Impact Report should be provided for all major transport schemes to assess the economic impact of a scheme on a wider strategic area. Guidance in respect of this assessment is provided by the DfT in Transport Analysis Guidance [D121].

4.65 The Economic Impact Report demonstrated that access to both Kent Thameside and other regeneration areas would be improved as a result of the A2PCW Scheme. This would lead to greater access to jobs for the workforce within the Regeneration Areas and therefore support the economic prosperity of the region. This conclusion adds to the economic justification reported above.

Road Safety Evaluation¹⁴

4.66 Historic accident record data was used to identify the number and severity of Personal Injury Accidents (PIAs) over a 5 year period between July 1998 and June 2003 on the section of the A2 under consideration. Over this five year period there were 285 PIAs, including 1 fatal accident.

4.67 The majority of the accidents over the five year period were located at the Pepperhill and Tollgate Junctions, and the section of the A2 between the

¹⁴ A full safety evaluation is set out in HA/TRA/P, Chapter 6.

Tollgate Junction and the Marling Cross Junction.

4.68 The COBA program estimates the effects of the Scheme upon accidents and it is anticipated that the A2PCW would result in a saving of 290 PIAs at low growth and a saving of 303 PIAs at high growth, across the study area in a 30 year period. In terms of casualty reductions across the study area, the Scheme would give the following savings:

- i) 4 fatal, 26 serious, 466 slight – at low traffic growth; and
- ii) 5 fatal, 28 serious, 489 slight – at high traffic growth

4.69 Within the terms of the updated COBA 60-year assessment, the A2 scheme is expected to provide approximately twice as many accident savings as in the 30-year evaluation.

4.70 All this demonstrates that the published scheme would result in a considerable reduction in the number of road traffic casualties, which is consistent with the need for the scheme and the Government's Plan of reducing all road accidents by 40% [HA/TRA/P, paragraph 6.3.2].

Environmental Assessment

4.71 The environmental impact of the scheme has been assessed in an Environmental Statement [D17-19]. This was produced and issued in accordance with EC Directive 97/11/EEC as applied by section 105A of the Highways Act (1980), as amended by the Highways (Assessment of Environmental Effects) Regulations 1999 [D51]. The summary of the main elements of the authority's case on the environmental impact is set out below and takes account of the comments from statutory consultees and other representations received on the ES.

Air Quality¹⁵

4.72 Ambient concentrations of particulate matter (PM₁₀) and nitrogen dioxide (NO₂) adjacent to the existing A2 Trunk Road presently exceed the air quality objectives. Consequently GBC has declared an area adjacent to the A2, comprising some 784 houses and one school, an Air Quality Management Area (AQMA).

4.73 The assessment of traffic emissions associated with the proposed Scheme represents a worst case scenario through the use of high growth traffic flows. Nevertheless, the modelled output shows no significant adverse air quality impacts would arise as a consequence of the proposed Scheme.

4.74 In summary, at permanent places of residence, the proposed improvements to the A2 would not cause air quality objectives to be breached or ambient concentrations to be increased by a significant amount. Nor would they worsen air quality within any existing AQMAs alongside the road or require an

¹⁵ HA/NAQ/9, Sections 6, 7 & 8 & Appendices IV, V & VI

AQMA to be extended. A few dwellings are predicted to experience small increases in air pollution; however, national guidance does not class the small changes as significant.

4.75 The Scheme, with its realignment of the road away from residential areas, would bring significant improvements to air quality within the existing AQMA as defined by the Scheme's significance criteria. By reducing concentrations at many dwellings and school premises to below the air quality objectives, the proposals would provide significant benefits to local communities adjacent to the scheme.

4.76 In this topic the effect of the Scheme would be classed as substantially beneficial.

Noise and Vibration¹⁶

4.77 Noise levels for many dwellings adjacent to the existing route are currently high, in excess of 75 dB L_{A10} (18-hour), due to the proximity of the A2 and the high traffic volumes.

4.78 The Scheme would move the main A2 carriageways further from the main areas of housing in Gravesend, which would result in substantial and widespread noise decreases. The greatest noise decreases would amount to 15 dB(A) or more at some locations on either side of the Tollgate Junction.

4.79 Only 39 dwellings are predicted to experience a noise increase and these all fall within the imperceptible noise change band of <1 dB(A).

4.80 In contrast, a total of 2,502 dwellings are predicted to experience noise decreases, with more than half of these (1,313) experiencing perceptible noise decreases >3 dB(A). A total of 251 dwellings are calculated to experience substantial decreases >10 dB(A), which amounts to more than a halving of the loudness of their ambient noise climate. Local community facilities such as schools, playing fields, hotels and church halls would similarly benefit from reduced noise levels.

4.81 The Scheme and its new road construction and improvement works would leave a smooth road surface, which would minimise vibrations from road traffic vehicles using the new carriageways. Therefore, the Scheme would provide additional benefits in terms of reducing perceptible levels of vibration from road traffic.

4.82 The overall effect of the Scheme would be substantially beneficial, with noticeable and widespread reductions in noise and nuisance levels that would result in a significant decrease in noise level for properties presently within the >70 and 60-70 dB noise bands.

¹⁶ HA/NAQ/P, Sections 2, 3, 4 & 5, & Appendices I, II & III

Landscape and Visual¹⁷

4.83 The current landscape along the line of the Scheme varies from the disturbed, low quality landscape of the Ebbsfleet Valley in the west to the high quality landscape of Shorne and Ashenbank Woods, within the Kent Downs AONB, in the east.

4.84 The extensive planting along the line and as part of the CTRL would lead to some landscape change even in the absence of the Scheme - the area to the south of Gravesend is likely to become more enclosed over time, with a greater proportion of tree cover as the CTRL planting matures. Similarly, the roadside planting along the existing A2 is likely to continue to grow and be a stronger presence in the local landscape in the future.

4.85 The new road would be visible from a relatively restricted area to the north, but from a wider area to the south. However views from the south would be limited by the CTRL and by intervening topography and tree cover.

4.86 Any loss in planting associated with the CTRL and the adjacent CTRL Linear Park should be seen in the context of the retention of the great majority of the existing A2 roadside planting, the immaturity of the CTRL planting, and the fact that any losses would be replaced many times over by the proposed new planting associated with the A2PCW Scheme. The loss of some 7ha of existing trees or shrubs would be counterbalanced by more than 23ha of new planting.

4.87 The effects of the Scheme would vary along its length [D17, paragraph 6.4.8]. However, the overall effects of the Scheme on landscape character would be neutral initially, becoming slight to moderate beneficial over time, with the main benefits being along the southern edge of Gravesend.

4.88 Effects on the designated landscape of the AONB would not be significant - the AONB is very large and the scheme would affect only a very small part of it, to a limited extent and within a woodland area where any effects would be visually contained.

4.89 The scheme would affect views from around 213 properties - effects in year 1 would be moderate beneficial for 33 properties, slight or negligible beneficial for 88 properties and neutral for 66 properties. Adverse effects would be moderate for 3 properties only, and slight or negligible for 23 properties. Adverse effects would be reduced in most cases in the summer, and would decline over time as the proposed and existing planting alongside the road and in the wider landscape matures.

4.90 Visual effects for users of Public Rights of Way would vary from neutral to moderate adverse. Any adverse effects for users of Public Rights of Way would decline over time to become beneficial in some cases, particularly where the existing routes pass beneath the existing A2 in subways, which are unpleasant and

¹⁷ The landscape proposals for the scheme are shown on Figures 6.4 to 6.11 of the ES [D18], and cross sections showing the proposed planting and mounding at representative points along the line of the scheme are shown on Figures 6.12 to 6.16.

intimidating, and the new routes would cross the new A2 on bridges. As regards the impact of road lighting, the use of full cut-off lanterns would minimise light pollution and environmental intrusion [HA/ENG/P, paragraph 4.10.2]

Ecology and Nature Conservation¹⁸

4.91 In order to inform the assessment of the potential effects of the Scheme, a range of detailed specialist ecological studies were undertaken over the spring and summer of 2004. These studies supplemented previous ecological surveys carried out as part of the Scheme development in recent years, and the scope of the surveys was agreed with English Nature¹⁹. There were no objections to the Scheme from English Nature or any other body on the basis of potential effects on protected species.

4.92 The main concerns would be the loss of land and habitat, verge vegetation, existing highway planting and small areas of woodland and hedgerow.

4.93 The off-line section of the new road would take land under arable cultivation, set-aside and improved grassland. This land is of little ecological interest and the opportunity to convert the line of the redundant carriageway and the major part of the land between the urban fringe of Gravesend in the north and the new A2 in the south into new habitat of value for a range of wildlife, to be managed under an ecologically sympathetic regime, would be a positive benefit of the Scheme. Similarly, construction of the proposed new carriageway would provide considerable opportunity for creating new habitats on the cutting and embankment slopes²⁰.

4.94 In the eastern part of the route, the Scheme would involve on-line widening of the existing carriageway. This includes minor losses of land on the periphery of the Shorne and Ashenbank Woods SSSI. These losses, whilst small in extent, would not be as readily offset as the larger scale losses of open agricultural land elsewhere. However, the proposed mitigation measures not only aim to compensate for the losses but also to enhance retained habitat and, through the adoption of a proactive approach to management, to help ensure that wildlife gains can ultimately be achieved. In the medium to long term these measures would include the extensive areas of new semi-natural habitat created as part of the Scheme.

4.95 The predicted residual effects of the scheme on the various ecological features of the local area are summarised in the Table below. The extent to which potential effects would be offset through the extensive provision of compensatory landscaping and sympathetic management of retained and new habitat cannot necessarily be accurately predicted but could be expected to be substantial and to

¹⁸ HA/ENV/P, Sections 2.8 & 3.5

¹⁹ The specialist surveys are reported in Volume 2 of the ES [D19], and include the following interest areas: Bats, Badgers, Dormice, Amphibians and Reptiles

²⁰ The design principles for this area of new habitat creation are set out in Chapter 6 of Volume 1 of the ES [D17].

provide positive benefit to the range of ecological interests of the study area.

SUMMARY OF EFFECTS AND OVERALL ASSESSMENT CATEGORIES					
Feature	Value	Magnitude of Effects (with scheme mitigation) ¹	Magnitude of Effects (with additional mitigation) ²	Overall Assessment Category (with scheme mitigation)	Overall Assessment Category (with additional mitigation)
SSSI	High	Minor negative	Minor Negative	Slight Adverse	Slight Adverse
SNCI	Medium	Neutral	Neutral	Neutral	Neutral
Species-rich verge	Medium	Neutral	Positive	Moderate Beneficial	Moderate Beneficial
Ancient woodland	Lower	Minor Negative	Minor Negative	Slight Adverse	Slight Adverse
Other	Lower	Minor Negative	Positive	Slight Beneficial	Slight Beneficial
Dormice	V. High	Unknown	Unknown	Unknown	Unknown
Bats	V. High	Neutral	Positive	Neutral	Neutral
Great crested newts	V. High	Minor Negative	Minor Negative	Slight Adverse	Slight Adverse
Reptiles	Medium	Positive	Positive	Moderate Beneficial	Moderate Beneficial
Water voles	Medium	Neutral	Neutral	Neutral	Neutral
Badgers	Lower	Major Negative	Positive	Slight Adverse	Slight Beneficial
Birds	Lower	Positive	Positive	Slight Beneficial	Slight Beneficial
Invertebrates	Lower	Positive	Positive	Slight Beneficial	Slight Beneficial
Other Species	Lower	Positive	Positive	Slight Beneficial	Slight Beneficial

Notes:

1. Scheme mitigation measures include all current Scheme proposals including the provision of new habitats within the redundant carriageway and the proposed new verges, cuttings and embankments and adjoining land.
2. Additional mitigation measures include other site or species-specific mitigation which cannot be fully detailed or guaranteed at this stage, as discussed in section 7.5 of the ES Volume 1 [D17].

Cultural Heritage [D17, Section 8]

4.96 The proposed scheme would have no direct impact on any Scheduled Monuments, Listed Buildings, or other designated sites.

4.97 All potential impacts on known archaeological sites and on areas with the potential to contain archaeological deposits would be adequately mitigated through an agreed programme of archaeological recording.

4.98 The residual net effect of the Scheme upon these archaeological resources would therefore be neutral. Furthermore there have been no objections to the Scheme from either English Heritage or Kent County Council on the basis of potential effects on cultural heritage.

Land Use and Agriculture²¹

4.99 The Scheme would take some 53.2ha of land, although some 15ha of restored land from the former A2 should be set against this. Furthermore a substantial proportion of the total land take would be new landscape areas, either on the earthworks slopes of the new road, around the new junctions, or on areas of land taken by the Scheme because they would become unsuitable for farming or are needed for disposal of spoil.

4.100 The effects of the Scheme in terms of land take would be as summarised in the Table below. The loss of some 29.4ha of Grade 2 or 3a land, the 'best and most versatile' land (BMV), would constitute an effect on the agricultural resource of moderate adverse significance. However, no objections to the Scheme have been received from DEFRA or the Government Office for the South East on the grounds of effects on the agricultural resource.

Residual Effects of Scheme on Land Resources		
Land Grade	Area (ha)	% of Total Area
Grade 1	-	-
Grade 2	22.3	41.9
Subgrade 3a	7.1	13.4
Subgrade3b	6.5	12.2
Grade 4	-	-
Grade 5	-	-
Non-agricultural land	17.3	32.5
TOTAL	53.2	100.0

²¹ The Agriculture Report is set out at Part 5 of Volume 2 of the ES [D19].

Note: Shaded areas in the above Table represent Best and Most Versatile land (BMV).

4.101 Some 24ha (81.6%) of the BMV would be from the Beslee Farms Ltd holding. It would not compromise the viability of that farming enterprise, which has not objected to the Scheme.

4.102 The completed Scheme would, where necessary, provide for alternative access to all land retained in agricultural use, replacing those existing access points which are directly off the A2.

4.103 The impact on the recently completed CTRL Linear Park would be mitigated by the extensive replacement landscape areas which are proposed as part of the Scheme. An extensive new linear open space, or Linear Park, would be created through combination of this landscaping and re-use of the area covered by the reclaimed carriageway of the former A2. This has strong local support. This would be significantly larger than the existing CTRL Linear Park. The long term effect would be slight beneficial over time owing to the larger areas of new landscape and areas accessible to the public proposed as part of the Scheme.

Water Quality and Drainage

4.104 The Scheme proposals have been discussed with the Environment Agency (EA) during the initial design stages and also during the EIA for the ES. The EA has raised no objection to the Scheme in respect of water quality and drainage, whether for surface or groundwater.

4.105 There would be an overall minor beneficial effect on the local hydrological and hydro-geological environments as a result of the Scheme, because it would provide improved pollution control of the underlying aquifer prior to discharge of surface water run-off into the River Ebbsfleet [D17, Chapter 5].

Geology and Soils

4.106 There would be no significant net effects associated with geology and soils. This is on the basis that the proposed mitigation measures would effectively deal with any potential adverse effects before they could become apparent, for example in testing for potential contamination and then removing it in an approved and controlled manner [D17, Chapter 4].

Pedestrians, Cyclists, Equestrians and Community Effects

4.107 The Scheme would not result in an increase in community severance, no properties would be isolated from Gravesend, pedestrian and vehicle access to those dwellings that currently lie to the south of the route would be retained.

4.108 Any adverse effects on Public Rights of Way would be minimised by the provision of the proposed crossing points, such that no severance would result [D18, Figures 10.1 to 10.4]. However, in some cases the length and nature of the journey would change.

4.109 Overall effects would be slight beneficial in terms of journey length

and ambience, and the degree of benefit would increase over time as the proposed landscape areas mature.

4.110 The provision of a footpath and cycleway from Pepperhill to the Cobham Junction, either on both sides of the A2 (but the north side only from Thong Lane to the Cobham Junction) or along the redundant carriageway, would be a significant benefit of the scheme. There would also be significant benefits in terms of the provision of a new east - west route for horse riders. These new routes would amount to moderate beneficial significance.

Construction²²

4.111 Some disruption during construction would be inevitable, particularly in terms of speed limits on the A2 and restricted access to or from some of the junctions. Disruption would be kept to a minimum and adverse effects on residential properties would not be significant or prolonged.

4.112 The adoption of a range of appropriate mitigation and good construction practice measures should effectively minimise the potential for any significant adverse effects to occur.

Funding and Timetable

4.113 The estimated cost of the Scheme, including design and preparation, contractor's risk allowance and estimated land costs and fees is £71.92 million. The A2PCW Scheme is included in the TPI and funds have been allocated in the HA budget to provide the Scheme [HA4, Response to Inspector Question 44]. There is no other identified impediment to the implementation of the Scheme [HA16, paragraph 64].

4.114 The construction period for the Scheme would be approximately 24 months, commencing in early 2006, with a further 12 months to complete the landscaping works. The programme is based on an instruction to proceed being given in late autumn 2005 and entry onto the land being taken in January 2006 [HA/CON/P, Section 6].

Benefits

4.115 There is abundant evidence as to the benefits which would accrue, in safety, capacity and environmental terms, as well as improved accessibility to major regeneration areas in the region. These would be very significant, something which is reflected in the general level of support for the scheme and the absence of objections in principle [HA16, paragraph 54].

Modifications to the Order Plans

4.116 A comparison between SITE PLAN 2A in the draft A2 Trunk Road

²² HA/CON/P

(Pepperhill to Cobham Side Roads) Order 20 [D13] and the agreed revised access arrangement to Tollgate Service Station (North) [OBJ11/A1Sup, Appendix 17] (see paragraphs 6.25-6.26 & 8.20 below) indicates that, notwithstanding the fact that there would be no practical stopping up of the private access, the agreed arrangements would trespass in two small areas on land currently proposed to be stopped up as highway.

4.117 These areas require to be excluded from the stopping up order as indicated on the replacement plan - SITE PLAN 2A REV. Neither the Order nor the Schedule to the Order would require amendment. The revised plan 2A²³ to the Order would be the only change required to the Orders or associated plans as a result of the inquiry.

Effects of the Orders

Compulsory Purchase Order [D11]

4.118 The effect of the CPO would be to authorise the authority to acquire land and new rights over land comprising 77 plots (some 815,883 square metres).

4.119 The land would be required to be available at the appropriate time to carry out the construction and improvement works associated with the A2PCW Scheme, including the construction of new trunk roads, the construction and improvement of highways and the provision of new means of access, the use by the authority in connection with such construction and improvement and mitigating any adverse effects of such works.

4.120 It is anticipated that land would be required for work to commence in 2006 with funding arrangements as outlined in paragraphs 4.113-4.114 above. The rights of affected parties under the Human Rights Act 1998, particularly under Article 8 and Article 1 of the First Protocol, have been taken into account and it was considered that there would be no breach of these Articles.

4.121 The Scheme would not be likely to be blocked by any impediment because all necessary permissions and consents have been granted.

Side Roads Order [D13]

4.122 The effect of the Side Roads Order would be to authorise the authority to take the following measures in the area affected by the A2PCW Scheme:

- To improve 8 lengths of highway,
- To stop up 20 lengths of highway,
- To stop up 10 private means of access,

4.123 No highway or private means of access would be stopped up until a

²³ Inspector's Note: The revised site plan is attached to the Order and marked SITE PLAN 2A REV.

reasonably convenient alternative route was provided.

The Line Order [D14] and the Supplementary Order [D16]

4.124 The effect of the Line Order would be to provide that certain roads which would be constructed along defined routes would become trunk roads. The Supplementary Order would have a similar effect; it takes account of an omission in the Line Order.

The Detrunking Order [D15]

4.125 This Order would provide that a defined element of the A2 Trunk Road would cease to be a trunk road from the date that the new trunk roads are open for traffic.

5 THE CASE FOR THE SUPPORTERS

5.1 Three letters of support were submitted [SUP01-03]. The material points were that the Scheme was welcomed by the residents living on the fringe of Gravesend as it would improve air quality and reduce noise pollution in the area, without moving these problems to other residential areas.

6 THE CASE FOR THE OBJECTORS

Seven objectors presented evidence to the inquiry. The material points are:

Mr J Harding, 1 Longview, Henhurst Road [OBJ04] &

**Mr T V Blencowe, 2 Longview, Henhurst Road [OBJ14]²⁴ both supported by
Mr A Holloway MP**

6.1 The proposed road would pass within 2.5 metres of the northern boundary of No 1 Longview, despite initial indications at the 2001 public exhibition that this spacing would be some 40 metres.

6.2 The need for the road is appreciated, as is the fact that the majority of dwellings that lie to the north of the A2 would benefit. However the living conditions in these two properties to the south of the A2 would become intolerable because of increased noise, reduced air quality and general disruption.

6.3 An alternative access road to the commercial property to the rear of these dwellings could be provided through the curtilage of No.1 Longview

²⁴ Inspector's Note: These two objections were presented jointly at the inquiry by the two objectors. They presented one proof of evidence [OBJ04/P-OBJ14/P]. Mr Adam Holloway MP also spoke in support of the objectors. He did not introduce new evidence.

[OBJ04/A, Exhibit 5]. This would relieve potential impact of HGV vehicles passing close to the adjacent White House and would enable the HA to purchase these two dwellings, Nos 1 and 2 Longview, and obviate the need to compulsorily acquire land to the south of the White House.

6.4 The HA is not treating these objectors in a fair manner with natural justice or compassion. The possibility of Discretionary Purchase should be pursued.

Gravesham Borough Council [OBJ07] & Kent County Council [OBJ08]²⁵

6.5 The basic support for the Scheme was underlined. These objections were based on a number of concerns arising out of detailed consideration of the possible environmental impacts of the Scheme [OBJ07/P].

6.6 During the course of the inquiry detailed discussions with the Scheme promoter led to the presentation of a signed agreed statement between the parties [HA/9, OBJ07/2 & OBJ08/2]. This formed the basis for the conditional withdrawal of these objections. This objection withdrawal is based on the fact that the objectors rely on the terms of the agreed statement and on the undertakings given by the HA.

6.7 GBC and KCC are content to accept the signed undertaking and commit to further discussions with HA as indicated and on the express understanding of the reliance being placed on these.

6.8 It is considered that this would be a proper basis to withdraw the objections in the reasonable expectation that the commitments expressed in the agreement would be observed as appropriate in due course.

Mr C Rose, The White House, Henhurst Road [OBJ10]

6.9 The Scheme is very necessary for the area and this is not an objection in principle to the proposals. There are however elements of the Scheme which can be mitigated more effectively. It is these concerns that underpin this objection.

Proposed Access Road to Land to Rear of The Retreat

6.10 The proposed new access road to the adjoining commercial property would run directly adjacent to the south of The White House. The regular use of this road by HGVs would have a seriously harmful effect on the living conditions in the White House by reasons of dust, noise, air pollution and loss of privacy. Effective mitigation would be difficult because of the proximity of the access to the garden of The White House.

6.11 The access could be relocated away from the southern side of the White House garden to link into the nearby access to the CTRL Singlewell Feeder

²⁵ Inspector's Note: These two objections were presented jointly at the inquiry by the two objectors. They presented one proof of evidence [OBJ07/P-OBJ08/P].

Station.

Trunk Road Relocation

6.12 Secondly there would be a significant increase in light pollution by virtue of the movement of the A2 Trunk Road and its associated slip road much closer to this dwelling, and by the presence of tall highway lights and the loss of a large number of trees in the immediate area as part of the Scheme.

6.13 This relocation of the road would also be a source of increased noise pollution in this property.

Henhurst Road Realignment

6.14 The remodelling of Henhurst Road would lead to an increase in the speed of traffic with consequent impact on safety and on the level of noise generated by traffic using that road, which would impact on the living conditions of residents of the adjacent section of Henhurst Road.

Mr Simon Privett, Tollgate Service Station (North) (TSSN) [OBJ11]

The Business

6.15 In the last six years significant investment has been put into the redevelopment of TSSN which provides an essential road-side service facility and shop for users of both the coast-bound carriageway of the A2 and for local people.

6.16 The business has grown steadily and successfully over this same period with some 74% of car-based trade and over 90% of HGV trade originating from the A2 [OBJ11/P2]. It is a successful and busy facility.

6.17 TSSN is currently highly visible from the A2 eastbound carriageway. Furthermore it has a relatively direct and convenient access from the Tollgate slip road or from the local Wrotham Road. The site has a choice of exits with a dedicated egress on to the A2 or the alternative of an exit on to Wrotham Road.

Impact of the Proposed Scheme on the Business

6.18 The proposal for the A2 would result in the loss of the coast-bound motorists' advanced visibility of the site and a significant worsening in the TSSN access arrangements. In essence the site would be at a 'dead end' [OBJ11/P2]. The proposals would therefore not provide a reasonably convenient alternative route as is required under s 14(6) of the Highways Act 1980 [D47]. This provision must be looked at in the round, and in this area an important element of any consideration is the provision of road-side services.

6.19 The inconvenience of the TSSN access proposed with the Scheme may be judged by the 1.6km detour from the A2. This would constitute an additional total return distance of some 1.2km that motorists would have to divert from the A2 compared with current access arrangements. This diversion, via

intermediate junctions, would be likely to incur return travel time from/to the trunk road of more than 3 minutes. Whilst the detailed highway signing proposals²⁶ are welcomed they would not address the issue of inconvenience. This is a major concern.

6.20 This diversion would result in a negative perception of the TSSN site by drivers on the A2 who would be unlikely to return to it. This is reinforced by the history of low turn-in rates recorded at sites where a diversion from the main line is incurred [OBJ11/A1Sup, Appendix 18].

6.21 Consequently the relocation of the main carriageway to the south would result in a significant loss of trade at the TSSN and undermine its ability to adequately serve motorists [OBJ11/P1, Chapter 1]. It is likely that with the very limited level of trade that would be retained, the TSSN site would not continue to be viable [OBJ11/P1, Chapter 2]. This has been underlined in negotiations with BP who are seeking to impose threshold sales levels on their supply agreements.

Need

6.22 However the TSSN and the nearby Cobham Services complement each other well and together provide the capacity for a necessary service that is meeting a need. Although they are 2.7km apart, from a road user's perspective they may be considered as a unit that, along with existing Motorway Service Areas on the M2, M25 and M11, fits well within national spacing policy that was first established in DoT Circular Roads 4/88 [OBJ11/A1, Appendix 3].

Proposed Alternative Access Arrangements

6.23 In order to address the major concern regarding convenience an alternative access arrangement has been put forward [OBJ11/A1Sup, Appendix 16]. This would represent a convenient off-line site with a direct connection to the Tollgate North roundabout junction with the trunk road. It would incur a total return trip from the trunk road of some 900m [OBJ11/3]. This would represent a good compromise compared with the HA proposal.

6.24 The visual impact of this proposed alternative access, which would comprise two one way roads across the proposed Linear Park, could be mitigated by careful detailed design, taking account of proposed mounding and landscaping [D18, Figure 6.6]. Its effects on pedestrians, cyclists and horse riders could be safely managed by the introduction of two 'PEGASUS' Crossings and appropriate signing and fencing where their routes cross the two access roads.

²⁶ Plans of the proposed signing arrangements are set out in HA/4, at Appendix A to the HA response to Question of Clarification 10 from TSSN, OBJ11/1.

Stopping Up of Private Access

6.25 The stopping up of part of the main A2 carriageway adjacent to the eastern exit from TSSN, as indicated on the original Side Roads Order SITE PLAN 2A, would have the practical effect of stopping up this private means of access from the site.

6.26 Furthermore the finally agreed turning arrangements for HGVs leaving the site, which were inadequate as originally proposed, would take up a significant element of the Linear Park in the redesigned arrangements which are acceptable to the HA [OBJ11/A1Sup, Appendix 17]. The visual effect of this turning area on the Linear Park and its potential users should be compared with the impact of the suggested alternative access arrangements, set out above.

British Horse Society (BHS) [OBJ13]

6.27 This is not an objection to the principle of the road scheme. The objection was originally made because of the lack of dedicated facilities for equestrians within the proposed development of recreational footpaths to the north of the realigned trunk road [OBJ13/P].

6.28 However as a result of detailed discussions with the HA at the inquiry and in view of the signed agreement between HA and KCC/GBC [HA/9], which includes the establishment of an equestrian route, this objection is conditionally withdrawn [OBJ13/2]. This withdrawal is based on the undertakings given regarding the establishment of an equestrian path along the redundant carriageway between Downs Road and the CTRL bridge, with the route continuing to Church Road [HA/5].

6.29 In the event that the Scheme goes ahead this path should be dedicated as a Bridleway, to secure it in perpetuity for the public [OBJ13/2].

Written Objections

BP Oil Limited [OBJ01]

6.30 This objection relates to the loss of the Turnpike Service Station (Tollgate South), which is owned by the objector. In particular it relates to commercial development considerations as a result of the loss of the service station and to considerations of its potential replacement [OBJ01/i].

Cobham Parish Council [OBJ02]

6.31 The Parish Council objects to the loss of Metropolitan Green Belt Land and to the stopping-up of the coast-bound access to Thong Lane, which would cause difficulties for Thong Lane residents [OBJ02/a & f].

Tollgate Hotel [OBJ05]

6.32 The Scheme would result in the loss of parts of the hotel complex and would bring the road closer to other parts of the business. The environmental

impact of the Scheme in terms of harm to the Green Belt, noise, and air pollution would be unacceptably high having regard to the limited benefits.

6.33 The impact of the Scheme on the remaining portion of the property, not only in environmental terms but also in terms of the viability of operating the business, would be unacceptable.

6.34 There has been no consideration given to the contravention of rights under the European Convention on Human Rights (ECHR) and, in particular, Articles 1 and 8 of the Convention. It would therefore not be possible to take a balanced view between the intentions of the acquiring authority and the hotel land to be expropriated.

6.35 The effect of the Scheme on the value of the property and the business is a relevant factor in deciding whether the Scheme should proceed. The Orders should not be made [OBJ05/p].

English Nature (EN) [OBJ06]

6.36 The one outstanding issue is the small area (0.26 hectares) of the Site of Special Scientific Interest (SSSI) ancient woodland habitat which would be lost to the Scheme in the Shorne and Ashenbank Woods SSSI. This designation attracts a raft of national and local planning policy considerations which must be taken into account.

6.37 The proposed creation of 18.9 hectares of woodland habitat, along with additional areas of other habitats, proposed off-site planting and woodland management works, would provide the minimum level of compensation required to off-set the loss of the SSSI habitat and other non-woodland habitat [OBJ06/m].

Kent Thameside Delivery Board (KTDB) [OBJ09]

6.38 KTDB is firmly committed to delivery of the Scheme. The A2 through Cobham Junction should also be upgraded to four lane standard to prevent local congestion when the Scheme is constructed.

6.39 There should be a comprehensive approach to the master planning and long-term management of the new areas of open space that would be provided on the urban fringe of Gravesend, to the north of the realigned road.

6.40 The design of highway structures should reflect their important roles as key gateways to Kent Thameside [OBJ09/a & f].

Esso Petroleum Company [OBJ12]

6.41 The proposed Scheme would result in indirect access from A2 eastbound to Cobham Services (North) and in indirect egress from Cobham Services (South) to the A2 westbound carriageway. Both manoeuvres would involve drivers using the Marling Cross Junction.

6.42 The revised access arrangements would have a detrimental impact

on the financial viability and success of the Services [OBJ12/a].

Other Written Representations

6.43 Thirteen other written representations were received [REP01-13]. The key matters raised included the following:

- Access for equestrians,
- Access to adjacent land for cyclists and pedestrians,
- Detailed access arrangements to a property,
- Visual impact for residents of Thong Lane,
- Impact on recreational use of Shorne Wood Country Park,
- Impact of construction compounds on wildlife.

7 THE CASE FOR THE COUNTER OBJECTORS

The material points are:

Tollgate Hotel [OBJ05]

7.1 The proposed alternative access to the Tollgate Service Station (North), put forward by that objector [OBJ11/A1Sup, Appendix 16], would create an increased security risk for the hotel and would not provide any benefits over and above the current scheme [OBJ05/2].

8 RESPONSE BY PROMOTING AUTHORITY

The material points are:

Mr J Harding, 1 Longview, Henhurst Road [OBJ04] &

Mr T V Blencowe, 2 Longview, Henhurst Road [OBJ14]

8.1 The annual average level of NO₂ would decrease at these properties because the key source of emissions, those associated with traffic movements through Marling Cross Junction, would be moved away from the dwellings. Furthermore the prevailing wind would blow long-term emissions away from the dwellings [HA/04/R, paragraph 2.4].

8.2 Detailed noise monitoring and modelling indicate the worst case projection of an increase in +1dB(A) on the east façade of No 1 Longview. However the proposed provision of an acoustic fence between the A2 and No 1 Longview would result in a reduction in ground floor noise level of some 4dB(A) on

the east façade and in the rear garden and by approximately 5dB(A) on the west façade [HA/04/R, paragraph2.5].

8.3 Landscaping, mounding and cut-off lanterns would mitigate the slight adverse visual impact of the Scheme on these properties with a neutral effect by year 15 [HA/04/R, paragraph2.6].

8.4 No land would be required from these two properties for the Scheme and therefore they may not be subject to compulsory purchase. The cost of purchase of Nos 1 & 2, which would be implicit in providing a revised commercial access adjacent to No1 Longview, could not be justified when an appropriate and adequate access road may be constructed, as proposed, to the south of the White House with the acquisition of less land [OBJ04/A, Exhibit 5]. The objectors may apply for a Discretionary Purchase to be made; this would need to meet a number of criteria [HA/04/R, paragraphs 2.8 & 2.9].

Gravesham Borough Council [OBJ07] & Kent County Council [OBJ08]

8.5 A signed agreement with GBC and KCC provides an undertaking to address a number of detailed design and management issues in consultation with the local authorities including:

- Landscape and visual matters,
- Use of the Sandwich Lands,
- Archaeological excavation,
- Community effects,
- Further Noise and Air Quality mitigation,
- Construction effects,
- Highway design issues, and
- Land ownership and management. [HA/09, paragraph 18(a)-(m)]

8.6 Further items falling under the above general headings would also be progressed by means of consultation and discussion; these would also include the detailed design of equestrian access amongst several other detailed matters [HA/09, paragraph 19(a)-(p)].

8.7 The commitment by the HA to undertake these further discussions, investigations and works has enabled GBC and KCC to conditionally withdraw their joint objections [HA/09, paragraph 1].

Mr C Rose, The White House, Henhurst Road [OBJ10]

Proposed Access Road to Land to Rear of The Retreat

8.8 The proposed 2 metre high close boarded fence, together with the

objector's hedge, which is some 5 metres high, would provide effective mitigation against noise, dust, air pollution and loss of privacy. This mitigation would be further aided by the facts that this proposed access road would be metalled and the frequency of HGVs would be low [HA/10/R, paragraphs 2.2 & 2.3].

8.9 The access road could not be realigned as suggested because of CTRL security concerns and GBC development planning considerations [HA/10/R, paragraph 2.4].

Trunk Road Relocation

8.10 The new lighting would not fundamentally alter the existing night time view in which existing columns on the A2, and particularly on the existing slip roads, are visible through or above the vegetation immediately to the west of the property. Furthermore the Scheme would provide extensive mounding and planting immediately to the west of the properties in Henhurst Road [HA/10/R, paragraphs 2.5 & 2.6].

8.11 The Scheme would incorporate the use of low noise road surfacing material, which would provide a significant reduction in source noise compared to the present road surface. This would result in a marginal reduction in noise at the dwelling. Further noise reduction would arise as a result of the proposed acoustic fence adjacent to the slip road [HA/10/R, paragraphs 2.7 & 2.8].

Henhurst Road Realignment

8.12 The proposed realignment of this local road would incorporate safe design and visibility characteristics, which would be an improvement over the present situation, and would introduce a 40 mph speed limit to control speeds [HA/10/R, paragraphs 2.9 & 2.10]. Henhurst Road would be realigned further away from The White House; there would therefore not be an increase in noise levels associated with that road.

Mr Simon Privett, Tollgate Service Station (North) (TSSN) [OBJ11]

The Scheme's Impact on the Business

8.13 Mr Privett conceded that no agreement has been signed with BP which would introduce any sales threshold on the business. The negotiations were not shown to be conclusive and no other evidence was put forward to support arguments regarding the potential closure of the business. Furthermore it was confirmed that the loss of the nearby Turnpike Services as a result of the Scheme would remove some local competition.

8.14 Whilst the Scheme proposals would introduce an additional total return trip of 1.2 km for trunk road users wishing to visit TSSN, the alternative access arrangements put forward by, and acceptable to, TSSN would include a return trip of some 900 metres; or an additional 0.5 km over current arrangements. The objector conceded that this was largely a matter of perception, those in real need or on long trips or first time users would not be deterred. Furthermore evidence on turn in rates did not relate to directly comparable sites.

The Scheme proposals would constitute a reasonably convenient alternative route [HA/11].

8.15 Any loss of visibility of the service station from the A2 would be addressed by advanced trunk road signing and comprehensive signing on the local road network, significant improvements over current signing arrangements [HA/4, HA response to Question of Clarification 10 from TSSN].

Need

8.16 Whilst it is accepted that access to both TSSN and Cobham North Services would be less convenient than present, they would remain and would be well signed by reasonably convenient alternative routes to continue to meet the recognised needs of motorists on the wider strategic route network.

The Alternative Access

8.17 The two limbs of the proposed alternative access route [OBJ11/A1 Sup, Appendix 16, Drawing No 205053/02 Rev B] would cut through the segregated paths for pedestrians, cyclists and equestrians. This would be to the disadvantage of local residents wishing to use these routes through the proposed Linear Park [HA/11/R2, paragraph 3.1].

8.18 Whilst it is accepted that the visual impact of the TSSN suggested access roads could be somewhat lessened by appropriate landscaping, the severance of the non-motorised user links would not be adequately addressed.

8.19 The provision of two 'PEGASUS' crossing facilities for both pedestrians and equestrians would not be ideal. The overall additional cost of the arrangements proposed by TSSN could reach £500,000 which is disproportionate in terms of the effect of the proposals. Furthermore the suggested arrangements would militate against the objectives of the Linear Park. Live traffic crossing this public space would introduce a safety hazard and would have a harmful impact on visual amenity [HA/11/R2, paragraphs 3.2-3.6]. The TSSN-proposed alternative access would run close to and affect the nearby Tollgate Hotel [OBJ5/2].

Stopping Up of Private Access

8.20 The published Orders would not have had the practical effect of stopping up the eastern exit from TSSN. However a revised and agreed access arrangement is proposed, to allow more space for HGV turning manoeuvres. This would require a minor modification to the appropriate plan (SITE PLAN 2A) that forms part of the SRO. This is set out in SITE PLAN 2A REV [D13, SITE PLAN 2A, 'A2 Tollgate Junction Area']. The agreed access arrangement is set out in Drawing No 205053/03 Rev A [OBJ11/A1Sup, Appendix 17].

British Horse Society (BHS) [OBJ13]

8.21 The proposed dedicated equestrian route²⁷ along the redundant carriageway, to the north of the Scheme, between Downs Road and the CTRL bridge, formed the basis for the conditional withdrawal of the BHS objection. The provision and maintenance of this route are also covered in the agreement with GBC & KCC [HA/9, paragraphs 8(iv), 18(h) & 19(h)].

Written Objections

BP Oil Limited [OBJ01]

8.22 A case has been made for the acquisition of the Turnpike Service Station in the public interest. The commercial concerns of this objector would be dealt with in the normal manner and are not a matter for consideration at this inquiry [HA/01/R].

Cobham Parish Council [OBJ02]

8.23 The over-riding need for the Scheme and its attendant benefits would outweigh the harm due to loss of a relatively small area of Green Belt and would constitute the very special circumstances required to justify this loss [HA/02/R, paragraphs 2.1-2.5].

8.24 The Thong Lane slip roads are too close to the Marling Cross Junction to retain; this would be unsafe in highway design terms. Thong Lane Bridge would be replaced by a wider bridge enabling two-way traffic to pass; this together with proposed associated improvements to Old Watling Street, between the bridge and Brewers Road roundabout, would create an improved access via the Cobham Junction for users of this route [HA/02/R, paragraphs 2.6-2.10].

Tollgate Hotel [OBJ05]

8.25 Worsened air quality on the hotel's southern façade would be balanced by an improvement on its northern face. The new low-noise road surface would reduce and minimize ground-borne as well as airborne vibrations. There would not be a perceptible rise in noise level [HA/05/R, paragraphs 2.7-2.10].

8.26 The effects of the Scheme acquisitions on the human rights of those affected is outweighed by the availability of compensation and the benefits to significant numbers of local residents and the public interest in and support for the Scheme [HA/05/R, paragraphs 2.11].

8.27 Commercial concerns may be dealt with through compensation and are not a matter for this inquiry [HA/05/R, paragraphs 3.1-3.2].

²⁷ The detailed alignment of this equestrian route is indicated on the plan at HA/5.

English Nature [OBJ06]

8.28 The degree of slight harm to the SSSI would be effectively minimized and the proposed mitigation and compensation measures would offset this harm; this has been acknowledged by EN [OBJ06/m]. This detriment to the SSSI would be greatly outweighed by the need for the Scheme and the range of benefits [HA/06/R].

Kent Thameside Delivery Board [OBJ09]

8.29 A separate feasibility study of Cobham Junction has been completed [D34] and consequently it is proposed to implement a widening through the junction to four lanes. This would be complementary to the A2PCW Scheme and, if that Scheme were approved, would be included within its programme [HA/09/R, paragraph 2.1]. However the Scheme is independent and would not rely on this Junction improvement.

8.30 The HA has initiated discussions with GBC regarding proposals for the A2 Sandwich Lands and would be pleased to participate in the development of a comprehensive approach to master planning and long term management of this area [HA/09/R, paragraph 2.2]. This is reflected in the signed agreement with GBC/KCC [HA/9, paragraphs 5, 18(d) & 19(b)].

8.32 The bridge aesthetics would be examined as part of the detailed design process and in the context of bids by KCC/GBC for Arts Plus funds [HA/09/R, paragraph 2.3].

Esso Petroleum Company [OBJ12]

8.33 Current access arrangements could not be maintained because of the proximity of the nearby Marling Cross Junction; this would result in an unsafe highway arrangement with potential weaving conflicts. The proposed access/egress arrangements would be well signed in advance on the A2 and at Marling Cross. This signing would include a number of trunk road gantry signs [HA/12/R].

Other Representations

8.34 The detailed matters raised by these correspondents have either been covered in the above responses or would be addressed in the detailed design considerations of the Scheme.

9 CONCLUSIONS

9.1 Bearing in mind the submissions and representations I have reported, I have reached the following conclusions, reference being given in brackets to earlier paragraphs where appropriate.

Legal Submissions

9.2 During the inquiry legal submissions were made on behalf of Mr Simon Privett with a response on behalf of the authority. Whether or not the cited **Vasiliou** case weakens the authority's position is clearly a matter of law, but it seems to me that this case related to an entirely different set of statutory provisions, in that it dealt with a stopping up order to be made under s 209(1) of the Town and Country Planning Act 1971, to enable development to be carried out in accordance with planning permission [3.5][3.8].

9.3 Turning to the matter of the stopping up of the route under s 14(6) of the 1980 Act, in my view the test of reasonable convenience, in so far as it relates to the section of A2 to be stopped up adjacent to the TSSN, should focus principally on the element of the A2 highway [3.1-3.2][3.6].

9.4 The availability of 'another reasonably convenient route' as indicated in s 14(6) should in my judgment relate to the alternative for the length of A2 highway to be stopped up; in other words, whether or not the proposed Scheme would provide another reasonably convenient route for its users; on all the evidence before me I consider that it would [3.7].

9.5 I do not share the objector's view that any inconvenience induced by the additional distance to TSSN on local roads would have a material impact on this argument when viewed against the s 14(6) test as applied to the A2 route as a whole. Whilst there would be some limited inconvenience for route users wishing to visit TSSN, this would carry little weight when considered in the light of all users and their journeys on the route [3.2][3.7].

9.6 I turn now to address the question of the TSSN eastern private means of access. From my site inspections and the plans put before the inquiry I consider that the Order as originally proposed would have had the effect of partially reducing the width of this access. I do not consider that it would require any amendments to the Orders, as submitted by the objector, Mr Privett [3.3-3.4][3.9-3.15]. This is dealt with by the agreed revised arrangements for this access.

9.7 The revised access arrangements for the layout of this particular access would provide 'another reasonably convenient means of access to the premises', as is required under s 125(3)(b) of the 1980 Act. This was a matter that was agreed by the parties. The minor modifications to the area of road to be stopped up, as indicated on SITE PLAN 2A REV, would enable the construction of a widened access to allow turning manoeuvres for all vehicles without any modification to the draft Order [3.16-3.19]. I am satisfied that these modifications would not prejudice any other party. Consequently I conclude that this revised plan should be adopted and should replace the original, appended to the SRO.

The Scheme

9.8 I neither heard nor saw any objections in principle to the A2PCW Scheme; in general the objectors welcomed the benefits that the Scheme would bring to the wider community [6.2][6.5][6.9][6.27][6.38]. There is evident need for the proposed A2PCW Scheme [4.27-4.34]. Furthermore I am satisfied that the route chosen would be the most appropriate of the alternative alignments considered [4.21-4.26].

9.9 On the question of policy, I note that the realigned route of the A2 would encroach into the designated Green Belt and would constitute inappropriate development [4.40][4.48][6.31]. However I am satisfied that the harm by reason of this inappropriateness would be clearly outweighed by the need for the Scheme and by the public benefits that it would carry. These considerations would constitute the very special circumstances to justify this inappropriate development [4.48]. From a study of the evidence adduced I am satisfied that the proposal complies with a wide raft of other adopted policies from national through to local level [4.36-4.47].

9.10 The Scheme is included in the TPI and the authority has allocated funds in its budget for a start of construction in early 2006 [4.113-4.114].

9.11 There is compelling evidence that the scheme would adequately and safely accommodate predicted traffic, including induced traffic [4.54-4.58][4.66-4.70]. In my judgement it would meet its objectives and the delivery of these objectives would amount to a considerable public benefit [4.35]. I turn now to consider the detailed objections.

Mr J Harding [OBJ04] & Mr T V Blencowe [OBJ14]

9.12 These objectors share understandable concerns regarding the relocation of this trunk road closer to their dwellings. However it is clear from the uncontested technical evidence of the authority that, with the proposed mitigation measures and the modifications to the Marling Cross Junction, the occupiers of these properties would experience a reduction in both air pollution and noise. Furthermore the visual impact of the Scheme would be limited by landscaping and as this planting matures the effect would be neutral by year 15 [6.1-6.2][8.1-8.3]. In view of the above little weight may be apportioned to these submissions.

9.13 There would not be any justification for the authority to purchase part or all of these dwellings in order to provide access to the adjacent commercial premises. This would not be necessary on environmental grounds and could not be justified on economic grounds. The matter of Discretionary Purchase is outside the scope of this inquiry [6.3-6.4][8.4]. It is concluded that this alternative private access should not be pursued.

Gravesham Borough Council [OBJ07] & Kent County Council [OBJ08]

9.14 These local authorities had a number of concerns regarding detailed design and environmental mitigation matters. They are now satisfied that these concerns would be addressed adequately if the Scheme were to proceed. The basis for this stance is established by the signed agreement between GBC, KCC and the

HA [6.5-6.8][8.5-8.7].

9.15 This agreement has established the grounds for the conditional withdrawal of these objections. It is concluded therefore that these objections should carry no weight when measured against the public benefits of the Scheme.

Mr C Rose [OBJ10]

9.16 The proposed private access road to the adjacent commercial premises would be situated in the most appropriate location, given other controlling influences [6.11][8.4][8.9]. Furthermore it is concluded that, given the presence of the existing hedge, which is controlled by the objector, and the proposed fence, the low frequency of HGVs would not give rise to an unacceptably harmful impact on the living conditions of the occupants of the White House [8.8].

9.17 The use of contemporary lantern design and local landscape mounding and planting would ensure that light pollution at the White House would not be exacerbated by the Scheme [4.90][6.12][8.10]. I was able to confirm the HA's submission regarding the impact of this modern lighting on one of my site inspections [1.5].

9.18 The technical evidence clearly indicates that in view of the proposed mitigation measures there would be a marginal reduction in noise at the dwelling; no convincing technical counter argument to this conclusion was presented [6.13][8.11].

9.19 The realignment of Henhurst Road may lead to a marginal increase in the speed of vehicles. However the improved alignment, visibility and the provision of a speed limit would maintain highway safety standards and not increase noise levels [6.14][8.12].

9.20 In view of all the above it is concluded that this objection should attract little weight in the balance against the public benefits of the A2PCW.

Mr Simon Privett [OBJ11]

9.21 The matter of potential compensation is outwith the terms of reference of this inquiry; this was made clear at the PIM and at the inquiry. Consequently compensation is not addressed in these Conclusions

Impact on the Business

9.22 Conflicting but inconclusive points were advanced on this issue. On the one hand advanced visibility of the site would be lost, the revised TSSN access would undoubtedly be somewhat less convenient and turn in rates²⁸ would reduce to a certain extent [6.17-6.21].

²⁸ Inspector's Note: From the submissions, other sites used as a basis for evidence on turn in rates were not in my view directly comparable to the A2 site and consequently submissions on this were not entirely convincing.

9.23 On the other hand TSSN, in tandem with Cobham Services, is necessary to meet the undisputed established need [6.22][8.16]. Furthermore competition from Turnpike Services would disappear [8.13]. The site would enjoy improved advanced and local signing from the A2 and the surrounding roads. Local access would also be retained [8.15].

9.24 Clearly Mr Privett has established a successful and growing business in recent years [6.15-6.16]. However no detailed conclusive financial evidence was adduced to confirm that the business would close [8.13]. In the absence of this and in the light of the above arguments I am unable to attach significant weight to this argument.

Alternative Access

9.25 I turn now to consider the suggested alternative access links to TSSN from the Tollgate Junction, as put forward by the objector, as a means of providing a more acceptably convenient route to TSSN from the A2 than that promoted by the HA as part of the Scheme.

9.26 This objector's alternative access route, which would rely on two one-way road links, would be some 0.7km shorter, in total round trip, than the Scheme proposal. It would be more direct, not requiring drivers to negotiate an intermediate local roundabout, and therefore quicker [6.19, 6.23]. However it would not address the issue of visibility from the A2 and signing would be to a similar standard for either option [8.15]. In light of all the above I conclude that, on balance, it would be marginally more convenient than the Scheme option.

9.27 However the two road links would cut directly through the proposed Linear Park and its associated facilities for pedestrians, cyclists and equestrians; facilities that have strong local support [4.103]. This would not be the case with the widened eastern access point to TSSN and its associated turning area, which in my view would have a limited visual impact on the Linear Park and would not give rise to severance [6.26].

9.28 It is concluded that this severance and the intrusion of live traffic into the proposed Linear Park, with attendant safety risks, could not be justified on the grounds of marginally improved convenience of access to the TSSN. It would not be in the overall public interest; neither would the excessive additional costs associated with the measures to address safety concerns, such as the suggested PEGASUS crossings [6.24][8.17-8.19].

9.29 This conclusion on the objector's suggested alternative access is supported by the opposition to the TSSN-led alternative access by the Tollgate Hotel [7.1]. On balance I conclude that the objector's proposal for an alternative access route does not merit further investigation.

Stopping Up of Private Access

9.30 As regards the eastern private access to TSSN, I am satisfied that this may be adequately dealt with by substitution of SITE PLAN 2A REV for the original SITE PLAN 2A in The A2 Trunk Road (Pepperhill to Cobham Side Roads)

Order 20... All parties agreed this action and it is common ground that this would permit the construction of a revised access, based on the existing one, which would allow full movements by all vehicles [6.25-6.26][8.20]. No other party would be prejudiced by the adoption of this alternative.

Summary on Mr Privett's Objection

9.31 In light of all the submissions made by and on behalf of Mr Privett and the responses on behalf of the authority, it is concluded that little weight should be attached to this objector's arguments and that the means of access to the TSSN from the Tollgate Junction and the revised private access, all as put forward by the authority, should be adopted in the overall public interest.

British Horse Society (BHS) [OBJ13]

9.32 This objection was withdrawn conditionally on the basis that the authority would provide a separate equestrian route adjacent to part of the improved A2 route. This matter was also dealt with in the tripartite agreement between the HA and the local authorities [6.27-6.29][8.6][8.21].

9.33 I am satisfied that this route would be provided as part of the Scheme. However KCC should make every effort to pursue the dedication in perpetuity of this proposed route for equestrians as a bridleway. Notwithstanding the above this legal dedication matter should not act as a bar to the making of the Orders.

Written Objections

BP Oil Limited [OBJ01]

9.34 The future opportunities for replacing Turnpike Service Station are not for this inquiry. No evidence was presented to counter the authority's case that the acquisition of this property would be in the public interest. Consequently no weight may be attached to this objection [6.30][8.22].

Cobham Parish Council [OBJ02]

9.35 The conclusion on the Green Belt issue is set out above in paragraph 9.9 [6.31][8.23].

9.36 On the question of the stopping up of the coast-bound access to Thong Lane, I am satisfied that on balance this would be necessary from a trunk road safety standpoint and that the proposed local improvements to Thong Lane would help to mitigate the effects of this loss of direct access from the A2 [6.31][8.24]. In these circumstances little weight may be attached to this objection in the final balance.

Tollgate Hotel [OBJ05]

9.37 The Scheme would have very limited measurable environmental

impact on the hotel. No technical evidence was cited to counter the HA's arguments in this regard. Furthermore no objective data were forthcoming to support the viability issue [6.32-6.33][6.35][8.25][8.27].

9.38 On the question of the alleged breach of human rights, Article 1 establishes that everyone is entitled to the peaceful enjoyment of his possessions and Article 8 that everyone has the right to respect for his private and family life, his home and his correspondence. These rights are, however, qualified rights. Interference with a qualified right is permissible so long as what is done has a basis in law; it is done to secure an aim set out in the relevant Article; and it fulfils a pressing social need, pursues a legitimate objective, and is proportionate to the objectives being pursued. The compulsory acquisition of land is permitted by Section 239 of the Highways Act 1980 and by Section 2 of the Acquisition of Land Act 1981. The proposed acquisition of the Order lands is for a purpose permitted by those Acts. I consider that there is a pressing social need in this case to acquire the Order lands for the reasons set out below in paragraph 9.51 [6.34][8.26].

English Nature [OBJ06]

9.39 In view of the creation of a substantial area of woodland habitat and other associated off-site mitigation measures the loss of the small area of SSSI should not carry any significant weight in the balance against the overall public benefits of the Scheme [6.36-6.37][8.28].

Kent Thameside Delivery Board [OBJ09]

9.40 The separate proposals for the improvement to the Cobham Junction and the agreement with GBC and KCC address the concerns raised by this objector [6.38-6.40][8.29-8.32]. Consequently the objection should carry no weight against the Scheme.

Esso Petroleum Company [OBJ12]

9.41 The trunk road safety considerations underpinning the redesign of the accesses to the two Cobham Services facilities outweigh the viability argument. In any event I consider that the proposed signing arrangements would largely address these concerns [6.41-6.42][8.33]. Consequently this objection should not carry any significant weight in the final consideration against the overall benefits of the Scheme.

Other Written Representations

9.42 I am satisfied that the other outstanding representations would be addressed by proposed mitigation measures, by Scheme design or by the agreement with GBC and KCC. In my judgement they do not, either jointly or separately, outweigh the public benefits of the Scheme [6.43][8.34].

Economic Assessment

9.43 The economic assessment has been conducted using current

Government guidance. Economic benefits would significantly outweigh the Scheme's costs with a projected benefit to cost ratio of approximately 2 for the 30 year assessment. It is concluded that there is a sound and robust economic case for the Scheme [4.59-4.65].

Environmental Assessment

9.44 The promoting authority's Environmental Statement complies with European and UK directives and it is noted that all statutory and a number of non-statutory bodies have been consulted during the course of the Scheme's assessment, their responses having been included within the Environmental Impact Assessment. No other opinions have been expressed and there are no significant changes to the accuracy or relevance of the Environmental Statement. The Environmental Statement and other environmental information, including comments and representations made by statutory consultees and members of the public, have all been taken into account in reaching the conclusions on the proposals [4.71].

9.45 My consideration of the overall environmental effects of the proposal, set out in paragraphs 4.71-4.112 above, leads me to conclude that in the main they would be moderately to substantially beneficial. The limited adverse effects on ecology and land use would be addressed by proposed mitigation [4.94-4.95][4.103].

9.46 The environmental effects of the A2PCW Scheme have been fully and carefully considered by the authority and balanced against the very significant benefits of the Scheme, particularly in the matters of reduction in congestion, improved provision for pedestrians, cyclists and equestrians, improved safety, reduced local pollution levels to a significant number of dwellings and contribution to regional regeneration [4.27-4.35][4.115]. On balance I conclude that the Scheme's major public benefits outweigh its environmental effects.

The Orders

Conclusions with regard to the Line, Supplementary and Detrunking Orders

9.47 I am satisfied that the proposed changes to the trunk road network would, bearing in mind the requirements of local and national planning, including the requirements of agriculture, be expedient for the purpose of improving the national system of routes for through traffic in England²⁹.

Conclusions with regard to the Side Roads Order

9.48 I am satisfied that the proposals for improving or stopping up the highways in question and for the stopping up of private means of access in this Order are necessary to meet the Scheme's objectives. With regard to the highways, other reasonably convenient routes would be available before the

²⁹ Highways Act 1980, Section 10(2)

highways are stopped up³⁰, and with regard to the private means of access, those replacement means of access still required would become available before each stopping up takes place³¹. I can see no reason why the Side Roads Order should not be made, with the modified SITE PLAN 2A REV appended, to replace the original SITE PLAN 2A. This modification would not prejudice any party.

Conclusions with regard to the Compulsory Purchase Order

9.49 I have closely studied the schedule and plans accompanying the Compulsory Purchase Order and can find no evidence of any proposal to purchase land or rights other than those necessary to implement the Scheme, and furthermore there have been no assertions to the contrary other than those that I have considered and reported above. I am therefore satisfied that the Order addresses no more land than is necessary, and that the authority has a clear idea of how it intends to use the land. Budgetary provision has been announced by the Government, and if the Orders are made work would start in 2006, for which reason I am also satisfied that no land is proposed to be acquired ahead of time.

9.50 The scheme is unlikely to be blocked by any impediment to implementation [4.121].

9.51 In my view there is a compelling case for the scheme to be implemented in order to overcome congestion, to improve provision for pedestrians, cyclists and equestrians, to improve safety and to promote economic regeneration. Therefore, having regard to ODPM Circular 02/2003³², I am persuaded that there is a compelling case for the land's compulsory purchase in the public interest which justifies interfering with the human rights of those with an interest in the land. Loss of any interest could be met by compensation.

³⁰ Highways Act 1980, Section 14(6)

³¹ Highways Act 1980, Section 125(3)

³² The Orders were published before 31 October 2004; therefore ODPM Circular 02/2003 should apply.

10 RECOMMENDATIONS

I recommend that:

The A2 Trunk Road (Pepperhill to Cobham and Slip Roads) Order 20.. be made.

The A2 Trunk Road (Pepperhill to Cobham) (Detrunking) Order 20.. be made.

The A2 Trunk Road (Pepperhill to Cobham Side Roads) Order 20.. be made, but with the substitution of SITE PLAN 2A REV for the original SITE PLAN 2A.

The A2 Trunk Road (Pepperhill to Cobham) Compulsory Purchase Order (No) 20.. be made.

The A2 Trunk Road (Pepperhill to Cobham and Slip Roads) Supplementary Order 20.. be made.



R M Barker

INSPECTOR

APPENDICES

APPEARANCES

The Highways Agency, represented by

Mr Rupert Warren of Counsel, instructed by the Treasury Solicitor

Who called:

Mr Philip Cheesmur	Project Leader, Operations Division employed by the Highways Agency, Heron House, 49/53 Goldington Road, Bedford MK40 3LL
Mr Stephen Leo	Project Design Manager, Owen Williams Consultants, Zurich Close, 6 Goldington Road, Bedford MK40 3NF
Mr Trevor Sharpe	Project Manager, Skanska UK, Maple Cross House, Denham Way, Maple Cross, Rickmansworth, Hertfordshire WD3 9SW
Mr Alan Bailes	Director, Transportation Planning (International) Ltd, 9 Champneys Walk, Cambridge CB3 9AW
Mr Michael Forsdyke	Managing Director, AcousticAir Limited, Bransted, Higher Erith Road, Torquay, Devon TQ1 2NQ
Mr Jon Etchells	Director, Jon Etchells Consulting Limited, 53 William Way, Letchworth, Hertfordshire SG6 2HJ

The Objectors

Kent County Council/Gravesham Borough Council, represented by

Mr Andrew Kelly of Queen's Counsel, instructed by the County Secretary, Kent County Council, County Hall, Maidstone, Kent ME14 1XQ and the Head of Legal Services, Gravesham Borough Council, Civic Centre, Windmill Street, Gravesend, Kent DA12 1AU.

Who called:

Mr Tony Chadwick	Principal Planning Officer, GBC
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British Horse Society, represented by

Ms Susan Quarendon N & W Kent Access & Bridleways Officer, Heath
Cottage, Leeds Road, Langley, Maidstone,
Kent ME17 3JG

Mr Michael Harding & Mr Trevor Blencowe supported by **Mr Adam Holloway**
MP, House of Commons, London SW1A
0AA

Mr Colin Rose The Whitehouse, Henhurst Road, Gravesend, Kent
DA12 3AN

Mr Simon Privett, Tollgate Service Station North, represented by

Mr Andrew Williamson, Solicitor and Partner, Walker Morris, Kings Court, 12 King
Street, Leeds LS1

Who called:

Mr Michael Bedwell Executive Director, Boreham Consulting Engineers
Limited, Regent House, Hubert Road,
Brentwood, Essex CM14 4JE

Mr Simon Privett Tollgate Service Station North, A2 Watling Street,
Gravesend, Kent DA11 7NP

DOCUMENT LIST

A *Deposited Documents*

- D01** A2 Pepperhill to Cobham Widening - Statement of Case, April 2005
- D02** A2 Pepperhill to Cobham Widening – Drawings. Preliminary Scheme Layout. Illustrative Landscape Scheme
- D03** A2 Pepperhill to Cobham - Engineering Proof Of Evidence - Moved to Section C(i) as HA/ENG/P
- D04** A2 Pepperhill to Cobham - Traffic and Economics Proof Of Evidence - Moved to Section C(i) as HA/TRA/P
- D05** A2 Pepperhill to Cobham - Environmental Proof Of Evidence - Moved to Section C(i) as HA/ENV/P
- D06** A2 Pepperhill to Cobham - Noise and Air Quality Proof of Evidence- Moved to Section C(i) as HA/NAQ/P
- D07** A2 Pepperhill to Cobham - Construction Issues Proof Of Evidence - Moved to Section C(i) as HA/CON/P
- D08** Not in use
- D09** Not in use
- D10** Not in use
- D11** The A2 Trunk Road - (Pepperhill to Cobham) Compulsory Purchase Order 20..
- D12** Not In Use
- D13** The A2 Trunk Road - (Pepperhill to Cobham Side Roads) Order 20..
- D14** The A2 Trunk Road - (Pepperhill to Cobham and Slip Roads) Order 20..
- D15** The A2 Trunk Road - (Pepperhill to Cobham) (Detrunking) Order 20..
- D16** The A2 Trunk Road - (Pepperhill to Cobham and Slip Roads) Supplementary Order 20..
- D17** A2 Pepperhill to Cobham Widening - Environmental Statement - Vol 1
- D18** A2 Pepperhill to Cobham Widening - Environmental Statement - Vol 1a

- D19** A2 Pepperhill to Cobham Widening - Environmental Statement - Vol 2
- D20** A2 Pepperhill to Cobham Widening - Economic Appraisal (Assessment) Report, October 2004
- D21** A2 Pepperhill to Cobham Widening - Environmental Statement - Non Technical Summary - Leaflet
- D22** A2 Pepperhill to Cobham Widening - Local Model Validation Report
- D23** Not in use
- D24** A2 Pepperhill to Cobham Widening - Traffic Forecasting Report, October 2004
- D25** A2 Pepperhill to Cobham Widening - Report on Transport Surveys
- D26** A2 Pepperhill to Cobham Widening - Environmental Assessment Report
- D27** A2 Pepperhill to Cobham Widening - Economic Impact Report
- D28** A2 Pepperhill to Cobham Widening - Stage 3 Scheme Assessment Report Vol 1 & Vol 2
- D29** A2 Pepperhill to Cobham Widening - Public Consultation on Widening Options, March 2001 - Leaflet
- D30** A2 Pepperhill to Cobham Widening - Preferred Route Announcement - January 2002 - Leaflet
- D31** A2 Pepperhill to Cobham Widening – Factual Report on Public Consultation for Phase 2 October 2001
- D32** A2 Pepperhill to Cobham Widening - Outline Construction Environmental Plan
- D33** Not In Use
- D34** Cobham Junction Improvement Report - Prepared By Skanska/Owen Williams, April 2005
- D35** A New Deal for Transport: Better for Everyone. The Government's White Paper on the Future of Transport (1998)
- D36** A New Deal for Trunk Roads in England (1998)
- D37** A New Deal for Trunk Roads in England: Understanding the New Approach to Appraisal (NATA) (1998)
- D38** Transport 2010: The 10 year Plan (2000)

D39	Transport Ten Year Plan 2000 Delivering Better Transport Progress Report
D40	A Better Quality of Life: A Strategy for Sustainable Development in the UK (1999)
D41	The Future for Transport: A network for 2030. The Government's White Paper on the Future of Transport (2004)
D42	A Better Quality of Life: A Strategy for Sustainable Construction (April 2000)
D43	Public Notice of Intention to hold a Public Inquiry and Public Notice of Main Inquiry
D44	Our Countryside: The Future - A Fair Deal for Rural England (November 2000)
D45	Not in use
D46	Addendum to the National Air Quality Strategy (February 2003)
D47	Highways Act 1980
D48	Acquisition of Land Act 1981 Chapter 67
D49	Land Compensation Act 1973
D50	Not In Use
D51	The Highways (Assessment of Environmental Effects) Regulations 1999 (SI 1999/369)
D52	Environmental Protection Act 1990
D53	Control of Pollution Act 1974
D54	Water Resources Act 1991
D55	Road Traffic Regulations Act 1984
D56	Wildlife and Countryside Act 1981
D57	The Countryside and Rights of Way Act 2000 (CRoW Act)
D58	The Hedgerow Regulations 1997
D59	Wild Mammals Protection Act 1996
D60	Protection of Badgers Act 1992
D61	Ancient Monuments and Archaeological Areas Act 1979 (as amended)

D62	Town and Country Planning Act 1971
D63	Compulsory Purchase Act 1965
D64	Planning (Listed Buildings and Conservation Areas) Act 1990
D65	Environment Act 1995 Chapter 25
D66	Land Drainage Act 1991
D67	Draft Jobseekers Allowance (Amendment) Regulations 2004
D68	Not in use
D69	Directive 97/11/EEC, which amends Directive 85/337/EEC Council Directive 97/11/EC of March 1997 amending directive 85/337/EC of 27 June 1985 on the Assessment of Certain Public and Private Projects on the Control of Pollution Act 1974
D70	EC Directive on the Conservation of Wild Birds (Birds Directive 1979) as amended (79/409/EEC)
D71	The EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (92/43/EEC) also called the Habitats Directive
D72	The Groundwater Directive (80/68/EEC as amended by 91/692/EEC)
D73	Not in use
D74	Not in use
D75	Local Air Quality Management (LAQM) Technical Guidance TG (03) DEFRA 2003
D76	The Water Framework Directive (2000/60/EC)
D77	The Highways (Inquiry Procedures) Rules 1994 (SI 1994/3263)
D78	The Compulsory Purchase by Ministers (Inquiries Procedure) Rules 1994 (SI 1994/3264)
D79	The Governments Policy Statement for Trunk Roads. Jan 2005
D80	Highways Agency Environmental Strategic plan
D81	UK Biodiversity Action Plan. HMSO, London.
D82	Biodiversity - The UK Steering Group Report - Volume 2: Action Group
D83	PPS1: Delivering Sustainable Development (2005)
D84	PPS7: Sustainable Development in Rural Areas (2004)

D85	RPG9a: The Thames Gateway Planning Framework (1995)
D86	Draft Regional Transport Strategy "From Crisis to Cutting Edge" (SEERA 2003)
D87	Not In Use
D88	Air Quality (England) Regulations 2000
D89	Air Quality Limit Values Regulations 2001
D90	Air Quality Limit Values (Amendment Regulations 2003)
D91	The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, January 2000
D92	The Air Quality Framework Directive (92/67/EC) and the EC Directive 1999/30/EC, Relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air, (The Daughter Directive)
D93	The Air Quality (England) Amendment) Regulations 2002 Statutory Instrument 2002 No 3043
D94	Not In Use
D95	Not In Use
D96	Not In Use
D97	Directive 96/62/EC, The Air Quality Framework Directive
D98	Directive 99/30/EC, The Air Quality Daughter Directive
D99	Not in use
D100	Association of London Governments Transport and Environment Committee (2001), Technical Guidance Note on Air Quality Assessments for Planning Applications
D101	Final Action Plan. Gravesham Borough Council 4 May 2004
D102	Not in use
D103	The Groundwater Regulations 1998 (SI 2746)
D104	The Conservation (Natural Habitats, etc.) Regulations 1994, as amended 2000 (Habitats Regulations)
D105	Convention on Biological Diversity (1992)
D106	Design Manual for Roads and Bridges - CD

- D107** A New Deal for Trunk Roads in England: Guidance on the New Approach to Appraisal (1998)
- D108** Guidance on the Methodology for Multi Modal Studies (GOMMMS, Vol. 1) (2000)
- D109** Guidance on the Methodology for Multi Modal Studies (GOMMMS, Vol. 2) (2000)
- D110** Applying the Multi-Modal Approach to Appraisal to Highway Schemes (2001)
- D111** H.M. Treasury revised edition of its Green Book, Appraisal and Evaluation in Central Government, (2003)
- D112** ODPM Circular 02/03 Compulsory Purchase Orders
- D113** TUBA Guidance Note
- D114** TUBA User Manual
- D115** Regional Economic Strategy for South East of England 2002 – 2012. SEEDA
- D116** Tempro Guidance Note - The TEMPRO Guidance Database (www.dft.gov.uk/stellent/groups/dft_ecomappr_504830.hacps) and (www.tempro.org.uk)
- D117** National Road Traffic Forecasts (Great Britain)
- D118** Not in use
- D119** CHE Memorandum No. 24/95 'Motorway Widening - Cross Sections and Layout at Physical Restraints'
- D120** RPG9 The Regional Planning Guidance for the South East Region, 2000 with Amended Chapters 2004
- D121** Transport Analysis Guidance (TAG) issues by DfT
- D122** Transport Statistics Bulletin - Road Traffic Statistic: 2003
- D123** Calculation of Road Traffic Noise (HMSO) 1988
- D124** TRL Report LR756: Prediction of Noise from Road Construction Sites (1977)
- D125** BS 5228 Part 1: 1997 Incorporating Amendment No. 1 Noise and Vibration Control on Construction and Open Sites; The Code of Practice for Basic Information and Procedures for Noise and Vibration Control
- D126** BS 5228: Part 4: 1992 Incorporating Amendment No. 1 Noise

	Control on Construction and Open Sites; Code of Practice for Noise and Vibration Control Applicable to piling Operations
D127	TRRL Supplementary Report 425: Rural traffic noise prediction - an approximation, D.G. Harland (1978)
D128	Not In Use
D129	Not In Use
D130	Not In Use
D131	Statutory Instruments 1975 No. 1763. Building and Buildings. The Noise Insulation Regulations 1975
D132	Statutory Instruments 1988 No 2000. Building and Buildings. The Noise Insulation (Amendment) Regulations 1988
D133	Not In Use
D134	Not In Use
D135	Advisory leaflet AL72. Noise control on building sites. Department of the Environment Property Services Agency, 1976
D136	The British Horse Society Policy Statements (1999)
D137	CIRIA Report 142 Control of Pollution from Highway Drainage Discharge
D138	Not In Use
D139	Not In Use
D140	BRE Digest 365 Soakaway Design Highway Runoff
D141	Not In Use
D142	PPG1 General Policy and Principles (February 1997)
D143	PPG2 Green Belts (January 1995)
D144	PPG7 The Countryside - Environmental Quality and Economic and Social Development (February 2001)
D145	PPG9 Nature Conservation (October 1994)
D146	PPG10 Planning and Waste Management (October 1999)
D147	PPG13 Transport: (March 2001)
D148	PPG15 Planning and the Historic Environment (September 1994)

- D149** PPG16 Planning and Archaeology (November 1990)
- D150** PPG17 Sport And Recreation (September 1991)
- D151** PPG23 Planning and Pollution Control (February 1997)
- D152** PPG24 Planning and Noise (July 1994)
- D153** Public Local Inquires into Road Proposals - Department For Transport, 2002 Edition
- D154** Not In Use
- D155** Not In Use
- D156** Highways Agency Biodiversity Action Plan (2003)
- D157** Guidelines for Ecological Impact Assessment: Amended Pilot November 2002. Institute of Ecology and Environmental Management
- D158** Biodiversity and Environmental Impact Assessment - A good Practice Guide for Road Schemes 2000
- D159** Compulsory Purchase and Compensation - Booklet 1 - Compulsory Purchase Procedure
- D160** Compulsory Purchase and Compensation - Booklet 2 - Compensation to Business Owners and Occupiers
- D161** Compulsory Purchase and Compensation - Booklet 3 - Compensation to Agriculture Owners and Occupiers
- D162** Compulsory Purchase and Compensation - Booklet 4 - Compensation to Residential Owners and Occupiers
- D163** Compulsory Purchase and Compensation - Booklet 5 - Reducing the Adverse Effects of Public Development Mitigation Works

C Highways Agency Documents

(i) Proofs of Evidence

- HA/CON/P** Proof of Evidence: Construction Issues – Mr Trevor Sharpe
- HA/CON/SP** Summary Proof of Evidence: Construction Issues – Mr Trevor Sharpe
- HA/CON/A** Appendices to Proof of Evidence: Construction Issues – Mr Trevor Sharpe
-
- HA/ENG/P** Proof of Evidence: Engineering Issues – Mr Stephen Leo
- HA/ENG/SP** Summary Proof of Evidence: Engineering Issues – Mr Stephen Leo
- HA/ENG/A** Appendices to Proof of Evidence: Engineering Issues – Mr Stephen Leo
-
- HA/ENV/P** Proof of Evidence: Environmental Matters – Mr Jon Etchells
- HA/ENV/SP** Summary Proof of Evidence: Environmental Matters – Mr Jon Etchells
- HA/ENV/A** Appendices to Proof of Evidence: Environmental Matters – Mr Jon Etchells
-
- HA/NAQ/P** Proof of Evidence: Noise and Air Quality – Mr Michael Forsdyke
- HA/NAQ/SP** Summary Proof of Evidence: Noise and Air Quality – Mr Michael Forsdyke
- HA/NAQ/A** Appendices to Proof of Evidence: Noise and Air Quality – Mr Michael Forsdyke
-
- HA/POL/P** Proof of Evidence: Trunk Roads Policy – Mr Philip Cheesmur
- HA/POL/SP** Summary Proof of Evidence: Trunk Roads Policy – Mr Philip Cheesmur

- HA/TRA/P** Proof of Evidence: Traffic and Economic Aspects – Mr Alan Bailes
- HA/TRA/SP** Summary Proof of Evidence: Traffic and Economic Aspects – Mr Alan Bailes
- HA/TRA/F** Figures to Proof of Evidence: Traffic and Economic Aspects – Mr Alan Bailes
- (ii) Rebuttals**
- HA/01/R** Rebuttal to objection on behalf of BP Oil UK Limited
- HA/02/R** Rebuttal to objection on behalf of Cobham Parish Council
- HA/03/R** *Rebuttal to Proof of Evidence on behalf of London & Continental Railways Limited/Channel Tunnel Rail Link (UK) Limited - Mr David Edwards and Mr Edward Allett (OBJECTION SUBSEQUENTLY WITHDRAWN)*
- HA/04/R** Rebuttal to Proof of Evidence on behalf of Mr Michael Harding
- HA/05/R** Rebuttal to Proof of Evidence on behalf of Tollgate Hotels Limited – Mr Anthony Chase
- HA/06/R** Rebuttal to objection on behalf of English Nature
- HA/07/R** Rebuttal (combined with HA/08/R) to Proof of Evidence on behalf of Gravesham Borough Council (joint presentation with OBJ08) – Mr Tony Chadwick
- HA/08/R** Rebuttal (combined with HA/07/R) to Proof of Evidence on behalf of Kent County Council (joint presentation with OBJ07) – Mr Tony Chadwick
- HA/09/R** Rebuttal to objection on behalf of the Kent Thameside Delivery Board
- HA/10/R** Rebuttal to Proof of Evidence on behalf of Mr Colin Rose
- HA/11/R** Rebuttal to Proof of Evidence on behalf of Mr Simon Privett, Tollgate Service Station North – Mr Michael Bedwell
- HA/11/R2** Second Rebuttal to Proof of Evidence on behalf of Mr Simon Privett, Tollgate Service Station North – Mr Michael Bedwell
- HA/12/R** Rebuttal to objection on behalf of Esso Petroleum Company
- HA/13/R** Rebuttal to Proof of Evidence on behalf of the British Horse Society – Ms Susan Quarendon
- HA/14/R** Rebuttal to Proof of Evidence on behalf of Mr Trevor Blencowe

(iii) Presented at Inquiry

HA/1	Appearances at Inquiry
HA/2	Statutory Procedures Compliance Folder
HA/3	Objectors' Effected Properties: Drawings numbered 260170/03049 & 260170/03050
HA/4	Responses to Questions of Clarification
HA/5	Proposed Equestrian Route: Drawing 260170/01956
HA/6	Draft Agreed Statement between the Highways Agency, Kent County Council and Gravesham Borough Council (joint presentation with OBJ07/1 and OBJ08/1)
HA/7	Henhurst Road Area Mitigation Measures – Drawing 260170/00394
HA/8	Proposed Access to Mr Body's Property – Drawing 260170/03508
HA/9	Agreed Statement of 8 June 2005 between the Highways Agency, Kent County Council and Gravesham Borough Council (joint presentation with OBJ07/2 and OBJ08/2)
HA/10	Drawings showing access arrangements at Tollgate Service Station North
HA/11	Annotated copy of OBJ11/4 on travel distances in relation to Tollgate Service Station North
HA/12	Road Safety Audit – Stage 1 Report – June 2004
HA/13	Designer's Response to Road Safety Audit Stage 1 Report – December 2004
HA/14	Exception Report on the Stage 1 Road Safety Audit – April 2005
HA/15	Response to Representations
HA/16	Closing Submission

- OBJ08/P** Proof of Evidence on behalf of Kent County Council (joint presentation with OBJ07) – Mr Tony Chadwick (bound together with OBJ07/P, OBJ07/SP, OBJ07/A, OBJ08/SP & OBJ08/A)
- OBJ08/SP** Summary Proof of Evidence on behalf of Kent County Council (joint presentation with OBJ07) – Mr Tony Chadwick (bound together with OBJ07/P, OBJ07/SP, OBJ07/A, OBJ08/P & OBJ08/A)
- OBJ08/A** Appendices to Proof of Evidence on behalf of Kent County Council (joint presentation with OBJ07) – Mr Tony Chadwick (bound together with OBJ07/P, OBJ07/SP, OBJ07/A, OBJ08/SP & OBJ08/P)
- OBJ10/P** Proof of Evidence of Mr Colin Rose
- OBJ11/P1** Proof of Evidence on behalf of Mr Simon Privett, Tollgate Service Station North – Mr Michael Bedwell
- OBJ11/P1Sup** Supplementary Proof of Evidence on behalf of Mr Simon Privett, Tollgate Service Station North – Mr Michael Bedwell
- OBJ11/SP1** Summary Proof of Evidence on behalf of Mr Simon Privett, Tollgate Service Station North – Mr Michael Bedwell
- OBJ11/A1** Appendices to Proof of Evidence on behalf of Mr Simon Privett, Tollgate Service Station North – Mr Michael Bedwell
- OBJ11/A1Sup** Appendices to Supplementary Proof of Evidence on behalf of Mr Simon Privett, Tollgate Service Station North – Mr Michael Bedwell
- OBJ11/P2** Proof of Evidence of Mr Simon Privett, Tollgate Service Station North
- OBJ13/P** Proof of Evidence on behalf of the British Horse Society – Ms Susan Quarendon (bound together with OBJ13/A)
- OBJ13/SP** Summary Proof of Evidence on behalf of the British Horse Society – Ms Susan Quarendon
- OBJ13/A** Appendices to Proof of Evidence on behalf of the British Horse Society – Ms Susan Quarendon (bound together with OBJ13/P)
- OBJ14/P** Proof of Evidence on behalf of Mr Trevor Blencowe (joint presentation with OBJ04) – Mr Adam Holloway MP
- OBJ14/A** Appendices to Proof of Evidence on behalf of Mr Trevor Blencowe

(joint presentation with OBJ04) – Mr Adam Holloway MP

(ii) Written Statements

OBJ06/W Written Statement on behalf of English Nature – Ms Rebecca Moberly

REP12/W Written Statement on behalf of Mr Roger Todd

(iii) Presented at Inquiry

OBJ05/1 Questions of Clarification on behalf of Tollgate Hotels Limited

OBJ05/2 Counter-objection to alternative access arrangements proposed on behalf of Mr Simon Privett at Tollgate Service Station North

OBJ07/1 Draft Agreed Statement between the Highways Agency, Kent County Council and Gravesham Borough Council (joint presentation with HA/6 and OBJ08/1)

OBJ07/2 Agreed Statement of 8 June 2005 between the Highways Agency, Kent County Council and Gravesham Borough Council (joint presentation with HA/9 and OBJ08/2)

OBJ08/1 Draft Agreed Statement between the Highways Agency, Kent County Council and Gravesham Borough Council (joint presentation with HA/6 and OBJ07/1)

OBJ08/2 Agreed Statement of 8 June 2005 between the Highways Agency, Kent County Council and Gravesham Borough Council (joint presentation with HA/9 and OBJ07/2)

OBJ11/1 Questions of Clarification on behalf of Mr Simon Privett, Tollgate Service Station North

OBJ11/2 Law Report 1991: Court of Appeal – Vasiliou v Secretary of State for Transport and another

OBJ11/3 Travel distances

OBJ11/4 Letter from Mr Alan Hutton, MPSI Systems Ltd of 6 June 2005

OBJ13/1 Questions of Clarification on behalf of the British Horse Society

OBJ13/2 Letter of objection withdrawal date

GLOSSARY

A2PCW	A2 Pepperhill to Cobham Widening
AQMA	Air Quality Management Area
BMV	Best and most versatile land (Grades 1,2 & 3a)
COBA	Cost Benefit Analysis – DfT software
CPO	Compulsory Purchase Order
CTRL	Channel Tunnel Rail Link
DETR	Department of Environment Transport & Regions
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
EA	Environment Agency
ECHR	European Convention on Human Rights
EN	English Nature
INCA	Incident Reduction Cost Benefit – DfT software
KCC	Kent County Council
M25J2	M25 Junction 2
PEGASUS	Combined light controlled road crossing facility for pedestrians, cyclists and horse riders
PIA	Personal Injury Accident
QUADRO	Construction and Maintenance Cost Benefit – DfT software
SATURN	Area-wide traffic model software
SRO	Side Roads Order
SSSI	Site of Special Scientific Interest
TPI	Targeted Programme of Improvements
TSSN	Tollgate Service Station (North)
TUBA	Transport User Benefit Analysis – DfT software